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Page _____ of _____

Department of Water Resources
State of Idaho
Eastern Region

DEPARTMENT OF WATER RESOURCES

Transfer No. 77048

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of Applicant(s) Whiskey Creek Ranch, LLC Phone 843-849-1784

Mailing address 427 Rice Hope Drive, Mt. Pleasant, SC 29464 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 Randall C. Budge, Racine Law Office Phone 208-232-16101

Mailing address P.O. Box 1391, Pocatello, ID 83204-1391 Email rcb@racinelaw.net

- ☐ 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.

Randall C. Budge
Signature of Applicant or Authorized Representative

Randall C. Budge, Attorney
Print Name and Title if applicable

6/2/11
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. See attachments for proposal details.

77048

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.

		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	☐	see attachment			to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	
	☐				to	

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

2 Total amount of water proposed to be transferred or changed 6.70 cubic feet per second and/or 11.9 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 #
Y			SW	SE	7	11 S	41 E	Caribou	Whiskey Creek	
Y			SE	SE	18	11 S	41 E	Caribou	Trout Creek, North Fork	

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	
11 S	41 E	18			40	39	40	40	39	40	40			40	32	40	40	26	456
									J, W										
		19	40	40															80

J = Aesthetic Storage; W = Wildlife Storage

Total Acres (for irrigation use) 348 w/in 536 PU

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: Whiskey Creek diversion consists of a concrete headbox directing water into a 12" plastic PVC pipe. If required, this diversion can be modified to include a measuring device with lockable controls. The Trout Creek diversion consists of a pumping station diverting into the irrigation system. A flowmeter and lockable control can be added if required. LCCC shares are delivered to the #1 pond and then flows into the irrigation system.
- b. Who owns the property at the point(s) of diversion? Robert Harris for Whiskey Creek diversion Applicant for Trout Creek
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Prescriptive easement for a diversion in place for approximately 40 years or more
- 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: NONE
- 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: From the original 366 acres of appurtenant Whiskey Creek and Trout Creek irrigation water rights, 3 4 acres are changes to storage uses. A 1.3-acre area is no longer irrigated in order to accommodate the 1.3-acre small pond. Another 2.1 acres will no longer be irrigated with Whiskey Cr or Trout Cr water within the place of use to accommodate the total 3 4-acre reduction.
- 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: See attachment for description.

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: Land in the NE 1/4 Section 18 has been enrolled in a CRP. The CRP contract is set to expire in 2011 and irrigation will resume at that time.

TRANSFER PART 1.B.1.
Description of Rights After the Requested Changes.

All	or	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary	Acres Irrigated	Remarks
X			13-687A	0.12 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	34	
X			13-688	0.54 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	34	
		X	13-699A	0.26 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
		X	13-700	0.18 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
		X	13-701	0.31 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
X			13-697A (Portion 1)	0.93 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	121.6	
X			13-697A (Portion 2)	0.03 cfs	Diversion to Storage	4/20 - 9/30	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-697A (Portion 2)	9.8 afa	Aesthetic Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-697A (Portion 2)	9.8 afa	Wildlife Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 1)	1.46 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	121.6	
X			13-698 (Portion 2)	0.04 cfs	Diversion to Storage	4/20 - 9/30	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 2)	11.9 afa	Aesthetic Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 2)	11.9 afa	Wildlife Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-728	1.1 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	55	
X			13-729	0.1 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	5	
X			13-761	0.3 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	15	
X			13-4004	1.6 cfs	Irrigation	5/1 - 10/1	Trout Creek / Bear River	80	
Total authorized under rights <u>6.96</u> cfs and or <u>11.90</u> ac-ft 348 acres within a 456-acre Place of Use									

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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: Watermaster Delivery Records, Evidence of Priority and use of 13-4004.

**Attachments to
Transfer Application for
Whiskey Creek Ranch
Water Right Nos.**

**13-687A, 13-688, 13-697A, 13-698, 13-699A, 13-700,
13-701, 13-728, 13-729, 13-761 and 13-4004.**

TRANSFER PART 2A

13-687A

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A****Current Water Right No.: 13-687A**

Current Owner: DANIEL MICHELSON

Priority Date: 5/1/1876

Origin: Water Right

Status: Active

Basis: Decreed

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/20 to 9/30	0.12 CFS	
	Total Diversion	0.12 CFS	

Place of UseIRRIGATION Within CARIBOU County

T11S R41E S18

SENE

T11S R41E S18

NESE

Conditions of Approval:

1. TRANS. 2254.
NOW PUMPED OUT OF RASMUSSEN DITCH.

Decreed Date: 7/14/1920

Dietrich Decree:

13-0687	815. Joseph Olerenshaw:		of said Section 18.
~~14-0624~~	1876-May 1	0.14 c.f.s.	For the irrigation of 34 acres in the
~~14-0625~~	1905-May 1	0.54 c.f.s.	Southeast quarter of the Northeast quar-
13-0688			ter, and the Northeast quarter of the
			Southeast quarter of Section 18, said
			Township and Range. Said water may
			also be diverted through a ditch diverting
			on the East side of Whiskey Creek near
			the Southeast corner of the Southeast
			quarter of Section 7, said Township and
			Range.

TRANSFER PART 2A
13-688

Page _____ of _____

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

Current Water Right No.: 13-688

Current Owner: JOSEPH OLERANSHAW

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.54 CFS

0.54 CFS

Annual Volume

Location of Point(s) of Diversion

WHISKEY CREEK

NE1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

SE1/4SE1/4

Sec. 7, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SENE

T11S R41E S18

NESE

Conditions of Approval:

1. P/U AC IRR=34, P/D BITTON-OLERANSHAW DITCH

Decreed Date: 7/14/1920

Dietrich Decree:

13-0687	815. Joseph Olerenshaw:		of said Section 16.
~~14-0624~~	1876-May 1	0.14 c.f.s.	For the irrigation of 34 acres in the
~~14-0625~~	1905-May 1	0.54 c.f.s.	Southeast quarter of the Northeast quar-
13-0688			ter, and the Northeast quarter of the
			Southeast quarter of Section 18, said
			Township and Range. Said water may
			also be diverted through a ditch diverting
			on the East side of Whiskey Creek near
			the Southeast corner of the Southeast
			quarter of Section 7, said Township and
			Range.

TRANSFER PART 2A
13-697A

Page _____ of _____

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

Current Water Right No.: 13-697a

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1881

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

0.96 CFS

Annual Volume

Total Diversion

0.96 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

SW1/4SE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SWNE

T11S R41E S18

SWNW

T11S R41E S18

SENE

T11S R41E S18

NESW

T11S R41E S18

SESW

Conditions of Approval:

1. P/U 125 ACRES.
TRANS. 1671.

Decreed Date: 7/14/1920

Dietrich Decree:

322. Hyrum Swensen:	
13-0697 1881—May ~~11~~ ~~(76) 1.0~~ c.f.s.	
13-0698 1905—May ~~11~~ ~~(76) 1.5~~ c.f.s.	For the irrigation of 125 acres in the East half of the Southwest quarter and Lot 2, the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through ditches diverting from said Whiskey Creek, (1) at a point South 84 degrees West 1750 feet from the Northeast corner of Section 18, (2) at a point South 89 degrees West 2500 feet from the quarter corner on the East boundary of Section 18, said Township and Range, or by means of the Mickelson-Swenson ditch, hereinbefore described.

TRANSFER PART 2A
13-698

Page _____ of _____

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

Current Water Right No.: 13-698

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

1.5 CFS

Annual Volume

Total Diversion

1.5 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

SW1/4SE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SWNE

T11S R41E S18

SWNW

T11S R41E S18

SENE

T11S R41E S18

NESW

T11S R41E S18

SESW

Conditions of Approval:

1. P/U 125 ACRES.

Decreed Date: 7/14/1920

Dietrich Decree:

322. Hyrum Swensen:	For the irrigation of 125 acres in the East
13-0697 1881—May ~~11~~ ~~(3) 1.0~~ c.f.s.	half of the Southwest quarter and Lot 2,
13-0698 1905—May ~~11~~ ~~(3) 1.5~~ c.f.s.	the Southeast quarter of the Northwest
	quarter and the Southwest quarter of the
	Northeast quarter of Section 18, said
	Township and Range. Said water may
	also be diverted through ditches diverting
	from said Whiskey Creek, (1) at a point
	South 84 degrees West 1750 feet from the
	Northeast corner of Section 18, (2) at a
	point South 89 degrees West 2500 feet
	from the quarter corner on the East
	boundary of Section 18, said Township and
	Range, or by means of the Mickelson-
	Swenson ditch, hereinbefore described.

TRANSFER PART 2A
13-699A

Page _____ of _____

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

Current Water Right No.: 13-699a

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1877

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

1.18 CFS

1.18 CFS

Annual Volume

Location of Point(s) of Diversion

WHISKEY CREEK

CARIBOU County

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 Lot 3 NWSW

T11S R41E S19 NENW

T11S R41E S19 Lot 3 NWSW

T11S R41E S18 Lot 4 SWSW

T11S R41E S19 Lot 2 SWNW

Decreed Date: 7/14/1920

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
13-0700	~~11-0699~~ 1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of
	~~11-0699~~ 1883—May 1	0.8 c.f.s.	the Southeast quarter of Section 18, the
	~~11-0699~~ 1905—May 1	1.4 c.f.s.	Northeast quarter of the Northwest quar- ter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen- Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.
13-0701			

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

TRANSFER PART 2A
13-700

Page _____ of _____

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

Current Water Right No.: 13-700

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.8 CFS

0.8 CFS

Annual Volume

Location of Point(s) of Diversion

WHISKEY CREEK

CARIBOU County

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 Lot 3 NWSW

T11S R41E S19 NENW

T11S R41E S19 Lot 3 NWSW

T11S R41E S18

T11S R41E S19

Lot 4 SWSW

Lot 2 SWNW

Conditions of Approval:

1. P/U ACRES 170.

Decreed Date: 7/14/1920

77048

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
	~~11-0699~~ 1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3,
3-0700	~~11-0699~~ 1883—May 1	0.8 c.f.s.	the North half of Lot 4, the West half of
	~~11-0699~~ 1905—May 1	1.4 c.f.s.	the Southeast quarter of Section 18, the
13-0701			Northeast quarter of the Northwest quar-
			ter, and Lots 2 and 3 of Section 19, said
			Township and Range. Said water may
			also be diverted through the Mickelsen-
			Swensen Ditch, hereinbefore described, or
			by means of a ditch having its intake on
			the west side of Whisky Creek, opposite
			the point of said Mickelsen-Swensen ditch.

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

TRANSFER PART 2A
13-701

Page _____ of _____

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

Current Water Right No.: 13-701

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

1.4 CFS

Annual Volume

Total Diversion

1.4 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 Lot 3 NWSW

T11S R41E S18

Lot 4 SWSW

T11S R41E S19 NENW

T11S R41E S19

Lot 2 SWNW

T11S R41E S19 Lot 3 NWSW

Conditions of Approval:

1. P/U 170 ACRES.

Decreed Date: 7/14/1920

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
11-06-88	1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3,
11-06-88	1883—May 1	0.8 c.f.s.	the North half of Lot 4, the West half of
11-06-88	1905—May 1	1.4 c.f.s.	the Southeast quarter of Section 18, the
13-0701			Northeast quarter of the Northwest quar-
			ter, and Lots 2 and 3 of Section 19, said
			Township and Range. Said water may
			also be diverted through the Mickelsen-
			Swensen Ditch, hereinbefore described, or
			by means of a ditch having its intake on
			the west side of Whisky Creek, opposite
			the point of said Mickelsen-Swensen ditch.

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

TRANSFER PART 2A
13-728

Page _____ of _____

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

Current Water Right No.: 13-728

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1871

Origin: Water Right

Status: Active

Basis: Decreed

Source

NORTH FORK TROUT CREEK

Tributary

TROUT CREEK

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

1.1 CFS

1.1 CFS

Annual Volume

Location of Point(s) of Diversion

NORTH FORK TROUT CREEK

CARIBOU County

NW1/4

Sec. 17, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

NESE

T11S R41E S18

NWSE

T11S R41E S18

SWSE

T11S R41E S18

SESE

T11S R41E S19

NENE

T11S R41E S19

NWNE

Conditions of Approval:

1. P/U, AC IRR=55.
P/D INCOMPLETE NW CORNER, SEC. 17, T11S, R41E.

Decreed Date: 7/14/1920

Dietrich Decree:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
336. Hyrum Swensen: 1871-May 1 /3-0728	1.1 c.f.s.	To be diverted from said North Fork through a ditch having its intake on the West side of the said North Fork near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 55 acres of land in the North half of the Northeast quarter of Section 19, and the Southeast quarter of Section 18, said Township and Range.
13-0728		

**TRANSFER PART 2A
13-729**

Page _____ of _____

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

Current Water Right No.: 13-729

Current Owner: JOSEPH OLERANSHAW

Priority Date: 5/1/1900

Origin: Water Right

Status: Active

Basis: Decreed

Source

NORTH FORK TROUT CREEK

Tributary

TROUT CREEK

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

0.1 CFS

Annual Volume

Total Diversion

0.1 CFS

Location of Point(s) of Diversion

NORTH FORK TROUT CREEK

CARIBOU County

NW1/4

Sec. 17, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

NESE

5.00

Total Acres: 5

Conditions of Approval:

1. P/D INCOMPLETE LEGAL: NW CORNER SEC. 17, T11S, R41E.

Decreed Date: 7/14/1920

Dietrich Decree:

~~11-1685~~ 13-0729 337. Joseph Olerenshaw: 1900—May 1	0.1 c.f.s.	~~Section 17, and the Southeast quarter of~~ Section 18, said Township and Range. To be diverted from said North Fork through a ditch having its intake there- from near the Northwest corner of Sec- tion 17, Township 11 South, Range 41 East, B.M., for the irrigation of 5 acres in the Northeast quarter of the Southeast quarter of Section 18, said Township and Range.
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13-0730

TRANSFER PART 2A
13-761

Page _____ of _____

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

Current Water Right No.: 13-761

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1871

Origin: Water Right

Status: Active

Basis: Decreed

Source

MIDDLE FORK TROUT CREEK

Tributary

TROUT CREEK

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

MIDDLE FORK TROUT CREEK

CARIBOU County

NE1/4SE1/4

Sec. 17, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

NESE

T11S R41E S18

NWSE

T11S R41E S18

SWSE

T11S R41E S18

SESE

T11S R41E S19

NENE

T11S R41E S19

NWNE

Conditions of Approval:

1. P/U, AC IRR=15.
P/D MEACHAM-SWENSEN DITCH.

Decreed Date: 7/14/1920

Dietrich Decree:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
Range 41 East. The following parties are entitled to divert through the said ditch with priorities and in the amounts hereinbelow set forth:		
13-0761 358. Hyrum Swensen: 1871—May 1	.3 c.f.s.	For the irrigation of 15 acres of land hereinabove set forth under his diversion from North Fork of Trout Creek.

TRANSFER PART 2A
13-4004

Page _____ of _____

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

Current Water Right No.: 13-4004

Current Owner: DANIEL H MICKELSON

Priority Date: 5/1/1971

Origin: Water Right

Status: Active

Basis: Statutory Claim

Source

TROUT CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 10/01

Diversion Rate

1.6 CFS

Annual Volume

Total Diversion

1.6 CFS

Location of Point(s) of Diversion

TROUT CREEK

SE1/4SE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SWSE

35.00

T11S R41E S18

SESE

5.00

T11S R41E S19

NWNE

40.00

Total Acres: 80

77048

TRANSFER PART 2B
13-701

Page _____ of _____

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: 13-701

[illegible]

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

[illegible]

Total Acres (for irrigation use) 37.4

TRANSFER PART 2B

Explanation

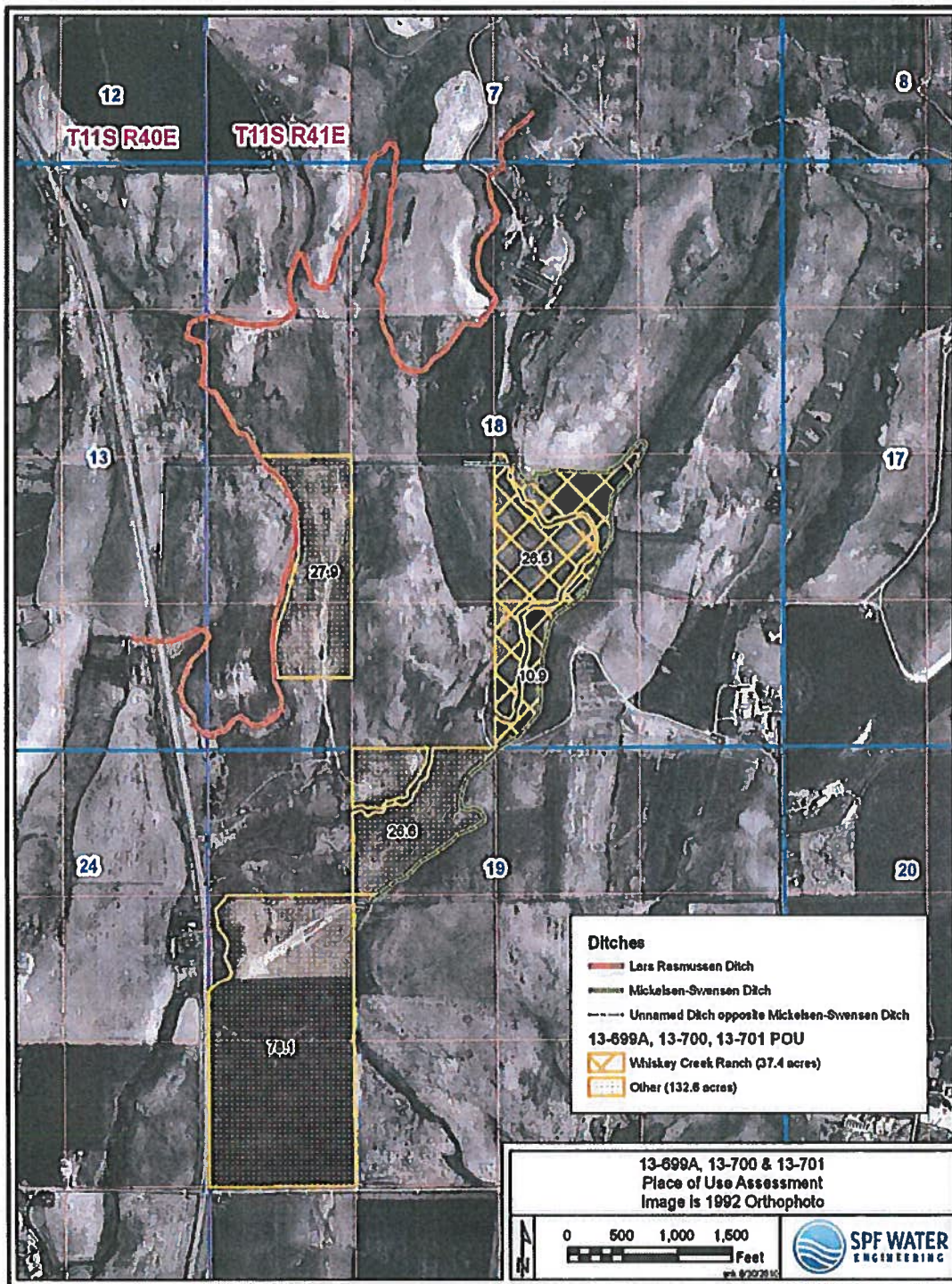
The Dietrich Decree describes places of use for water right nos. 13-699A, 13-700 and 13-701 which include the T11S R41E Section 18 W½ SE¼, which is wholly owned by Whiskey Creek Ranch. For unknown reasons, these tracts were not included in the Department's data entry for these rights and are therefore not included in the water right report printouts. The remainder of these rights is appurtenant to property not owned by Whiskey Creek Ranch.

The 1992 orthophoto imagery is used to identify the location of ditches, some of which have since been removed. USGS 1:24,000-scale quadrangle topographic maps are used to identify lands located below the ditches. Together, these maps demonstrate that a 37.4-acre portion of this set of overlapping rights was deliverable by gravity irrigation methods within Section 18 W½ SE¼. The remaining 132.6 acres were irrigable in tracts not owned by Whiskey Creek Ranch.. This split is summarized in Table 1 below. Orthophoto and topographic maps are presented on the following two pages.

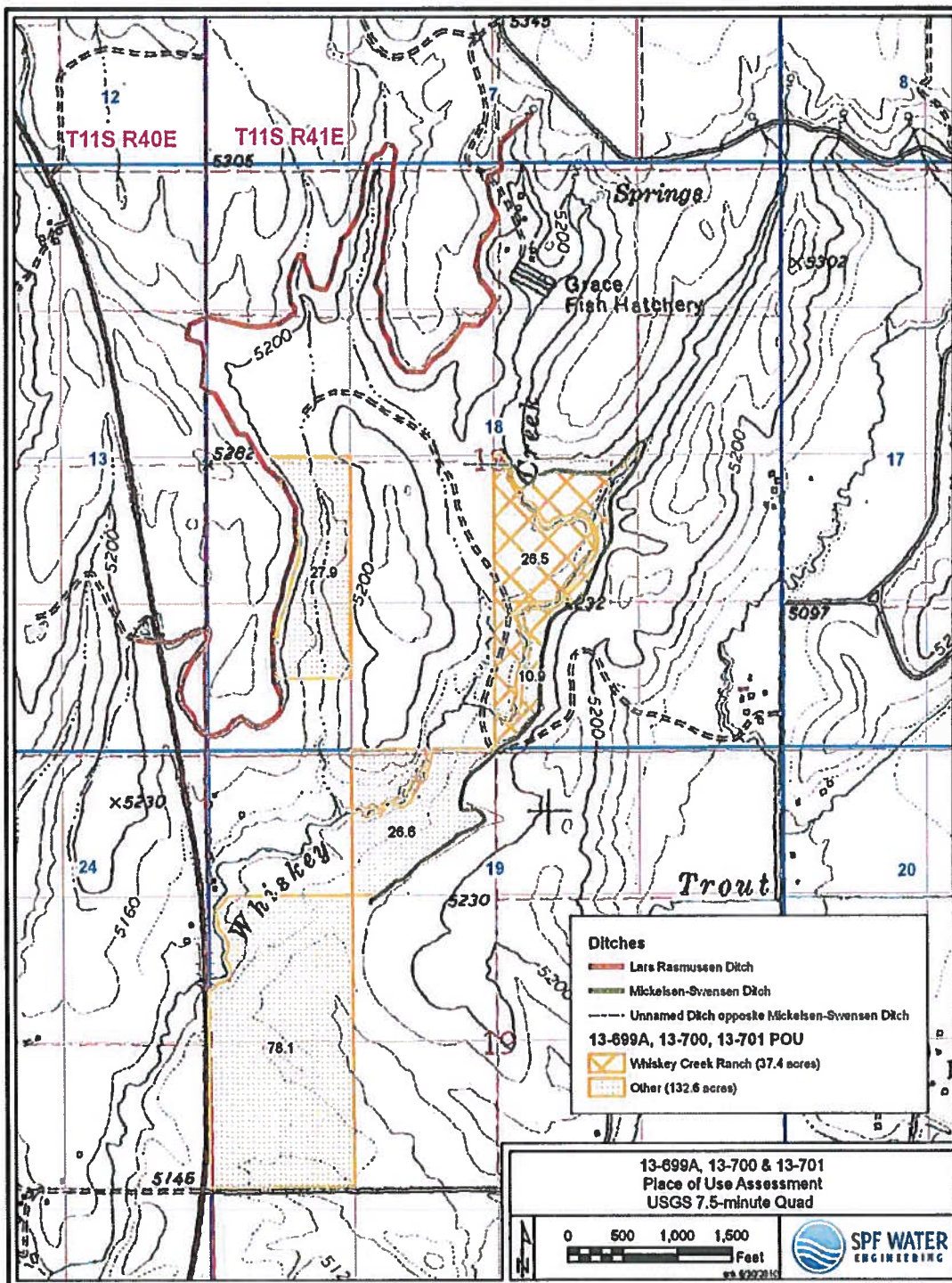
	Base Rt (unsplit)	Whiskey Creek Ranch Portion		Remaining Portion	
	cfs	%	cfs	%	cfs
13-699A	1.18	22%	0.26	78%	0.92
13-700	0.8	22%	0.18	78%	0.62
13-701	1.4	22%	0.31	78%	1.09
Total	3.38		0.74		2.64
Acres	170	22%	37.4	78%	132.6

Table 1: 13-699A, 13-700 and 13-701 split analysis.

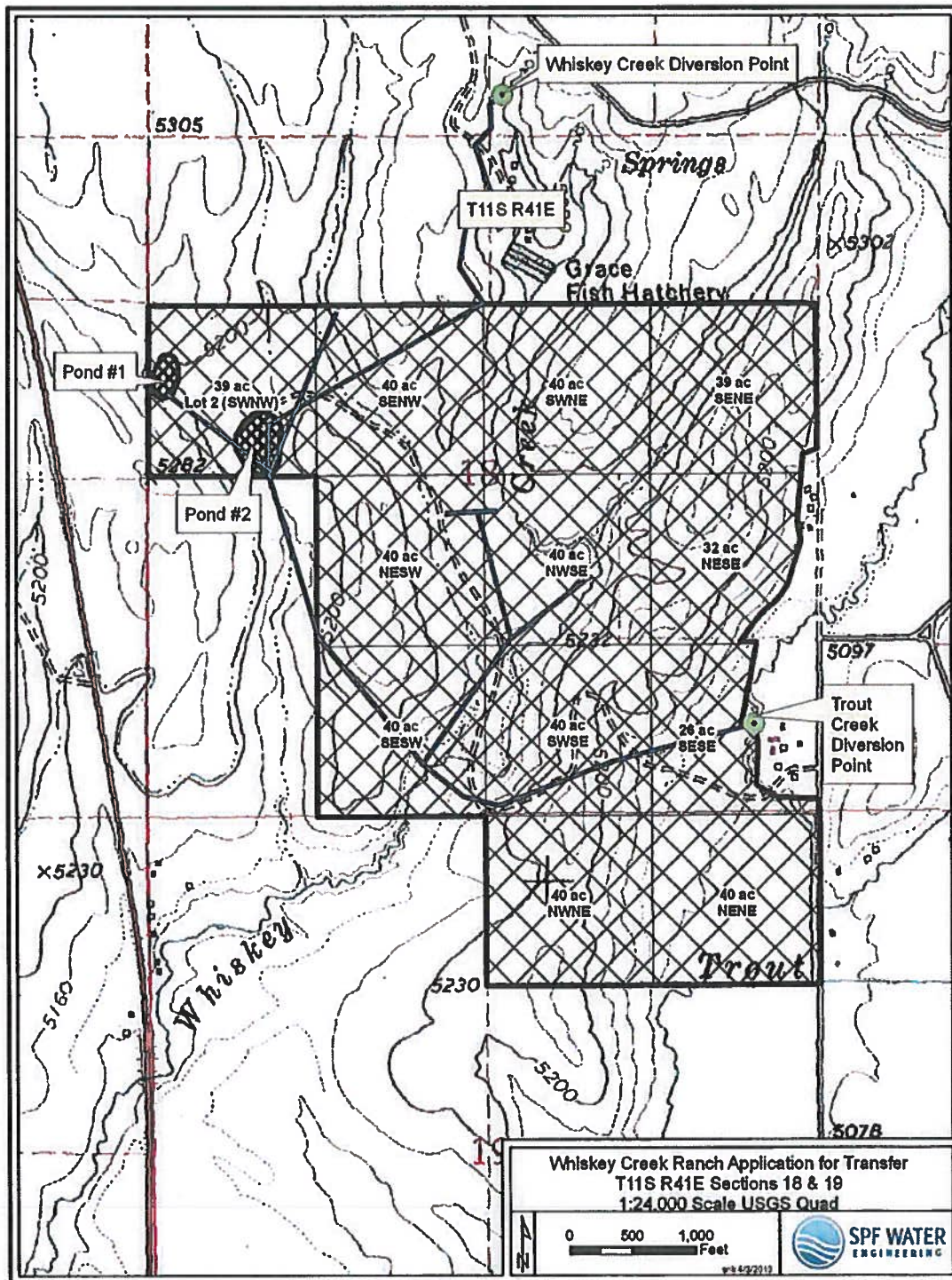
TRANSFER PART 2B 16-699A, 13-700, 13-701 Analysis – 1992 Orthophoto



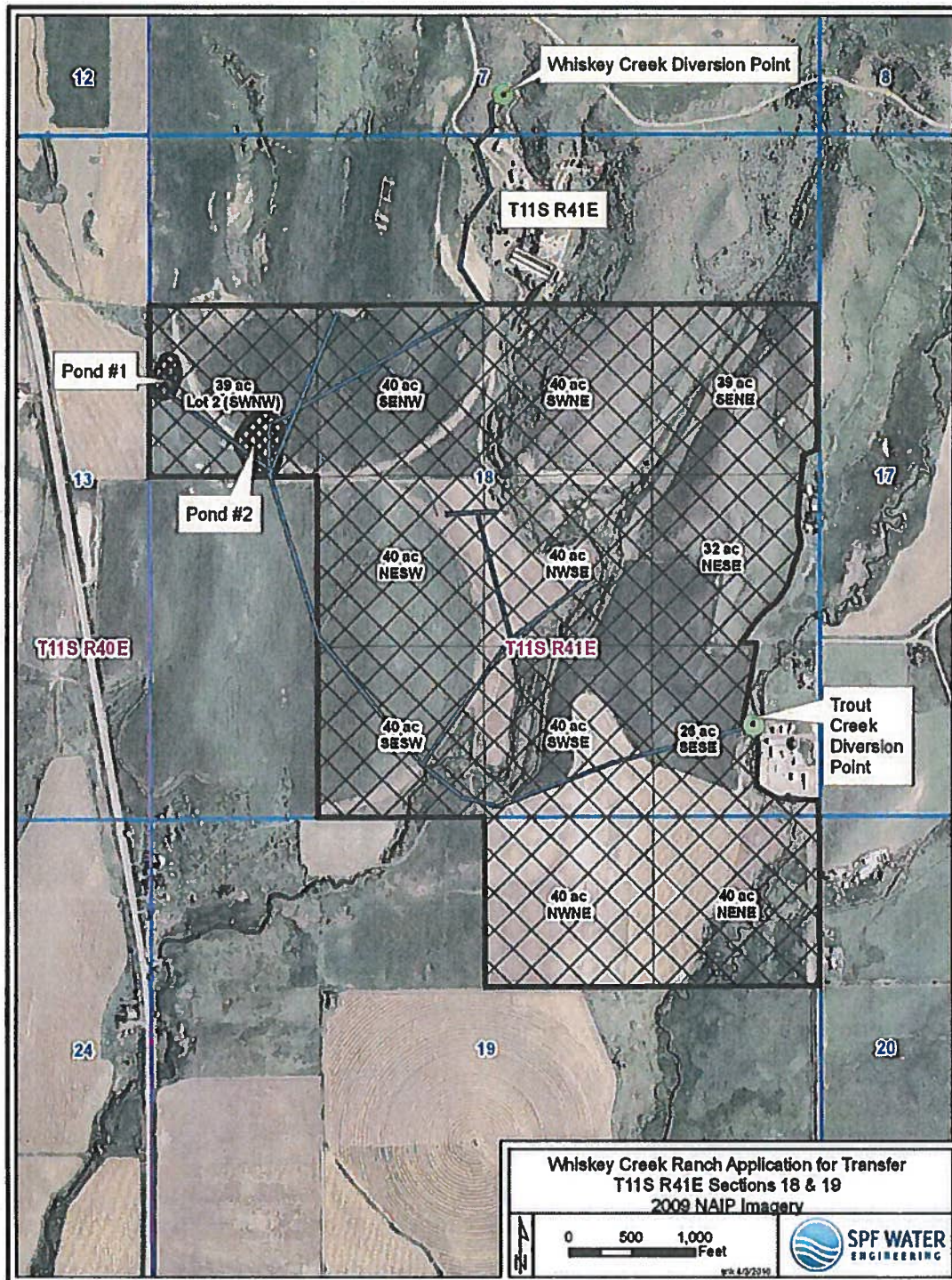
TRANSFER PART 2B
16-699A, 13-700, 13-701 Analysis – USGS Quad Map

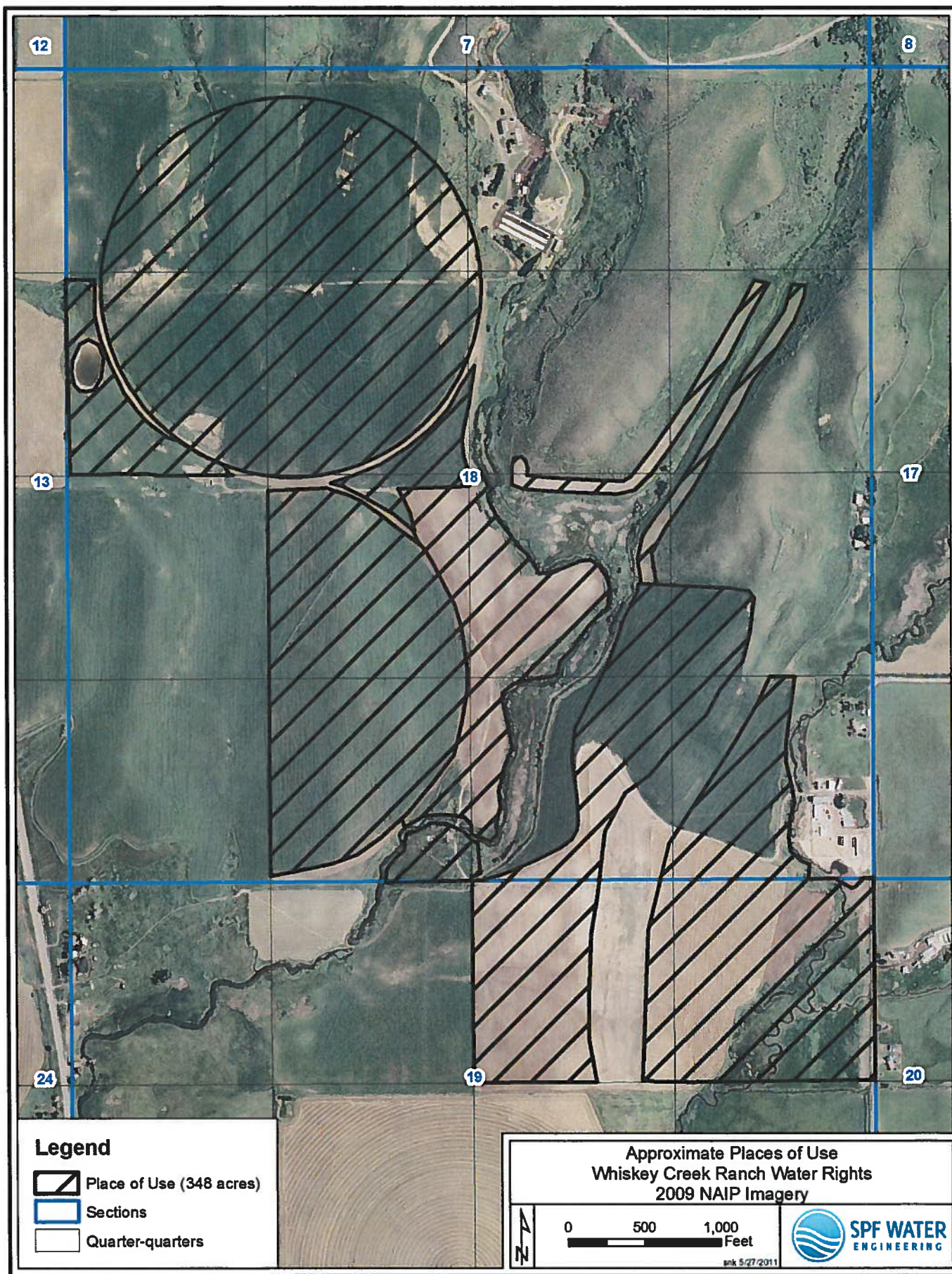


TRANSFER PART 3A, ATTACHMENT #7A-1
USGS Quad Map

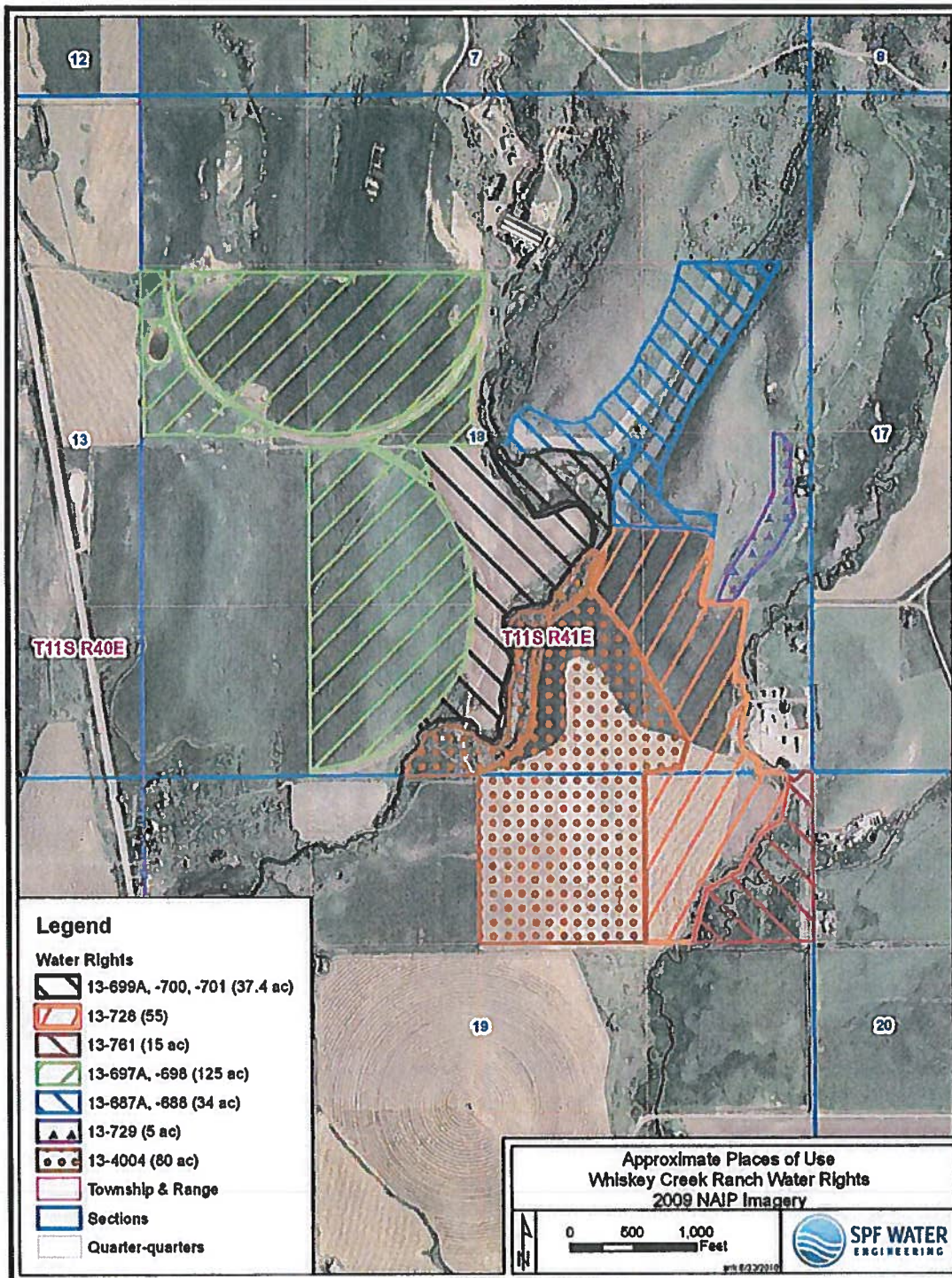


TRANSFER PART 3A, ATTACHMENT #7A-2
2009 NAIP Image Map





TRANSFER PART 3A, ATTACHMENT #7B
2009 NAIP Image Map Showing Location and Extent of Existing Acres



TRANSFER PART 3.B.
ATTACHMENT #8A
CHANGE IN NATURE OF USE (WATER BALANCE)

Narrative

Water rights 13-687A, 13-688, 13-697A, 13-698, 13-728, 13-729, 13-761, 13-4004 and portions of 13-699A, 13-700 and 13-701 together supply irrigation water for a combined 351.4 acres owned by Whiskey Creek Ranch. In addition to place of use and point of diversion changes, this application changes a 3.4-acre overlapping portion of water rights 13-697A and 13-698 from irrigation to storage uses for two small ponds. The primary purpose for this change in nature of use is mitigation for a corresponding application for permit for these same ponds.

The 3.4-acres of land no longer irrigated include the 1.3 acres of pond #1 itself and 2.1 acres of additional land within the place of use. The volume associated with 3.4-acres of irrigation is changed to pond storage and associated uses. Total combined diversion rate for all uses under the package of rights is unchanged. Consumptive use is projected to decrease by a minor amount because evaporation from the pond surface is less than evapotranspiration from the historic alfalfa crop (per University of Idaho's ETIdaho 2009 data for the Grace climate station). Detailed descriptions of pond use and operation is included with the corresponding application for permit.

Alfalfa, an historical crop grown on the property, has an annual consumptive irrigation volume of 2.07 acre-feet/acre. This transfer changes the nature of use of 0.36 acres from irrigation to accommodate non-irrigation season precipitation deficit pond surface evaporation of 0.17 acre-feet/acre for the 4.4 acres of pond surface:

- 4.4 acres pond x 0.17 af/ac non-irrigation season Pdef evaporation = 0.75 af/yr.
- 0.36 acres alfalfa x 2.07 af/ac Pdef consumptive use = 0.75 af/yr

An additional 3.04 acres of irrigation use is transferred to provide for the pond storage volume in Pond 2:

- Pond 2 storage capacity = 6.2 af/yr
- 3.04 acres alfalfa x 2.07 af/ac Pdef consumptive use = 6.3 af/yr

Expected annual pond evaporation is based on ETIdaho 2009 data for shallow water systems (see **Error! Reference source not found.**). See Table 3 for ETIdaho 2009 data for alfalfa.

Table 4 provides detailed water balance calculations. The pond-associated volume for 13-697A is based on the 0.03 diversion rate associated with 3.4 acres of irrigation and a 164-day irrigation season ($0.03 \text{ cfs} \times 1.9835 \text{ af/cfs-day} \times 164 \text{ days} = 9.8 \text{ af}$). The pond-associated volume for 13-698 is based on the standard field headgate volume of 3.5 af/acre for 3.4 acres ($3.5 \text{ af/acre} \times 3.4 \text{ acres} = 11.9 \text{ af}$). When the two rights are combined, pond-associated volume is based on the standard field headgate volume (11.9 afa).

Open water - shallow systems (ponds, streams)																
Precipitation Deficit																
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual	Comments
Mean	mm/day												mm			
Monthly ^c	-0.65	-0.21	0.24	1.41	1.53	2.92	3.55	2.86	1.71	0.54	-0.25	-0.51	403	0	403	
Days per Month	31	28	31	30	31	30	31	31	30	31	30	31			385	
Irrigation Season															0	April 20 - Sept 30
Non-Irrigation Season																
Days	31	28	31	19	0	0	0	0	0	31	30	31			201	
Non-Irrigation Season																
Total Monthly Positive Precipitation Deficit	0	0	7.44	26.79	0	0	0	0	0	16.74	0	0			51	Equivalent to 0.17 ft

Table 2: Pond precipitation-deficit evaporation during the non-irrigation season totals 0.17 feet per acre (ETIdaho 2009, Grace climate station).

Alfalfa - frequent cuttings																
Precipitation Deficit																
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual	Comments
Mean	mm/day												mm			
Monthly ^c	-0.28	-0.05	0.12	0.59	2.74	4.68	5.05	4.27	2.63	0.53	-0.3	-0.39	630	-29	605	630 mm is equivalent to 2.07 ft

Table 3: Alfalfa precipitation-deficit consumptive use totals 2.07 ft per acre during the growing season (ETIdaho 2009, Grace climate station).

Pre-Transfer	Water Right Elements					Consumptive Use			Comments
	Water Right Number	Source	Use	Rate (cfs)	Acres	Land Cover	Consumptive Use Rate (acre-feet per acre per year)	Consumptive Use (acre-feet per year)	
	13-687A	Whiskey Creek	Irrigation	0.12	34	Alfalfa	2.07	70.3	
	13-688	Whiskey Creek	Irrigation	0.54	34				
	13-687A & 13-688 Combined		Irrigation	0.66	34				
	13-697A	Whiskey Creek	Irrigation	0.96	125	Alfalfa	2.07	258.4	
	13-693	Whiskey Creek	Irrigation	1.5	125				
	13-697A & 13-693 Combined		Irrigation	2.46	125				
	13-699A	Whiskey Creek	Irrigation	0.26	37.4	Alfalfa	2.07	77.3	
	13-700	Whiskey Creek	Irrigation	0.18	37.4				
	13-701	Whiskey Creek	Irrigation	0.31	37.4				
	13-699A, 13-700 & 13-701 Combined		Irrigation	0.74	37.4	Alfalfa	2.07	113.7	
13-728	North Fork Trout Creek	Irrigation	1.1	55					
13-729	North Fork Trout Creek	Irrigation	0.1	5					
13-761	Middle Fork Trout Creek	Irrigation	0.3	15					
13-4004	Trout Cr	Irrigation	1.6	60					
Total (all rights combined)		Irrigation	6.96	351.4	Alfalfa	2.07	726.3		

Post-Transfer	Water Right Elements					Consumptive Use			Comments		
	Water Right Number	Source	Use	Rate (cfs)	Storage Volume (acre-feet per year)	Acres	Land Cover	Consumptive Use Rate (acre-feet per acre per year)		Consumptive Use (acre-feet per year)	
	13-687A	Whiskey Creek	Irrigation	0.12		34	Alfalfa	2.07	70.3		
	13-688	Whiskey Creek	Irrigation	0.54		34					
	13-687A & 13-688 Combined		Irrigation	0.66	0	34					
	13-697A	Whiskey Creek	Irrigation	0.93		121.6	Alfalfa Pond (4.4 acr) Pond Fill	2.07	251.3		
			Diversion to Storage	0.03						0.17	0.7
			Aesthetic Storage		9.8						
	Wildlife Storage		9.8								
	13-693	Whiskey Creek	Irrigation	1.46		121.6		Storage volume associated with 13-697A is based on maximum annual diversion volume for the 3.4 acres changed to storage (0.03 cfs x 1.9835 x 164 days = 9.6 afa)			
			Diversion to Storage	0.04					Storage volume associated with 13-698 is based on the standard field headgate volume for the 3.4 acres changed to storage (3.4 x 3.5 = 11.9 afa)		
			Aesthetic Storage		11.9						
Wildlife Storage		11.9									
13-697A & 13-693 Combined		Irrigation	2.39		121.6	Pond Pdf Evaporative Component Pond #2 Fill Volume Component					
		Diversion to Storage	0.07								
		Aesthetic Storage		11.9							
Sum		Wildlife Storage	2.46	11.9	121.6				258.3		
13-699A	Whiskey Creek	Irrigation	0.26		37.4	Alfalfa	2.07		77.3		
13-700	Whiskey Creek	Irrigation	0.18		37.4						
13-701	Whiskey Creek	Irrigation	0.31		37.4						
13-699A, 13-700 & 13-701 Combined		Irrigation	0.74		37.4	Alfalfa	2.07		113.7		
13-728	Whiskey Creek	Irrigation	1.1		55						
13-729	Whiskey Creek	Irrigation	0.1		5						
13-761	Whiskey Creek	Irrigation	0.3		15						
13-4004	Whiskey Creek	Irrigation	1.6		60						
Total (all rights combined)		Multiple	6.66	11.9	348	Combined		726			

Table 4: Water Budget Calculations.

TRANSFER ATTACHMENT 4

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Whiskey Creek Ranch, LLC, 427 Rice Hope Drive, Mt. Pleasant, SC 29464, hereby appoints the law firm of **RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204**, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights owed by the Company, and to allow them to receive any and all information, opinions, and records regarding such water rights, and to sign and submit applications and other filings on the Company's behalf.

DATED this 30th day of December, 2010

WHISKEY CREEK RANCH, LLC

Nathan S. Hale

Nathan Hale, Manager

STATE OF South Carolina)
COUNTY OF Charleston) : SS

On this 30th day of December, 2010, before me, the undersigned Notary Public, in and for said State and County, personally appeared **NATHAN HALE**, known or identified to me to be the person whose name is subscribed to the above instrument and the Manager of **Whiskey Creek Ranch, LLC**, and acknowledged to me that he executed the same on behalf of said Company.

Xaura W. Hogan

NOTARY PUBLIC FOR South Carolina

Residing at: 193 Factors Walk, Summerville, SC 29485

My Commission Expires: Nov. 24, 2013

TRANSFER ATTACHMENT #9A
Watermaster Delivery Records

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Nathan Harlo	11-624, 634, 625, 635	Rasmussen Ditch
2	John Tatroe	11-639, 656, 12"/637, 638	Rasmussen, Mickelson Ditch
3	Angie Mondenhall	11-642, 643	Solo
4	Gene Rasmussen	11-640, 641	Solo
5	Michael Tingey	11-627, 629, 624, 630	Mickelson Ditch
6		651, 632, 646	Mickelson Ditch
7		18"/645	Mondenhall Ditch
8	Frank Swenson	28"/11-637	Mickelson Ditch
9	Charles Barlow	11-649, 650, 671, 657	Mondenhall
10		655, 656, 637	Mondenhall
11	Roger Mickelson	7"/11-645	Mondenhall
12	Steve Tingey	11-647	Mondenhall
13	Max Nicholas	11-644, 20"/645	Mondenhall
14		45"/658, 37.5"/659	Collins
15	Vince Hanson	11-652, 653, 654	Mondenhall
16	Riley Mickelson	45"/11-658, 37"/659	Collins
17			
18			
19			
20			
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22			
23			
24			
25			
26			
27			
28			
29	Whiskey Creek		
30	13-687 → 13-698		

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Nathan Hale	11-624,634,625,635	Rasmussen Ditch
2	John Tedros	11-634,656 12"/637,638	Rasmussen Ditch, Mickelson Ditch
3	Martha Boussett	11-642,643	Solo
4	Gene Rasmussen	11-640,641	Solo
5	Michael Tingey	11-627,628,624,630	Mickelson Ditch
6		651,632,646	Rasmussen Mickelson Ditch
7		18"/645	Mendenhall Ditch
8	Frank Swensen	28"/11-637	Mickelson Ditch
9	Charles Barlow	11-649,650,631,657	Mendenhall Ditch
10		655,656,633	Mendenhall Ditch
11	Roger Mickelson	7"/11-645	Mendenhall Ditch
12	Steve Tingey	11-647	Mendenhall Ditch
13	Max Nichols	11-644, 20"/645	Mendenhall Ditch
14		45"/658, 37.5/659	Collins
15	Dwayne Mendenhall	11-652,653,654	Mendenhall Ditch
16	Riley Mickelson	45"/11-658, 37"/659	Collins
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			



	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Daniel Mickelson	11-624, 634, 625, 635	Rasmussen Ditch
2	John Tedroe	11-639 656 12"/637, 638	Rasmussen Ditch; Mickelson
3	Martha Bassett	11-642, 643.	Solo
4	Gene Rasmussen	11-640, 641	Solo
5	Duke Tingey	11-627, 628, 624, 630	Rasmussen Ditch
6		651, 632, 646,	Rasmussen Ditch, Mendenhall
7		18"/645	ditch
8	Frank Swensen	28"/11-637	Mickelson Ditch
9	Charles Barlow	11-649, 650, 631, 637	Mendenhall Ditch
10		655, 656, 633	Mendenhall Ditch
11	Roger Mickelson	7"/11-645	Mendenhall Ditch
12	Steve Tingey	11-647	Mendenhall Ditch
13	Max Nichols	11-644, 20"/645	Mendenhall Ditch
14		45"/658, 37.5"/659	Collins
15	Dwayne Mendenhall	11-652, 653, 654	Mendenhall Ditch
16	Riley Mickelson	45"/11-658, 37"/659	Collins
17			
18			
19			
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30			

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	DANIEL Mickelson	11-0624 11-0625 11-0634 11-0635	
2	John Tedroe	11-0639 3/10 11-0637 11-0636	
3			
4	MARTHA BASSETT	11-0642 11-0643	Solo
5	Gene Rasmussen	11-0640 11-0641	Solo
6			
7	Roger Mickelson	1/2 11-0627 11-0629 1/2 11-0628 11-0630	
8	Mike Tingey	1/2 11-0627 11-0629 1/2 11-0628 11-0630	
9		11-0651 11-0652	
10	John Tedroe	11-0638	Mickelson Ditch
11	FRANK SWENSEN	7/10 - 11-0637	" "
12			
13	CHARLES BARLOW	11-0644 11-0655 11-0650 11-0656 11-0631 11-0633 10' of 11-0637 (To Roger Mickelson)	McKee Ditch
14			
15			
16	Roger Mickelson	11-0644	" "
17		10' of 0657	
18	Steve Tingey	11-0645	" "
19	Max Nichols	39 11-0644 11-0646 11-0648	" "
20	Mike Tingey ST	11-0647 11-0646 11-0644	" "
21	DWAYNE Mendenhall	11-0652 11-0653 11-0654	" "
22			
23	Riley Mickelson	1/2 11-0658 11-0659	Collins
24	MAX Nichols	1/2 11-0658 11-0659	Collins
25			
26			
27			
28			
29			
30			

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1			
2	Daniel Mickelson	11-0624 11-0634 11-0625 11-0635	
3	John Tedroe	11-0639 11-0636 + 3/10 11-0637	
4			
5	Martha Bassett	11-0642, 11-0643	
6			
7	Gene Rasmussen	11-0640, 11-0641	
8			
9	Roger Mickelson	1/2 11-0627 11-0629 2 11-0628 11-0630	
10	Mike Tingey	1/2 11-0627 11-0629 2 11-0628 11-0630	11-0651 11-0632
11	John Tedroe	11-0638	
12	Frank Swenson	7/10 11-0637	
13			
14	Charles Barlow	11-0649 11-0655 11-0650 11-0656	11-0631 (11-0657) 11-0633 - 10" Roger Mickelson
15	Roger Mickelson	11-0644 7" + 10"	
16	Steve Tingey	11-0645	
17	Michael Tingey	57" = 11-0646 11-0647 11-0644	
18	Max Nichols	39" = 11-0644 11-0646 (11-0648)	
19	Dwayne Mendenhall	11-0652 (11-0654) 11-0653	
20			
21	Riley Mickelson	1/2 11-0658 11-0659	
22	Lawrence Mickelson	1/2 11-0658 11-0659	
23			
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	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Daniel Mickelson	11-0624 11-0634 11-0625 11-0635	
2	John Tedroe	11-0639 11-0636 + 3/10-11-0637	
3			
4	Martha Bassett	11-0642 11-0643	
5			
6	Gene Rasmussen	11-0640 11-0641	
7			
8	Roger Mickelson	1/2 11-0627 11-0629 1/2 11-0628 11-0630	
9	Mike Tingey	1/2 11-0627 11-0630 11-0628 11-0639	11-0651 11-0632
10	John Tedroe	11-0638	
11	Frank Swensen	7/10-11-0637	
12			
13			
14	Glenn V. Turner	11-0649 11-0655 11-0631 11-0650 11-0656 11-0633	- 10" Roger Mickelson (11-0657)
15	Roger Mickelson	11-0644 7" + 10"	
16	Steve Tingey	11-0645	
17	Michael Tingey	57' 11-0646 11-0647 11-0644	
18	Max Nichols	39' 11-0644 11-0646	(11-0648)
19	Dwayne Mendenhall	11-0652 11-0653 (11-0654)	
20			
21			
22	Riley Mickelson	1/2 11-0658 11-0659	
23	Lawrence Mickelson	1/2 11-0659 + 11-0658	
24			
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2001

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch								
Daniel Mickelson		47.70	46.16	51.59	52.56	61.23		259.24
John Tedroe		37.98	36.75	41.08	41.85	48.75		206.40
Martha Bassett		17.64	18.23	19.72	20.09	23.40		99.07
Mickelson Ditch								
Roger Mickelson		19.75	19.11	21.36	21.76	25.35		107.33
M. Tingey/D. Robison		46.79	45.28	50.60	51.56	60.06		254.28
John Tedroe		21.27	20.58	23.00	23.44	27.30		115.58
Joe Swensen		10.33	10.00	11.17	11.38	13.26		56.14
Mendenhall Ditch								
Glenn V. Turner		78.08	75.56	84.45	86.04	100.23		424.36
Roger Mickelson		31.60	30.58	34.17	34.82	40.56		171.72
Steve Tingey		13.37	12.94	14.46	14.73	17.16		72.65
Dwayne Mendenhall		43.75	42.34	47.32	48.21	56.16		237.77
Collins Ditch								
Lawrence and Riley		49.62	47.92	53.56	54.57	63.57		269.15
Solo								
Gene Rasmussen		13.37	12.94	14.46	14.73	17.16		72.65
24-hour Sec. Ft. Totals:	0.00	431.11	418.35	466.94	475.75	554.19	0.00	2346.36

Water User	Total 24-hr Sec. Ft.	Total Cost	Adopted Budget	Credit	Debit	Costs:	
Rasmussen Ditch						Watermaster:	
Daniel Mickelson	259.24	\$15.47	\$15.46		(\$0.01)	Total Days:	
John Tedroe	206.40	\$12.32	\$12.31		(\$0.01)	Rate per Day:	
Martha Bassett	99.07	\$5.91	\$5.91		(\$0.00)	OR Rate per Season:	\$120.00
						Total:	\$120.00
Mickelson Ditch						Assistant Watermaster:	
Roger Mickelson	107.33	\$6.40	\$6.40		(\$0.00)	Total Days:	
M. Tingey/D. Robison	254.28	\$15.17	\$15.26	\$0.09		Rate per Day:	
John Tedroe	115.58	\$6.80	\$6.89		(\$0.01)	OR Rate per Season:	\$20.00
Joe Swensen	56.14	\$3.35	\$3.35	\$0.00		Total:	\$20.00
						Other pro rata expenses:	
						Total for Season:	\$0.00
Mendenhall Ditch						Non-consumptive Costs:	
Glenn V. Turner	424.36	\$25.32	\$25.30		(\$0.02)	Total for Season:	\$0.00
Roger Mickelson	171.72	\$10.25	\$10.24		(\$0.01)		
Steve Tingey	72.65	\$4.33	\$4.33		(\$0.00)		
Dwayne Mendenhall	237.77	\$14.19	\$14.18		(\$0.01)		
						Totals:	
Collins Ditch						Watermaster:	\$120.00
Lawrence and Riley	269.15	\$16.06	\$16.04		(\$0.02)	Assistant:	\$20.00
						Other Pro rata expenses:	\$0.00
Solo						Total Cost:	\$140.00
Gene Rasmussen	72.65	\$4.33	\$4.33		(\$0.00)	Non-consumptive Cost:	(\$0.00)
						Cost distributed pro rata:	\$140.00
						Cost per 24-hr Sec. Ft.:	\$0.0598670
Totals:	2346.36	\$140.00	\$140.00	\$0.09	(\$0.09)		

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1			(Rasmussen Ditch)
2			Daniel Mickelson
3			John Tedroe
4			Martha Bassett
5			(Mickelson Ditch)
6			Mike Tingey (Duane)
7			Roger Mickelson
8			Michael Tingey
9			John Tedroe
10			Frank Swenson
11			(Mendenhall Ditch)
12			Glenn V. Turner
13			Roger Mickelson
14			Steve Tingey
15			Dwayne Mendenhall
16			(Collins Ditch)
17			Riley + Lawrence Mickelson
18			(Solo)
19			Gene Rasmussen
20			
21			
22			
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Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch:								
Daniel Mickelson		44.78	46.16	51.59	61.32	62.17		266.02
John Tedrow		35.65	36.75	41.07	48.83	49.50		211.80
Martha Bassett		17.11	17.64	19.72	23.44	23.76		101.67
Mickelson Ditch:								
Duane Robison		18.82	19.40	21.69	25.78	26.14		111.83
Michael Tingey		25.38	26.17	29.25	34.76	35.24		160.80
John Tedrow		18.96	20.58	23.00	27.34	27.72		118.60
Roger Mickelson		18.54	19.11	21.36	25.39	25.74		110.14
Joe Frank Swenson		9.70	10.00	11.17	13.28	13.46		57.61
Mendenhall Ditch:								
Glenn Turner		73.30	75.56	84.45	100.38	101.77		435.46
Sieve Tingey		12.55	12.94	14.46	17.19	17.42		74.56
Roger Mickelson		29.66	30.58	34.17	40.62	41.18		176.21
DeWayne Mendenhall		41.07	42.34	47.32	56.25	57.02		244.00
Collins Ditch:								
Lawrence/Riley Mickelson		46.49	47.92	53.56	63.67	64.55		276.19
Solo:								
Gene Rasmussen		12.55	12.94	14.46	17.19	17.42		74.56
24-hour Sec. Ft. Totals:	0.00	405.56	418.09	467.27	555.44	563.09	0.00	2409.45

Water User	Total 24-hr Sec. Ft.	Total Cost	Total Non- consumptive	Adopted Budget	Credit	Debit
Rasmussen Ditch:						
Daniel Mickelson	266.02	\$15.48		\$15.46	\$0.00	
John Tedrow	211.80	\$12.31		\$12.31	\$0.00	
Martha Bassett	101.67	\$5.91		\$5.91	\$0.00	
Mickelson Ditch:						
Duane Robison	111.83	\$6.50		\$6.50	\$0.00	
Michael Tingey	160.80	\$8.76		\$8.76		(\$0.01)
John Tedrow	118.60	\$6.89		\$6.89		(\$0.00)
Roger Mickelson	110.14	\$6.40		\$6.48	\$0.08	
Joe Frank Swenson	57.61	\$3.35		\$3.35	\$0.00	
Mendenhall Ditch:						
Glenn Turner	435.46	\$25.30		\$25.30		(\$0.00)
Sieve Tingey	74.56	\$4.33		\$4.33		(\$0.00)
Roger Mickelson	176.21	\$10.24		\$10.17		(\$0.07)
DeWayne Mendenhall	244.00	\$14.18		\$14.18	\$0.00	
Collins Ditch:						
Lawrence/Riley Mickelson	276.19	\$16.05		\$18.04		(\$0.01)
Solo:						
Gene Rasmussen	74.56	\$4.33		\$4.33		(\$0.00)
Totals:	2409.45	\$140.00	\$0.00	\$140.00	\$0.08	(\$0.08)

Costs:**Watermaster:**

Total Days:	
Rate per Day:	
OR Rate per Season:	\$120.00
Total:	\$120.00
Other pro rata expenses:	
Total for Season:	\$20.00

Assistant Watermaster:

Total Days:	
Rate per Day:	
OR Rate per Season:	
Total:	\$0.00
Non-consumptive Costs:	
Total for Season:	\$0.00

Totals:

Watermaster:	\$120.00
Assistant:	\$0.00
Other Pro rata expenses:	\$20.00
Total Cost:	\$140.00
Non-consumptive Cost:	(\$0.00)
Cost distributed pro rata:	\$140.00
Cost per 24-hr Sec. Ft.:	\$0.0581045

Water District 13-S: Whiskey Creek

Watermaster Report
1997 Season

Page: 1/2

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch:								
Daniel Mickelson		45.750	53.690	58.400	68.140	68.770		294.75
John Tedroe		38.430	42.750	46.500	54.250	54.750		234.88
Martha Bassett		17.480	20.520	22.320	26.040	26.280		112.64
Mickelson Ditch:								
Duane Robison		19.230	22.570	24.550	28.640	28.910		123.90
Roger Mickelson		18.940	22.230	24.180	28.210	28.470		122.03
Michael Tingey		25.930	30.440	33.110	38.630	38.980		167.09
John Tedroe		20.400	23.940	26.040	30.380	30.660		131.42
Joe Swensen		9.910	11.630	12.650	14.760	14.890		63.84
Mendenhall Ditch:								
Glenn V. Turner		74.890	87.890	95.600	111.540	112.570		482.49
Roger Mickelson		30.310	35.570	38.690	45.140	45.550		195.26
Steve Tedroe		12.820	15.050	16.370	19.100	19.270		82.61
Dwayne Mickelson		41.960	49.250	53.570	62.500	63.070		270.35
Collins Ditch:								
Lawrence/Riley Mickelson		47.500	55.750	60.640	70.740	71.390		306.02
Solo:								
Gene Rasmussen		12.820	15.050	16.370	19.100	19.270		82.61
24-hour Sec. Ft. Totals:	0.000	414.370	486.330	528.990	617.170	622.830	0.000	2669.69

Water District 13-S: Whiskey Creek

Watermaster Report
1997 Season

Page: 2/2

Water User	Total 24-hr Sec. Ft.	Total Cost	Adopted Budget	Credit	Debit	Costs:	
Rasmussen Ditch:						Watermaster:	
Daniel Mickelson	294.75	\$15.46	\$15.46			Total Days:	
John Tedroe	234.88	\$12.31	\$12.31			Rate per Day:	
Martha Bassett	112.64	\$5.91	\$5.91			OR Rate per Season:	\$120.00
						Total:	\$120.00
Mickelson Ditch:						Assistant Watermaster:	
Duane Robison	123.90	\$6.50	\$6.50			Total Days:	
Roger Mickelson		\$6.48	\$6.48			Rate per Day:	
Michael Tingey	167.09	\$8.76	\$8.76			OR Rate per Season:	\$20.00
John Tedroe	131.42	\$6.89	\$6.89			Total:	\$20.00
Joe Swensen	63.84	\$3.35	\$3.35			Other pro rata expenses:	
						Total for Season:	
Mendenhall Ditch:						Non-consumptive Costs:	
Glenn V. Turner	482.49	\$25.30	\$25.30			Total for Season:	
Roger Mickelson	195.26	\$10.17	\$10.17				
Steve Tedroe	82.61	\$4.33	\$4.33			Totals:	
Dwayne Mickelson	270.35	\$14.18	\$14.18			Watermaster:	\$120.00
						Assistant:	\$20.00
Collins Ditch:						Other Pro rata expenses:	\$0.00
Lawrence/Riley Mickelson	306.02	\$16.03	\$16.03			Total Cost:	\$140.00
Solo:							
Gene Rasmussen	82.61	\$4.33	\$4.33			Non-consumptive Cost:	(\$0.00)
Totals:	2547.66	\$140.00	\$140.00	\$0.00	(\$0.00)	Cost distributed pro rata:	\$140.00
						Cost per 24-hr Sec. Ft.:	\$0.0524405

77048

DITCH	WATER RIGHTS
(RASMUSSEN DITCH)	
DANIEL MICKELSON	11-624 625 634 635
JOHN TEDROE	11-636 3/10- 637 639
MARTHA BASSETT	11-642 643
(MICKELSON DITCH)	
DUANE ROBISON	1/2-11-627 628 629 630
ROGER MICKELSON	1/2-11-627 628 629 630
MICHAEL TINGEY	11-0632 11-0651
JOHN TEDROE	11-0638
JOE SWENSEN	7/10-11-0637
(MENDENHALL DITCH)	
GLENN V. TURNER	11-649 650 655 656 631 633 (657)
STEVE TINGEY	11-0645
DWAYNE MENDENHALL	11-652 653 (654)
(COLLINS DITCH)	
LAWRENCE & RILEY MICKELSON	11-658 659 (660)
(SOLO)	
GENE RASMUSSEN	11-0640 11-0641

TRANSFER ATTACHMENT 9B-1
Evidence of Priority and Historical Use of Water Right 13-4004

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE: STATUTORY CLAIM NO. 13-4004

AFFIDAVIT OF DANIEL MICKELSON

STATE OF IDAHO)
 :ss.
County of Caribou)

The undersigned, DANIEL MICKELSON, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

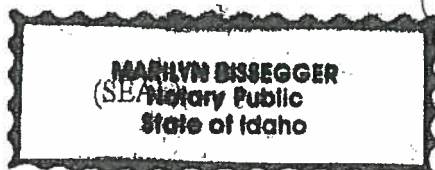
1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 109 S. 2nd West, Grace, ID 83241. My telephone number is: 208-425-9988.
4. I have resided in Grace, Idaho my entire life, which is 81 years, except from May 15, 1958 to May 15, 1963 when I resided at Basalt, Idaho.
5. I am familiar with water use from the north fork of Trout Creek tributary to the Bear River in Caribou County.
6. The property located at: Township 11 South, Range 41 East, Sections 19 NWNE ¼ ¼ and Section 18, SWSE ¼ ¼ and SESE ¼ ¼ which is the subject of statutory claim number 13-4004 (former right number 11-4036), is very familiar to me since I owned and worked this land for approximately 43 years.

7. I filed statutory claim number 13-4004 for 1.6 cfs to irrigate 80 acres of land on my property to raise alfalfa, hay and barley. The point of diversion description for this statutory claim is Township 11 South, Range 41 East, Section 18, SESE $\frac{1}{4}$ $\frac{1}{4}$. A true and correct copy of the Claim To a Water Right Established by Diversion and Application to Beneficial Use signed by me on April 17, 1973 is attached hereto as Exhibit A.
8. This water use began and continued from 1971 to 2006 when it was sold to Nathan Hale.
9. I personally observed water being put to beneficial use to raise crops continuously after it was sold in 2006 to the present date.
10. There is presently no active water district for North Fork reach of Trout Creek and there has not been an active water district been in existence for at least a couple of decades.
11. FURTHER AFFIANT SAITH NAUGHT.

DATED: This 10 day of 12, 2010.

Daniel H. Mickelson
Daniel Mickelson, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 12th day of October, 2010.



Nancy Burrows
Notary Public for Idaho
Residing at: North Pelee
Commission expires: 04/14/14

Identification No. 13 4004

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Daniel H. Mickelson
post office address Star Route #344 Grace, Idaho
2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 18 Township 11 S
Range 41 E B.M. located on Trout Creek
(name of source)
tributary to Bear River In Caribou County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

- a. Date of priority claimed:

May 1, 1971 amount: 8.0 inches c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1.6 c.f.s. or _____ acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from May 1, 1971 to October 1, (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete
with plank checks; length is 12 feet; height is 4 feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

13 4004

77048

b. Do you get water through a ditch owned by several users? 714 If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Since we bought our present farm
10 years ago we have expanded and since
to our sprinkler system to cover this
additional 80 acres of land to more
completely utilize our land for raising
alfalfa hay and barley in compliance
with Soil Conservation Service specifications.
This system was designed and
engineered by S.C.S.
We are in cooperation with S.C.S.
on our entire farm.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

4-17-73
(Date)

Daniel H. Mickelson
(Signature of Claimant)

State of Idaho }
County of Franklin } ss.

On this 17 day of April, 1973, personally appeared before me the signer of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Cliff M. Kendall
Notary Public residing at Franklin Idaho

My commission expires 4-16-74

For Department Use Only

Received by <u>LA</u> Date <u>4-18-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>UCY</u> Date <u>4/18/73</u>	_____	_____	_____
Fee received by <u>CU</u> Date <u>4-23-73</u> Fee \$ <u>10.00</u> R# <u>7164</u>	_____	_____	_____
Approved for publication by <u>UCY</u>	_____	_____	_____
Published in <u>Franklin Idaho Sun</u> Dates <u>5-3-10-73</u>	_____	_____	_____
Publication App'd <u>5/15/73</u> <u>UCY</u>	_____	_____	_____

13 4004

77010

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	_____	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	_____	acre feet
		Total claimed:	1.2 c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)			Claim <u>13-4004</u> Application No. <u>11-4036</u> Name <u>D. H. Mickelson</u>
(2)	<u>JF</u>	<u>4/26/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works <u>N/A</u> ☐ Time required for C/W and application of water to B/I <u>NA</u> ☐ Place of Use ☐ Map ☐ Fee
(3)	<u>JF</u>	<u>4/26/73</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	<u>JF</u>	<u>4/26</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	<u>JF</u>	<u>4/26</u>	In form for advertising <u>Yes</u>
(6)	<u>JF</u>		Affidavit of Publication received _____
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)	<u>JF</u>	<u>9/26</u>	Located within Water District No. <u>13</u>
(10)	<u>N/A</u>		Critical groundwater area: yes _____ no _____
(11)	<u>N/A</u>		Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)	<u>JF</u>	<u>4/26</u>	Comments: <u>Location is in Basin 13 rather than 11.</u>
(13)			<del> Action recommended: ☐ Approve ☐ Deny Priority _____ Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval </del>
(14)			District _____ By _____ Date _____ Title _____

MAY 17 1973

Department of Water Administration
13 4004

77048

TRANSFER ATTACHMENT 9B-2
Evidence of Use of Water Rights 13-728, 13-729 and 13-4004 and
Information Regarding Water Districts 13P and 13Q

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE WATER RIGHT NUMBERS 13-728, 13-729 and 13-761

SECOND AFFIDAVIT OF DANIEL MICKELSON

STATE OF IDAHO)
 :SS.
County of Caribou)

The undersigned, DANIEL MICKELSON, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 109 S. 2nd West, Grace, ID 83241. My telephone number is: 208-425-9988.
4. I have resided in Grace, Idaho my entire life, which is 81 years, except from May 15, 1958 to May 15, 1963 when I resided at Basalt, Idaho.
5. I am also familiar with water use from the middle fork of Trout Creek tributary to the Bear River in Caribou County, which is Water District 13Q.
6. The property located at: Township 11 South, Range 41 East, Section 19 NENE ¼ ¼, NWNE ¼ ¼ and Section 18, NESE ¼ 1/4 , NWSE ¼ 1/4 ,

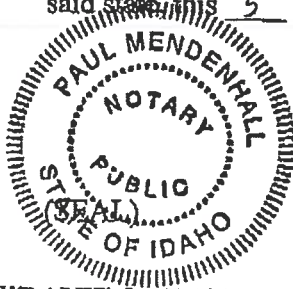
SWSE ¼ ¼ and SESE ¼ ¼ is very familiar to me since I owned and worked this land for approximately 43 years.

7. Water right number 13-761 contain the places of use as described in paragraph 6.
8. The watermaster report for Water District 13Q does not show delivery of water right number 13-761 because it is a flood water right and used when there is sufficient water in the creek to meet all water rights.
9. I am also familiar with the use and delivery of water right numbers 13-728 and 13-729 from the North Fork of Trout Creek. The water for these rights has been continuously used throughout the past 40+ years and continued on through 2006 when it was sold to Nathan Hale.
10. I personally observed water being put to beneficial use to raise crops on the land owned by Mr. Hale, continuously after it was sold in 2006 to the present date.
11. FURTHER AFFIANT SAITH NAUGHT.

DATED: This 5 day of Jan, 2010.

Daniel Mickelson
Daniel Mickelson, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 5 day of Jan, 2010.



Paul Mendenhall
Notary Public for Idaho
Residing at: Grace
Commission expires: 6-10-16

AFFIDAVIT OF DANIEL MICKELSON - Page 2

TRANSFER ATTACHMENT 9B-3
Evidence of Recent Use of Water Rights 13-728, 13-729 and 13-4004

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE: USE OF WATER RIGHTS 13-728, 13-729, 13-4004
AND WHISKEY CREEK RANCH TRANSFER APPLICATION

AFFIDAVIT OF KENT CLEGG

STATE OF IDAHO)
 :ss.
County of Caribou)

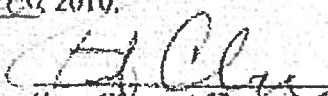
The undersigned, KENT CLEGG, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 2372 Clegg Lane, Grace, ID 83241.
4. I run the ranch that is known as Whiskey Creek Ranch, LLC, owned by Mr. Nathan Hale. I have operated the ranch since 2006 and am familiar with water use from the north fork of Trout Creek tributary to the Bear River in Caribou County and the use of water under water right nos. 13-728, 13-729 and 13-4004.
5. I personally diverted water under water right nos. 13-728, 13-729 and 13-4004 each year since 2006 and used all the water available under these water rights, between 2 and 3 cfs, from the north fork of Trout Creek for irrigation purposes on the ranch.

6. There is presently no active water district for North Fork reach of Trout Creek and there has not been an active water district since I have began operating the ranch.

7. FURTHER AFFIANT SAITH NAUGHT.

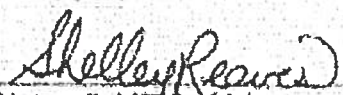
DATED: This 20 day of October, 2010.


Kent Clegg, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 20 day of October, 2010.

(SEAL)




Notary Public for Idaho
Residing at: Grace
Commission expires: 3/19/15

TRANSFER ATTACHMENT 2A
Water Right Ownership Documentation: Warranty Deeds / Chain of Title

DEED RECORD

This instrument, Made the first day of December in the year of our Lord one thousand
and hundred and ten between Frank Lusher and Olena M. Lusher, his wife,
of Bannock State of Idaho, the part 1st of the first part, and
County of Bannock State of Idaho, the part 2d of the second part,
County of Bannock State of Idaho, the part 3d of the second part,

WITNESSETH: That the said part 1st of the first part, for and in consideration of the sum of Five Thousand (\$5000.00) Dollars,
lawful money of the United States of America, to her in hand paid by the said part 2d of the second part, the receipt whereof
he hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto the said part 3d of the second part
and to his heirs and assigns forever: All that certain lot piece or parcel of land, situate, lying and being in
the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit:

The North half of the North-east quarter of Section nineteen (19) and commencing at the south
east corner of Section eighteen (18) thence running north eighty (80) rods to a point west thirty-
nine (39) rods, thence south west sixty (60) rods to a point forty (40) rods south of the
North-west corner of the southeast quarter of the southeast quarter of the southeast quarter of the south-
east quarter of Section eighteen (18) thence east sixty (60) rods to a point of beginning. Also begin-
ning thirty nine (39) rods east of the south-east corner of the southeast quarter of the south-
east quarter of Section eighteen (18) thence east forty-one (41) rods, thence north forty (40)
rods, thence south west sixty (60) rods to point of beginning all in Township eleven (11)
South of Range forty-one east of Boise Meridian, less one acre in the northeast corner of the
south east quarter of the southeast quarter of section eighteen (18) having previously been
deeded to the Presbyterian Church, Also fifteen inches of Shoshone water from the Middle fork
of Trout Creek, and fifty-five inches from the North Fork of Trout Creek according to a certain
deed issued out of the District Court of the Fifth Judicial District of the State of Idaho and
dated November 22, 1900.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and
the rents, issues and profits thereon.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident,
unto the said part 3d of the second part and to his heirs and assigns forever. And the said part 1st of the first part, and
their heirs, the said premises in the quiet and peaceable possession of the said part 3d of the second part his heirs
and assigns against the said part 1st of the first part, and their heirs, and against all and every person of persons whatsoever
lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, the said part 1st of the first part has hereunto set his hand and seal the day and year
first above written.

Signed, sealed and delivered in the presence of
Wm. H. Mendenhall Frank Lusher (SEAL)
John E. Mendenhall Olena M. Lusher (SEAL)

STATE OF IDAHO
County of Bannock On this first day of December in the year 1910
before me Wm. H. Mendenhall a Notary Public, in and for said County,
personally appeared Frank Lusher and Olena M. Lusher his wife,
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he
executed the same.

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

Wm. H. Mendenhall
(SEAL) My Commission expires Dec. 30, 1911. Notary Public Thatcher, Idaho.

Recorded at the request of Hyrus Swenson this 25th day of April, 1911.
At 11:55 A. M.
For \$1.00 By E. G. Gallet Recorder
Hubert Downey Deputy

DEED RECORD

608

Instrument No 1971.
In person in New Jersey, January 1, 1911.

THIS INSTRUMENT Made this
one hundred and eleven

Dist of York
City of York

in the year of our Lord one thousand

Benjamin
Joseph Clarendon
Lester of

State of
Idaho

County of
the party of the first part, and
of
the party of the second part.

WITNESSETH that the said party of the first part, her and in consideration of the sum of
Three thousand
dollars, to have and to hold unto the said party of the second part, the receipt whereof
is hereby acknowledged, do give by these presents, unto the said party of the second part
and to his heirs and assigns forever, all that certain lot or parcel of land, situate, lying and being in
the County of Benewah, in the State of Idaho, to-wit: one quarter section of the north
quarter of the north east quarter and the northeast quarter of the eighth
that quarter or section eighteen in township eleven north, of Range forty one east of
Baker Meridian, as bearing nearly a south, together with a certain water right or seven inches
or more from Blaney Creek, as decreed by the District Court the 10th day of May 1907.

Further to have and to hold unto the said party of the second part, her and assigns forever, all that certain lot or parcel of land, situate, lying and being in
the County of Benewah, in the State of Idaho, to-wit: one quarter section of the north
quarter of the north east quarter and the northeast quarter of the eighth
that quarter or section eighteen in township eleven north, of Range forty one east of
Baker Meridian, as bearing nearly a south, together with a certain water right or seven inches
or more from Blaney Creek, as decreed by the District Court the 10th day of May 1907.

IN WITNESS WHEREOF, the said party of the first part, her and assigns, have hereunto set their hands and seals the day and year
first above written.

Witness my hand and the seal of the County of
Benewah, Idaho.

Chris "Lorenson"
(Seal)
(Seal)
(Seal)

STATE OF IDAHO
County of Benewah
I, William H. Benbow,
personally appeared
before me the said
notary public at the time

and that
Cath. T. Lee
day of
July of the year
1911
in and for said County,
and acknowledged to me that he

BY WILLIAM H. BENBOW, I have hereunto set my hand and seal the day and year in this certificate first above
written.

William H. Benbow
Notary of the Peace.

Remitted of the report of W. H. Benbow
At 11:00 P. M.

the 25th day of Nov. 1911.
E. G. Galt
Deputy

181

Signed, Sealed and delivered in the presence of
W. E. Bassett,
Andreas Andersen

Mattie her
 X Swenson
 mark (Seal)

. W. H. Bassett, Witness.

James Brennan,

Joseph Swenson,

Lars O. Engelsen,

MARY SHANNON.

STATE OF IDAHO, }
County of Bannock. } ss

On this 16th day of Sept. In the year 1898, before me William H. Bassett, a Justice of the Peace, in and for said County, personally appeared Mattie Svensen, James Swenson, Joseph Swenson, Lars O. Swenson, Mary Swenson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same, and on this .. day of .. in the year 1898, before me, the officer above described personally appeared, known to me to be the said .., whose name is subscribed to the within instrument, described as a married woman and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution.

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

William H. Bennett,
Justice of the Peace.

Recorded at request of
Hilma Swansen, Lago.
By Gillian Sponberg, Deputy

10:06 A. M.

January 27, 1919

Feb 1.20

C. W. Pomeroy, Recorder

USZAWA: 10. 60742.

Warrantly, D. 10. 10.

THE COMMISSION made the twenty second day of January in the year of our Lord One thousand nine hundred and nineteen between Janna Svensen (unmarried) of Lake County of Kansas, State of Idaho, the party of the first part and Edna L. Swanson, of Lake County of Kansas, State of Idaho, the party of the second part.

WITNESSETH that the said party of the first part, for and in consideration of the sum of one hundred (\$100.00) dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have by these presents, granted bargain sold and conveyed and will unto the said party of the second part, and to her heirs and assigns forever: All that certain lot, piece, or parcel of land situate lying and being in the County of Hancock, State of Maine, bounded and more particularly described as follows, to-wit:

Beginning at the SW corner of the SW 1/4 of the SW 1/4 running north 25° east 11 rods, thence east 11 rods, thence south 85 rods, thence west 11 rods, to the place of beginning, the SW 1/4 of the SW 1/4 of the SW 1/4, and the E 1/2 of the SW 1/4, in section 11 township 11 south range 41 East S. 1., with the portion of section 11 east of said described as follows, to-wit: At the SW corner of the SW 1/4 of the SW 1/4 running, a point 1/2 rod east of the survey line, thence north 85° 15' 16" east 32 1/2 rods east of the survey line, thence southeasterly 15 rods to survey line thence north 85 rods to place of beginning, also beginning at a point 16 rods south of the NW corner of the SW 1/4 of the SW 1/4 running 82 1/2 rods to a point 6 rods east of survey line thence north 85 rods to place of beginning.

Together with all and singular, the transports, hereditaments and appurtenances belonging or in anywise appertaining, and the route, issued and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part, and his heirs the said premises in the quiet and peaceable possession of the said party of the second part, for heirs and assigns against the said party of the first part, and his heirs and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year, first above written.

Signed Sealed and Delivered in the
Presence of E. L. Hooks.

Дачан Вгоринов **ЗНАТ**

State of Idaho,
County of Blaine, ss.

On this the 22 day of January 1919 before me A. H. Dawson a Notary Public in and for said county personally appeared James Swanson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

A. H. Dawson,
Notary Public Blaine Idaho.

By Revenue Stamps attached and cancelled.

Recorded at request of Hiram Swanson.
By William Spangberg, Deputy.

10-07 A.L.
Fee \$1.00

January 27, 1919.
C. H. Farnaby, Recorder.

INSTRUMENT NO. 54728

IN THE PROBATE COURT OF BLAINE COUNTY
STATE OF IDAHO

In the Matter of the Estate of
J. Frank Hunt, deceased.

ORDER OF DISTRIBUTION

The petition of Florence F. Hunt, executrix filed herein, for the distribution of the residue of the estate of J. Frank Hunt, deceased, in the probate court of said county, to the person entitled thereto, coming on for hearing and it appearing that due and legal notice of such hearing has been duly directed by the order of this court heretofore made and entered herein, that all claims against said estate are fully paid, that the final account of said executrix has been duly made and has been confirmed by this court; that all state, county and municipal taxes due from said estate have been paid; that there is no United States "debit" due from said estate; that there is no "transfer tax" due to the State of Idaho from said estate;

That the whole of said residue of said estate is the community property of the said deceased and his surviving widow, Artimay Hunt, who as such survivor is entitled to the whole thereof; that said deceased died intestate and his only heir at law is the said Artimay Hunt, his widow, who is entitled to the whole of said estate; that the other heirs at law of the said J. Frank Hunt, deceased, are Florence F. Hunt, James F. Hunt, Claude Hunt, Annie L. Hunt, Frank S. Hunt, Joseph Hunt, sons and daughters of the said deceased, and Sylvia M. Spidel, daughter of the said deceased, and none of them are entitled to any part of said estate or the residue thereof.

It is, therefore, ordered, adjudged and decreed that the said residue of said estate and the whole thereof be, and the same is hereby distributed to the said Artimay Hunt, widow of said deceased.

as follows, to-wit:

That the property affected by this decree is described

as follows:
Cash on hand \$993.50
One team of broke mules, unbranded
One span of three year old mules, unbroken.
Three head of two year old mules, unbroken
One head of yearling mule, unbroken
One old mare, unbroken
All of said livestock being branded J.F.S.
thus "S" on the left hip.

Two blood saws
One McCormick Binder
One mowing machine
One rake
One wagon
One Spring tooth harrow
One set of harness

Certificate No. 44 for 50 shares of the capital stock of the Cotton Wood Trading Association, a corporation organized and existing under the laws of the State of Idaho, with its principal place of business at Blaine, Blaine County, Idaho.

Fee 2.00

44. I.H.S. attached and duly cancelled.

J. B. Smith, Inc.

The party or the first
 action in the state of address
 first effect and recognize to be

IN THE PROBATE COURT OF THE COUNTY OF HANCOCK, STATE OF IDAHO

IN THE MATTER OF THE ESTATE

at

DEGREE OF DISTRIBUTION OF ASSETS.

HERMAN SWANSEN, deceased.

Latia M. Swenson, administratrix of the estate of KIRAN SWENSON, deceased, having on the 1st day of March, 1933, filed in this Court her petition setting forth, among other things, that all accounts have been settled and said estate is in condition to be closed, and that a portion of said estate remaining to be distributed to the heirs of said deceased, said matter coming on regularly to be heard this 13th day of March, 1933, upon due proof that due and legal notice of such hearing has been given as directed by the order of the Court heretofore made, and according to the statutes in such cases made and provided, the said Latia M. Swenson, administratrix of said estate, appearing in person and by Karl W. Gory, counsel, and no person appearing to object, and no objections having been filed, this Court proceeded to the hearing of said petition; and it appearing, to the satisfaction of this Court, that the residue of said estate, consisting of the property hereinafter particularly described, is now ready for distribution, and that said estate is now in condition to be closed;

That the residus of said estate is real property as hereinafter described, and personal property consisting of a stock of merchandise, stock in the First National Bank of Braco, Idaho, two automobiles, livestock and farm machinery;

That the said Hiram Joensen died intestate in the County of Caribou, State of Idaho, on the 18th day of March, 1938, and at the time of his death was a resident of the County of Bannock, State of Idaho, and his only heirs at law are,

NAME	RELATIONSHIP	RESIDENCE
Lutis L. Swenson	surviving wife	Lago, Idaho
Helen E. Jenkins	daughter	Newton, Utah
Loretta Hansen	daughter	Lago, Idaho
Lawrence H. Swenson	son	Lago, Idaho

That all claims against said estate are fully paid and that all taxes, due and paid estate have been paid; that decrees showing due and legal notice to creditors has been filed and that decree has also been entered fixing the value of said estate and showing that there is no inheritance tax due against said estate or the heirs or devisees thereof; that all claims, expenses of administration and all expenses of said estate have been fully paid;

that the whole of the property of said deceased was community property of said deceased and Lucia M. Jansson, his surviving widow; that the said Lucia M. Jansson is entitled to the whole of the residue of said estate as the survivor of the community by virtue of the laws of the State of Idaho.

"and, on this, the 17th day of March, 1933, on motion of said J. Edgar Hoover,
counsel for said administratrix,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the residue of said estate of Aileen Johnson, deceased, hereinafter particularly described, and now remaining in the hands of said Administrator, and any other property not now known or discovered, which may belong to said estate, or in which the said estate may have an interest, to and the same is hereby distributed as follows, to-wit:

TO LITTLE L. STANLEY THE HOME NARRATOR.

The following is a particular description of said residue of said units re-ferred to in this decree, and of which distribution is ordered, adjudged and decreed, as aforesaid, to-wit:

REAL ESTATE.

[illegible]

the Boise Meridian, containing eighty acres. Also, commencing at the southeast corner of Section Eighteen in Township Eleven South, Range Forty-one East of the Boise Meridian, and running thence North sixty-eight rods, thence West twenty rods, thence North twelve rods, thence West nineteen rods, thence Southwesterly one hundred twenty rods, more or less to point thirty-nine rods east of the Southwest corner of the Southeast Quarter of said Section Eighteen, thence East one hundred eight and one-half acres. Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section Eighteen in Township Eleven South, Range Forty-one East of the Boise Meridian, running thence East twenty rods to place of commencing, containing one and one-half acres, more or less.

The North half of the Southwest quarter of the Southeast Quarter of Section Thirty-six, Township Ten South, Range Forty East of the Boise Meridian, containing twenty acres, according to the official plat of the Survey of the said land returned to the General Land Office by the Surveyor General, Bannock County, Idaho.

together with all ditches, ditch rights of way, water and water rights appurtenant thereto, and as well the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

All of the above described property is situated in the county of Bannock and State of Idaho.

PERSONAL PROPERTY.

Stock of merchandise in store at Lago, Idaho; five shares of stock in the First National Bank of Grace, Idaho; two second hand automobiles, one an Oakland Sedan, motor number 187133 and serial number 198142, and the other an Oldsmobile-Sedan, motor number Y-125675 and serial number S-33805, about 160 head of sheep; about 55 head of cattle branded 7-left rib; 16 head of work horses and farm machinery.

Done in open court this 13th day of March, 1933.

(Seal)

Robert J. Vallis
Judge of the Probate Court.

STATE OF IDAHO,)
County of Bannock.) ss.

I, Robert J. Vallis, do hereby certify that I am the duly elected, qualified and acting Probate Judge and Clerk of the Probate Court of the County of Bannock, State of Idaho, and I do hereby further certify that the within and hereunto annexed document is a full, true and correct copy of the decrees of distribution of estate now on file and of record in my office in the matter of the estate of Nilsen Swenson, deceased, and of the whole thereof.

as JAMES LARSEN, I have hereunto set my hand and affixed the official seal of the above entitled court, which is a court of record, this 13th day of March, 1933.

(Seal)

Robert J. Vallis
Judge and Clerk of the Probate Court.

RECORDED Mar 13 1933 11 19 AM in Book 65 of Deeds page 444, Records of Bannock County, State of Idaho, at request of Earl J. Carey.

Wm. L. Hall, Recorder

Two \$3.00

Anna Keefe, Deputy

INSTRUMENT NO. 168843

QUIT CLAIM DEED

~~THIS INSTRUMENT, made the 27th day of December in the year of our Lord One thousand Nine hundred and thirty-two between M. H. Roberts and Annie Roberts, husband and wife, of Pocatello, of the County of Bannock and State of Idaho, the parties of the first part, and Ben Hiscamoff, Commissioner of Finance of the State of Idaho, for the use and benefit of Citizens Bank and Trust Company, a banking corporation, of Pocatello of the County of Bannock and State of Idaho, the party of the second part,~~

~~WITNESSETH, that the said parties of the first part, for and in consideration of the sum of one dollar and other valuable consideration lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby present, devise, release and forever quit claim unto the said party of the second part, and to his successors and assigns all these certain lots, pieces and parcels of land situated in Bannock County, of the State of Idaho, particularly described as follows, to-wit:~~

~~The South Twenty-nine and a half (29 1/2) feet of Lot Eleven (11) in Block Three Hundred Sixty-seven (367) in the City of Pocatello, Bannock County, Idaho, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto; and also lots 4, 7, 8 and 9 in Block 367 of the City of Pocatello, Bannock County, Idaho, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto.~~

Instrument 25042

THIS INDENTURE, made this 5th day of October in the year of our Lord, One Thousand and Nine Hundred and 37, between James Swensen, a single man, of Lago, County of Bannock State of Idaho, the party of the first part, and Raymond Swensen, of Lago, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable considerations DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged he does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows to-wit:

Beginning Thirty-nine rods west of the northeast corner of the southeast quarter of the southeast quarter of Section eighteen in Township eleven South of Range 41, East of the Boise Meridian, thence west forty-one rods; thence south forty rods; thence Northeast sixty rods to the place of beginning, containing five and one-eighth acres, more or less.

Northwest Quarter of the Southeast Quarter, Section 18, Township, 11 South Range 41 E.B.M. less the following; Beginning at the Northeast Corner of the Northwest Quarter of the Southeast Quarter, Section 18, Township 11, South Range 41 E.B.M. thence West fourteen rods; thence South eighty rods; thence East fourteen rods; thence North eighty rods to the place of beginning.

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter, Section 18, Township 11 South Range 41 E.B.M., thence West 80 rods; thence South 27 rods; thence East 11 rods; thence South 53 rods; thence East 28 rods; thence Northeast 60 rods; thence North 40 rods to the place of beginning.

Together with all and singular, the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to ___ and assigns forever and the said party of the first part, and he warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said party of the first part, and ___ and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin Whitehead

James Swensen (Seal)

STATE OF IDAHO)
COUNTY OF BANNOCK)

ss.

(\$1.10 I R Stamps)

On this 5th day of October, in the year 1937, before me Alvin Whitehead, a Notary Public in and for said County and State, personally appeared James Swensen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

At request of Raymond Swensen
February 1, 1949 at 3:45 P.M.
Fee \$1.20

Alvin Whitehead
Seal Notary Public
Residence Grace, Idaho

Colin B. Hester
Recorder

Instrument #25265

THIS INSTRUMENT, made this 5th day of October in the year of our Lord, One Thousand Nine Hundred and 37, between James Swensen, a single person, of Lago, County of Bannock, State of Idaho, the party of the first part, and Lona Olorenshaw, of Lago, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged he does by these presents Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to her heirs and assigns forever: All that certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 18, Township 11 South of Range 41 E.B.M. thence West 14 rods; thence South 80 rods; thence East 14 rods; thence North 80 rods; to place of beginning.

(50¢ I.R. Stamps)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to _____ and assigns forever and the said party of the first part, and he warrant the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns against the said party of the first part, and _____ and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin Whitehead

James Swensen (Seal)

STATE OF IDAHO,)
) ss.
COUNTY OF BANNOCK)

On this 5th day of October, in the year 1937, before me Alvin Whitehead, a Notary Public, in and for said County and State, personally appeared James Swensen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

At request of James T. Olorenshaw
April 14, 1949 at 3:19 P.M.
Fee \$1.20

Seal

Alvin Whitehead
Notary Public
Residence Grace, Idaho

Alvin Whitehead
Recorder
- - - 0 0 0 *by J. M. Murphy*

Witness the hand and corporate seal of said greater by order of its Board of Directors this 28th day of April 1941.

(CORPORATE SEAL)

Signed in the presence of

John K. Olson

STATE OF UTAH

County of Cache

THE FIRST NATIONAL BANK OF LOGAN,
Logan, Utah.

By: A. Sonce Executive Vice-President

By: R. H. Hanson Cashier

On this 28th day of April, 1941, personally appeared before me A. Sonce, Executive Vice-President, and R. H. Hanson, Cashier, who being duly sworn did say that they are the Executive Vice-President and Cashier, respectively of the First National Bank, Logan, Utah and that said deed was signed in behalf of said Corporation by authority of its by-laws, and said A. Sonce and R. H. Hanson acknowledged to me that said Corporation executed the same.

(SEAL)
My Commission Expires May 5, 1942

John K. Olson
Notary Public
Residing at Logan, Utah.

Filed for Record June 25, A. D. 1941 at 9:30 o'clock A. M., and recorded in Book 84 of Deeds Page 214. At request of Henry J. Nelson, Agent.

Anna L. Laffa, Recorder

Fee \$1.00

INSTRUMENT NO. 519721

WARRANTY DEED

THIS INSTRUMENT made this 17th day of June in the year of our Lord one thousand nine hundred and forty-one, between Joseph Olorenshaw and Selma Olorenshaw, his wife, of Idaho, County of Lemhi and State of Idaho the parties of the first part, and James T. Olorenshaw of Idaho, County of Lemhi and State of Idaho, party of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of Two Thousand (\$2000.00) DOLLARS lawfully money of the United States of America, and other good and valuable consideration to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, have granted, sold, conveyed, and by these presents, do grant, bargain, sell, convey, and confirm unto the said party of the second part, his heirs and assigns forever, all the following described real estate, situated in Lemhi County, State of Idaho, to-wit:

The Southeast quarter of the Northeast quarter and the Northeast quarter of the Southeast quarter of Section Eighteen (18) in Township 11, South of Range Forty-one (41), East of the 1st Meridian, containing ninety (90) acres, together with a certain water right of 24 inches of water over Shiskey Creek, as shown by that portion of the Let Chance Canal Company Deed in the District Court of the United States for the District of Idaho, Eastern Division, in equity No. 203, and in Paragraph 312 of said Deed.

(\$2.00 L. H. S. duly attached to Deed and recalled.)

TO HAVE AND TO HOLD, with all and singular, the tenants, hereditaments and appurtenances, thereto belonging or in any wise appertaining, and the residue and reversions, remainder and reversion, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, and his heirs and assigns against the said parties of the first part and their heirs and against all and every person and persons, whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever WARRANT.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed, and delivered
in the presence of

Joseph Olorenshaw
Selma Olorenshaw

(SEAL)

(SEAL)

STATE OF Idaho

CO. OF Lemhi

I do hereby Certify

On this 17th day of June in the year 1941, before me, the undersigned Notary Public, in and for the said County and State, personally appeared Joseph Olorenshaw and Selma Olorenshaw, his wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Soda Springs, Idaho, this 25th day of June, 1941, and your first state written.

(SEAL)
My commission expires Sept. 15, 1945

D. E. Nelson
County Public
Recorder Soda Springs, Idaho

Recorded at the request of James Olorenshaw June 25, 1941, at 45 minutes past 5 o'clock A. M.
in Book 4 of Deeds, page 225, Records of Blaine County, State of Idaho. Lugo

Anna Leafe, Recorder

Fee \$1.00

INSTRUMENT NO. 215782

30.0 CLAY BELD

That the said parties to the first part, for and in consideration of the sum of One (\$1,000) DOLLARS lawful money of the United States of America to the said party of the second part, the receipt of which is hereby acknowledged, and for other and lawful consideration, do by these presents devise, transfer and convey unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situated in Blaine County, of the State of Idaho, to wit:

Lot fifteen (15) in the South Twenty (20) feet of Lot thirty (30) in Block forty-one (41) of the Second Addition to "Tracy", according to the official lot thereto.

The consideration herefor is nominal and no U. S. Internal Revenue Documentary Stamp is required hereon.

Together with all and singular, the tenements and appurtenances thereto in anywise appertaining, and the powers and jurisdictions, personal and real, and rents, issues and profits thereof.

IN WITNESS WHEREOF, the said parties to the first part have hereunto set their hands and seals this 25th day of June, 1941, and your first state written.

Witness my hand and seal of office at Soda Springs, Idaho, this 25th day of June, 1941, and your first state written.

Witness my hand and seal of office at Soda Springs, Idaho, this 25th day of June, 1941, and your first state written.

Thos. J. Turner
Evelyn F. Turner

County of Blaine

County of Blaine

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Instrument #20468

WARRANTY DEED

THIS INSTRUMENT, Made this First day of December in the year of our Lord, One Thousand and Nine Hundred and Forty-nine, between Lottie M. Swenson Hansen, formerly Lottie M. Swenson and Alfred Hansen, her husband, of Lago, County of Caribou, State of Idaho, the parties of the first part, and Raymond Swenson and June Swenson, husband and wife, of Lago, County of Caribou, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE AND NO/100THS (\$1.00) DOLLARS, lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged together with other good and valuable considerations, do by these presents, Grant Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows to-wit:

The Southwest quarter of the Northwest quarter (also sometimes described as "Government Lot 24"); the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; all in Section 18, Township 11 South, Range 41 East of Boise Meridian, EXCEPTING THEREFROM TWO (2) SMALL TRACTS DESCRIBED AS FOLLOWS:

Beginning at the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 18; thence running east 3 rods; thence Southeasterly 26 rods to a point 9 rods East of survey line; thence Southeasterly 11 rods to a point 10 rods East of Survey line; thence Southwesterly 15 rods to a point 6 rods East of survey line; thence Southwesterly 32 rods, more or less, to survey line, thence North on said survey line to the place of beginning.

ALSO EXCEPTING, beginning at a point 15 rods south of the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 18; thence Southeasterly 15 rods to a point 6 rods east of survey line; thence Southwesterly 26 rods, more or less, to survey line, thence North along survey line 28 rods to place of beginning.

ALSO: (Including in this conveyance, the following described tract;) Beginning at the Southwest corner of the Southwest quarter of the Southeast quarter of Section 18, Township 11 South, Range 41 East of the Boise Meridian; and running thence NORTH 63 rods, thence EAST 11 rods, thence SOUTH 63 rods, thence WEST 11 rods to the place of beginning.

Subject to all visible and/or recorded rights of way or easements, and to taxes for the year 1949 and subsequent years.

(\$7.15 I.R. Stamps)

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin R. Whitehead

Lottie M. Swenson Hansen
Alfred Hansen

(Seal)
(Seal)

Warranty Deed

THIS INDENTURE, Made this 28th day of February
in the year of our Lord One Thousand Nine Hundred and Sixty Four between
RAYMOND SWENSON and JUNE SWENSON, Husband and Wife
of Grabe County of Gariboni State of Idaho
the part is of the first part, and

DANIEL H. MICKELSON and ROSE MARY MICKELSON, Husband and Wife
of: Lago (Grace), County of Caribou, State of Idaho
the part 1st of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of, SIXTY SIX THOUSAND THREE HUNDRED FOURTEEN AND NO/100 - - - - - DOLLARS, lawful money of the United States of America, for them do have paid by the said part 1st, of the second part, the receipt whereof is hereby acknowledged

And by these presents, Grant, Dargatz, Sell and Conroy unto said part 128
of the second part, and to their heirs and assigns forever. All it does shall with
pieces or parcels of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian

Section 18; Lot 2, BEHN, SWNE $\frac{1}{4}$, ESE $\frac{1}{4}$, WSE $\frac{1}{4}$, NESE $\frac{1}{4}$.
EXCEPT THEREFROM, The following four described tracts:
Exception No. 1: Beginning at the Northeast corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ and running
thence West 11 rods; thence South 80 rods;
thence East 11 rods; thence North 80 rods, to the point of beginning.
Exception No. 2: Beginning at the Northeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ and running
thence West 20 rods; thence South 12 rods;
Thence East 20 rods; thence North 12 rods, to the point of beginning.
Exception No. 3: Beginning at the Northwest corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ and running
thence East 3 rods;
thence Southeasterly 26 rods to a point 9 rods East of the West 1/16th line;
thence Southeasterly 11 rods to a point 10 rods east of said West 1/16th line;
thence Southwestarily 15 rods to a point 6 rods East of said West 1/16th line;
thence Southwestarily 32 rods, more or less, to said West 1/16th line;
thence North on said West 1/16th line, 66 rods to the point of beginning.
Exception No. 4: Beginning at a point 16 rods South of the Northwest
corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ and running
thence Southeasterly 13 rods to a point 6 rods East of the West 1/16th line;
thence Southwestarily 25 rods, more or less, to said West 1/16th line;
thence North 28 rods along said West 1/16th line to the point of beginning.

Section 19: NONE.

Subject to mortgages to The Federal Land Bank of Spokane and Farmers Home Administration, on which a balance in the sum of \$37,167.40, remains due, which sums parties of the second part assume and agree to pay as part of the above named consideration.

Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in full and entire right, unto the said part 108 of the second part, and to their heirs and assigns forever. And the said part 108 of the first part, and their heirs the said premises, in the quiet and peaceable possession of the said part 108 of the second part, their heirs and assigns against the said part 205 of the first part, and their heirs and assigns all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and well warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 188 of the first part he ve hereunto set their hands and seal on the day and year first above written.

Signed, Sealed and Delivered in the Presence of

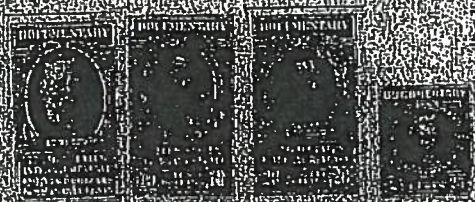
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X. Jane V. Anderson [Seal]

[Sra]

STATE OF IDAHO
 COUNTY OF _____
 ss. I, _____, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of said County.
 IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at the City of Boise, Idaho, this _____ day of _____, 19____.

 County Clerk



NAME	_____
RESIDENCE	_____
DATE OF BIRTH	_____
DATE OF DEATH	_____
DATE OF BURIAL	_____
DATE OF INTERMENT	_____
DATE OF CREMATION	_____
DATE OF BURIAL	_____
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DATE OF BURIAL	_____
DATE OF INTERMENT	_____
DATE OF CREMATION	_____

51-85
 WARRANT DEED

Warranty Deed

THIS INDENTURE, Made this 25th day of January
in the year of our Lord One Thousand Nine Hundred and Seventy-three, between
James T. Olorenshaw and Lena S. Olorenshaw, husband and wife,
of Grace, County of Caribou, State of Idaho,
the parties of the first part, and
Daniel H. Mickelson and Rosa Mary G. Mickelson, husband and wife,
of Grace, County of Caribou, State of Idaho,
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
TWENTY EIGHT THOUSAND AND NO/100 DOLLARS,
lawful money of the United States of America, to them in hand paid by the said part two of the second part, the receipt
whereof is hereby acknowledged

do hereby grant, sell, bargain, sell and convey and confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
situate in part of land situated, lying and being in the County of Caribou, State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 11 South, Range 11 East of the Boise Meridian:

Section 18: SE1/4, NE1/4, and, Beginning at the Northeast corner of NE1/4
and running thence South 80 rods; thence West
14 rods; thence North 80 rods; thence East
14 rods, to the point of beginning.

Together with 39 inches of water covered by entries No. 315 and 337 in the
D-ree entered in the case of Utah Power & Light Co. vs. Last Chance Canal
Company, et al, in the District Court of the United States for the District of
Idaho; Eastern Division, in equity, No. 203.

EXCEPT THEREFROM the following described tract of land:

Beginning at a point 290 feet South of the East Quarter corner of Section 18,
aforesaid, and running
thence West 160 feet; thence South 160 feet;
thence East 160 feet; thence North 160 feet,
to the point of beginning.

Reserving therefrom, unto the parties of the first part, a garage which is not on
a foundation, with the right to said parties of the first part to remove said
garage within a reasonable time from the date hereof.

Together with all and singular, the easements, servitudes and appurtenances thereto belonging or in anywise appertaining, and
the rents, terms and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident
unto the said parties of the second part, and to their heirs and assigns forever. And the said
parties of the first part, and their heirs the said premises in the quiet and peaceable possession
of the said parties of the second part their heirs and assigns against the said part two of the
first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by their private power defend.

IN WITNESS WHEREOF, The said part two of the first part do hereby set their hand and
seal on the day and year first above written,
Signed, Sealed and Delivered in the Presence of

James T. Olorenshaw [Seal]
Lena S. Olorenshaw [Seal]
[Seal]
[Seal]

Deed Exception
in Inst # 76017

STATE OF IDAHO,
County of Caribou.

On this 25th day of January in the year 1973, before me
the undersigned, a Notary Public in and for said County and State, personally appeared
James T. Olorenshaw and Lena S. Olorenshaw, husband and wife,

both persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this day and year in this certificate
above written.



Leonard A. Kingford
Notary Public

Residence and P. O. Address: Soda Springs, Idaho.
My commission expires August 14, 1973.

WARRANTY DEED

76048

James T. Olorenshaw and Lena S.
Olorenshaw, husband and wife.

TO
Daniel R. Mickelson and Rose Mary
G. Mickelson, husband and wife.

Dated January 25, 1973.
STATE OF IDAHO,
County of Caribou.

I hereby certify that this instrument was filed for
record in the office of
Caribou Title Company

a. 30 minutes past 11:00
a.m. on the 30th day
of January, A.D. 1973.

in my office and duly recorded in said County's
instrumental records of said county.
Witness my hand and seal this 25th day of January, 1973.

By *Walter Smith*
Notary Public
Fees \$2.00

Warranty Deed

THIS INDENTURE, Made this 25th day of January, 1900, in the year of our Lord One Thousand Nine Hundred and Seventy-three, between James T. Olorenshaw and Lona S. Olorenshaw, husband and wife, of Grace, County of Caribou, State of Idaho, the parties of the first part, and Daniel H. Mickelson and Rose Mary G. Mickelson, husband and wife, of Grace, County of Caribou, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of THIRTEEN THOUSAND AND NO/100- DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged

do by them present, Grant, Bargain, Sell and Convey unto said parties of the second part, and to their heirs and assigns forever All that certain lot, place or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at a point on the East line of Section 18, Township 11 South, Range 41 East of the Boise Meridian, which point is 290 feet South of the East Quarter Corner of said section, and running thence West 160 feet; thence South 160 feet; thence East 160 feet; thence North 160 feet, to the point of beginning.

Reserving to the parties of the first part the right to remove therefrom a small two room house, the same to be removed within a reasonable time from the date hereof.

Together with all and singular, the tenements, hereditaments and appurtenances thereto in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in anywise appertaining unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs the said premises to the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns against the said parties of the first part, and their heirs, and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

James T. Olorenshaw (Seal)
Lona S. Olorenshaw (Seal)

STATE OF IDAHO,
County of Caribou

On this 25th

day of January

to the year 1973, before me,

Leonard O. Kingsford,

Notary Public

do and for said County and State, personally appear

James T. Olorenshaw and Lona S. Olorenshaw, husband and wife, who are known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they 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.



Leonard O. Kingsford

Residence and P. O. Address: Soda Springs, Idaho.
My commission expires: August 14, 1973.

76017
WARRANTY DEED

James T. Olorenshaw and
Lona S. Olorenshaw,

husband and wife,

to

Daniel R. Mickelson and

Rose Mary G. Mickelson,

husband and wife,

Deed January 25, 1973.

STATE OF IDAHO,

County of Caribou,

I hereby certify that this instrument was filed for record at the request of

Caribou Title Company

at \$10.00 which was paid 1/11/73

where A. H. Inc. 30th day

of January, A. D. 1973.

In my office and duly recorded in and the H-CRO-
film Record of said County.

By *John R. Smith* Notary Public

Fee \$2.00

NOTARY PUBLIC, STATE OF IDAHO

RECEIVED

JAN 21 2011

Rev. 10/09

Page 1 of 5

Department of Water Resources
 EASTERN IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 77048

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Whiskey Creek Ranch, LLC Phone 843-849-1784

Mailing address 427 Rice Hope Drive, Mt. Pleasant, SC 29464 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 Randall C. Budge, Racine Law Office Phone 208-232-16101

Mailing address P.O. Box 1391, Pocatello, ID 83204-1391 Email rcb@racinelaw.net

- ☐ 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.

SUPERCEDED

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.

Randall C. Budge
 Signature of Applicant or Authorized Representative

Randall C. Budge, Esq.
 Print Name and Title if applicable

1-19-11
 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. See attachments for proposal details.

77048

77048

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					
☐ ☐	see attachment			to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 7.25 cubic feet per second and/or 11.9 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 #
Y			SW	SE	7	11 S	41 E	Caribou	Whiskey Creek	
Y			SE	SE	18	11 S	41 E	Caribou	Trout Creek, North Fork	

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	
11 S	41 E	18			40	39			39	40	40			40	32	40	40	26	376
									J, W										
		19	40	40															80

J = Aesthetic Storage; W = Wildlife Storage

Total Acres (for irrigation use) 362.6 w/in 456 PU

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

77048

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 rights(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.: _____
Not applicable.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.
Received by _____ Date _____ Prelim. Check by _____ Date _____
Fee Paid 530.⁰⁰ Date 1-24-2011 Received by JS Receipt # EQ36372
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

77048

TRANSFER PART 1.B.1.
Description of Rights After the Requested Changes.

All	or	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary	Acres Irrigated	Remarks
X			13-687A	0.12 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	34	
X			13-688	0.54 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	34	
		X	13-699A	0.26 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
		X	13-700	0.18 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
		X	13-701	0.31 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	37.4	37.4-acre portion of 170-acre right
X			13-697A (Portion 1)	0.93 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	121.6	
X			13-697A (Portion 2)	0.03 cfs	Diversion to Storage	4/20 - 9/30	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-697A (Portion 2)	9.8 afa	Aesthetic Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-697A (Portion 2)	9.8 afa	Wildlife Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 1)	1.48 cfs	Irrigation	4/20 - 9/30	Whiskey Creek / Bear River	121.6	
X			13-698 (Portion 2)	0.04 cfs	Diversion to Storage	4/20 - 9/30	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 2)	11.9 afa	Aesthetic Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-698 (Portion 2)	11.9 afa	Wildlife Storage	10/1 - 4/19	Whiskey Creek / Bear River		equivalent 3.4-acre portion of 125-acre parent right
X			13-728	1.1 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	55	
X			13-729	0.1 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	5	
X			13-761	0.3 cfs	Irrigation	4/20 - 9/30	Trout Creek / Bear River	15	
X			13-4004	1.6 cfs	Irrigation	5/1 - 10/1	Trout Creek / Bear River	80	
Total authorized under rights <u>6.96</u> cfs and or <u>11.90</u> ac-ft 348 acres within a 456-acre Place of Use									

TRANSFER PART 1.B.5.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) of use:

Last Chance Canal Company (LCCC) shares are also utilized for irrigation within a portion of the described place of use, being within Section 18. LCCC diverts from the Bear River for delivery throughout its system, including to Whiskey Creek Ranch where the ranch's shares are delivered from LCCC's canal system to the small pond described in this application and used for irrigation.

In addition to irrigating the S½ NW¼ Section 18, by agreement with an adjacent property owner, the north pivot operates full circle to also irrigate a portion of the N½ NW¼ using LCCC shares.

Similarly, by agreement with adjacent property owner John Tedrow, the south pivot operates full circle irrigating a portion of the W½ SW¼ Section 18. Water rights appurtenant to these tracts include portions of 13-699A, 13-700, and 13-701 and a 20-acre portion of 13-702. These rights are diverted from the same Whiskey Creek point of diversion described in this application.

TRANSFER ATTACHMENT 2A
Water Right Ownership Documentation: Warranty Deeds / Chain of Title

TRANSFER PART 2A

13-687A

Page _____ of _____

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

Current Water Right No.: 13-687A

Current Owner: DANIEL MICHELSON

Priority Date: 5/1/1876

Origin: Water Right

Status: Active

Basis: Decreed

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/20 to 9/30	0.12 CFS	
	Total Diversion	0.12 CFS	

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18	SENE	T11S R41E S18	NESE
---------------	------	---------------	------

Conditions of Approval:

1. TRANS. 2254.
NOW PUMPED OUT OF RASMUSSEN DITCH.

Decreed Date: 7/14/1920

Dietrich Decree:

13-0687	815.	Joseph Olerenshaw:		of said Section 18.
~~11-0624~~		1876-May 1	0.14 c.f.s.	For the irrigation of 34 acres in the
~~11-0625~~		1905-May 1	0.54 c.f.s.	Southeast quarter of the Northeast quar-
13-0688				ter, and the Northeast quarter of the
				Southeast quarter of Section 18, said
				Township and Range. Said water may
				also be diverted through a ditch diverting
				on the East side of Whiskey Creek near
				the Southeast corner of the Southeast
				quarter of Section 7, said Township and
				Range.

**TRANSFER PART 2A
13-688**

Page _____ of _____

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

Current Water Right No.: 13-688

Current Owner: JOSEPH OLERANSHAW

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

0.54 CFS

Annual Volume

Total Diversion

0.54 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

NE1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

SE1/4SE1/4

Sec. 7, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SENE

T11S R41E S18

NESE

Conditions of Approval:

1. P/U AC IRR=34, P/D BITTON-OLERANSHAW DITCH

Decreed Date: 7/14/1920

Dietrich Decree:

13-0687	815. Joseph Olerenshaw:		of said Section 16.
~~11-0624~~	1870-May 1	0.14 c.f.s.	For the irrigation of 34 acres in the
~~11-0625~~	1905-May 1	0.64 c.f.s.	Southeast quarter of the Northeast quar-
13-0688			ter, and the Northeast quarter of the
			Southeast quarter of Section 18, said
			Township and Range. Said water may
			also be diverted through a ditch diverting
			on the East side of Whiskey Creek near
			the Southeast corner of the Southeast
			quarter of Section 7, said Township and
			Range.

**TRANSFER PART 2A
13-697A**

Page _____ of _____

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

Current Water Right No.: 13-697a

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1881

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

0.96 CFS

Annual Volume

Total Diversion

0.96 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

SW1/4SE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SWNE

T11S R41E S18

SWNW

T11S R41E S18

SENE

T11S R41E S18

NESE

T11S R41E S18

SESE

Conditions of Approval:

1. P/U 125 ACRES.
TRANS. 1671.

Decreed Date: 7/14/1920

Dietrich Decree:

322.	Hyrum Swenson:	
13-0697	1881—May 11— ~~(7)6.5~~ 1.0 c.f.s.	For the irrigation of 125 acres in the East half of the Southwest quarter and Lot 2, the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through ditches diverting from said Whiskey Creek, (1) at a point South 84 degrees West 1750 feet from the Northeast corner of Section 18, (2) at a point South 89 degrees West 2500 feet from the quarter corner on the East boundary of Section 18, said Township and Range, or by means of the Mickelson-Swenson ditch, hereinbefore described.
13-0698	1905—May 11— ~~(7)6.5~~ 1.5 c.f.s.	

TRANSFER PART 2A
13-698

Page _____ of _____

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

Current Water Right No.: 13-698

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

1.5 CFS

Annual Volume

Total Diversion

1.5 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

WHISKEY CREEK

SW1/4SE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

SWNE

T11S R41E S18

SWNW

T11S R41E S18

SENE

T11S R41E S18

NESW

T11S R41E S18

SESW

Conditions of Approval:

1.

P/U 125 ACRES.

Decreed Date: 7/14/1920

Dietrich Decree:

322. Hyrum Swanson:
13.0697 1881—May 11—~~765~~ 1.0 c.f.s.
13.0698 1905—May 11—~~765~~ 1.5 c.f.s.

For the irrigation of 125 acres in the East half of the Southwest quarter and Lot 2, the Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 18, said Township and Range. Said water may also be diverted through ditches diverting from said Whiskey Creek, (1) at a point South 84 degrees West 1750 feet from the Northeast corner of Section 18, (2) at a point South 89 degrees West 2500 feet from the quarter corner on the East boundary of Section 18, said Township and Range, or by means of the Mickelson-Swanson ditch, hereinbefore described.

**TRANSFER PART 2A
13-699A**

Page _____ of _____

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

Current Water Right No.: 13-699a

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1877

Origin: Water Right

Status: Active

Basis: Decreed

**Source
WHISKEY CREEK**

**Tributary
BEAR RIVER**

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/20 to 9/30	1.18 CFS	
	Total Diversion	1.18 CFS	

Location of Point(s) of Diversion

WHISKEY CREEK	NW1/4NE1/4	Sec. 18,	Twp 11S,	Rge 41E B.M.
CARIBOU County				

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18	Lot 3	NWSW	T11S R41E S18	Lot 4	SWSW
T11S R41E S19		NENW	T11S R41E S19	Lot 2	SWNW
T11S R41E S19	Lot 3	NWSW			

Decreed Date: 7/14/1920

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
2-0700	1877-May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of
	1888-May 1	0.8 c.f.s.	the Southeast quarter of Section 18, the
13-0701	1905-May 1	1.4 c.f.s.	Northeast quarter of the Northwest quar- ter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen- Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

**TRANSFER PART 2A
13-700**

Page _____ of _____

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

Current Water Right No.: 13-700

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1983

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.8 CFS

0.8 CFS

Annual Volume

Location of Point(s) of Diversion

WHISKEY CREEK

CARIBOU County

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 Lot 3 NWSW

T11S R41E S19 NENW

T11S R41E S19 Lot 3 NWSW

T11S R41E S18

T11S R41E S19

Lot 4 SWSW

Lot 2 SWNW

Conditions of Approval:

1. **P/U ACRES 170.**

Decreed Date: 7/14/1920

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323. James Swensen:		
13-0700	1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of the Southeast quarter of Section 18, the Northeast quarter of the Northwest quar- ter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen- Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.
	1883—May 1	0.8 c.f.s.	
13-0701	1905—May 1	1.4 c.f.s.	

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

**TRANSFER PART 2A
13-701**

Page _____ of _____

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

Current Water Right No.: 13-701

Current Owner: JAMES SWENSEN

Priority Date: 5/1/1905

Origin: Water Right

Status: Active

Basis: Decreed

Source

WHISKEY CREEK

Tributary

BEAR RIVER

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

1.4 CFS

Annual Volume

Total Diversion

1.4 CFS

Location of Point(s) of Diversion

WHISKEY CREEK

NW1/4NE1/4

Sec. 18, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 Lot 3 NWSW

T11S R41E S18

Lot 4 SWSW

T11S R41E S19 NENW

T11S R41E S19

Lot 2 SWNW

T11S R41E S19 Lot 3 NWSW

Conditions of Approval:

1. P/U 170 ACRES.

Decreed Date: 7/14/1920

Dietrich Decree:

	DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
13-0699	323 James Swensen:		
13-0700	1877—May 1	1.2 c.f.s.	For the irrigation of 170 acres in Lot 3, the North half of Lot 4, the West half of the Southeast quarter of Section 18, the Northeast quarter of the Northwest quar- ter, and Lots 2 and 3 of Section 19, said Township and Range. Said water may also be diverted through the Mickelsen- Swensen Ditch, hereinbefore described, or by means of a ditch having its intake on the west side of Whisky Creek, opposite the point of said Mickelsen-Swensen ditch.
	1883—May 1	0.8 c.f.s.	
	1905—May 1	1.4 c.f.s.	
13-0701			

Appurtenant portion of right identified. This portion appears to have been inadvertently excluded from the Water Right Report.

**TRANSFER PART 2A
13-728**

Page _____ of _____

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

Current Water Right No.: 13-728

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1871

Origin: Water Right

Status: Active

Basis: Decreed

Source

NORTH FORK TROUT CREEK

Tributary

TROUT CREEK

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Diversion Rate

1.1 CFS

Annual Volume

Total Diversion

1.1 CFS

Location of Point(s) of Diversion

NORTH FORK TROUT CREEK

NW1/4

Sec. 17, Twp 11S, Rge 41E B.M.

CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

NESE

T11S R41E S18

NWSE

T11S R41E S18

SWSE

T11S R41E S18

SESE

T11S R41E S19

NENE

T11S R41E S19

NWNE

Conditions of Approval:

1. P/U, AC IRR=55.
P/D INCOMPLETE NW CORNER, SEC. 17, T11S, R41E.

Decreed Date: 7/14/1920

Dietrich Decree:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
886. Hyrum Swensen: 1871—May 1 13-0728	1.1 c.f.s.	To be diverted from said North Fork through a ditch having its intake on the West side of the said North Fork near the Northwest corner of Section 17, Township 11 South, Range 41 East, B.M., for the irrigation of 55 acres of land in the North half of the Northeast quarter of Section 19, and the Southeast quarter of Section 18, said Township and Range.

**TRANSFER PART 2A
13-729**

Page _____ of _____

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

Current Water Right No.: 13-729

Current Owner: JOSEPH OLERANSHAW

Priority Date: 5/1/1900

Origin: Water Right

Status: Active

Basis: Decreed

**Source
NORTH FORK TROUT CREEK**

**Tributary
TROUT CREEK**

Beneficial Use	From To
IRRIGATION	4/20 to 9/30
	Total Diversion

Diversion Rate
0.1 CFS
0.1 CFS

Annual Volume

**Location of Point(s) of Diversion
NORTH FORK TROUT CREEK
CARIBOU County**

NW1/4 Sec. 17, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18 NESE 5.00

Total Acres: 5

Conditions of Approval:

1. P/D INCOMPLETE LEGAL: NW CORNER SEC. 17, T11S, R41E.

Decreed Date: 7/14/1920

Dietrich Decree:

~~11-1655~~ 13-0729

837. Joseph Olerenshaw:
1900—May 1

0.1 c.f.s.

Section 18, and the Southeast quarter of
Section 18, said Township and Range.

To be diverted from said North Fork
through a ditch having its intake there-
from near the Northwest corner of Sec-
tion 17, Township 11 South, Range 41
East, B.M., for the irrigation of 5 acres
in the Northeast quarter of the Southeast
quarter of Section 18, said Township and
Range.

13-0730

**TRANSFER PART 2A
13-761**

Page _____ of _____

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

Current Water Right No.: 13-761

Current Owner: HYRUM SWENSEN

Priority Date: 5/1/1871

Origin: Water Right

Status: Active

Basis: Decreed

Source

MIDDLE FORK TROUT CREEK

Tributary

TROUT CREEK

Beneficial Use

IRRIGATION

From To

4/20 to 9/30

Total Diversion

Diversion Rate

0.3 CFS

0.3 CFS

Annual Volume

Location of Point(s) of Diversion

MIDDLE FORK TROUT CREEK

CARIBOU County

NE1/4SE1/4

Sec. 17, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18

NESE

T11S R41E S18

NWSE

T11S R41E S18

SWSE

T11S R41E S18

SESE

T11S R41E S19

NENE

T11S R41E S19

NWNE

Conditions of Approval:

1. P/U, AC IRR=15.
P/D MEACHAM-SWENSEN DITCH.

Decreed Date: 7/14/1920

Dietrich Decree:

DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
Range 41 East. The following parties are entitled to divert through the said ditch with priorities and in the amounts hereinbelow set forth:		
13-0761 ~~11-3644~~ 358. Hyrum Swensen: 1871—May 1	.3 c.f.s.	For the irrigation of 15 acres of land here- inabove set forth under his diversion from North Fork of Trout Creek.

**TRANSFER PART 2A
13-4004**

Page _____ of _____

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

Current Water Right No.: 13-4004

Current Owner: DANIEL H MICKELSON

Priority Date: 5/1/1971

Origin: Water Right

Status: Active

Basis: Statutory Claim

**Source
TROUT CREEK**

**Tributary
BEAR RIVER**

Beneficial Use From To
IRRIGATION 5/01 to 10/01
Total Diversion

Diversion Rate
1.6 CFS
1.6 CFS

Annual Volume

Location of Point(s) of Diversion

TROUT CREEK
CARIBOU County

SE1/4SE1/4 Sec. 18, Twp 11S, Rge 41E B.M.

Place of Use

IRRIGATION Within CARIBOU County

T11S R41E S18	SWSE	35.00	T11S R41E S18	SESE	5.00
T11S R41E S19	NWNE	40.00			

Total Acres: 80

Last Chance Canal Company Share Certificate No. 337

77 048

TRANSFER PART 2B
13-700

Page _____ of _____

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

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

Right Number: 13-700

[illegible]

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

[illegible]

Total Acres (for irrigation use) 37.4

TRANSFER PART 2B
13-701

Page of

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

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

Right Number: 13-701

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

Total Acres (for irrigation use) 37.4

77 048

TRANSFER PART 2B

Explanation

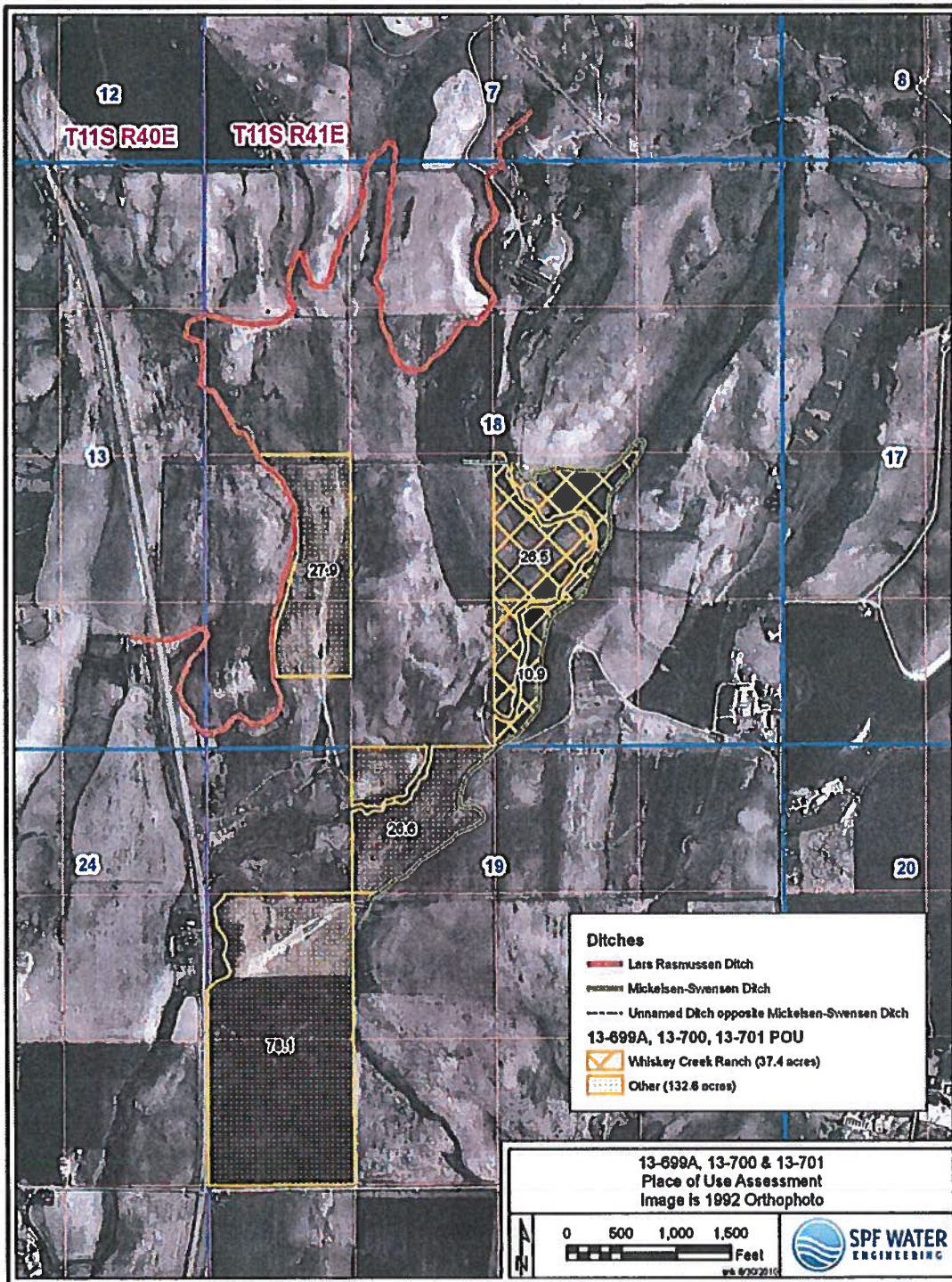
The Dietrich Decree describes places of use for water right nos. 13-699A, 13-700 and 13-701 which include the T11S R41E Section 18 W½ SE¼, which is wholly owned by Whiskey Creek Ranch. For unknown reasons, these tracts were not included in the Department's data entry for these rights and are therefore not included in the water right report printouts. The remainder of these rights is appurtenant to property not owned by Whiskey Creek Ranch.

The 1992 orthophoto imagery is used to identify the location of ditches, some of which have since been removed. USGS 1:24,000-scale quadrangle topographic maps are used to identify lands located below the ditches. Together, these maps demonstrate that a 37.4-acre portion of this set of overlapping rights was deliverable by gravity irrigation methods within Section 18 W½ SE¼. The remaining 132.6 acres were irrigable in tracts not owned by Whiskey Creek Ranch.. This split is summarized in Table 1 below. Orthophoto and topographic maps are presented on the following two pages.

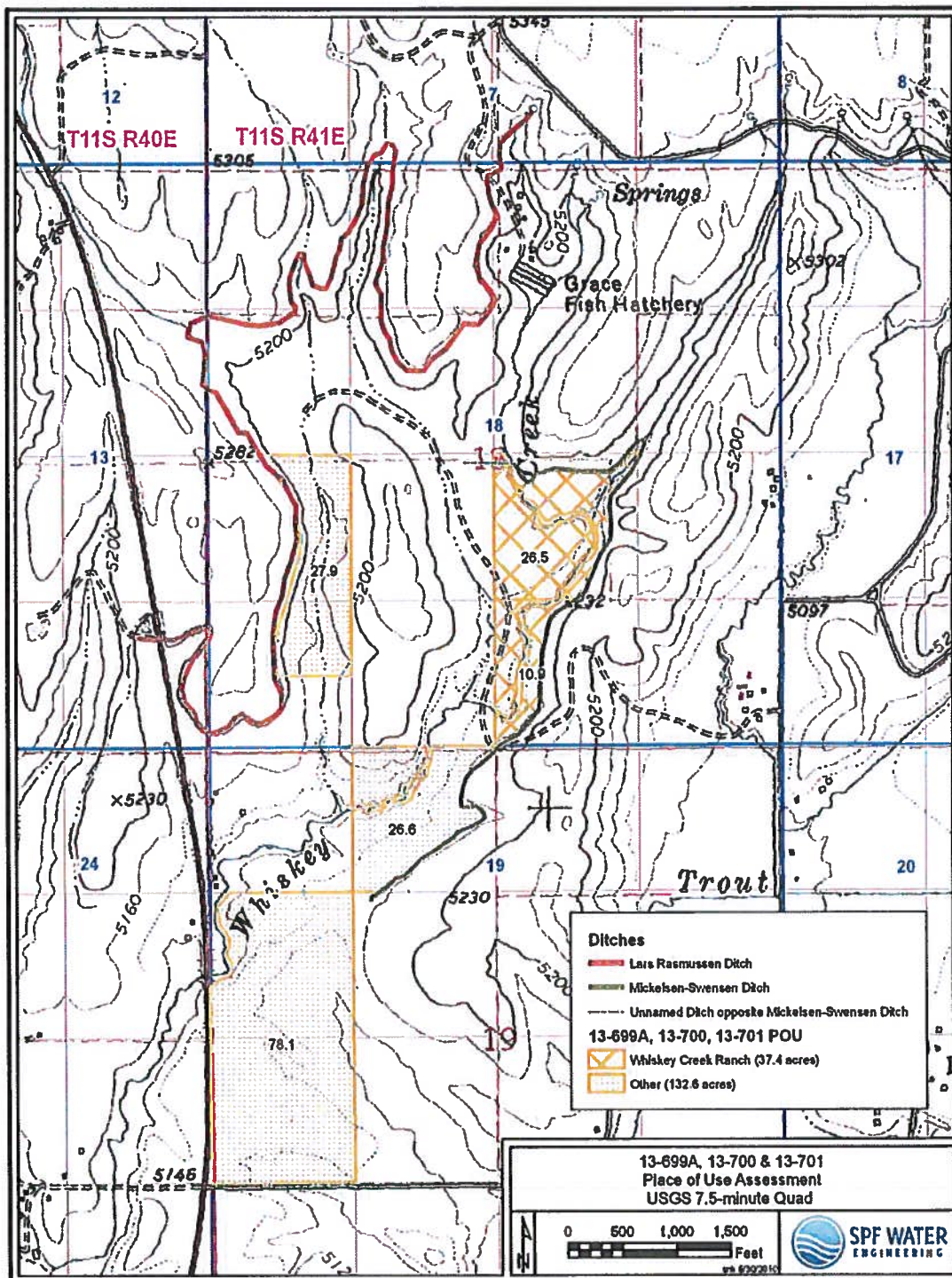
	Base Rt (unsplit)	Whiskey Creek Ranch Portion		Remaining Portion	
	cfs	%	cfs	%	cfs
13-699A	1.18	22%	0.26	78%	0.92
13-700	0.8	22%	0.18	78%	0.62
13-701	1.4	22%	0.31	78%	1.09
Total	3.38		0.74		2.64
Acres	170	22%	37.4	78%	132.6

Table 1: 13-699A, 13-700 and 13-701 split analysis.

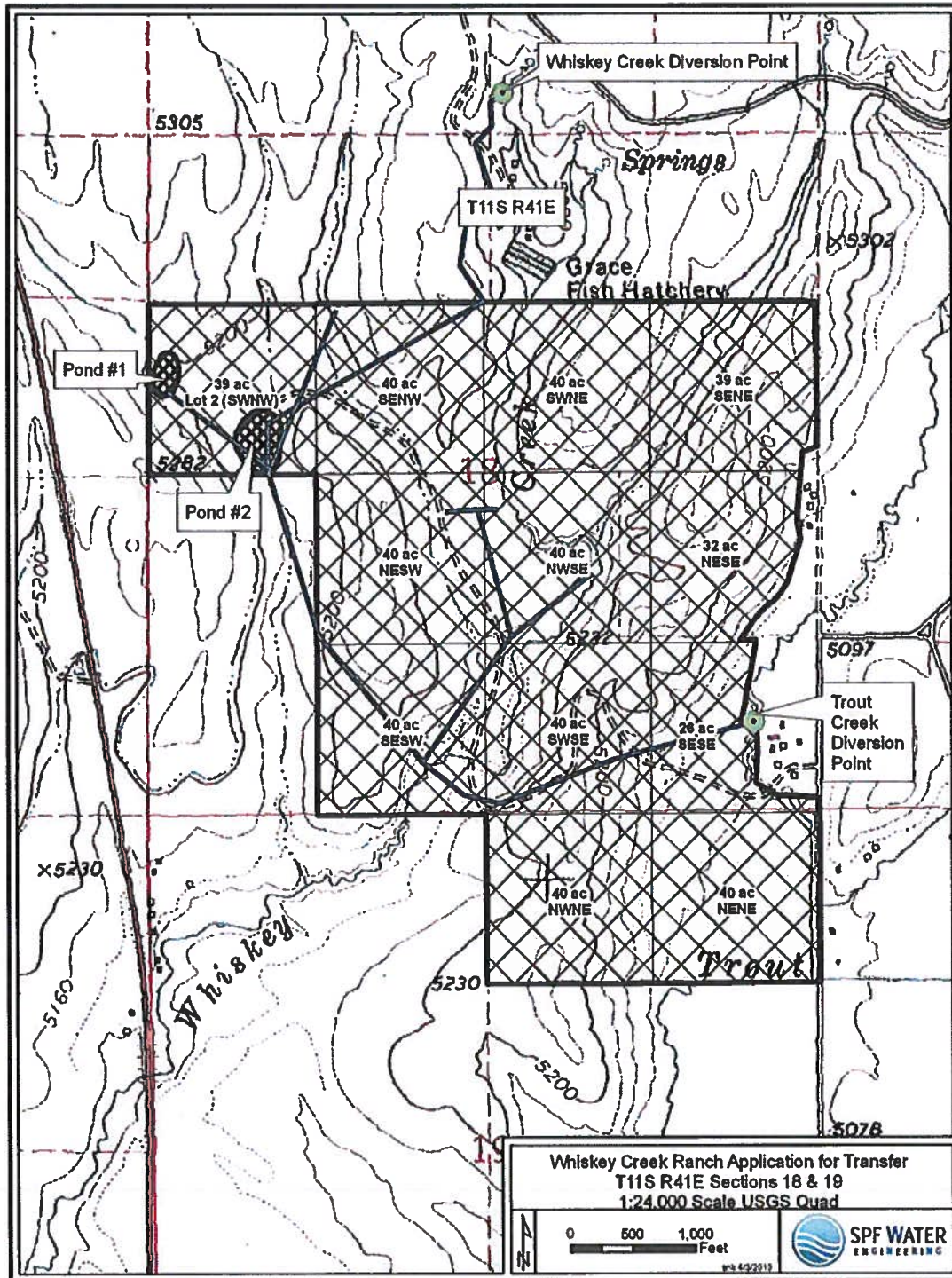
TRANSFER PART 2B
16-699A, 13-700, 13-701 Analysis – 1992 Orthophoto



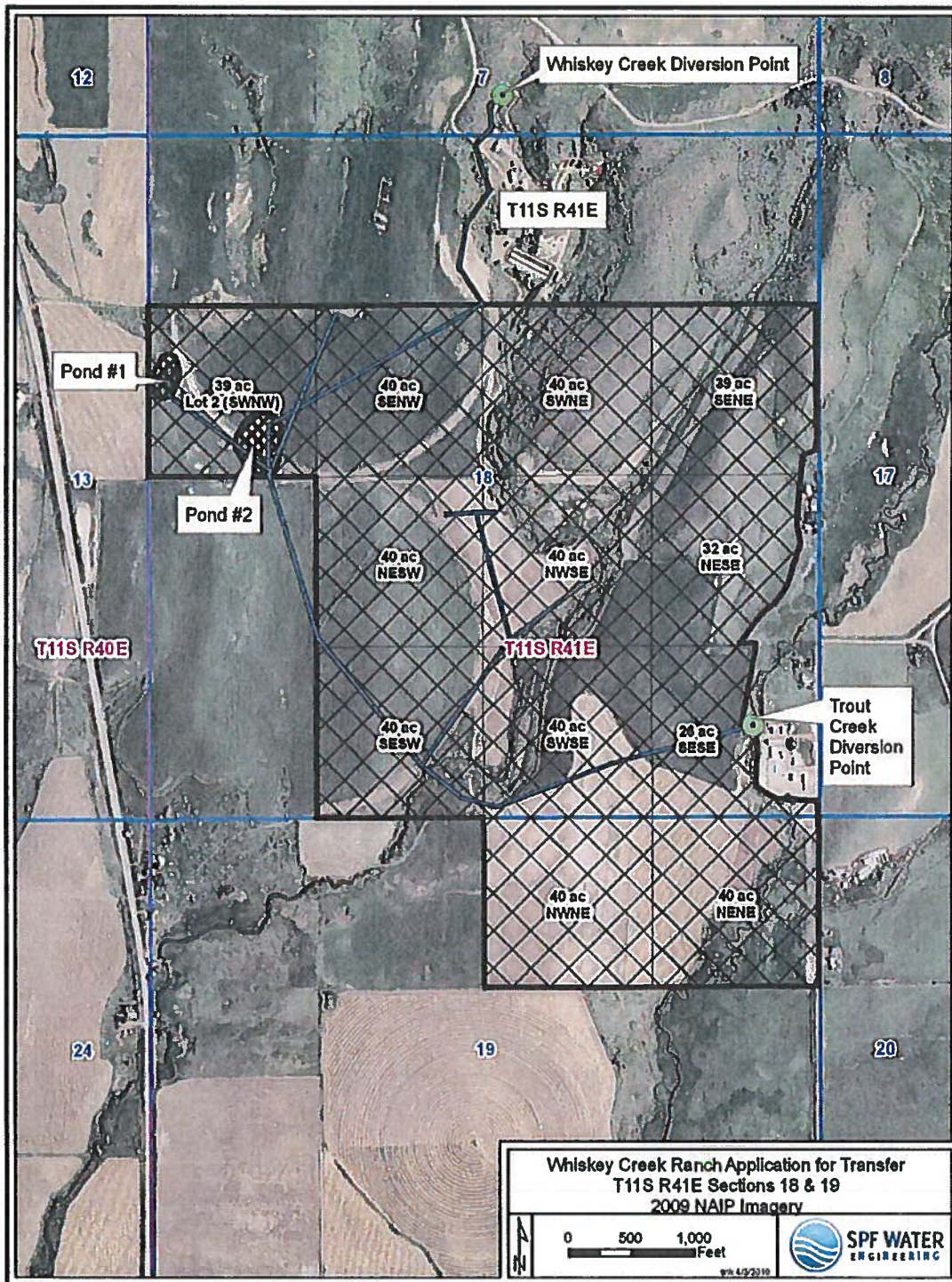
TRANSFER PART 2B
16-699A, 13-700, 13-701 Analysis – USGS Quad Map



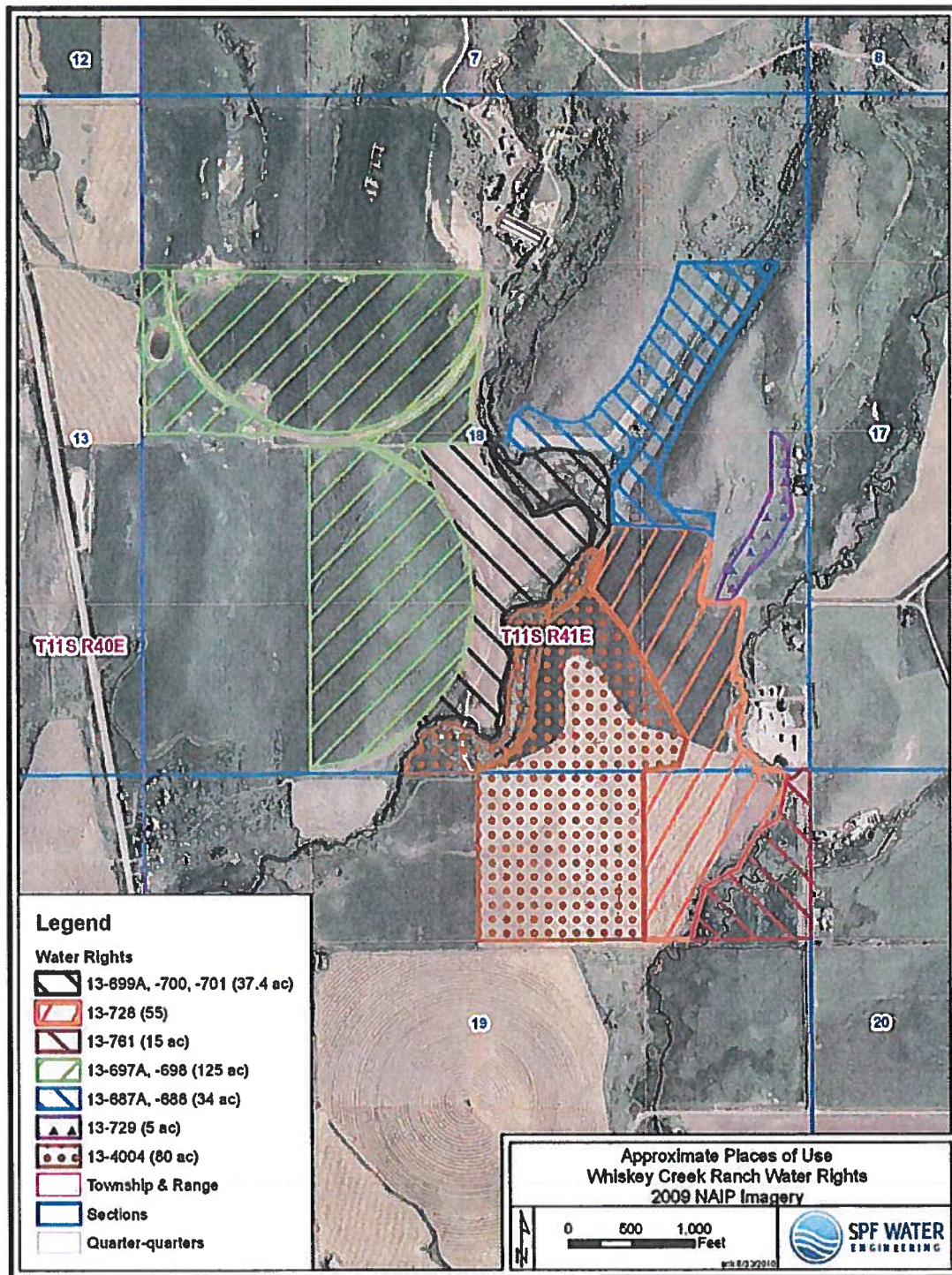
TRANSFER PART 3A, ATTACHMENT #7A-1
USGS Quad Map



TRANSFER PART 3A, ATTACHMENT #7A-2
2009 NAIP Image Map



TRANSFER PART 3A, ATTACHMENT #7B
2009 NAIP Image Map Showing Location and Extent of Existing Acres



**TRANSFER PART 3.B.
ATTACHMENT #8A
CHANGE IN NATURE OF USE (WATER BALANCE)**

Narrative

Water rights 13-687A, 13-688, 13-697A, 13-698, 13-728, 13-729, 13-761, 13-4004 and portions of 13-699A, 13-700 and 13-701 together supply irrigation water for a combined 351.4 acres owned by Whiskey Creek Ranch. In addition to place of use and point of diversion changes, this application changes a 3.4-acre overlapping portion of water rights 13-697A and 13-698 from irrigation to storage uses for two small ponds. The primary purpose for this change in nature of use is mitigation for a corresponding application for permit for these same ponds.

The 3.4-acres of land no longer irrigated include the 1.3 acres of pond #1 itself and 2.1 acres of additional land within the place of use. The volume associated with 3.4-acres of irrigation is changed to pond storage and associated uses. Total combined diversion rate for all uses under the package of rights is unchanged. Consumptive use is projected to decrease by a minor amount because evaporation from the pond surface is less than evapotranspiration from the historic alfalfa crop (per University of Idaho's ETIdaho 2009 data for the Grace climate station). Detailed descriptions of pond use and operation is included with the corresponding application for permit.

Alfalfa, an historical crop grown on the property, has an annual consumptive irrigation volume of 2.07 acre-feet/acre. This transfer changes the nature of use of 0.36 acres from irrigation to accommodate non-irrigation season precipitation deficit pond surface evaporation of 0.17 acre-feet/acre for the 4.4 acres of pond surface:

- 4.4 acres pond x 0.17 af/ac non-irrigation season Pdef evaporation = 0.75 af/yr.
- 0.36 acres alfalfa x 2.07 af/ac Pdef consumptive use = 0.75 af/yr

An additional 3.04 acres of irrigation use is transferred to provide for the pond storage volume in Pond 2:

- Pond 2 storage capacity = 6.2 af/yr
- 3.04 acres alfalfa x 2.07 af/ac Pdef consumptive use = 6.3 af/yr

Expected annual pond evaporation is based on ETIdaho 2009 data for shallow water systems (see **Error! Reference source not found.**). See Table 3 for ETIdaho 2009 data for alfalfa.

Table 4 provides detailed water balance calculations. The pond-associated volume for 13-697A is based on the 0.03 diversion rate associated with 3.4 acres of irrigation and a 164-day irrigation season ($0.03 \text{ cfs} \times 1.9835 \text{ af/cfs-day} \times 164 \text{ days} = 9.8 \text{ af}$). The pond-associated volume for 13-698 is based on the standard field headgate volume of 3.5 af/acre for 3.4 acres ($3.5 \text{ af/acre} \times 3.4 \text{ acres} = 11.9 \text{ af}$). When the two rights are combined, pond-associated volume is based on the standard field headgate volume (11.9 afa).

Open water - shallow systems (ponds, streams)																
Precipitation Deficit																
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual	Comments
Mean	mm/day												mm			
Monthly ^c	-0.55	-0.21	0.24	1.41	1.53	2.92	3.55	2.86	1.71	0.54	-0.25	-0.51	403	0	403	
Days per Month	31	28	31	30	31	30	31	31	30	31	30	31			355	
Irrigation Season															0	April 20 - Sept 30
Non-irrigation season																
Days	31	28	31	19	0	0	0	0	0	31	30	31			201	
Non-irrigation season																
Total Monthly Positive Precipitation Deficit	0	0	7.44	26.79	0	0	0	0	0	16.74	0	0			51	Equivalent to 0.17 ft

Table 2: Pond precipitation-deficit evaporation during the non-irrigation season totals 0.17 feet per acre (ETIdaho 2009, Grace climate station).

Alfalfa - frequent cuttings Precipitation Deficit																
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual	Comments
Mean	mm/day												mm			
Monthly ^c	-0.28	-0.05	0.12	0.69	2.74	4.86	6.05	4.27	2.63	0.63	-0.1	-0.39	630	-29	605	630 mm is equivalent to 2.07 ft

Table 3: Alfalfa precipitation-deficit consumptive use totals 2.07 ft per acre during the growing season (ETIdaho 2009, Grace climate station).

Pre-Transfer	Water Right Elements					Consumptive Use			Comments
	Water Right Number	Source	Use	Rate (cfs)	Acres	Land Cover	Consumptive Use Rate (acre-feet per acre per year)	Consumptive Use (acre-feet per year)	
	13-687A	Whiskey Creek	Irrigation	0.12	34	Alfalfa	2.07	70.3	
	13-688	Whiskey Creek	Irrigation	0.64	34				
	13-687A & 13-688 Combined		Irrigation	0.66	34				
	13-697A	Whiskey Creek	Irrigation	0.96	125	Alfalfa	2.07	256.4	
	13-698	Whiskey Creek	Irrigation	1.5	125				
	13-697A & 13-698 Combined		Irrigation	2.46	125				
	13-699A	Whiskey Creek	Irrigation	0.26	37.4	Alfalfa	2.07	77.3	
	13-700	Whiskey Creek	Irrigation	0.18	37.4				
	13-701	Whiskey Creek	Irrigation	0.31	37.4				
	13-699A, 13-700 & 13-701 Combined		Irrigation	0.74	37.4	Alfalfa	2.07	113.7	
13-726	North Fork Trout Creek	Irrigation	1.1	55					
13-729	North Fork Trout Creek	Irrigation	0.1	5					
13-761	Middle Fork Trout Creek	Irrigation	0.3	15					
13-4004	Trout Cr	Irrigation	1.6	60					
Total (all rights combined)		Irrigation	6.96	351.4	Alfalfa	2.07	726.3		

Post-Transfer	Water Right Elements					Consumptive Use			Comments	
	Water Right Number	Source	Use	Rate (cfs)	Storage Volume (acre-feet per year)	Acres	Land Cover	Consumptive Use Rate (acre-feet per acre per year)		Consumptive Use (acre-feet per year)
	13-687A	Whiskey Creek	Irrigation	0.12		34	Alfalfa	2.07	70.3	
	13-688	Whiskey Creek	Irrigation	0.64		34				
	13-687A & 13-688 Combined		Irrigation	0.66	0	34				
	13-697A	Whiskey Creek	Irrigation	0.93		121.6				Storage volume associated with 13-697A is based on maximum annual diversion volume for the 3.4 acres changed to storage (0.03 cfs x 1.6835 x 184 days = 9.8 afa)
			Diversion to Storage	0.03	9.8					
			Aesthetic Storage		9.8					
			Wildlife Storage		9.8					
	13-698	Whiskey Creek	Irrigation	1.46		121.6				Storage volume associated with 13-698 is based on the standard field headgate volume for the 3.4 acres changed to storage (3.4 x 3.5 = 11.9 afa)
			Diversion to Storage	0.04	11.9					
			Aesthetic Storage		11.9					
Wildlife Storage				11.9						
13-697A & 13-698 Combined			Irrigation	2.39		121.6	Alfalfa	2.07	251.3	
Sum		Diversion to Storage	0.07	11.9		Pond (4.4 acr)	0.17	0.7	Pond Pde/ Evaporative Component Pond #2 Fill Volume Component	
		Aesthetic Storage		11.9		Pond Fill		6.2		
		Wildlife Storage		11.9						
			2.46	11.9	121.6			258.3		
13-699A	Whiskey Creek	Irrigation	0.26		37.4	Alfalfa	2.07	77.3		
13-700	Whiskey Creek	Irrigation	0.18		37.4					
13-701	Whiskey Creek	Irrigation	0.31		37.4					
13-699A, 13-700 & 13-701 Combined		Irrigation	0.74		37.4	Alfalfa	2.07	77.3		
13-726	Whiskey Creek	Irrigation	1.1		65	Alfalfa	2.07	113.7		
13-729	Whiskey Creek	Irrigation	0.1		5	Alfalfa	2.07	10.3		
13-761	Whiskey Creek	Irrigation	0.3		15	Alfalfa	2.07	31.0		
13-4004	Whiskey Creek	Irrigation	1.6		60	Alfalfa	2.07	165.4		
Total (all rights combined)		Multiple	6.96	11.9	348	Combined		726		

Table 4: Water Budget Calculations.

TRANSFER ATTACHMENT 4

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Whiskey Creek Ranch, LLC, 427 Rice Hope Drive, Mt. Pleasant, SC 29464, hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights owed by the Company, and to allow them to receive any and all information, opinions, and records regarding such water rights, and to sign and submit applications and other filings on the Company's behalf.

DATED this 30th day of December, 2010

WHISKEY CREEK RANCH, LLC

Nathan S. Hale

Nathan Hale, Manager

STATE OF South Carolina)
COUNTY OF Charleston) : SS

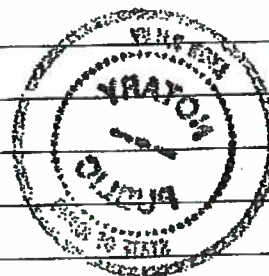
On this 30th day of December, 2010, before me, the undersigned Notary Public, in and for said State and County, personally appeared **NATHAN HALE**, known or identified to me to be the person whose name is subscribed to the above instrument and the Manager of **Whiskey Creek Ranch, LLC**, and acknowledged to me that he executed the same on behalf of said Company.

Laura W. Hogan
NOTARY PUBLIC FOR South Carolina
Residing at: 193 Factors Walk, Summerville, SC 29485
My Commission Expires: NOV. 24, 2013

TRANSFER ATTACHMENT #9A
Watermaster Delivery Records

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS :
1	Nathan Halo	11-624, 634, 625, 635	Rasmussen Ditch
2	John Tatro	11-639, 656, 12"/637, 638	Rasmussen, Mickelson Ditch
3	Angie Mondahl	11-642, 643	Solo
4	Gene Rasmussen	11-640, 641	Solo
5	Michael Tingey	11-627, 628, 624, 630	Mickelson Ditch
6		651, 632, 646	Mickelson Ditch
7		18" / 645	Mondahl Ditch
8	Frank Sorensen	28" / 11-637	Mickelson Ditch
9	Charles Barlow	11-649, 650, 651, 657	Mondahl
10		655, 656, 637	Mondahl
11	Roger Mickelson	7" / 11-645	Mondahl
12	Steve Tingey	11-647	Mondahl
13	Max Nicholas	11-644, 20" / 645	Mondahl
14		45" / 658, 37.5" / 659	Collins
15	Vince Hansen	11-652, 653, 654	Mondahl
16	Riley Mickelson	45" / 11-658, 37" / 659	Collins
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29	Whiskey Creek		
30	13-687 → 13-698		

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Nathan Hale	11-624,634,625,635	Rasmussen Ditch
2	John Tedros	11-639,656 12/637,638	Rasmussen Ditch, Mickelson Ditch
3	Martha Bassett	11-642,643	Solo
4	Gene Rasmussen	11-640,641	Solo
5	Michael Tingey	11-627,628,624,630	Mickelson Ditch
6		651,632,646	Rasmussen Mickelson Ditch
7		18"/645	Mendenhall Ditch
8	Frank Swensen	28"/11-637	Mickelson Ditch
9	Charles Barlow	11-649,650,631,657	Mendenhall Ditch
10		655,656,633	Mendenhall Ditch
11	Roger Mickelson	7"/11-645	Mendenhall Ditch
12	Steve Tingey	11-647	Mendenhall Ditch
13	Max Nichols	11-644, 20"/645	Mendenhall Ditch
14		45"/658, 37.5/659	Collins
15	Dwayne Mendenhall	11-652,653,654	Mendenhall Ditch
16	Riley Mickelson	45"/11-658, 37"/659	Collins
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	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	David Mickelson	11-624, 634, 625, 635	Rasmussen Ditch
2	John Tedroe	11-639, 656, 12"/637, 638	Rasmussen Ditch; Mickelson
3	Martha Bassett	11-642, 643,	Solo
4	Gene Rasmussen	11-640, 641	Solo
5	Mike Tingey	11-627, 628, 624, 630	Rasmussen Ditch
6		651, 632, 646,	Rasmussen Ditch, Mendenhall
7		18"/645	ditch
8	Frank Swensen	28"/11-637	Mickelson Ditch
9	Charles Barlow	11-649, 650, 631, 657	Mendenhall Ditch
10		655, 656, 633	Mendenhall Ditch
11	Roger Mickelson	7"/11-645	Mendenhall Ditch
12	Steve Tingey	11-647	Mendenhall Ditch
13	Max Nichols	11-644, 20"/645	Mendenhall Ditch
14		45"/658, 37.5"/659	Collins
15	Dwayne Mendenhall	11-652, 653, 654	Mendenhall Ditch
16	Riley Mickelson	45"/11-658, 37"/659	Collins
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	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	DANIEL Mickelson	11-0624 11-0625 11-0634 11-0635	
2	John Tedroe	11-0639 3/10 11-0637 11-0636	
3			
4	MARTHA BASSETT	11-0642 11-0643	Solo
5	Gene Rasmussen	11-0640 11-0641	Solo
6			
7	Roger Mickelson	1/2 11-0627 11-0629 1/2 11-0628 11-0630	
8	Mike Tingey	1/2 11-0627 11-0629 1/2 11-0628 11-0630	
9		11-0651 11-0652	
10	John Tedroe	11-0638	Mickelson Ditch
11	FRANK SWENSEN	7/10 - 11-0637	" "
12			
13	CHARLES BARLOW	11-0644 11-0655 11-0650 11-0656 11-0631 11-0633 10" of 11-0637 (To Roger Mickelson)	McArdell Ditch
14			
15			
16	Roger Mickelson	11-0644	" "
17		10" of 0657	
18	Steve Tingey	11-0645	" "
19	Max Nichols	39" 11-0644 11-0646 11-0648	" "
20	Mike Tingey 57"	11-0647 11-0646 11-0644	" "
21	DWAYNE McARDALL	11-0652 11-0653 11-0654	" "
22			
23	Riley Mickelson	1/2 11-0658 11-0659	Collins
24	MAX Nichols	1/2 11-0658 11-0659	Collins
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WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
Daniel Mickelson	11-0624 11-0634 11-0625 11-0635	
John Tedroe	11-0639 11-0636 + 3/10 11-0637	
Martha Bassett	11-0642, 11-0643	
Gene Rasmussen	11-0640, 11-0641	
Roger Mickelson	1/2 11-0627 11-0629 2 11-0628 11-0630	
Mike Tingey	1/2 11-0627 11-0629 2 11-0628 11-0630	11-0651 11-0632
John Tedroe	11-0638	
Frank Swensen	7/10 = 11-0637	
Charles Barlow	11-0649 11-0655 11-0650 11-0656	11-0631 (11-0657) 11-0633 = 10" Roger Mickelson
Roger Mickelson	11-0644 7" + 10"	
Steve Tingey	11-0645	
Michael Tingey	57" = 11-0646 11-0647 11-0644	
Max Nichols	39" = 11-0644 11-0646 (11-0648)	
Dwayne Mendenhall	11-0652 (11-0654) 11-0653	
Riley Mickelson	1/2 11-0658 11-0659	
Lawrence Mickelson	1/2 11-0658 11-0659	

2002

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1	Daniel Mickelson	11-0624 11-0634 11-0625 11-0635	
2	John Tedroe	11-0639 11-0636 + 3/10-11-0637	
3			
4	Martha Bassett	11-0642 11-0643	
5			
6	Gene Rasmussen	11-0640 11-0641	
7			
8	Roger Mickelson	1/2 = 11-0637 11-0629 11-0628 11-0630	
9	Mike Tingey	1/2 = 11-0627 11-0630 11-0628 11-0629	11-0651 11-0632
10	John Tedroe	11-0638	
11	Frank Swensen	7/10-11-0637	
12			
13			
14	Glenn V. Turner	11-0649 11-0655 11-0631 11-0650 11-0656 11-0633	- 10" Roger Mickelson (11-0657)
15	Roger Mickelson	11-0644 7" + 10"	
16	Steve Tingey	11-0645	
17	Michael Tingey	57' - 11-0646 11-0647 11-0644	
18	Max Nichols	39' - 11-0644 11-0646	(11-0648)
19	Dwayne Mendenhall	11-0652 11-0653 (11-0654)	
20			
21			
22	Riley Mickelson	1/2 11-0658 + 11-0658	
23	Lawrence Mickelson	1/2 11-0659 + 11-0658	
24			
25			
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2001

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch								
Daniel Mickelson		47.70	46.16	51.59	52.66	61.23		259.24
John Tedroe		37.98	36.75	41.08	41.85	48.75		206.40
Martha Bassett		17.84	18.23	19.72	20.09	23.40		99.07
Mickelson Ditch								
Roger Mickelson		19.75	19.11	21.36	21.76	25.35		107.33
M. Tingey/D. Robison		46.79	45.28	50.60	51.66	60.08		254.28
John Tedroe		21.27	20.58	23.00	23.44	27.30		115.58
Joe Swensen		10.33	10.00	11.17	11.38	13.26		66.14
Mendenhall Ditch								
Glenn V. Turner		78.08	75.56	84.45	86.04	100.23		424.36
Roger Mickelson		31.60	30.58	34.17	34.82	40.56		171.72
Steve Tingey		13.87	12.94	14.46	14.78	17.16		72.65
Dwayne Mendenhall		43.75	42.34	47.32	48.21	56.16		237.77
Collins Ditch								
Lawrence and Riley		49.52	47.92	53.56	54.57	63.57		269.15
Solo								
Gene Rasmussen		13.37	12.94	14.46	14.73	17.16		72.65
24-hour Sec. Ft. Totals:	0.00	431.11	418.36	468.94	475.75	554.19	0.00	2346.86

Water User	Total 24-hr Sec. Ft.	Total Cost	Adopted Budget	Credit	Debit	Costs:	
Rasmussen Ditch						Watermaster:	
Daniel Mickelson	259.24	\$15.47	\$15.46		(\$0.01)	Total Days:	
John Tedroe	206.40	\$12.32	\$12.31		(\$0.01)	Rate per Day:	
Martha Bassett	99.07	\$5.91	\$5.91		(\$0.00)	OR Rate per Season:	\$120.00
						Total:	\$120.00
Mickelson Ditch						Assistant Watermaster:	
Roger Mickelson	107.33	\$6.40	\$6.40		(\$0.00)	Total Days:	
M. Tingey/D. Robison	254.28	\$15.17	\$15.26	\$0.09		Rate per Day:	
John Tedroe	115.58	\$6.90	\$6.89		(\$0.01)	OR Rate per Season:	\$20.00
Joe Swensen	66.14	\$3.35	\$3.35	\$0.00		Total:	\$20.00
						Other pro rata expenses:	
Mendenhall Ditch						Total for Season:	\$0.00
Glenn V. Turner	424.36	\$25.32	\$25.30		(\$0.02)	Non-consumptive Costs:	
Roger Mickelson	171.72	\$10.25	\$10.24		(\$0.01)	Total for Season:	\$0.00
Steve Tingey	72.65	\$4.33	\$4.33		(\$0.00)		
Dwayne Mendenhall	237.77	\$14.19	\$14.16		(\$0.01)	Totals:	
						Watermaster:	\$120.00
Collins Ditch	0.00	\$0.00	\$0.00			Assistant:	\$20.00
Lawrence and Riley	269.15	\$16.06	\$16.04		(\$0.02)	Other Pro rata expenses:	\$0.00
						Total Cost:	\$140.00
Solo	0.00	\$0.00	\$0.00			Non-consumptive Cost:	(\$0.00)
Gene Rasmussen	72.65	\$4.83	\$4.33		(\$0.00)	Cost distributed pro rata:	\$140.00
						Cost per 24-hr Sec. Ft.:	\$0.0586670
Totals:	2346.86	\$140.00	\$140.00	\$0.09	(\$0.09)		

	WATER RIGHT OWNER	IDWR WATER RIGHT IDENT No.	DIVERSION NAME / REMARKS
1			(Rasmussen Ditch)
2			Daniel Mickelson
3			John Tedroe
4			Martha Bassett
5			(Mickelson Ditch)
6			Mike Tingey (Owner)
7			Roger Mickelson
8			Michael Tingey
9			John Tedroe
10			Frank Swenson
11			(Mendenhall Ditch)
12			Glenn V. Turner
13			Roger Mickelson
14			Steve Tingey
15			Dwayne Mendenhall
16			(Collins Ditch)
17			Riley + Lawrence Mickelson
18			(Solo)
19			Gene Rasmussen
20			
21			
22			
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1999

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch:								
Daniel Mickelson		44.78	46.18	51.59	61.32	62.17		286.02
John Tedrow		35.65	36.75	41.07	48.83	49.50		211.80
Martha Bassett		17.11	17.64	19.72	23.44	23.76		101.67
Mickelson Ditch:								
Duane Robison		18.82	19.40	21.69	25.78	26.14		111.83
Michael Tingey		25.38	26.17	29.25	34.76	35.24		160.80
John Tedrow		19.96	20.68	23.00	27.34	27.72		118.60
Roger Mickelson		18.64	19.11	21.36	25.39	25.74		110.14
Joe Frank Swenson		9.70	10.00	11.17	13.28	13.46		57.61
Mendenhall Ditch:								
Glenn Turner		73.30	76.66	84.45	100.38	101.77		435.46
Steve Tingey		12.55	12.94	14.46	17.19	17.42		74.66
Roger Mickelson		29.68	30.68	34.17	40.62	41.18		176.21
DeWayne Mendenhall		41.07	42.34	47.32	56.26	57.02		244.00
Collins Ditch:								
Lawrence/Riley Mickelson		46.49	47.92	53.56	63.67	64.55		276.19
Solo:								
Gene Rasmussen		12.55	12.94	14.46	17.19	17.42		74.66
24-hour Sec. Ft. Totals:	0.00	405.66	418.09	487.27	655.44	663.09	0.00	2409.45

Water User	Total 24-hr Sec. Ft.	Total Cost	Total Non- consumptive	Adopted Budget	Credit	Debit
Rasmussen Ditch:						
Daniel Mickelson	286.02	\$15.48		\$15.48	\$0.00	
John Tedrow	211.80	\$12.31		\$12.31	\$0.00	
Martha Bassett	101.67	\$5.91		\$5.91	\$0.00	
Mickelson Ditch:						
Duane Robison	111.83	\$6.50		\$6.50	\$0.00	
Michael Tingey	160.80	\$8.76		\$8.76		(\$0.01)
John Tedrow	118.60	\$6.89		\$6.89		(\$0.00)
Roger Mickelson	110.14	\$6.40		\$6.48	\$0.08	
Joe Frank Swenson	57.61	\$3.35		\$3.35	\$0.00	
Mendenhall Ditch:						
Glenn Turner	435.46	\$25.30		\$25.30		(\$0.00)
Steve Tingey	74.66	\$4.33		\$4.33		(\$0.00)
Roger Mickelson	176.21	\$10.24		\$10.17		(\$0.07)
DeWayne Mendenhall	244.00	\$14.18		\$14.18	\$0.00	
Collins Ditch:						
Lawrence/Riley Mickelson	276.19	\$16.05		\$16.04		(\$0.01)
Solo:						
Gene Rasmussen	74.66	\$4.33		\$4.33		(\$0.00)
Totals:	2409.45	\$140.00	\$0.00	\$140.00	\$0.08	(\$0.08)

Costs:

Watermaster:

Total Days:	
Rate per Day:	
OR Rate per Season:	\$120.00
Total:	\$120.00
Other pro rata expenses:	
Total for Season:	\$20.00

Assistant Watermaster:

Total Days:	
Rate per Day:	
OR Rate per Season:	
Total:	\$0.00
Non-consumptive Costs:	
Total for Season:	\$0.00

Totals:

Watermaster:	\$120.00
Assistant:	\$0.00
Other Pro rata expenses:	\$20.00
Total Cost:	\$140.00
Non-consumptive Cost:	(\$0.00)
Cost distributed pro rata:	\$140.00
Cost per 24-hr Sec. Ft.:	\$0.0581045

Water User	Monthly Totals of 24-hour Second Feet for Irrigation Season							Total 24-hr Sec. Ft.
	April	May	June	July	August	September	October	
Rasmussen Ditch:								
Daniel Mickelson		45.760	53.690	58.400	68.140	68.770		294.75
John Tedros		38.430	42.750	46.500	64.250	54.750		234.68
Martha Bassett		17.480	20.520	22.320	26.040	26.280		112.64
Mickelson Ditch:								
Duane Robison		19.230	22.570	24.550	28.640	28.910		123.90
Roger Mickelson		18.940	22.230	24.180	28.210	28.470		122.03
Michael Tingey		25.930	30.440	33.110	38.630	38.980		167.09
John Tedros		20.400	23.940	26.040	30.880	30.660		131.42
Joe Swensen		9.910	11.630	12.650	14.760	14.690		63.84
Mendenhall Ditch:								
Glenn V. Turner		74.890	87.890	95.600	111.540	112.570		482.49
Roger Mickelson		30.310	35.570	38.690	45.140	45.550		195.26
Steve Tedros		12.820	15.050	16.370	19.100	19.270		82.61
Dwayne Mickelson		41.960	49.250	53.570	62.500	63.070		270.35
Collins Ditch:								
Lawrence/Riley Mickelson		47.500	55.750	60.640	70.740	71.390		306.02
Solo:								
Gene Rasmussen		12.820	15.050	16.370	19.100	19.270		82.61
24-hour Sec. Ft. Totals:	0.000	414.370	486.330	528.990	617.170	622.830	0.000	2669.69

Water User	Total 24-hr Sec. Ft.	Total Cost	Adopted Budget	Credit	Debit	Costs:	
Rasmussen Ditch:						Watermaster:	
Daniel Mickelson	294.75	\$15.48	\$15.48			Total Days:	
John Tedros	234.68	\$12.31	\$12.31			Rate per Day:	
Martha Bassett	112.64	\$5.91	\$5.91			OR Rate per Season:	\$120.00
						Total:	\$120.00
Mickelson Ditch:						Assistant Watermaster:	
Duane Robison	123.90	\$6.50	\$6.50			Total Days:	
Roger Mickelson		\$6.48	\$6.48			Rate per Day:	
Michael Tingey	167.09	\$8.78	\$8.78			OR Rate per Season:	\$20.00
John Tedros	131.42	\$6.89	\$6.89			Total:	\$20.00
Joe Swensen	63.84	\$3.35	\$3.35			Other pro rata expenses:	
						Total for Season:	
Mendenhall Ditch:						Non-consumptive Costs:	
Glenn V. Turner	482.49	\$25.30	\$25.30			Total for Season:	
Roger Mickelson	195.26	\$10.17	\$10.17				
Steve Tedros	82.61	\$4.33	\$4.33			Totals:	
Dwayne Mickelson	270.35	\$14.18	\$14.18			Watermaster:	\$120.00
						Assistant:	\$20.00
Collins Ditch:						Other Pro rata expenses:	\$0.00
Lawrence/Riley Mickelson	306.02	\$16.03	\$16.03			Total Cost:	\$140.00
Solo:							
Gene Rasmussen	82.61	\$4.33	\$4.33			Non-consumptive Cost:	(\$0.00)
Totals:	2547.68	\$140.00	\$140.00	\$0.00	(\$0.00)	Cost distributed pro rata:	\$140.00
						Cost per 24-hr Sec. Ft.:	\$0.0524405

DITCH	WATER RIGHTS
(RASMUSSEN DITCH)	
DANIEL MICKELSON	11-624 625 634 635
JOHN TEDROE	11-636 3/10- 637 639.
MARTHA BASSETT	11-642 643
(MICKELSON DITCH)	
DUANE ROBISON	1/2-11-627 628 629 630
ROGER MICKELSON	1/2-11-627 628 629 630
MICHAEL TINGEY	11-0632 11-0651
JOHN TEDROE	11-0638
JOE SWENSEN	7/10-11-0637
(MENDENHALL DITCH)	
GLENN V. TURNER	11-649 650 655 656 631 633 (657)
STEVE TINGEY	11-0645
DWAYNE MENDENHALL	11-652 653 (654)
(COLLINS DITCH)	
LAWRENCE & RILEY MICKELSON	11-658 659 (660)
(SOLO)	
GENE RASMUSSEN	11-0640 11-0641

1996

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE: STATUTORY CLAIM NO. 13-4004

AFFIDAVIT OF DANIEL MICKELSON

STATE OF IDAHO)
 :ss.
County of Caribou)

The undersigned, DANIEL MICKELSON, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

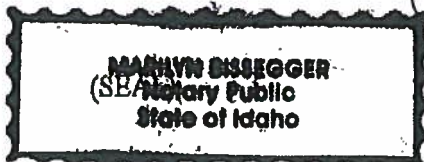
1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 109 S. 2nd West, Grace, ID 83241. My telephone number is: 208-425-9988.
4. I have resided in Grace, Idaho my entire life, which is 81 years, except from May 15, 1958 to May 15, 1963 when I resided at Basalt, Idaho.
5. I am familiar with water use from the north fork of Trout Creek tributary to the Bear River in Caribou County.
6. The property located at: Township 11 South, Range 41 East, Sections 19 NWNE ¼ ¼ and Section 18, SWSE ¼ ¼ and SESE ¼ ¼ which is the subject of statutory claim number 13-4004 (former right number 11-4036), is very familiar to me since I owned and worked this land for approximately 43 years.

7. I filed statutory claim number 13-4004 for 1.6 cfs to irrigate 80 acres of land on my property to raise alfalfa, hay and barley. The point of diversion description for this statutory claim is Township 11 South, Range 41 East, Section 18, SESE ¼ ¼. A true and correct copy of the Claim To a Water Right Established by Diversion and Application to Beneficial Use signed by me on April 17, 1973 is attached hereto as Exhibit A.
8. This water use began and continued from 1971 to 2006 when it was sold to Nathan Hale.
9. I personally observed water being put to beneficial use to raise crops continuously after it was sold in 2006 to the present date.
10. There is presently no active water district for North Fork reach of Trout Creek and there has not been an active water district been in existence for at least a couple of decades.
11. FURTHER AFFIANT SAITH NAUGHT.

DATED: This 10 day of 12, 2010.

Daniel H. Mickelson
Daniel Mickelson, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 12th day of October, 2010.



Nancy Burgess
Notary Public for Idaho
Residing at: Montpelier
Commission expires: 04/14/14

13 4004

Identification No. _____

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Daniel H. Mickelson
 post office address Star Route #344 Idaco, Idaho

2. The point of diversion is in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 18 Township 11 S
 Range 41 E B.M. located on Trout Creek
(name of source)
 tributary to Bear River in Caribou County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

May 1, 1971 amount: 80 inches c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 _____ amount: _____ c.f.s. or _____ acre feet
 Total claimed 1.6 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from May 1, 1971 to October 1 (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive)
 use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of concrete
with plank cheeks; length is 12 feet; height is 4 feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: Is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
 capacity of pump is _____ g.p.m.; name and address of well driller is _____

13 4004

77048

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 3960 feet; diameter of pipe line is 12 inches; type of pipe steel - lined - wrapped; grade of pipe per 1000 feet is varies - lift is 186 ft.
Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. the increase

2-50 hpr motors are used to pump said water thru pipeline, and sprinkler laterals onto land.

d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

If feeder canal is used give maximum carrying capacity _____ c.f.s.; If reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe None

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 80

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

- b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
The other users and their respective
interests in the ditch are (if known) _____
6. Where water is used for stock watering, give number of each kind of stock watered _____
7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____
8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Since we bought our present farm
10 years ago we have expanded and since
we own sprinkler system to cover this
additional 80 acres of land to more
completely utilize our land for raising
alfalfa hay and barley in compliance
with Soil Conservation Service specifications.
This system was designed and
engineered by S.C.D.
We are in cooperation with S.C.D.
on our entire farm.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

4-17-73
(Date)

David H. Mickelson
(Signature of Claimant)

State of Idaho

County of Franklin ss.

On this 17 day of April, 1973, personally appeared before me the signer of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Clifford J. Randall
Notary Public residing at Prater, Idaho

My commission expires 4-16-74

For Department Use Only

Received by <u>SA</u> Date <u>4-18-73</u>	Exception filed by: _____	Forwarded to claimant by: _____	Date _____
Prelim. check by <u>NCY</u> Date <u>4/19/73</u>	_____	_____	_____
Fee received by <u>CU</u> Date <u>4-23-73</u> Fee \$ <u>10.00</u> <u>R# 1164</u>	_____	_____	_____
Approved for publication by <u>NCY</u>	_____	_____	_____
Published in <u>Franklin State Sun</u> Date <u>5-3-73</u>	_____	_____	_____
Publication App'd <u>5/15/73</u> <u>NCY</u>	_____	_____	_____

77048

13 4004

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: If you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	Claim	Application No.	Name
(1)			<u>B-4004</u>	<u>11-4036</u>	<u>D. H. Mickelson</u>
(2)	<u>JF</u>	<u>4/26/73</u>	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/I ☒ Place of Use ☒ Map ☒ Fee		
(3)	<u>JF</u>	<u>4/26/73</u>	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management		
(4)	<u>JF</u>	<u>4/26</u>	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.		
(5)	<u>JF</u>	<u>4/26</u>	In form for advertising <u>Yes</u>		
(6)	<u>JF</u>		Affidavit of Publication received _____		
(7)			Final date for protests _____ Protests received: yes _____ no _____		
(8)			Date and Place of hearing _____ Decision reached at hearing _____		
(9)	<u>JF</u>	<u>4/26</u>	Located within Water District No. <u>13</u>		
(10)	<u>N/A</u>		Critical groundwater area: yes _____ no _____		
(11)	<u>N/A</u>		Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____		
(12)	<u>JF</u>	<u>4/26</u>	Comments: <u>Location is in Basin 13 rather than 11.</u>		
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval		
(14)			District _____ By _____ Date _____ Title _____		

MAY 17 1973

Department of Water Administration
13 4004

TRANSFER ATTACHMENT 9B-2
Evidence of Use of Water Rights 13-728, 13-729 and 13-4004 and
Information Regarding Water Districts 13P and 13Q

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE WATER RIGHT NUMBERS 13-728, 13-729 and 13-761

SECOND AFFIDAVIT OF DANIEL MICKELSON

STATE OF IDAHO)
 :ss.
County of Caribou)

The undersigned, DANIEL MICKELSON, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 109 S. 2nd West, Grace, ID 83241. My telephone number is: 208-425-9988.
4. I have resided in Grace, Idaho my entire life, which is 81 years, except from May 15, 1958 to May 15, 1963 when I resided at Basalt, Idaho.
5. I am also familiar with water use from the middle fork of Trout Creek tributary to the Bear River in Caribou County, which is Water District 13Q.
6. The property located at: Township 11 South, Range 41 East, Section 19 NENE ¼ ¼, NWNE ¼ ¼ and Section 18, NESE ¼ 1/4 , NWSE ¼ 1/4 ,

AFFIDAVIT OF DANIEL MICKELSON - Page 1

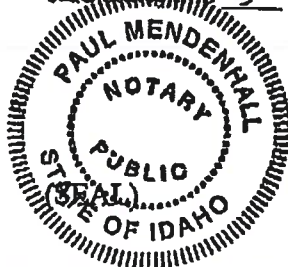
SWSE ¼ ¼ and SESE ¼ ¼ is very familiar to me since I owned and worked this land for approximately 43 years.

7. Water right number 13-761 contain the places of use as described in paragraph 6.
8. The watermaster report for Water District 13Q does not show delivery of water right number 13-761 because it is a flood water right and used when there is sufficient water in the creek to meet all water rights.
9. I am also familiar with the use and delivery of water right numbers 13-728 and 13-729 from the North Fork of Trout Creek. The water for these rights has been continuously used throughout the past 40+ years and continued on through 2006 when it was sold to Nathan Hale.
10. I personally observed water being put to beneficial use to raise crops on the land owned by Mr. Hale, continuously after it was sold in 2006 to the present date.
11. FURTHER AFFIANT SAITH NAUGHT.

DATED: This 5 day of Jan, 2010.

Daniel R. Mickelson
Daniel Mickelson, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 5 day of Jan, 2010.



Paul Mendeshall
Notary Public for Idaho
Residing at: Grace
Commission expires: 6-10-16

AFFIDAVIT OF DANIEL MICKELSON - Page 2

TRANSFER ATTACHMENT 9B-3
Evidence of Recent Use of Water Rights 13-728, 13-729 and 13-4004

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES
RE: USE OF WATER RIGHTS 13-728, 13-729, 13-4004
AND WHISKEY CREEK RANCH TRANSFER APPLICATION

AFFIDAVIT OF KENT CLEGG

STATE OF IDAHO)
 :SS.
County of Caribou)

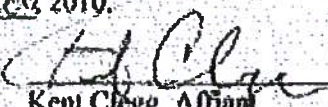
The undersigned, KENT CLEGG, being first duly sworn under oath, deposes and states that the following is true and correct to the best of his knowledge, information and belief:

1. I am of full age and competent to testify to the information contained in this Affidavit.
2. I have personal knowledge of the information contained in this Affidavit.
3. My residence is located at 2372 Clegg Lane, Grace, ID 83241.
4. I run the ranch that is known as Whiskey Creek Ranch, LLC, owned by Mr. Nathan Hale. I have operated the ranch since 2006 and am familiar with water use from the north fork of Trout Creek tributary to the Bear River in Caribou County and the use of water under water right nos. 13-728, 13-729 and 13-4004.
5. I personally diverted water under water right nos. 13-728, 13-729 and 13-4004 each year since 2006 and used all the water available under these water rights, between 2 and 3 cfs, from the north fork of Trout Creek for irrigation purposes on the ranch.

6. There is presently no active water district for North Fork reach of Trout Creek and there has not been an active water district since I have began operating the ranch.

7. FURTHER AFFIANT SAITH NAUGHT.

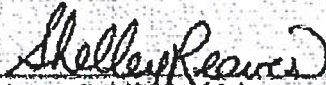
DATED: This 20 day of October, 2010.


Kent Clegg, Affiant

SUBSCRIBED AND SWORN to before me, a Notary Public in and for said state, this 20 day of October, 2010.

(SEAL)




Notary Public for Idaho
Residing at: Grace
Commission expires: 3/19/15

DEED RECORD

THIS INSTRUMENT, MADE the ... day of ... in the year of our Lord one thousand ... and ... between ... and ...

of _____, San Bernardino County of
Orange _____, State of California, the parties of the first part, and
Helen Margaret _____, _____ of _____ Lake
County of _____, Idaho, the party of the second part,

WITNESSETH: That the said part 4th of the first part, for and in consideration of the sum of... Dollars,
Five Thousand (\$5000.00)

of the United States of America, to his . . . in hand paid by the said part . . . of the second part, the receipt whereof
 is hereby acknowledged, do . . . by these presents grant, bargain, sell and convey and confirm unto the said part . . . of the second part
 and to his . . . heirs and assigns forever: All th^{at} certain lot . . . or parcel . . . of land, situate, lying and being in
 the County of Hancock, and State of Idaho, bounded and more particularly described as follows, to-wit:

The North half of the North-east quarter of Section nineteen (19) and commencing at the south-east corner of Section eighteen (18) thence running north eighty three degrees and thirty-nine minutes (83° 39') rods, thence south east forty-one (41) rods to the South of the North-west corner of the southeast quarter of the southwest quarter of section eighteen, thence running South, forty (40) rods thence East eight rods to point of beginning. Also beginning thirty nine (39) rods east of the south-west corner of the Southeast quarter of the southeast quarter of section eighteen (18) thence east forty-one (41) rods thence North forty (40) rods, thence south west sixty (60) rods to point of beginning all in Township eleven (11) North of Range forty-one east of Boise Meridian, less one acre in the northeast corner of the South east quarter of the southeast quarter of section eighteen (18) b which previously been added to the Presbyterian Church. Also fifteen inches of above said water from the Middle Fork of Trout Creek, and fifty-five inches from the North Fork of Trout Creek according to a certain decree issued out of the District Court of the Fifth Judicial District of the State of Idaho and dated November 2nd, 1907.

Together with all our singular investments, investments and opportunities through technology, we in various applications, and the rents, issues and profits therein.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said part .2. of the second part and to his heirs and assigns forever. And the said part .300 of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said part .2. of the second part --- his heirs and assigns against the said part .200 of the first part, and his heirs, and against all and every person whatsoever lawfully claiming or to claim the same, shall and will warrant, and by these presents bar and defend.

IN WITNESS WHEREOF, the said part 10 doth the first part in us herunto set. The 11th day of the month of April 1881.

Signed, sealed and delivered in the presence of

.....Wm. H. Mendenhall

.....John E. McDevitt

Frank Lushner

Oleiv M. Lushner

[SEAL]

[SEAL]

[SEAL]

STATE OF IOWA
County of ...
Before me ...
personally appeared ...
known to me to be the person ...
described (the name).

On this ... day of ...
Notary Public,
Oleno M. Lunher his wife,
subscribed to the within instrument, and acknowledged to me that ...

In the year, 1910
In and for said County.

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

Wm. H. Mendenhall
Notary Public Thatcher, Idaho.

Recorded at the request of Kyrus Swanson this 25th day of April, 1911.

For \$1.00
By
Havel Downey
Recorder
Input

DEED RECORD

608

Recorded Jan 1971
In Book 10, Page 100, 101, 102, 103

THIS INSTRUMENT was the
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Plot
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Joseph Clapenham

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BANNOCK COUNTY, IDAHO

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and delivered in the presence of
W. H. Bassett,
Andrew Anderson

Hattie M. Swenson (Seal)
W. H. Bassett, Witness.
James Swenson,
Joseph Swenson, (Seal)
Zara O. Swenson, (Seal)
Mary Swenson.

STATE OF IDAHO,
County of Bannock.

On this 15th day of Sept. in the year 1898, before me William H. Bassett, a Justice of the Peace, in and for said County, personally appeared Hattie Swenson, James Swenson, Joseph Swenson, Zara O. Swenson, Mary Swenson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same, and on this 15 day of Sept. in the year 1898, before me, the officer above described personally appeared, known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same and that she does not wish to retract such execution.

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

William H. Bassett,
Justice of the Peace.

Recorded at request of
Hattie Swenson, Lago.
By William Sponberg, Deputy

10:06 A. M. January 27, 1910
Page 1.20 G. W. Pomeroy, Recorder

RECEIVED NO. 68742.

Warranty, D. L.

THIS INSTRUMENT was made the twenty second day of January in the year of our Lord One thousand nine hundred and nineteen between James Swenson (unmarried) of Bannock County, Idaho, State of Idaho, the party of the first part and Lullia M. Swenson, of Bannock County, of Bannock State of Idaho, the party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of one hundred (\$100.00) dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, done by these presents, grant bargain sell and convey unto the said party of the second part, and to her heirs and assigns forever, all that certain lot, piece, or parcel of land situated lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at the NW corner of the SW 1/4 of the SW 1/4 running north 88 rods; thence east 11 rods; thence south 88 rods; thence west 11 rods to the place of beginning. The SW 1/4 of the SW 1/4 of the SW 1/4 of the SW 1/4 in section 11 township 11 south range 21 East N.E. with the exception of a small tract of land described as follows, beginning at the SW corner of the SW 1/4 of the SW 1/4 running east three rods, thence southeasterly 16 rods to a point a point 9 rods east of the survey line, thence southeasterly 16 rods to a point 3 rods east of the survey line, thence southeasterly 33 rods to survey line thence north 68 rods to place of beginning, also beginning at a point 16 rods south of the NW corner of the SW 1/4 of the SW 1/4 running 88 rods to a point 6 rods east of survey line thence SW 33 rods thence north 8 rods to place of beginning.

Together with all and singular, the tenements, hereditaments and appurtenances belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in anywise appertaining, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part, and his heirs the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns against the said party of the first part, and his heirs and against all and every person or persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed Sealed and Delivered in the presence of F. L. Roche.

James Swenson SEAL

State of Idaho,
County of Blaine, ss.

On this 22 day of January 1910 before me A. E. Dawson a Notary Public in and for said county personally appeared James Swanson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)

Notary Public Blaine Idaho.

A. E. Dawson,
Notary Public Blaine Idaho.

Recorded at request of Hiram Swanson.
By William Sponberg, Deputy.

10-07 A.L.
Fee \$1.00

January 27, 1910.
G. W. Farnsworth, Recorder.

INSTRUMENT NO. 66746

IN THE PROBATE COURT OF BLAINE COUNTY
STATE OF IDAHO

In the latter of the Estate of
J. Frank Hunt, deceased.

ORDER OF DISTRIBUTION

The petition of Jacobson F. Hunt, executor filed herein, for the distribution of the residue of the estate of J. Frank Hunt, deceased, in the probate court of said county, was duly heard and it appearing that due and legal notice of such hearing has been given to all persons interested in said estate, that the final account of said administrator has been duly made and has been confirmed by this court, that all debts due from said estate have been paid, that there is no unpaid tax due from said estate, that there is no transfer tax due to the State of Idaho from said estate;

That the whole of said residue of said estate is the community property of the said deceased and his surviving widow, Artimacy Hunt, who as such survivor is entitled to the whole thereof; that said deceased had no other heirs at law in the said Artimacy Hunt, his widow, who is entitled to the whole of said estate; that the other heirs at law of the said J. Frank Hunt, deceased, are Clarence A. Hunt, James F. Hunt, Claude Hunt, Annie F. Hunt, Sylvia S. Hunt, Joseph Hunt, sons of the said deceased, and also the children of Sylvia S. Hunt, deceased, who are the grandchildren of the said J. Frank Hunt, deceased, but none of which said heirs, except the said Artimacy Hunt is entitled to any part of said estate or the residue thereof.

It is, therefore, ordered, adjudged and decreed that the said residue of said estate and the whole thereof be, and the same is hereby distributed to the said Artimacy Hunt, widow of said deceased.

as follows, to-wit:

That the property affected by this decree is described

JOSEPH

Each on hand
One team of broke mules, branded
One span of three year old mules, unbranded
Three head of two year old mules, unbranded
Four head of yearling mules, unbranded
One old mare, unbranded
All of said livestock being branded J.F.H.
thus "S" on the left hip.

Two brood sows
One DeWitt's Blunder
One mowing machine
One rake
One wagon
One spring tooth harrow
One set of harness

Certificate No. 44 for 50 shares of the capital stock of the Cotton Wood Tracing Association, a corporation organized and existing under the laws of the State of Idaho, with its principal place of business at Blaine, Blaine County, Idaho.

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IN WITNESS
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signed, sealed and deli-
 vered in the presence of
 J. L. Meeks

STATE OF MICHIGAN }
 COUNTY OF Kalamazoo } ss

On this 28th day
 in and for said County present
 whose name is subscribed to
 of the fore-

IN WITNESS WHERE-
 the day and year in this cer-

(1844)

FROM THE record at the year
 of the year, 1844, - and
 2. of the year
 1844.

[illegible]

beratz

24. I.R.B. attached and duly cancelled.

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...in the nature of address
...effect are recognized in the

IN THE PROBATE COURT OF THE COUNTY OF BANNECK, STATE OF IDAHO

IN THE MATTER OF THE ESTATE

of

DEGREE OF DISTRIBUTION OF ESTATE.

HIRAN SWENSEN, deceased.

Lutie M. Swensen, administratrix of the estate of Hiran Swensen, deceased, having on the 1st day of March, 1933, filed in this Court her petition setting forth among other things, that all accounts have been settled and said estate is in condition to be closed, and that a portion of said estate remains to be distributed to the heirs of said deceased, said matter coming on regularly to be heard this 18th day of March, 1933, upon due proof that due and legal notice of such hearing has been given as directed by the order of the Court heretofore made, and according to the statutes in such cases made and provided; the said Lutie M. Swensen, administratrix of said estate, appearing in person and by Karl W. Gory, counsel, and no person appearing to object, and no objections having been filed, this Court proceeded to the hearing of said petition, and in appearing, to the satisfaction of this Court, that the residuum of said estate, consisting of the property hereinafter particularly described, is now ready for distribution, and that said estate is now in condition to be closed;

That the residuum of said estate is real property as hereinafter described, and personal property consisting of a stock of merchandise, stock in the First National Bank of Boise, Idaho, two automobiles, livestock and farm machinery;

That the said Hiran Swensen died intestate in the County of Caribou, State of Idaho, on the 18th day of March, 1932, and at the time of his death was a resident of the County of Banneck, State of Idaho, and his only heirs at law are:

NAME	RELATIONSHIP	RESIDENCE
Lutie M. Swensen	surviving wife	Idaho, Idaho
Jola H. Jenkins	daughter	Idaho, Idaho
Loretta Hansen	daughter	Idaho, Idaho
Harold H. Swensen	son	Idaho, Idaho

That all claims against said estate are fully paid and that all taxes due from said estate have been paid; that decrees showing due and legal notice to creditors has been filed and that decrees have also been entered fixing the value of said estate and decree that there is no inheritance tax due against said estate or the heirs or devisees thereof; that all claims, expenses of administration and all expenses of said estate have been fully paid;

That the whole of the property of said deceased was community property of said deceased and Lutie M. Swensen, his surviving widow; that the said Lutie M. Swensen is entitled to the whole of the residuum of said estate as the survivor of the community by virtue of the laws of the State of Idaho.

Now, on this, the 18th day of March, 1933, on motion of Karl W. Gory, counsel for said administratrix,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the residuum of said estate of Hiran Swensen, deceased, hereinafter particularly described, and now remaining in the hands of said administratrix, and any other property not now known or discovered, which may belong to said estate, or in which the said estate may have an interest, to and the same is hereby distributed as follows, to-wit:

TO LUTIE M. SWENSEN THE WHOLE THEREOF.

The following is a particular description of said residuum of said estate referred to in this decree, and of which distribution is ordered, adjudged and decreed, as aforesaid, to-wit:

REAL ESTATE.

The Southwest Quarter of the Northwest Quarter (or Government Northwest Quarter of the Northwest Quarter, and the Northwest Quarter of Section Eighteen, in Township Eleven South, Range Forty-one East of the Boise Meridian, containing 198.00 acres. Excepting from land above described two small tracts as follows: Beginning at North-east corner of the Northwest Quarter of the Southwest Quarter of Section Eighteen, and running thence East three rods, thence South twenty-six rods to a point nine rods East of survey line, thence Southwesterly fifteen rods to point six rods East of survey line, thence Southwesterly thirty-two rods to point six rods East of survey line, thence on said survey line sixty rods more or less to survey line, thence North along at a point sixteen rods South of the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section Eighteen, and thence running Southwesterly thirteen rods to point six rods East of survey line, thence North twenty-eight rods more or less to survey line, thence North along at the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section Eighteen in Township Eleven South, Range Forty-one East of the Boise Meridian, in Idaho, and containing three rods, thence East eleven rods to place of beginning, containing three and 103/100 acres. The North half of the Northwest Quarter of Section Eighteen, in Township Eleven South, Range Forty-one East of the Boise Meridian, in Idaho, and containing three and 103/100 acres.

the Boise Meridian, containing eighty acres. Also, commencing at the Southeast corner of Section eighteen in Township eleven South, Range Forty-one East of the Boise Meridian, and running thence North sixty-eight rods, thence West twenty rods, thence North twelve rods, thence West nineteen rods, thence Southwesterly one hundred twenty rods, more or less to point thirty-nine rods east of the Southwest corner of the Southeast Quarter of said Section eighteen, thence West one hundred twenty-one rods, more or less, to place of beginning, containing thirty-eight and one-half acres. Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section eighteen in Township eleven South, Range Forty-one East of the Boise Meridian, running South twelve rods, thence East twenty rods, thence North twelve rods, thence West twenty rods to place of commencing, containing one and one-half acres, more or less.

The North half of the Southwest quarter of the Southeast Quarter of Section Thirty-six, Township Ten South, Range Forty East of the Boise Meridian, containing twenty acres, according to the official plat of the Survey of the said land returned to the General Land Office by the Surveyor General, Bannock County, Idaho.

Together with all ditches, ditch rights of way, water and water rights appurtenant thereto, and as well the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

All of the above described property is situated in the county of Bannock and State of Idaho.

PERSONAL PROPERTY.

Stock of Merchandise in store at Lago, Idaho; five shares of stock in the First National Bank of Grace, Idaho; two second hand automobiles, one an Oakland Sedan, motor number 180428 and serial number 192148; and the other an Oldsmobile Sedan, motor number 1-180600 and serial number 3-35803; about 160 head of sheep; about 85 head of cattle; branded 7-left rib; 12 head of work horses and farm machinery.

Done in open court this 13th day of March, 1933.

(Seal)

Robert S. Callie
Judge of the Probate Court.

STATE OF IDAHO,)
County of Bannock.) ss.

I, Robert S. Callie, do hereby certify that I am the duly elected, qualified and acting Probate Judge and Clerk of the Probate Court of the County of Bannock, State of Idaho, and I do hereby further certify that the within and hereto annexed account is a full, true and correct copy of the record of distribution of estate now on file and of record in my office in the matter of the estate of Airon Swenson, deceased, and of the whole thereof.

As Clerk of the Court, I have hereunto set my hand and affixed the official seal of the above entitled Court, which is a court of record, this 13th day of March, 1933.

(Seal)

Robert S. Callie
Judge and Clerk of the Probate Court.

RECORDED MAR 13 1933 11 10 AM in Book 63 of Deeds page 386, Records of Bannock County, State of Idaho, at request of Earl N. Carey.

Wm. L. Hall, Assessor

Fee \$0.00

Wm. Keefe, Deputy

RECEIVED MAR 10 1933

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made the 27th day of December in the year of our Lord One thousand Nine hundred and thirty-two between A. M. Leary and Annie Leary, husband and wife, of Pocatello, of the County of Bannock and State of Idaho, the parties of the first part, and Ben Blomberg, Commissioner of Finance of the State of Idaho, for the use and benefit of Citizens Bank and Trust Company, a defunct banking corporation, of Pocatello of the County of Bannock and State of Idaho, the party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One dollar and other valuable consideration lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby quit claim, release and forever release unto the said party of the second part, and to his successors and assigns all these certain lots, pieces and parcels of land situated in Bannock County, of the State of Idaho, particularly described as follows, to-wit:

The North Twenty-nine and a half (29 1/2) feet of lot eleven (11) in block Three Hundred Sixty-seven (367) in the City of Pocatello, Bannock County, Idaho, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto; and also lots 4, 7, 8 and 9 in Block 367 of the City of Pocatello, Bannock County, Idaho, together with the tenements, hereditaments and appurtenances belonging or appertaining thereto.

Instrument 25042

THIS INDENTURE, made this 5th day of October in the year of our Lord, One Thousand and Nine Hundred and 37, between James Swensen, a single man, of Lago, County of Bannock State of Idaho, the party of the first part, and Raymond Swensen, of Lago, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable considerations DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged he does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lots, places or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows to-wit:

Beginning Thirty-nine rods west of the northeast corner of the southeast quarter of the southeast quarter of Section eighteen in Township eleven South of Range 41, East of the Boise Meridian, thence west forty-one rods; thence south forty rods; thence Northeast sixty rods to the place of beginning, containing five and one-eighth acres, more or less.

Northwest Quarter of the Southeast Quarter, Section 18, Township, 11 South Range 41 E.B.M. less the following; Beginning at the Northeast Corner of the Northwest Quarter of the Southeast Quarter, Section 18, Township 11, South Range 41 E.B.M. thence West fourteen rods; thence South eighty rods; thence East fourteen rods; thence North eighty rods to the place of beginning.

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter, Section 18, Township 11 South Range 41 E.B.M., thence West 80 rods; thence South 27 rods; thence East 11 rods; thence South 55 rods; thence East 28 rods; thence Northeast 60 rods; thence North 40 rods to the place of beginning.

Together with all and singular, the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to _____ and assigns forever and the said party of the first part, and he warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said party of the first part, and _____ and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin Whitehead

James Swensen (Seal)

STATE OF IDAHO)
COUNTY OF BANNOCK) ss.

(\$1.10 I R Stamps)

On this 5th day of October, in the year 1937, before me Alvin Whitehead, a Notary Public in and for said County and State, personally appeared James Swensen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

At request of Raymond Swensen
February 1, 1949 at 3:45 P.M.
Fee \$1.00

Alvin Whitehead
Seal Notary Public
Residence Grace, Idaho

Alvin Whitehead
Recorder

Instrument #25286

THIS INSTRUMENT, made this 5th day of October in the year of our Lord, One Thousand Nine Hundred and 37, between James Swensen, a single person, of Lago, County of Bannock, State of Idaho, the party of the first part, and Lona Olorenshaw, of Lago, County of Bannock, State of Idaho, the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged he does by these presents Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to her heirs and assigns forever: All that certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 18, Township 11 South of Range 41 E.B.M. thence West 14 rods; thence South 80 rods; thence East 14 rods; thence North 80 rods; to place of beginning.

(80¢ I.R. Stamps)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to _____ and assigns forever and the said party of the first part, and he warrant the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns against the said party of the first part, and _____ and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin Whitehead

James Swensen (Seal)

STATE OF IDAHO,)
COUNTY OF BANNOCK) ss.

On this 5th day of October, in the year 1937, before me Alvin Whitehead, a Notary Public, in and for said County and State, personally appeared James Swensen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

At request of James T. Olorenshaw
April 14, 1949 at 5:19 P.M.
Fee \$1.20

Seal Alvin Whitehead
Notary Public
Residence Grace, Idaho

Alvin Whitehead
Recorder
- - - 0 0 0 - *by J. M. Murphy*

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Seal at Sola Springs,
Ark., and your first state written.

(SIAZ)
NY 6-11 mission expires Sept. 18, 1943

D. E. Malone
County Public
Assessment Boise Springs, Idaho

Recorded at the request of James Olerud on June 26, 1912, 60 minutes past 5 o'clock A.M.
In Book 4 of Series, page 222. Records of Garfield County, State of Idaho. Laga

Area Code Recorder

Page 1.03

REGULAMENT 20. 218782

04.2 ELIV DED

[illegible][illegible]

Lot fifteen (15) and the South Twenty (20) part of Lot sixteen (16) in Block forty-one (41) of - (Sixth Addition to Tract, according to L.O. original lot thereof)

The consideration by the U. S. Internal Revenue Service is not in question.

• Together with all and singular the contents and substance hereunto belonging, as in
anywise appertaining, and the revenues and royalties, and the same and the same, and the
same and the same.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this day and for the date written.

Wished, sealed and delivered
in the presence of

Two J. Turner
Elizabeth. 1900

~~J. A. J. L. L.~~

1. County of -

On this said day of June, in the year 1941, before me, J. Worth, a Notary Public in and for said State, personally appeared J. J. Turner and Evelyn T. Turner, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this day 2nd year of the certificate first above written.

1. SEAL

Miss North
Public as we could.
Hunt, Fox, Fox, Fox, Fox.

1. ~~1. Taken on board the Schooner L. J. J. on June 25, 1941 at 45 minutes past 11 a.m. in board of Schoon, Look 24, Page 250. Page.~~

1. Amos 2:1-16, recorder

Fee \$1.00

• IN: RUMBLE '41, 015729

NOT A CIVIL PROPERTY

... and entered into it on the day of June, A. D. 1911, and let
the County of San Diego, State of Iowa, party of the first part, and A. L. Christensen of
San Diego, Iowa, party of the second part.

WITNESSETH, That whereas, by an order duly given, made and entered by the Board of County Com. Insultants of said County, in a meeting assembled on the 2nd day of May, 1928, it was found and determined that the works in and upon of land belonging to said Co. and hereinafter particularly described, were not necessary for the use of said County, and that the same should they raise, amount to the provisions of Section 4-1-1 to 4-1-2 of the Code

Instrument #20458

WARRANTY DEED

THIS INSTRUMENT, made this First day of December in the year of our Lord, One Thousand Nine Hundred and Forty-nine, between Lulu M. Swenson Hansen, formerly Lulu M. Swenson and Alfred Hansen, her husband, of Lago, County of Caribou, State of Idaho, the parties of the first part, and Raymond Swenson and June Swenson, husband and wife, of Lago, County of Caribou, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ~~FOUR AND NO/100THS~~ (\$1.00) DOLLARS, lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged together with other good and valuable considerations, do by these presents, Grant Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows to-wit:

The Southwest quarter of the Northwest quarter (also sometimes described as "Government Lot 2"); the Southeast quarter of the Northwest quarter; the East half of the Southwest quarter; all in Section 18, Township 11 South, Range 41 East of Boise Meridian, EXCEPTING THEREFROM TWO (2) SMALL TRACTS DESCRIBED AS FOLLOWS:

Beginning at the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 18; thence running east 3 rods; thence Southeasterly 26 rods to a point 9 rods East of survey line; thence Southeasterly 11 rods to a point 10 rods East of Survey line; thence Southwesterly 15 rods to a point 6 rods East of survey line; thence Southwesterly 32 rods, more or less, to survey line, thence North on said survey line to the place of beginning.

ALSO EXCEPTING, beginning at a point 15 rods south of the Northwest corner of the Southeast quarter of the Southwest quarter of said Section 18; thence Southeasterly 15 rods to a point 6 rods east of survey line; thence Southwesterly 25 rods, more or less, to survey line, thence North along survey line 28 rods to place of beginning.

~~ALSO: (Including in this conveyance, the following described tract): Beginning at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 18, Township 11 South, Range 41 East of the Boise Meridian, and running thence North 53 rods, thence East 11 rods, thence South 23 rods, thence West 11 rods to the place of beginning.~~

Subject to all visible and/or recorded rights of way or easements, and to taxes for the year 1949 and subsequent years.

(\$7.15 I.R. Stamps)

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of Alvin R. Whitehead

Lulu M. Swenson Hansen (Seal)
Alfred Hansen (Seal)

Warranty Deed

THIS INDENTURE, Made this 28th day of February
in the year of our Lord One Thousand Nine Hundred and Sixty Four, between
RAYMOND SARGSEN and JUNE SARGSEN, Husband and Wife
of the County of Owyhee, State of Idaho,
the part 1st of this first part, and
the part 2nd of this first part, and

DANIEL H. MICKELSON and ROSE MARY MICKELSON, Husband and Wife
of Lago (Gracy), County of Caribou, State of Idaho

The first part of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of SIXTY SIX THOUSAND THREE HUNDRED FOURTEEN AND NO/100 DOLLARS lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged

And by these presents, Grant, Daigute, Sal and Conny and Conny's wife and part as
of the second part, and to their heirs and assigns forever. All in due plain law
and more particularly described as follows, to-wit:

Township 11 South, Range 11 East of the Boise Meridian

Section 18. Lot 2, BEAUMONT, SWANEY, EAST, WISE, BEAUMONT
EXCEPT THEREFROM, The following four described tracts:
Exception No. 1: Beginning at the Northeast corner of NW 1/4 and running
thence West 14 rods; thence South 80 rods;
thence East 11 rods; thence North 80 rods, to the point of beginning.
Exception No. 2: Beginning at the Northeast corner of SE 1/4 and running
thence West 20 rods; thence South 12 rods;
thence East 20 rods; thence North 12 rods, to the point of beginning.
Exception No. 3: Beginning at the Northwest corner of NE 1/4 and running
thence East 3 rods;
thence Southeasterly 26 rods to a point 9 rods East of the West 1/16th line;
thence Southeasterly 11 rods to a point 10 rods east of said West 1/16th line;
thence Southeasterly 15 rods to a point 6 rods East of said West 1/16th line;
thence Southeasterly 32 rods, more or less, to said West 1/16th line;
thence North on said West 1/16th line, 66 rods to the point of beginning.
Exception No. 4: Beginning at a point 16 rods South of the Northwest
corner of SE 1/4 and running
thence Southeasterly 13 rods to a point 6 rods East of the West 1/16th line;
thence Southeasterly 25 rods, more or less, to said West 1/16th line;
thence North 28 rods along said West 1/16th line to the point of beginning.

Section 19: NINE.

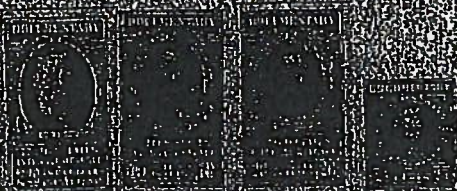
Subject to mortgages to The Federal Land Bank of Spokane and Farmers Home Administration, on which a balance in the sum of \$37,167.40, remains due, which sums parties of the second part assume and agree to pay as part of the above named consideration.

Together with oil and sugar, the tinements, accoutrements and appointments (Karams) belonging or in anywise appertaining, and the mills, mines and profits thereof,

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in anywise belonging, unto the said part 300 of the second part, and to their heirs and assigns forever. And the said part 100 of the first part, and their heirs the said premises, in the quiet and peaceable possession of the said part 100 of the second part, their heirs and assigns against the said part 200 of the first part, and their heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 188 of the first part has been signed and
and on the day and year first above written.
Signed, Sealed and Delivered in the Presence of

Raymond E. Barnes [Scrib]
 x One [Scrib]
 [Scrib]
 [Scrib]



RECEIVED
JAN 25 1965
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Warranty Deed

THIS INDENTURE, Made this 25th day of January
in the year of our Lord One Thousand Nine Hundred and Seventy-three, between
James T. Olorenshaw and Lena S. Olorenshaw, husband and wife,
of Grate, County of Caribou, State of Idaho,
the parties of the first part, and

Daniel H. Mickelson and Rose Mary O. Mickelson, husband and wife,
of Grate, County of Caribou, State of Idaho,
the parties of the second part

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
TWENTY EIGHT THOUSAND AND NO/100 DOLLARS,
lawful money of the United States of America, to them in hand paid by the said part two of the second part, the receipt
whereof is hereby acknowledged

do hereby convey, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever All that certain lot
piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 11 South, Range 41 East of the Boise Meridian:

Section 18: BEGINNING, NORTHEAST, and Beginning at the Northeast corner of NE 1/4 Sec 18
and running thence South 80 rods; thence West
14 rods; thence North 80 rods; thence East
14 rods, to the point of beginning.

Together with 39 inches of water covered by entries No. 315 and 317 in the
D. C. entered in the case of Utah Power & Light Co. vs. Last Chance Canal
Company, et al, in the District Court of the United States for the District of
Idaho; Eastern Division, in equity, No. 203.

EXCEPT THEREFROM the following described tract of land:

Beginning at a point 290 feet South of the East Quarter corner of Section 18,
aforesaid, and running
thence West 160 feet; thence South 160 feet;
thence East 160 feet; thence North 160 feet,
to the point of beginning.

Reserving therefrom, unto the parties of the first part, a garage which is not on
a foundation, with the right to said parties of the first part to remove said
garage within a reasonable time from the date hereof.

Together with all and singular, the hereditaments and appurtenances thereto in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto in anywise
unto the said parties of the second part, and to their heirs and assigns forever. And the said
parties of the first part, and their heirs the said premises to the quiet and peaceable possession
of the said parties of the second part and their heirs and assigns against the said parties of the
first part, and their heirs and assigns all and every person or persons whatsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part two of the first part do hereby set their hands and
and on the day and year first above written.
Signed, Sealed and Delivered in the Presence of

James T. Olorenshaw (Seal)
Lena S. Olorenshaw (Seal)
(Seal)
(Seal)

Deed Exception
in Inst # 76017

STATE OF IDAHO,
County of Caribou.

On this 25th

day of January

in the year 1973, before me

the undersigned,

Notary Public

to and for said County and State, personally appeared

James T. Olorenshaw and Lona S. Olorenshaw, husband and wife,

known to me

to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Leonard O. Springfield
Notary Public

Residence and P. O. Address: Soda Springs, Idaho.
My commission expires August 14, 1973.

WARRANTY DEED

78048

James T. Olorenshaw and Lona S. Olorenshaw, husband and wife.

TO
Daniel R. Mickelson and Rose Mary G. Mickelson, husband and wife.

Dated January 25, 1973.

STATE OF IDAHO,

County of Caribou.

I hereby certify that the within instrument was filed for record in the office of the County Clerk of Caribou County, Idaho.

at _____ o'clock _____ p.m. on _____ day of _____ 1973.

My office and duty assigned to me, Notary Public, in and for said County and State.

Witness my hand and seal of office at _____, Idaho, this _____ day of _____, 1973.

By _____
Notary Public

No. 2-200

Warranty Deed

THIS INDENTURE, Made the 25th day of January, 1875, in the year of our Lord One Thousand Eight Hundred and Seventy-five, between James T. Clorenshaw and Iana S. Clorenshaw, husband and wife, of Grace County of Caribou State of Idaho, the parties of the first part, and Daniel H. Mickelson and Rose Mary G. Mickelson, husband and wife, of Grace County of Caribou State of Idaho, the parties of the second part.

WITNESSETH: That the said part 100 of the first part; for and in consideration of the sum of
 THIRTEEN THOUSAND AND NO/100 DOLLARS,
 lawful money of the United States of America, to
 them in hand paid by the said part 100 of the second part, the receipt
 whereof is hereby acknowledged

of the above said, and in
 them or forest of low woods, lying and being in the County of
 and more particularly described as follows, to-wit:

beginning at a point on the East line of Section 18, Township 11 South, Range 41 East of the Boise Meridian, which point is 290 feet South of the East Quarter Corner of said section, and running thence West 160 feet; thence South 160 feet; thence East 160 feet; thence North 160 feet, to the point of beginning.

Reserving to the parties of the first part the right to remove therefrom a small two room house, the same to be removed within a reasonable time from the date hereof.

Typhoid will all and whatever, the symptoms, localities and appropriate characters belonging to the various appropriate, and the virus, cause and effects thereof.

To HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto lawfully
 unto the said parties, of the second part, and to their heirs and assigns forever. And the said
 parties of the first part, and their heirs and assigns against the said parties of the
 of the said parties of the second part, and their heirs and assigns against the said parties of the
 first part, and their heirs, and against all and every person or persons whatsoever, lawfully claiming
 or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, The said part 1st of the first part hath signed and their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

James T. Blumenthal (Scribner)
Lona S. Blumenthal (Scribner)

STATE OF IDAHO,
County of Caribou

On this 25th

day of

January

in the year 1973, before me,

Leonard O. Kingsford,

Notary Public

in and for said County and State, personally appeared

James T. Olorenshaw and Lona S. Olorenshaw, husband and wife, who are known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same,

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



Leonard O. Kingsford

Residence and P. O. Address: Boda Springs, Idaho.
My commission expires: August 14, 1973.

76017
WARRANTY DEED

James T. Olorenshaw and
Lona S. Olorenshaw,
husband and wife,
do hereby certify that this instrument was filed for
record in the records of
Caribou Title Company
at 310 1st Avenue S.W.
in the County of Caribou, Idaho, on the 25th day of
January, A.D. 1973,
in my office and duly recorded in the Public
Records of said County.

By *David B. Peterson*
Notary Public,
Idaho.

Fee \$2.00

Instrument # 175688
2004-05-15 03:41:48 No. of Pages: 2
Recorded for: ALLIANCE TITLE
EDIE BUSH
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

WARRANTY DEED

Order No.:3080640393KF

FOR VALUE RECEIVED

Daniel H. Mickelson and Rose Mary G. Mickelson as Trustees of the Daniel H. Mickelson Family Trust dated May 31, 2002

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Nathan S Hale and Stacy N Hale, Husband and Wife

whose current address is

2233 Highway 17 North Mount Pleasant, SC 29466

the grantee(s), the following described premises, in Caribou County, Idaho, TO WIT:

Township 11 South, Range 41 East, Boise Meridian, Caribou County, Idaho:

Section 18: Lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Section 19: N $\frac{1}{2}$ NE $\frac{1}{4}$:

EXCEPT THEREFROM the following described tracts:

Exception 1: A parcel of land located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 11 South, Range 41 East, Boise Meridian, Caribou County, Idaho, more particularly described as follows:
Commencing at the Southeast corner of Section 18, Township 11 South, Range 41 East, Boise Meridian;

Thence North 00°28'15" East along the Easterly boundary line of said Section 18 for a distance of 705.74 feet to the True Point of Beginning;

Thence for North 89°31'45" West for a distance of 616.64 feet to a fence line;

Thence along said fence line for the following nine (9) courses;

Thence North 10°37'00" East for a distance of 646.13 feet;

Thence North 89°57'26" West for a distance of 130.11 feet;

Thence North 35°35'54" East for a distance of 208.39 feet;

Thence North 41°53'34" East for a distance of 110.72 feet;

Thence North 50°58'56" East for a distance of 112.58 feet;

Thence North 41°51'22" East for a distance of 71.75 feet;

Thence North 30°32'48" East for a distance of 236.39 feet;

Thence North 19°00'45" East for a distance of 154.50 feet;

Thence South 84°29'18" East for a distance of 138.40 feet, more or less, to a point on the Easterly boundary line of said Section 18;

Thence South 00°28'15" West for a distance of 1352.82 feet to the True Point of Beginning.

Exception 2: Tract in the Southeast $\frac{1}{4}$ of Section 18, Township 11 South, Range 41 East, Boise Meridian, Caribou County, Idaho:

Beginning at a point on the East line of Section 18, Township 11 South, Range 41 East, Boise Meridian, said point being North 2039.95 feet from the Southeast corner of said Section 18, and running thence North 85°19' West 134.12 feet;

Thence North 9°20'20" West 197.9 feet;

Thence North 6°03' East 491.7 feet;

Thence North 71°35' East 120.12 feet to the East line of Section 18;

Thence South along said line 733.14 feet to the Point of Beginning.

Exception 3: Beginning at the Northwest corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ and running thence East 3 rods;
Thence Southeast 26 rods to a point 9 rods East of the West 1/16th line;
Thence Southeasterly 11 rods to a point 10 rods East of said West 1/16th line;
Thence Southwesterly 15 rods to a point 6 rods East of said West 1/16th line;
Thence Southwesterly 32 rods, more or less, to said West 1/16th line;
Thence North on said West 1/16th line, 66 rods to the Point of Beginning.

Exception 4: Beginning at a point 16 rods South of the Northwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ and running
thence Southeasterly 13 rods to a point 6 rods East of the West 1/16th line;
Thence Southwesterly 25 rods, more or less, to said West 1/16th line;
Thence North 28 rods along said West 1/16th line to the Point of Beginning.

Also except a manufactured home situated on said property.

Also included 165 Miner's inches of water in Whiskey Creek, 80 Miner's inches of water in Trout
Creek and 1 share of stock in Whiskey Creek Culinary Water Users Association.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in
fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions,
covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5-15-06

Daniel H. Mickelson and Rosa Mary G. Mickelson as
Trustees of the Daniel H. Mickelson Family Trust
dated May 31, 2002

Daniel H. Mickelson
By: Daniel H. Mickelson, Trustee

Rosa Mary G. Mickelson
By: Rosa Mary G. Mickelson, Trustee

State of Idaho

County of Caribou

On this 15th day of May, 2006, before me, a Notary Public in and for said state, personally
appeared Daniel H. & Rosa Mary G. Mickelson known or identified to me to be the person
whose name is subscribed to the foregoing instrument as trustee of
the Daniel H. Mickelson & Rosa Mary G. Mickelson Family, and acknowledged to me that
they executed the same as Trustee. Witness

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



Angie Mendenhall
Notary Public for the State of
Residing at: Idaho
Commission Expires: 01-20-12

Idaho Department of Water Resources Receipt

Receipt ID: E036372

Payment Amount \$530.00 Date Received 1/24/2011 10:41 AM Region EASTERN

Payment Type Check Check Number 59570

Payer RACINE, OLSON, NYE, BUDGE & BAILEY

Comments APPLICATION FOR TRANSFER - WHISKEY CREEK RANCH

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$530.00	TRANSFERS	63105	0229	21		1155



Signature Line (Department Representative)

77048

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77048

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: Watermaster Delivery Records, 3 Affidavits of Evidence of Priority and Use of Water Rights.