

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77013**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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JAN 14 2011

WATER RESOURCES
WESTERN REGION

77013
RECEIVED
JAN 14 2011
 WATER RESOURCES
 WESTERN REGION

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1**

Name of Applicant(s) Idaho Power Phone (208) 388-5292

Mailing address PO Box 70 Boise ID, 83707 Email waterrights@idahopower.com

- ☐ 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.

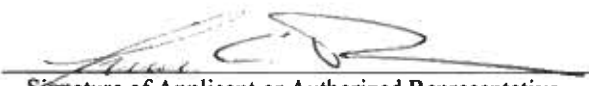
☐ No Representative

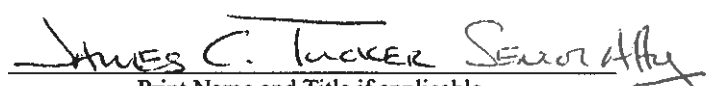
Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant or Authorized Representative


 Print Name and Title if applicable

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The purpose of this transfer is to correct the legal description of the point of diversion. The point of diversions appears to have been incorrectly described in the original claim.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. <u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
69-11521	1.33	Irrigation	03/15 to 10/31	Sturgill Creek/Snake River
69-11521	4	Power	01/01 to 01/01	Sturgill Creek/Snake River
			to	
			to	
			to	
			to	
			to	
			to	
			to	

Total 4 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 4 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
y		SW	NW	NW	14	15N	06W	Washington	Sturgill Creek	

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	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Water system consists of cement diversion with removable wood flash boards, valve-controlled head gate and five-inch pipe that feeds sprinkler irrigation and water turbine. If required, a flow meter can be installed in the pipeline and the head gate is lockable
- b. Who owns the property at the point(s) of diversion? U.S.D.A. Forest Service
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Applicant has existing easement from the Payette National Forest to access, operate and maintain the water system.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: 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: N/A
- 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: N/A
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid \$345- Date 1-14-2011 Received by DB Receipt # W038942

Add'l Fee Paid \$25⁰⁰ Date 11-8-10 Received by Receipt # W038836

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

12/7/2010

WATER RIGHT NO. 69-11521

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOULEN LIVESTOCK CO 1760 FAIRMONT DR WEISER, ID 83672 (208)549-1878

Priority Date: 12/31/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
STURGILL CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	1.33 CFS	
POWER	01/01	12/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

STURGILL CREEK	SESESE	Sec. 10	Township 15N	Range 06W	WASHINGTON County
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POWER Use:

Hydropower Kilowatts: 10

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	06W	3	2	NWNE	0.6		SWNE	11						
			3	NENW	4.6		SENE	6.8						
				NWSE	7.3		SESE	3.3						
		10		NENE	6.3		SENE	12						
				NESE	7.3		SESE	1.1						
16N		33		NESE	0.3									
		34		NWSW	3.9		SWSW	2.1						

Place of Use Legal Description: POWER WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	06W	3		SWNE										

Total Acres: 66.6

Conditions of Approval:

1.	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.
2.	171	The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.
3.		This right is renumbered from former right 67-10049 .

Dates:

Licensed Date:

Decreed Date: 11/16/2006

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Attachment #2a

Water Right Ownership Documentation

0012309

203753

Instrument # 203753

WEISER, WASHINGTON, IDAHO

2006-12-05

10:30:00 No. of Pages: 5

Recorded for : AMERITITLE

SHARON WIDNER

Ex-Officio Recorder

Deputy

Index to: DEED

Fee: 15.00

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, SOULEN LIVESTOCK COMPANY, successor in interest by merger to Snake River Sheep Co., Inc. an Idaho corporation ("Grantor"), does hereby grant, bargain, sell and convey unto IDAHO POWER COMPANY, an Idaho corporation ("Grantee"), whose address is 1221 W. Idaho Street, Boise, Idaho 83702, the following described real property located in Washington County, Idaho (the "Property"), to wit:

See Exhibit A attached hereto and made a part hereof by reference.

SUBJECT TO taxes and assessments for the year 2006 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to all zoning laws and ordinances, to any state of facts an inspection of the premises would show, and to the matters described in Exhibit B attached hereto and incorporated by this reference to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Encumbrances").

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and reversions, remainders, rents, issues and profits thereof, building rights exemptions, easements, rights-of-way, water rights and all estate, right, title and interest in and to the said Property.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises; that the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

TO HAVE AND TO HOLD said Property, with its appurtenances unto Grantee, and Grantee's successors and assigns forever, subject to the Permitted Encumbrances.

203753

IN WITNESS WHEREOF, the Grantor has executed this instrument on this
1 day of December, 2006.

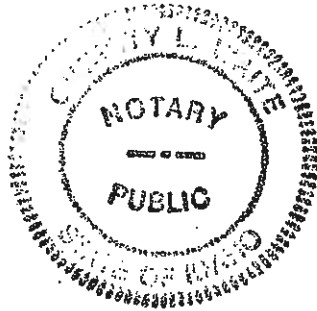
GRANTOR: SOULEN LIVESTOCK
 COMPANY, successor in interest by merger
 to Snake River Sheep Co., Inc., an Idaho
 corporation

By: Phil Soulen
 Phil Soulen
 Its: President

STATE OF Idaho)
 County of Washington) ss.

On this 1st day of December, 2006, before me, the undersigned Notary
 Public in and for said State, personally appeared Phil Soulen, known or identified to me to
 be the President of SOULEN LIVESTOCK COMPANY, an Idaho corporation, and the
 corporation that executed the within instrument, or the person who executed the instrument
 in behalf of said corporation, and acknowledged 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.



Notary Public for L. L. L. L.
 My Commission expires: 11/4/06

EXHIBIT A

Township 15 North, Range 6 West of the Boise Meridian, Washington County, Idaho:

Section 2: Lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Section 3: Lots 1, 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 10: E $\frac{1}{2}$ E $\frac{1}{2}$;

Section 11: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Section 12: All, SAVE AND EXCEPT all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Easterly of the top of a ridge, traversing said quarter section in a Northwesterly direction, which ridge forms the area known as "Cottonwood Creek drainage";

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Section 17: SE $\frac{1}{4}$;

Section 19: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 21: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Section 22: All;

Section 28: N $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 29: N $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;

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

Township 16 North, Range 6 West of the Boise Meridian, Washington County, Idaho:

Section 33: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 34: All;

Section 35: S $\frac{1}{2}$ SW $\frac{1}{4}$.

203753

File No. 0012309

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
2. General Exceptions:
 1. Rights or claims of parties in possession not shown by the public records.*
 2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.*
 3. Easements, or claims of easements, not shown by the public records.*
 4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.*
 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.*
 6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceeding by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.*

* Paragraphs 1, 2, 3, 4, 5 and 6 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as Special Exception in Schedule B-Section 2.

3. Special Exceptions:
 1. Taxes for 2006 are an accruing lien and not yet due or payable.
 2. Subject to liens for any taxes deferred by virtue of the designation to the subject property as Forest lands, as provided in Section 63-1701, et seq., Idaho Code.
 3. Liens, levies, and assessments of any and all irrigation districts or laterals, and the rights, powers and easements of said district as by law provided.

203753

File No. 0012309

4. Reservation of all coal and minerals in U.S. Patents recorded as follows:

<u>DATE</u>	<u>BOOK/PAGE</u>
October 17, 1923	36/529
March 5, 1924	36/553
December 21, 1926	36/639
December 21, 1926	46/429
August 28, 1929	50/308
May 20, 1935	54/107
March 28, 1939	58/608
April 12, 1952	72/555
April 12, 1952	72/556
April 12, 1952	72/557

5. Reservation of a right to trail sheep recorded October 23, 1919 in Book 39 of Deeds at page 115, Official Records.
6. Easement granted Richard T. Mooney, in Deed recorded January 19, 1965 in Book 86 of Deeds at page 1, Official Records.
7. Any adverse claim arising from questions of location of "Top of a ridge" in Sec. 12, Twp. 15, R. 6 W., B.M. and adjacent land as disclosed in Deed recorded September 14, 2000 as Instrument No. 180757, Official Records.
8. Easement for Livestock Fence granted the United States of America, recorded June 15, 2006 as Instrument No. 201775, Official Records.
9. Access to and from said land. Access may be by way of easements or permits granted by the Bureau of Land Management or the Forest Service. If so, such access is subject to the terms and conditions of such easements or permits.

END

203752

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, SOULEN LIVESTOCK COMPANY, an Idaho corporation, successor of Snake River Sheep Co., Inc., by merger, ("Grantor"), does hereby grant, bargain, sell and convey unto IDAHO POWER COMPANY, an Idaho corporation ("Grantee"), whose address is 1221 W. Idaho Street, Boise, Idaho 83702, the following described real property located in Washington County, Idaho (the "Property"), to wit:

The W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 20 Township 15 North, Range 6 West, Boise Meridian, Washington County, Idaho

SUBJECT TO taxes and assessments for the year 2006 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to all zoning laws and ordinances, to any state of facts an inspection of the premises would show, and to the matters described in Exhibit A attached hereto and incorporated by this reference to the extent the same are validly existing and applicable to the Property (collectively, the "Permitted Encumbrances").

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and reversions, remainders, rents, issues and profits thereof, building rights exemptions, easements, rights-of-way, water rights and all estate, right, title and interest in and to the said Property.

The Grantor covenants to the Grantee that; the premises are free from encumbrances created or suffered by the Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

TO HAVE AND TO HOLD said Property, with its appurtenances unto Grantee, and Grantee's successors and assigns forever, subject to the Permitted Encumbrances.

Instrument # 203752

WEISER, WASHINGTON, IDAHO

2006-12-05

10:30:00 No. of Pages: 4

Recorded for : WASHINGTON COUNTY TITLE

SHARON WIDNER

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED

[Signature]

By: Phil Soulen
Its: President

On this 1st day of February, 2006, before me, the undersigned Notary Public in and for said State, personally appeared Phil Soulen, known or identified to me to be the President of SOULEN LIVESTOCK COMPANY, an Idaho corporation, and the corporation that executed the within instrument, or the person who executed the instrument in behalf of said corporation, and acknowledged 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.

Notary Public for Titania
My Commission expires: 3-11-2009

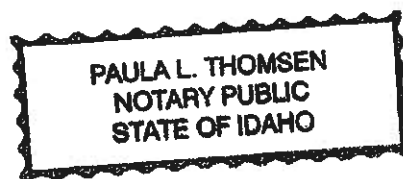


Exhibit A

Form No. 1344-B2(1982)
ALTA Plain Language Commitment

Commitment No. 206-451

**SCHEDULE B - Section 2
Exceptions**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: The foregoing numbered exceptions (1-6) MAY be eliminated in an ALTA Extended Coverage Policy.

PART 2:

7. 2006 taxes in the original amount of \$140.04, Tax Parcel Number RP 15N06W200000A, (Includes other lands) are a lien, first half due and payable on or before December 20, 2006, second half due and payable on or before June 20, 2007. Homeowners Exemption: NOT active as of the 2006 tax statement.

continued...

Form No. 1344-A(1982)
ALTA Plain Language Commitment

Commitment No. 206-451
Schedule B - Section 2 continued....

8. Easements for irrigation or drainage ditches, canals or roads; water rights, mineral rights, claims or title to water.
9. Lack of a recorded access to said lands.
10. Financing Statements recorded in the office of the Idaho Secretary of State.
B860029
B552608
F62938

INFORMATIONAL NOTES

- A. This is an accommodation and not part of this commitment, no liability is assumed by noting the following: The parties disclosed in Schedule A, Section 3 were derived from WD, recorded February 19, 1997, as Instrument No. 168714, records of Washington County, Idaho. Additional conveyances involving the parties disclosed in Schedule A, Section 3 which have recorded within the last 24 months: NONE
- B. Other than as shown in Schedule B; we find no Judgement Liens, State Tax Liens, Federal Tax Liens or Child Support Liens of record which attach to the name(s) or interest of the vested owner and/or proposed insured owner/borrower.
- C. Pursuant to the State of Idaho Insurance Regulations: A cancellation fee will be charged on all cancelled orders, unless notified to the contrary, all orders shall be cancelled and a billing sent within 6 months of the effective date on the commitment.

0012309

EASEMENT

SOULEN LIVESTOCK COMPANY, successor in interest by merger to Snake River Sheep Co., Inc., an Idaho Corporation (herein referred to as "Grantor"), does hereby grant and convey to IDAHO POWER COMPANY, (herein referred to as "Grantee") an easement as follows:

- (b) **Property Benefitted:** This easement is for the benefit of the following described real property, herein referred to as the "Dominant Estate":

Located in Washington County, Idaho and more particularly described on Attachment 1, which is attached hereto and incorporated herein by reference.

- (c) **Property subject to easement:** The property subject to this easement is described as follows, and is herein referred to as the "Servient Estate":

Located in Washington County, Idaho

Township 15 North, Range 6 West of the Boise Meridian

Section 14: E1/2SW; W1/2SE

- (d) **Location of Easement:** 20 foot in width along and across the existing roadway that transverses the Servient Estate, as generally depicted on the map attached hereto as Attachment 2, and incorporated herein by reference. Either party shall have the right, at the requesting party's sole expense, to survey such property and amend this easement to include a legal description of the roadway.
- (e) **Purposes of Easement:** This easement shall be for ingress and egress to and from the Dominant Estate and for the benefit of the Dominant Estate.

This easement is appurtenant to the Dominant Estate and shall run with the Dominant Estate for the benefit of Grantee and Grantee's successors and assigns. This easement burdens the Servient Estate and runs with the land of the Servient Estate and binds the Grantor, its successors and assigns.

Instrument # 203754

WEISER, WASHINGTON, IDAHO

2006-12-05 10:30:00 No. of Pages: 4

Recorded for: AMERITITLE

SHARON WIDNER

Ex-Officio Recorder Deputy

Index to: DEED - EASEMENT

Fee: 12.00

SOULEN LIVESTOCK CO., successor in
interest by merger to Snake River Sheep
Co., Inc.


By: Phil Soulen
President

STATE OF IDAHO

)

: ss.

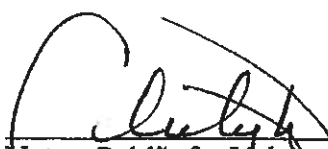
COUNTY OF WASHINGTON

)

On this the 1st day of December, 2006, before me a Notary Public,
personally appeared PHIL SOULEN, known or identified to me to be the president of the
corporation that executed the instrument, or the person who executed the instrument on
behalf of said corporation, and acknowledged 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.





Notary Public for Idaho
Residing at: Laurel, ID
My Commission Expires: 11/4/09

Attachment /
~~EXHIBIT A~~

Township 15 North, Range 6 West of the Boise Meridian, Washington County, Idaho:

Section 2: Lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Section 3: Lots 1, 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 10: E $\frac{1}{2}$ E $\frac{1}{2}$;

Section 11: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$;

Section 12: All, SAVE AND EXCEPT all that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Easterly of the top of a ridge, traversing said quarter section in a Northwesterly direction, which ridge forms the area known as "Cottonwood Creek drainage";

Section 15: E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Section 17: SE $\frac{1}{4}$;

Section 19: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 20: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$; *and W $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$*

Section 21: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Section 22: All;

Section 28: N $\frac{1}{2}$ NW $\frac{1}{4}$;

Section 29: N $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;

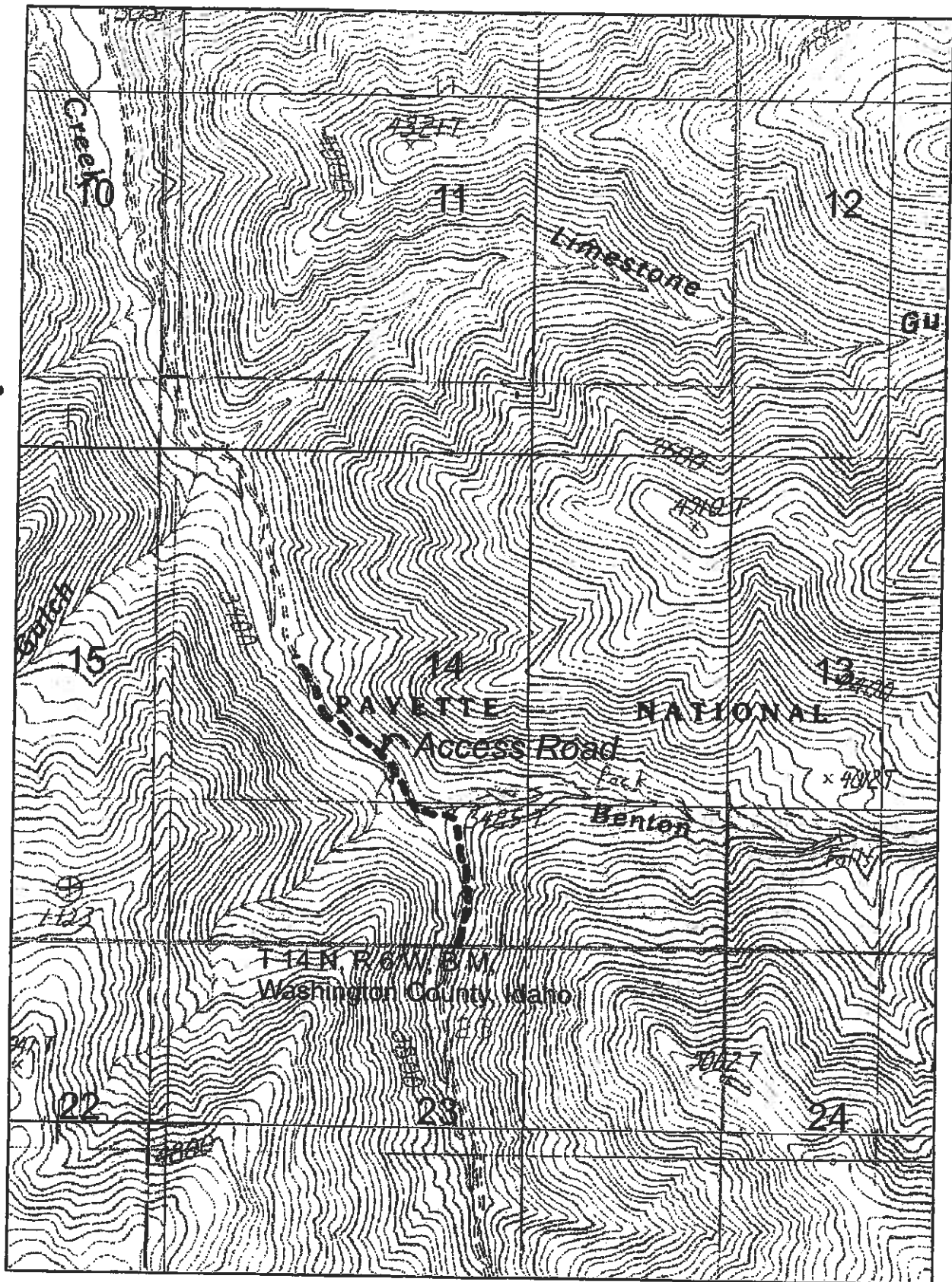
Section 30: E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$;

Township 16 North, Range 6 West of the Boise Meridian, Washington County, Idaho:

Section 33: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 34: All;

Section 35: S $\frac{1}{2}$ SW $\frac{1}{4}$.



Location of Access Road

Attachment #7a

Maps of Place of Use and Point of Diversion

Sturgill Creek Ranch Entrance



POU for Water Right 69-11521

R6W

T16N

T15N



0 0.125 0.25 0.5 0.75 1 Miles