

RECEIVED

JUN 22 2007

Transfer No. 73834

STATE OF IDAHO
WATER RESOURCES DEPARTMENT OF WATER RESOURCES
WESTERN REGION

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUN 21 2007

DEPARTMENT OF
WATER RESOURCESName of Applicant Orchard Ranch LLC Phone (520) -424-3600Post Office address P.O. Box 1260, Maricopa, AZ 85239

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 the reason for the proposed changes Water rights will be transferred to new location to provide water for the Orchard Ranch Planned Community near the townsite of Orchard, Idaho, as necessary, dependent upon the amount of water approved in the accompanying application for permit for municipal use. The transfer will provide the remainder of water needed, if any, that is not provided by the permit.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-7263</u>	<u>04/01/1976</u>	<u>2.40 cfs*/660 ac-ft</u>	<u>Municipal</u>	<u>01/01</u> to <u>12/31</u>
<u>61-7264A</u>	<u>06/10/1976</u>	<u>10.74 cfs*/2225 ac-ft</u>	<u>Municipal</u>	<u>01/01</u> to <u>12/31</u>
<u>61-7264B</u>	<u>06/10/1976</u>	<u>0.40 cfs*/90 ac-ft</u>	<u>Municipal</u>	<u>01/01</u> to <u>12/31</u>

* The total instantaneous diversion rate under these three rights is limited to 11.36 cfs

2. Total amount of water being transferred 11.36 cubic feet per second and/or 2975 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	19	01S	04E	Ada	
		SE	NW	19	01S	04E	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03E	9									M	M			M	M	M	M	
		10			M						M	M	M	M		M	M	M	
		11											M	M			M		
		12									M			M	M	M	M	M	
		13		M	M		M		M	M	M	M	M	M	M	M	M	M	
		14	M	M	M	M	M	M	M	M	M	M		M	M	M	M	M	
		15	M	M	M	M	M												
		24	M	M		M	M								M	M			
01S	04E	19	M	M	M	M	M	M	M	M									

M = Municipal

SCANNED

JUL 15 2011

RECEIVED

JUN 22 2007

Transfer No. 73834STATE OF IDAHO
WATER RESOURCES DEPARTMENT OF WATER RESOURCES
WESTERN REGION

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JUN 21 2007

DEPARTMENT OF
WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Orchard Ranch LLC Phone (520) -424-3600Post Office address P.O. Box 1260, Maricopa, AZ 85239

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* The total instantaneous diversion rate under these three rights is limited to 11.36 cfs

2. Total amount of water being transferred 11.36 cubic feet per second and/or 2975 acre-feet per annum.3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	19	01S	04E	Ada	
		SE	NW	19	01S	04E	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03E	9									M	M			M	M	M	M	
		10			M						M	M	M	M		M	M	M	
		11											M	M			M		
		12									M			M	M	M	M	M	
		13		M	M		M		M	M	M	M	M	M	M	M	M	M	
		14	M	M	M	M	M	M	M	M	M	M		M	M	M	M	M	
		15	M	M	M	M	M												
		24	M	M		M	M								M	M			
01S	04E	19	M	M	M	M	M	M	M	M									

M = Municipal

PART 1

6. General Information:

a. Description of diversion system wells and pumps to public water supply

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes _____ N _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will no longer be irrigated as the municipal use is developed; conditioned upon the amount of water that is approved for such municipal use in the permit application that has also been filed for the new development. Any water not needed for the municipal use will be retained at the existing place of use.

d. Remarks:
The previous owner obtained approval for transfer #68468 in 2001 in order to construct a commercial dairy. A dairy was never constructed at this site; the water rights that are the subject of this transfer continue to be used for irrigation as they were decreed in the Snake River Basin Adjudication, and will continue to be used for such purposes until such time, if any, that any of the water is needed for the municipal use, dependent upon the amount of water that is approved in the accompanying application for permit. Any water not needed for the municipal use will be retained at the existing place of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of SRBA Partial Decrees and
IDWR Transfer No. 68468)

1. Right as evidenced by:
- a. Decree No. 61-7263 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

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**DEPARTMENT OF
WATER RESOURCES**

**D. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of SRBA Partial Decrees and
IDWR Transfer No. 68468)**

1. Right as evidenced by:

- e. Decree No. 61-7264A Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

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

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

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**DEPARTMENT OF
WATER RESOURCES**

G. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of SRBA Partial Decrees and IDWR Transfer No. 68468)

1. Right as evidenced by:

- i. Decree No. 61-7264B Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- j. License No. _____ issued by the Idaho Department of Water Resources.
- k. Claim No. _____ on file with the Idaho Department of Water Resources.
- l. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

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5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

H. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

1. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

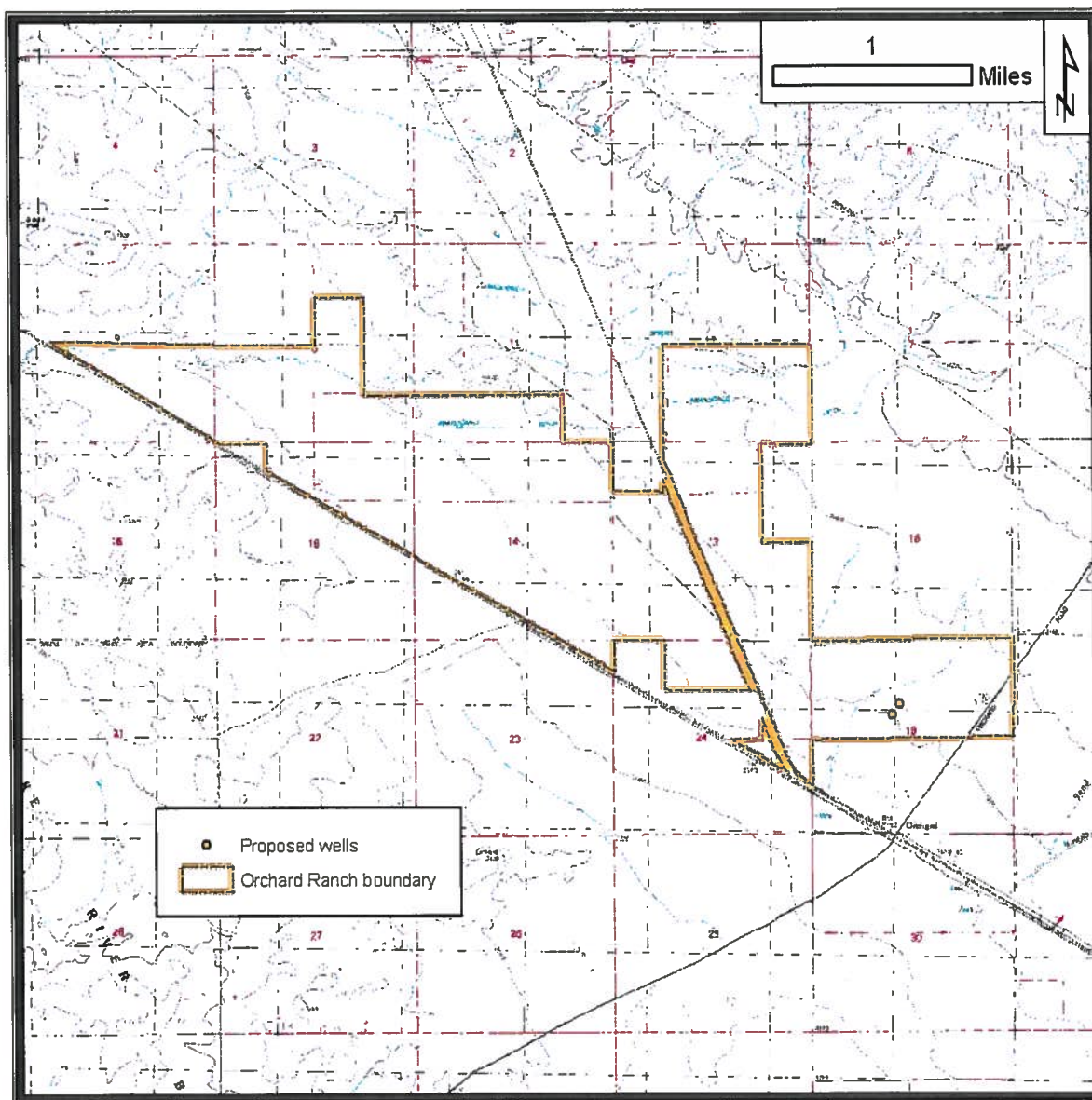
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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DEPARTMENT OF
WATER RESOURCES

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Municipal</u>	<u>11.36 cfs/2975 ac-ft</u>	<u>24 hrs/365 days</u>	<u>01/01</u> to <u>12/31</u>
				to _____

Quantity and quality of return flows and location of discharge: The quantity of return flow is dependent on plans for the reuse of treated effluent within the boundary of the municipal site. Any discharge will occur using infiltration sites within the municipal boundary and effluent will be treated to IDEQ and EPA standards.

2. Describe effects on other water uses resulting from the proposed change:

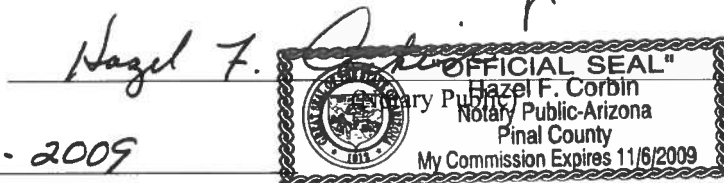
Water rights 61-7263, 61-7264A and 61-7264B are currently used for irrigation. Irrigation will cease at the original location as the municipal use is developed.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Robert J. Kron for Orchard Ranch LLC.
(Signature of Applicant)

Subscribed and sworn to before me this 31st day of May, 20 07



My commission expires 11-6-2009

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by S.O. Date 6-21-07 Protest filed by _____

Prelim. Check by _____ Fee \$690- _____

Receipted by AMB/C084392 Date 6-21-07 _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-07263

NAME AND ADDRESS: DESERT SEA FARMS LLC
905 E 13TH N
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 2.40 CFS

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 5145 SHALL NOT EXCEED 3.60 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 900.0 AF.

RIGHT 61-07263 WHEN COMBINED WITH RIGHTS 61-07247B AND
61-07264A & 61-07264B SHALL NOT EXCEED 11.36 CFS.

PRIORITY DATE: 04/01/1976

POINT OF DIVERSION: T02S R05E S31 LOT 01 (SESESW) Within Elmore County
T03S R05E S06 LOT 04 (SWNWNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.40 CFS

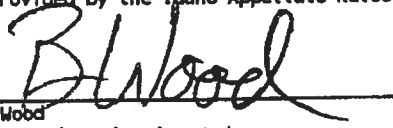
PLACE OF USE:	Irrigation	Within Elmore County
	T03S R05E S06 LOT 03 (NENW)39.0	LOT 04 (NWNW)44.0
	LOT 05 (SWNW)43.0	SENW 39.0
	165.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-07264A

NAME AND ADDRESS: DESERT SEA FARMS LLC
905 E 13TH E
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 10.74 CFS
2416.50 AFY

PRIORITY DATE: 06/10/1976

POINT OF DIVERSION: T02S R05E S31 LOT 03 (SESESW) Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	10.74 CFS 2416.50 AFY

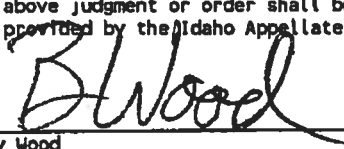
PLACE OF USE:	Irrigation		Within Elmore County
	T02S R05E S31	NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NESW 40.0	NWSW 40.0
	LOT 04 (SWSW)39.0	LOT 03 (SESW)39.0	
		NESE 40.0	NWSE 40.0
	LOT 02 (SWSE)41.0	LOT 01 (SESE)42.0	
	S32	MWNW 29.0	SWNW 29.0
	537.0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 61-07264B

2002 AUG 15 PM 4: 58

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

RECEIVED

AUG 16 2002

NAME AND ADDRESS: LONE PINE DAIRY
5592 W KUNA RD
KUNA, ID 83634

SOURCE: GROUNDWATER

Department of Water Resources

QUANTITY: 0.40 CFS
90.00 AFY

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER TRANSFER 68468 SHALL NOT EXCEED 11.36 CFS, NOR
TOTAL COMBINED ANNUAL VOLUME OF 2975.0 AF

PRIORITY DATE: 06/10/1976

POINT OF DIVERSION: T02S R05E S31 LOT 3 (SESESW) Within Elmore County
NWNE
T03S R05E S06 LOT 4 (SWNNW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.40 CFS 90.00 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T02S R05E S31	NENE 39.0	SENE 40.0
		NESW 40.0	NWSW 40.0
	LOT 4 (SWSW) 39.0	LOT 3 (SESW) 33.0	
		NESE 40.0	NWSE 40.0
	LOT 2 (SWSE) 35.0	LOT 1 (SESE) 42.0	
	S32	NWNW 39.0	SWNW 39.0
	T03S R05E S06 LOT 3 (NENW) 39.0	LOT 4 (NWNW) 43.0	
	LOT 5 (SWNW) 45.0	SENE 38.0	
	631.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF
WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68468

This is to certify that: STEVE BOSCHMA
5592 KUNA RD
KUNA ID 83634

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
61-7264A	WR/License	06/10/1976	10.74 cfs	2416.5 af	537.0	537.0	GROUND WATER
61-7263	WR/License	04/01/1976	2.4 cfs		165.0	165.0	GROUND WATER
61-7264B	AJC/License	06/10/1976	0.4 cfs	90 af	20.0	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-7264A	NO	NO	YES	YES	YES	YES
61-7263	NO	NO	YES	YES	NO	NO
61-7264B	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7264A	61-7264A	10.74 cfs	2225 af	446.0	631.0		N/A	N/A		N/A
61-7263	61-7263	2.4 cfs	660 af	165.0	631.0		N/A	N/A		N/A
61-7264B	61-7264B	0.4 cfs	90 af	20.0	631.0		N/A	N/A		N/A
TOTALS		11.36 cfs	2975 af	631.0	631.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of March, 2001

Chief, Water Allocation Bureau

J. Glen Saylor

MICROFILMED

MAR 29 2001

SCANNED
DEC 13 2004

WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7263 is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 04/01/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	2.40 CFS	660.0 AF
		2.40 CFS	660.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	Lot 4 SWNW Sec. 6 Twp 03S Rge 05E	ELMORE County
GROUND WATER	Lot 3 SESESW Sec. 31 Twp 02S Rge 05E	ELMORE County
GROUND WATER	Lot 3 NWNE Sec. 31 Twp 02S Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
											L 4	L 3			L 2	L 1	
02S 05E 32					39.0	39.0											78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

MAR 29 2001

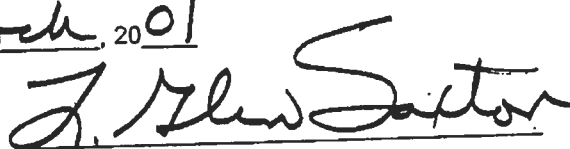
WATER RIGHT NO. 61-7263
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. This right is limited to the irrigation of 165.0 acres within the place of use described above in a single irrigation season.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-25-2000.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001



Chief, Water Allocation Bureau

MICROFILMED

MAR 29 2001

WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264A is now described as follows.

Right Holder: DESERT SEA FARMS LLC
 905 E 13TH N ST
 MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	9.47 CFS	2,007.0 AF
STOCKWATER	01/01	to 12/31	1.27 CFS	218.0 AF
COMMERCIAL	01/01	to 12/31	1.27 CFS	218.0 AF
			10.74 CFS	2,225.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
											L 4	L 3			L 2	L 1	
02S 05E 32					39.0	39.0											78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31		X	X														

MICROFILMED

MAR 23 2001

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	X	X	X	X					X	X	X	X	X	X	X	X	
02S 05E 32						X	X				L4	L3			L2	L1	
03S 05E 6					X	X	X	X									
					L3	L4	L5										

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. Right 61-7263 when combined with Rights 61-7247B, 61-7264A and 61-7264B shall not exceed a total diversion rate of 11.36 cfs.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
11. This right is limited to the irrigation of 446.0 acres within the place of use described above in a single irrigation season.

MICROFILMED

MAR 29 2001

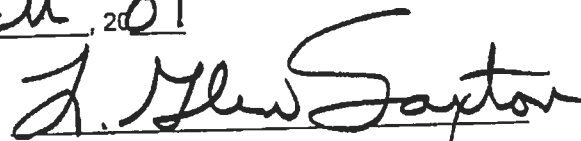
WATER RIGHT NO. 61-7264A
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

12. Commercial use is for a dairy located within W1/2NE, S31, T02S, R05E.
13. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

MICROFILMED

MAR 29 2001

WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

In accordance with the approval of Transfer No. 68468, Water Right No. 61-7264B is now described as follows.

Right Holder: DESERT SEA FARMS LLC
905 E 13TH N ST
MOUNTAIN HOME ID 83647

Priority Date: 06/10/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.40 CFS	90.0 AF
			0.40 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 4 SWNW Sec. 6 Twp 03S Rge 05E ELMORE County

GROUND WATER Lot 3 SESESW Sec. 31 Twp 02S Rge 05E ELMORE County

GROUND WATER Lot 3 NWNE Sec. 31 Twp 02S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 31	39.0			40.0					40.0	40.0	39.0	33.0	40.0	40.0	35.0	42.0	388.0
											L 4	L 3			L 2	L 1	
02S 05E 32					39.0	39.0											78.0
03S 05E 6					39.0	43.0	45.0	38.0									165.0
					L 3	L 4	L 5										

Total Acres: 631

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer 68468 shall not exceed 11.36 cfs, nor total combined annual volume of 2975.0 af.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED

MAR 29 2001

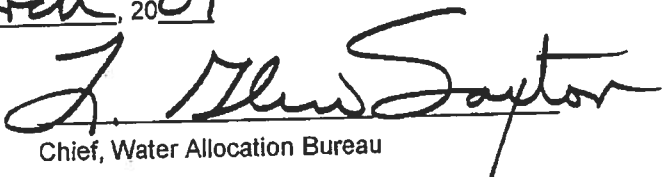
WATER RIGHT NO. 61-7264B
As Modified by Transfer No. 68468

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
9. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 29th day of March, 2001


Chief, Water Allocation Bureau

MICROFILMED

MAR 29 2001

Recording requested by
And when recorded return
To: Lone Pine Farms, LLC
5592 W. Kuna Road, Kuna,
Idaho 83864

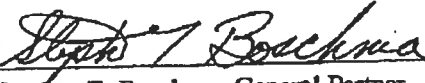
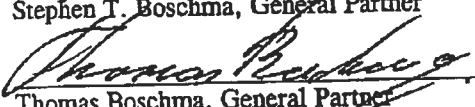
Instrument # 374416
Elmore County, Idaho
11:14am Mar. 22, 2006
For: EVANS KEANE LLP
No. of Pages: 4 fee: \$12.00
GAIL L. BEST, Recorder
Deputy: DLE

WARRANTY DEED
(Elmore County)

FOR VALUE RECEIVED, LONE PINE DAIRIES, an Idaho General Partnership, ("GRANTOR"), does hereby GRANT, BARGAIN, SELL CONVEY, and WARRANT unto LONE PINE FARMS, LLC, an Idaho limited liability company ("GRANTEE"), whose current mailing address is 5592 W. Kuna Road, Kuna, Idaho 83864, the real property situated in Elmore County, State of Idaho, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said premises, together with all appurtenances thereto, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; and that said premises are free from all encumbrances except current years' taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, and easements of record and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

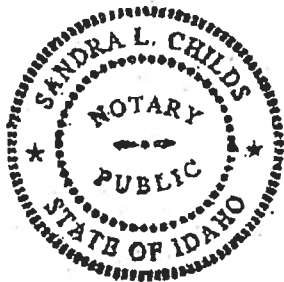
IN WITNESS WHEREOF, The Grantor has caused his name to be affixed effective this
16th day of MARCH, 2006


Stephen T. Boschma, General Partner

Thomas Boschma, General Partner

STATE OF IDAHO)
)ss.
County of Ada CANYON)

On the 16th day of MARCH, in the year of ²⁰⁰⁶~~2005~~, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared Steve Boschma, known or identified to me to be the person whose names are 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.



Sandra L Childs

Notary Public for Idaho

Residing at: NAMPA IDAHO

My Commission Expires: 09/26/2008

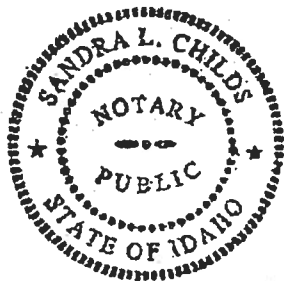
STATE OF IDAHO)

)ss.

County of Ada CANYON)

On the 16th day of MARCH, in the year of ²⁰⁰⁶~~2005~~, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared Thomas Boschma, known or identified to me to be the person whose names are 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.



Sandra L Childs
Notary Public for Idaho
Residing at: NAMPA IDAHO
My Commission Expires: 09/26/2008

LEGAL DESCRIPTION

Tract I:

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 31: NE $\frac{1}{4}$

N $\frac{1}{4}$ S $\frac{1}{2}$ and

U.S. Government Lots 1, 2, 3, and 4 SAVE AND EXCEPT the South 30 feet as disclosed in Right of Way Deeds, recorded August 17, 1982 as Instrument Numbers 210060 and 210061, records of Elmore County, Idaho.

Section 32: W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SAVE AND EXCEPT the East 30 feet as disclosed in Right of Way Deed, recorded August 17, 1982 as Instrument No. 210062, records of Elmore County, Idaho.

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: U.S. Government Lots 3, 4, and 5

SE $\frac{1}{4}$ NW $\frac{1}{4}$ SAVE AND EXCEPT the North 30 feet as disclosed in Right of Way Deed, recorded August 17, 1982, as Instrument No. 210064, records of Elmore County, Idaho.

Tract II:

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 32: SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SAVE AND EXCEPT the East 30 feet as disclosed in Right of Way Deed, recorded August 17, 1982, as Instrument No. 210062, records of Elmore County, Idaho.

TOGETHER WITH all water rights and ditch rights appurtenant to said property.

FILED EFFECTIVE



APPLICATION FOR REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY

(Instructions on back of application)

2007 JUN 18 PM 12:56

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Orchard Ranch, LLC

2. If the name of the limited liability company is not permissible or is not available in Idaho, the name the foreign limited liability company will use in Idaho is:

N/A

3. The jurisdiction under whose laws the limited liability company is organized is:
- Arizona
-
- and the date of its formation was:
- May 18, 2007

4. The name and address of the registered agent in Idaho is:

Jeff Pusch, 101 S. Capitol Blvd., Suite 500, Boise, Idaho 83702

5. The address of the limited liability company's office in the jurisdiction under whose laws it is organized is:

P. O. Box 1260, Maricopa, Arizona 85239

6. The address of the limited liability company's principal office, if other than the address in #5 above, is:

N/A

7. The address to which correspondence should be addressed is:

P. O. Box 1260, Maricopa, Arizona 85239

8. Signature of a manager, if any, or a member if there are no managers.

Signature

Typed Name

Robert J. Knorr

Manager ☒ Member ☐

Secretary of State use only

W63809

 IDAHO SECRETARY OF STATE
 REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANIES
 REVISED 06/2007

Web Form

 IDAHO SECRETARY OF STATE
 06/19/2007 05:00
 CK: 175336 CT: 76296 BH: 1068689
 1 @ 100.00 = 100.00 REGFORGLLC # 2

STATE OF ARIZONA



Office of the CORPORATION COMMISSION

CERTIFICATE OF GOOD STANDING

To all to whom these presents shall come, greeting:

I, Brian C. McNeil, Executive Director of the Arizona Corporation Commission, do hereby certify that:

ORCHARD RANCH, LLC

a domestic limited liability company organized under the laws of the State of Arizona, did organize on the 18th day of May 2007.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said limited liability company is not administratively dissolved for failure to comply with the provisions of A.R.S. section 29-601 et seq., the Arizona Limited Liability Company Act; and that the said limited liability company has not filed Articles of Termination as of the date of this certificate.

This certificate relates only to the legal existence of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 11th Day of June, 2007, A. D.



Executive Director

By

May 2007