

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75739

SAFE

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Matt & Guadalupe Machado Phone 208-731-6889Mailing address 3340 N 100 E Buhl Id 83316 Email _____

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 _____

OCT 24 2008

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2. Describe the reason for the proposed changes To use as stock water for horse operation
To increase volume and flow being sent up for gravel pit
And will also continue use.

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
17478-47-17453	11/06/54	.03	Cow/stock	01-01 to 12-31
17480-47-17459	8/8/54	.002	Cow/stock	01-01 to 12-31
17476-47-17459	4/31/61	.014	Cow/stock	01-01 to 12-31
47-17499	11/01/60	.09	Cow/stock	01-01 to 12-31

2. Total amount of water being transferred .09 .10 cubic feet per second and/or 19.4 acre-feet per annum.

3. Source of water _____ tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	8	11S	14E	TF	Existing well

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	
11S	14E	8																X	
11S	14E	8															X		

Total Acres NA

PART 1

6. General Information:

- a. Description of diversion system existing well
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes ☒ 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:
N/A stock/comm use
- d. Remarks:

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

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 .025 for Stock/Con purposes from 01-01 to 12-31
(cfs/ac-ft)
amount .008 for Stock/Con purposes from 01-01 to 12-31
(cfs/ac-ft)
amount .044 for Stock/Con purposes from 01-01 to 12-31
(cfs/ac-ft)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/24/2008

WATER RIGHT NO. 47-12499

Owner Type	Name and Address
Current Owner	JACQUELINE C MACHADO
Current Owner	MATTHEW M MACHADO
	3340 N 1100 E
	BUHL, ID 83316
	(208)543-8775
Directors Report Owner	JUDY SCHAER
Directors Report Owner	ROBERT W SCHAER
	1076 E 3300 N
	BUHL, ID 83316
	(208)537-6626

Priority Date: 11/01/1960

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.07 CFS	
DOMESTIC	1/01	12/31	0.06 CFS	
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 08	Township 11S	Range 14E	TWIN FALLS County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	14E	8		SESE										

Place of Use Legal Description: DOMESTIC TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	14E	8		SESE										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4.		300 BEEF STOCK RP 11S14E088400

Dates:

Licensed Date:

Decreed Date: 05/14/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 47-17453

Priority Date: 11/06/1961

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	03/15	11/15	4.23 CFS	924.8 AFA	
	Total Diversion		4.23 CFS	924.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSW	11S	18E	32	TWIN FALLS
GROUND WATER	SWNW	11S	18E	32	TWIN FALLS
GROUND WATER	SWNE	11S	18E	31	TWIN FALLS

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	
11S	18E	31	1.6		8.5	38.0							2.6	40.0	26.0	38.0	37.0	191.7	
11S	18E	32						39.0			1.0							40.0	

Total Acres: 231.7

Conditions/Remarks:

1. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. Use of this right is combined with water from Twin Falls Canal Co.
3. Right 47-17453 is limited to the irrigation of 231 acres within the place of use described above in a single irrigation season.
4. 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.
5. The rights listed below are limited to a total combined annual diversion volume of 926.8 af.
Combined Right Nos.: 47-17453, 47-17457, 47-17459

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 47-17453

6. The rights listed below are limited to a total combined diversion rate 4.23 cfs. Combined Right Nos.: 47-17453, 47-17457, 47-17459
7. 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.
8. Right Nos. 47-17453, 47-17457 and 47-17459 are limited to the irrigation of a combined total of 231.7 acres in a single irrigation season.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 47-17457

Priority Date: 04/03/1961

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER**Tributary to:**

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	03/15 11/15	0.30 CFS	150.8 AFA	
	Total Diversion	0.30 CFS	150.8 AFA	

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Source and Point(s) of Diversion:

GROUND WATER	SWNE	11S 18E	31	TWIN FALLS
GROUND WATER	SWNW	11S 18E	32	TWIN FALLS
GROUND WATER	SWSW	11S 18E	32	TWIN FALLS

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	
11S 18E 31	1.6		8.5	38.0								2.6	40.0	26.0	38.0	37.0	191.7
11S 18E 32							39.0				1.0						40.0

Total Acres: 231.7

Conditions/Remarks:

- Right 47-17457 is limited to the irrigation of 106.5 acres within the place of use described above in a single irrigation season.
- The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- Right Nos. 47-17453, 47-17457, 47-17459 are limited to the irrigation of a combined total of 231.7 acres in a single irrigation season.
- The rights listed below are limited to a total combined annual diversion volume of 926.8 af.
Combined Right Nos.: 47-17453, 47-17457, 47-17459
- The rights listed below are limited to a total combined diversion rate of 4.23 cfs. Combined Right Nos.: 47-17453, 47-17457, 47-17459

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

Current Water Right No. 47-17457

6. 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.
7. Use of this right is combined with water from Twin Falls Canal Co.
8. 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.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? **NO**

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 47-17459

Priority Date: 08/08/1954

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.92 CFS	843.2 AFA	
	Total Diversion	1.92 CFS	843.2 AFA	

Source and Point(s) of Diversion:

Source	Point(s)	Section	Township	Range	Easting	Section	Point(s)
GROUND WATER	SWSW	11S	18E	32			TWIN FALLS
GROUND WATER	SWNW	11S	18E	32			TWIN FALLS
GROUND WATER	SWNE	11S	18E	31			TWIN FALLS

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	
11S 18E 31	1.6		8.5	38.0								2.6	40.0	26.0	38.0	37.0	191.7
11S 18E 32							39.0				1.0						40.0

Total Acres: 231.7

Conditions/Remarks:

1. 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.
2. 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.
3. The right holder shall maintain a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Right Nos. 47-17453, 47-17457, 47-17459 are limited to the irrigation of a combined total of 231.7 acres in a single irrigation season.

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 OCT 2 2008
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 47-17459

5. The rights listed below are limited to a total combined diversion rate of 4.23 cfs. Combined Right Nos.: 47-17453, 47-17457, 47-17459
6. Use of this right is combined with water from Twin Falls Canal Co.
7. The rights listed below are limited to a total combined annual diversion volume of 926.8 af. Combined Right Nos.: 47-17453, 47-17457, 47-17459
8. Right 47-17459 is limited to the irrigation of 210.8 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *NO*



Sewer SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ ~~Sec~~ 8 Township 11S R 14E

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>gax/com</u>	<u>SAF</u>		<u>01-01</u> to <u>12-31</u>
			to _____

2. Quantity and quality of return flows and location of discharge: NA

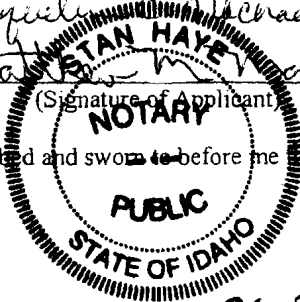
3. Describe effects on other water uses resulting from the proposed change:
Land is being dug up for Gravel pit use

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.

Jacqueline C. Machado JACQUELINE C. MACHADO
Matthew M. Machado Matthew M. Machado
 (Signature of Applicant) Print Name (and title, if applicable)

Subscribed and sworn to before me this 5th day of Oct, 2008



[Signature]
 (Notary Public)

My commission expires 8-25-02

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by B. Walker Date 6/30/09 Protest filed by _____

Prelim. Check by B. Walker Fee 100.00

Receipted by B. Walker Date 6/30/09 5030981

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 _____

42387ml
TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

***** SPACE ABOVE FOR RECORDER *****

Twin Falls County, Idaho
Recorded for:
TITLEFACT
01:41pm Jan. 15, 1999
1999-000926
No. of Pages: 1 Fee: \$3.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: ST

WARRANTY DEED

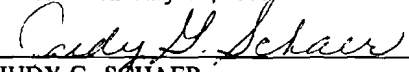
FOR VALUE RECEIVED **JUDY G. SCHAEER**, an unmarried woman, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **MATTHEW MACHADO AND JACQUELINE MACHADO**, husband and wife, hereinafter called grantee, whose address is: **3340 NORTH 1100 EAST, BUHL, IDAHO 83316**, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho
Section 8: S½SE¼
Section 9: S½SW¼
Section 16: Part of the NW¼NW¼ more particularly described as follows:
BEGINNING at the Northwest corner of said Section 16;
THENCE South 160 feet along said section line;
THENCE due East 225 feet;
THENCE due North 160 feet;
THENCE 225 feet due west along section line to POINT OF BEGINNING.

SUBJECT TO: Twin Falls Highway District right of way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 14, 1999

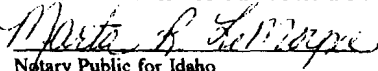

JUDY G. SCHAEER

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 14th day of January, 1999, before me, a Notary Public in and for said State, personally appeared **JUDY G. SCHAEER**, an unmarried woman, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.


Notary Public for Idaho
Residing in: Buhl
Commission Expires: 9-8-99

42387ml
TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

Twin Falls County, Idaho
Recorded for:
TITLEFACT
00:11am Jan. 25, 1999
1999-001498
No. of Pages: 1 Fee: \$3.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SA

Twin Falls County, Idaho
Recorded for:
TITLEFACT
01:41pm Jan. 15, 1999
1999-000826
No. of Pages: 1 Fee: \$3.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: SA

***** SPACE ABOVE FOR RECORDER *****

WARRANTY DEED

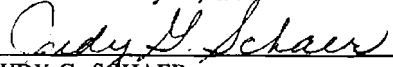
FOR VALUE RECEIVED **JUDY G. SCHAEER**, an unmarried woman, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **MATTHEW MACHADO AND JACQUELINE MACHADO**, husband and wife, hereinafter called grantee, whose address is: **3340 NORTH 1100 EAST, BUHL, IDAHO 83316**, the following described premises, in Twin Falls County, Idaho, to-wit:

Township 11 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho
Section 8: S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 9: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 16: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows:
BEGINNING at the Northwest corner of said Section 16;
THENCE South 160 feet along said section line;
THENCE due East 225 feet;
THENCE due North 160 feet;
THENCE 225 feet due west along section line to POINT OF BEGINNING.

SUBJECT TO: Twin Falls Highway District right of way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 14, 1999

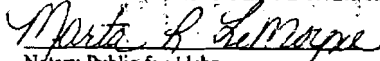

JUDY G. SCHAEER

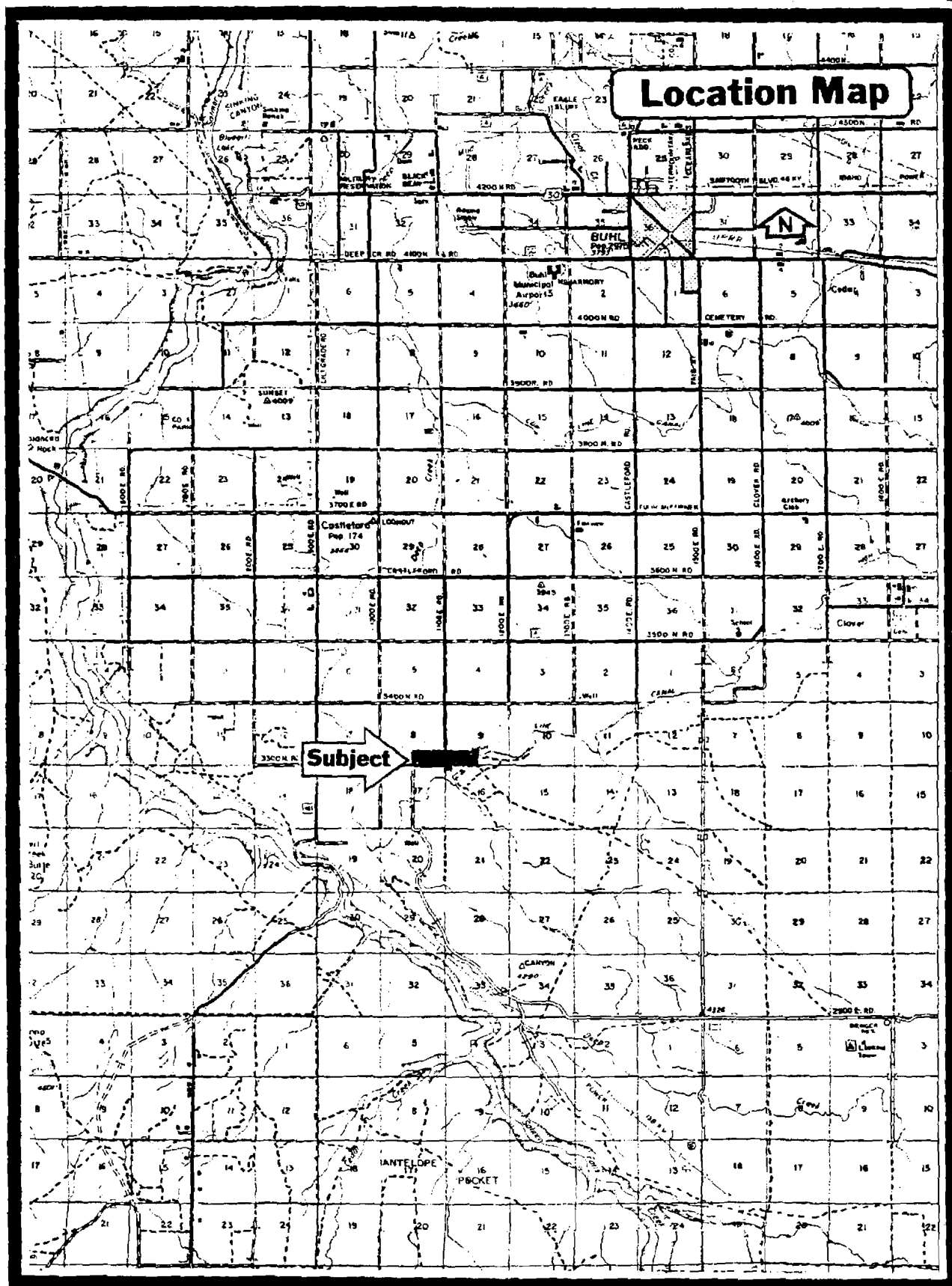
* * * * *

STATE OF IDAHO
County of Twin Falls

On this 14th day of January, 1999, before me, a Notary Public in and for said State, personally appeared **JUDY G. SCHAEER**, an unmarried woman; known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.


Notary Public for Idaho
Residing in: Buhl
Commission Expires: 9-8-99



Farm Location

Idaho Transverse Mercator

Coordinates of the farm center (meters): X = 2469306.94571817, Y = 1247278.82879726

Map Scale: 1 : 29



Figure 1. Base Map

Acres being dried up

CONTRACT FOR SALE OF WATER RIGHTS

THIS AGREEMENT is made and entered into this 5 day of October, 2008

By and between MATHERS RANCHES INC., hereinafter referred as seller, STAN HAYE of

SNAKE RIVER MANAGEMENT, INC., hereinafter referred to as their Brokerage

Agent,” and MATTHEW M& JACQUELINE C MACHADO (Husband and Wife)
Herein after referred as Buyers

RECITALS

A. Seller owns water rights appurtenant to One and Six tenths (1.6) acres of land or 5 acre feet describe as follows

47-17453,47-17457 and 47-17459 and desires to split Five acre feet (5AF) of the water right from degreed water rights to sell

The water rights are presently appurtenant to Six and Six tenths (1.6) acres of land located

In Twin Falls County, Idaho more particularly described as follows:

SW1/4 NW 1/4 Section 32 Township 11 South, Range 18 East. Of the Boise Meridian

The nature of use of this water right is for Irrigation purposes. (See exhibit A)

B. Buyers own real property located in Twin Falls County, Idaho more Particularly described as:

The SE of the SE1/4 of Section 8 Township 11 South Range 14 East
Of the Boise Meridian.

C. The parties wish to agree upon terms and conditions whereby Sellers will sell to Buyers

And buyers will purchase from Seller that portion of the Seller's water rights and make them

Appurtenant to real property of the Buyers more particularly described above, with the

Nature of use of the water is for stock & dairy (consumptive use). Such water rights are described as in (see exhibit A)

IT IS THEREFORE AGREED, in consideration of these recitals and promises and

Covenants hereafter contained as follows

1. Seller agrees to sell the water rights described in recital Exhibit A above for the total

Purchase price of FIVE THOUSAND THREE HUNDRED TWENTY DOLLARS (\$5320.00)

2. The parties acknowledge that this agreement is contingent upon the approval of the Transfer of the water rights to the Buyers in accordance with this agreement.

The transfer will be deemed complete upon the full approval of the transfer by the

Idaho Department of Water Resources and the lapse of any protest or appeal period

Allowed by law or if any protest or appeal of the final approval is timely filed, upon

The final resolution of the appeal or protest upholding the validity of the transfer.

3. Within ten (10) days of this execution of this agreement the parties shall execute an Application with the department of water Resources and all other necessary documents

To initiate transfer of the water rights from Seller to Buyers in accordance with this Agreement.

The parties shall fully cooperate to perform all actions and matters necessary to insure the

Approval of the application, including making appearances at any hearing or conference That may be required.

All costs fees and expenses incurred in the filing and processing of the application for Transfer shall be borne exclusively by the Brokerage Agent. However any unforeseen legal

Or hydrology costs that are incurred do to appeal or demands by The Idaho department of Water Resource to the transfer source property is the responsibility of the Buyers.

If final approval of the transfer by the Idaho department of water Resources has not been provided by the

1st Day of July 2010 all protests and appeals resolved or barred by lapse of time

This Agreement shall be null and void.

4. Seller warrants to Buyers that:

(a) Seller has good title to the water rights and has the lawful authority to enter Into this Agreement.

(b) The real property to which the water rights are now appurtenant is not Encumbered by any mortgage, deed of trust or other lien, or that any mortgagee deed of Trust beneficiary or other lien holder has consented in writing to the transfer of the Water rights free of their liens.

5. Buyers shall diligently pursue the application for the transfer of water rights in Order that the application will receive consideration in the quickest possible time.

6. Should either party be in default under this Agreement, the other party shall give Notice by certified mail to the other of the nature of every claimed event of default at The address provided bellow.

CONTRACT FOR SALE OF WATER RIGHTS –Page 3

If the default is not timely cured within (10) days of the receipt of the notice,

If the default is not timely cured within (10) days of the receipt of the notice,

The party giving the notice may:

- (a) Pursue any other remedy to which that party may be entitled under the laws of the state of Idaho.

7. The day of closing shall be a regular business day not more than ten (10) days after the

Final approval of the water rights transfer applied for pursuant to this agreement by the

Idaho Department of Water Resource and the lapse of any time to file by lawful protest

Or appeal, closing shall occur at the office of the Twin Falls Title and Escrow

Company, Twin Falls Idaho. Any costs at closing shall be paid by Snake River Management.

8. The parties acknowledge that the terms, conditions and covenants of this agreement shall

Supersede any prior negotiations and agreements of the parties, that there is no other

Agreements not contained in this agreement and that this Agreement shall be the final

Expression of the agreement of the parties and shall control. No modifications of this

Agreement shall be valid unless in writing and executed by all parties hereto. No amendment

Or modification of this Agreement shall be effective unless it is made in writing

Executed by all parties.

9. Seller has agreed to pay a commission to the Brokerage agent Stan Haye of Snake

River Management, based on the sale price of the water rights. Due and payable upon the closing of this Agreement

Buyers are not obligated for the payment of any commission to Stan Haye, Snake River Management, Inc. without a separate written agreement to that effect.

10. The parties advised that they should seek the advise of legal counsel of their own Choosing prior to entering this Agreement.

11. Buyers cannot assign their interest in this Agreement to any third party

12. If default be made by either party hereto in keeping or performing any of the Convents, conditions or agreements conditions or agreements herin agreed to be kept by Them and the other party is required to employ an attorney to enforce any of the Convents, conditions or agreements herin contained, then and in such event, the party in Default agrees to pay, in addition to all other sumes herrin agreed to be paid by them a Reasonable attorneys fee together with any costs and disbursements that may be in cured In forcing this Agreement.

13. The parties hereto acknowledge and agree that time is and shall be, the essence of each

and every term and condition contained herein.

14. This agreement shall be binding upon and shall insure to the benifitof and be binding Upon heirs, successors and assigns of the parties

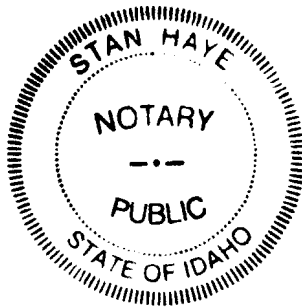
STATE OF IDAHO)

) SS.

County of Twin Falls)

On this 5th day of October, 2008, before me, a Notary Public, in and for said County and State, personally appeared Matthew M and Jacqueline C Machado that known or identified to me to be the person whose names are subscribed to the within instrument and acknowledge to me that 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.



Stan Haye
NOTARY PUBLIC FOR IDAHO
Residing at: TF and
My Commission expires: 05-25-12

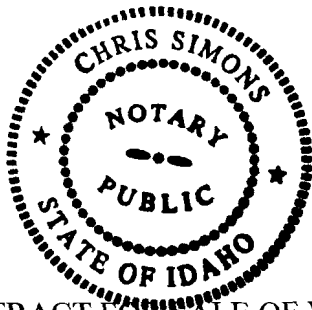
STATE OF IDAHO)

) SS.

County of Twin Falls)

On this 24 day of Oct, 2008, before me, a Notary Public, in and for said County and State, personally appeared STAN HAYE, known or identified to me to be the PRESIDENT of that corporation that executed the instrument. On behalf of said corporation and acknowledge to me that such corporation 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.



Chris Simons
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My Commission expires: 4/28/2012

- [] (J) Benefits from military service
 [X] (K) Records, reports and statements
 [] (L) Full and unqualified authority to my attorney-in-fact to delegate any or all of the foregoing powers to any person or persons whom my attorney-in-fact shall select
 [] (M) Access to safe deposit box(es)
 [] (N) All other matters

Other Terms:

(X) Transcribe and Change to Title Report of
 with Resource Applicant and Transfer of water Rights for 2008
 - 2010 Service

My attorney-in-fact hereby accepts this appointment subject to its terms and agrees to act and perform in said fiduciary capacity consistent with my best interests as he/she in his/her best discretion deems advisable, and I affirm and ratify all acts so undertaken.

TO INDUCE ANY THIRD PARTY TO ACT HEREUNDER, I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A DULY EXECUTED COPY OR FACSIMILE OF THIS INSTRUMENT MAY ACT HEREUNDER, AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY, AND I FOR MYSELF AND FOR MY HEIRS, EXECUTORS, LEGAL REPRESENTATIVES AND ASSIGNS, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS ANY SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY HAVING RELIED ON THE PROVISIONS OF THIS INSTRUMENT.

Signed under seal this day of Aug 14th 2008 (year).

Signed in the presence of:

Anthony Machado
 Witness

Matt Machado
 Grantor

Witness

Attorney-in-Fact

State of
 County of

On 8/14/08 before me,

, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Anthony Machado

Affiant _____ Known _____ Produced ID

Type of ID _____

(Seal)

Twin Falls County Planning and Zoning Administration

246 Third Avenue East, Twin Falls, Idaho 83301

Phone: (208) 734-9490 Fax: (208) 733-9645

January 25, 2008

Bob Ohlensehlen
Nutrient Management Solutions LLC
1247 Filer Avenue East
Twin Falls, Idaho 83301

Re: Machado Dairy Operation – sixty-six (66) acres
Section 9, Township 11 East, Range 14 East, B. M.
3340 North 1100 East, Buhl Idaho

Machado Heifer Operation - eighty (80) acres
Section 8, Township 11 South, Range 14 East, B. M.
1075 East 3300 North, Buhl, Idaho

Dear Mr. Ohlensehlen:

The Machado Dairy Operation was approved under Ordinance 107. The existing permit is for six hundred thirty five (635) milking and dry dairy animals, and two hundred (200) replacement heifers. The animal unit equivalents are as follows: a mature dairy cow equals one point four (1.4) animal units, and a dairy heifer equals one (1) animal unit regardless of size. Based on these equivalents, the total is one thousand thirty-two (1,032) animal units.

The Machado Heifer Operation was approved under the 1997 Livestock Operation Ordinance. The existing permit is for five hundred sixty (560) animal units.

Should you have any questions or need further information please contact this office.

Respectfully,



Richard D. Dunn
Planning and Zoning Administrator
Twin Falls County



February 19, 2008

Matt Machado
M & J Dairy
3340 N 1100 E
Buhl, ID 83316

Matt,

I ran the numbers for the water use for the dairy and for the heifer operation based on the numbers we obtained from Twin Falls Planning and Zoning. The dairy will require a total of 40 acre feet of water using the Idaho Department of Water Resources values of 35 gallons per cow per day for drinking water. That is above the actual expected intake so that is not a bad number to use since it should give a bit of a cushion. The 35 gallons per cow compares to the 27 gallons per cow I calculated using the National Research Council numbers. I also includes 12 acre feet for the process water or barn water.

The water right for the heifer operation would allow for stockwater use. Normally you would have to use 3,500 gallons per day for each house on site. That would leave 6,000 gallons of the 13,000 gallons available to be used for the livestock needs, which are estimated to be just over 10,000 per day. That would require an additional water right of 5.6 acre feet to provide 11,000 gallons per day.

The water right on the dairy provides for 22.1 acre feet of the 40 acre feet needed, which leaves an additional 18 acre feet needed to meet the required amount. If you add the 18 acre feet needed at the dairy to the 6 acre feet for the heifers you will need a minimum of 24 acre feet.

You may want to think about increasing that amount to allow a margin of safety. If in the future new technology would require a greater use of water you would have it in place. I would estimate that 5 to 10% would probably be adequate. The difference between the 27 gallons per head and the 35 gallons that IDWR uses already provides some cushion; neither of these values account for any wastage. At the price and availability of water you don't want too much there that you are not using.

I asked Reagon to see if he could find some water for you to purchase and he will be in touch with you regarding that issue. When we get the water resolved we can move ahead with the expansion on the heifer operation as we discussed.

I am sending you a copy of the site plan that I did for the heifer facility, along with the water information. If you have any questions, let me know.

Sincerely,

Bob Ohlenschlen
Professional Animal Scientist
Certified Nutrient Management Planner

Enclosures

Dairy Facility Water Use and Runoff Calculations
Prepared By
Bob Ohlenschlaen Certified Nutrient Management Planner
Nutrient Management Solutions, LLC.

Legal Description
N 1/2 SW 1/4
Twn 11S Rng 14E Sec 9

Estimate for **Matt Machado - Dairy Facility**

Number of Milking Animals.....	686	Head	Number of Dry Cows.....	94	Head
Weight of Mature Animals.....	1,400	Pounds			
Number of Heifers.....	-	Head			
Average Weight of Heifers.....	-	Pounds			

	Head	Animal Units	
Cows	780	1,092	An.Units
Heifers	-	-	An.Units

Type of milking parlor being used.....	Parallel	Number of stalls per side in parlor.....	12 head
Times per day cows are milked.....	2	Size of holding pen.....	96 head

Type of Separator Being Used.....	Gravity Settling Basin	60% Separation	
Manure from Mature Animals Handled as Liquid.....	Parlor and Holding Pen	15.0%	of Total
Manure from Heifers Handled as Liquid.....	None	0.0%	of Total
Daily manure stored as a liquid from the milking herd.....		85	Cu. Ft.
Daily separated solids that must be handled from the milking herd.....		128	Cu. Ft.
Daily manure handled as solids from milking herd.....		1,207	Cu. Ft.
Type of housing used for milking herd.....	Freestall	Daily Bedding.....	4 Tons
Type of bedding used for milking herd.....	Compost		382 Cu. Ft.
Type of housing used for replacement animals.....	Openlot	Daily Bedding.....	- Tons
Type of bedding used for replacement animals.....	Long Straw		- Cu. Ft.

Number of sprinklers in washpen.....	42	Output...	4.98 gpm	Minutes used per cycle.....	0
Percent of the time sprinklers used.....	0%	Additional water used to clean holding pen.....			1.000
Water used to flush holding pen.....	6,000				

Barn Water Use	Daily Gallons	Cu. Ft.	Daily Gallons	Cu. Ft.	
Milk House Cleaning.....	50	6.7	Backflush System Water.....	1,373	184
Pipeline Cleaning.....	400	53.5	Cow Prep Water.....	686	92
Bulk Tank Cleaning.....	150	20.1	Wash Pen Sprinklers.....	-	-
Miscellaneous Cleaning.....	25	3.3	Wash Pen Cleaning/Flush.....	7,000	936
Parlor Floor Cleaning.....	500	66.8	Calf Bottle Clean-up Water....	55	7.3
Parlor Deck Flush.....	-	-	Calf Bottle Clean-up Water....	55	7.3
Parlor Spray Flush.....	-	-	Total Process Water Daily.....	10,293	1,362

0% Utilization

<u>Amt Required Daily for Recycled Uses.....</u>	<u>Gallons</u>	<u>Cu. Ft.</u>
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Recycled water is used for	Holding Pen & Cow Drinking	37,576	5,023.5
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Water Source and Amount Being Recycled

Milk Cooling Water.....	20,090	2,685.8	
Chiller Cooling Water.....	-	-	
Equipment Cooling Water.....	-	-	
Total Daily Water to be Recycled.....	20,090	2,685.8	
All Water Will Be Recycled			
Total Process Water To Be Stored Daily.....	10,293	1,376.1	
Gallons of Process Water Per Cow Per Day.....	15	gallons	
Drinking Water Per Day..... Cows.....	25,241	gallons	
Heifers.....	-	gallons	% of Total
Annual Process Water.....	12	Acre Feet	21.0%
Annual Animal Drinking Water.....	28	Acre Feet	71.0%
Annual Water Use.....	40	Acre Feet	

Runoff Areas

	Length	Width	Slope	Area	Paved	Runoff		Total
						25yr 24hr	Winter	
Area 1	-	-	-	-	-	37,604	138,146	175,750
Area 2	-	-	0	-	-	-	-	-
Area 3	-	-	0	-	-	-	-	-
Area 4	-	-	-	-	-	-	-	-
Area 5	-	-	-	-	-	-	-	-
Area 6	-	-	-	-	-	-	-	-
Area 7	-	-	-	-	-	-	-	-
Area 8	-	-	-	-	-	-	-	-
Area 9	-	-	-	-	-	-	-	-
Area 10	-	-	-	-	-	-	-	-

Storage Requirements Precipitation Events.....	37,604	138,146	175,750	Cu Ft
Total Area Contributing Runoff.....	-	Sq Ft or	-	Acres
Total Manure Stored as a Liquid.....			15,332	Cu Ft
Process Water and Manure Stored.....			247,702	Cu Ft
Total Storage Needed.....			438,784	Cu Ft



United States
Department of
Agriculture

Farm and Foreign
Agricultural
Services

Farm Service
Agency

1441 Fillmore
Suite B
Twin Falls, Idaho
83301

208-733-5380
FAX 734-5138

July 17, 2008

Idaho Dept. of Water Resources
1341 Fillmore St.
Twin Falls, ID 83301

To Whom It May Concern:

This is to confirm that Mathers Ranch Inc. reported new seeding alfalfa planted in the 2002 crop year in SW NW of Section 32, Township 11 South, Range 18 East of the Boise Meridian.

Sincerely,

A handwritten signature in cursive script that reads "Candy Hansing".

Candy Hansing
Program Technician

JUN 28 2007 7:14AM

2 LASERJET 3200

June 4 Twp. 11 East

RA

P. 0-0

ATTN. COPY



TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326



May 9, 2007

RE: Mathers Ranch, Inc. Water Shares

RECEIVED
JUN 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

To whom it may Concern,

There are no Twin Falls Canal Company Water Shares on the following property that Mather's Ranch, Inc. owns.

SE1/4 SE1/4
E1/2 SW1/4 NE1/4 That land lying South of High Line Canal
NW1/4 SE1/4
SW1/4 SE1/4
SE1/4 SW1/4
All in Section 31, Township 11, Range 18

And

SW1/4 NW1/4
NW1/4 SW1/4
Section 32, Township 11, Range 18

RECEIVED
JUN 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

OCT 2 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

All 100.00 shares are appurtenant to the NE1/4 SE1/4 & SE1/4 NE1/4 in Section 31, Township 11, Range 18.

If you have any questions please call me at (208) 733- 6731

Sincerely

Kay Puschel
Water Records Specialist