

Transfer No. 76900

Receipt No. 6036248

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

**1. Applicant Information** CINDER BUTTE CATTLE LLC  
 6730 W 129TH N  
 IDAHO FALLS ID 83402

Will this transfer result in an ownership change? ☐ Yes ☒ No

**2. Current Water Right****Part 2 Attached for Each Right**

|          | Origin/Basis | Rate | Volume | Acre Limit | Total Acres | Source       |
|----------|--------------|------|--------|------------|-------------|--------------|
| 35-13556 | WR/Decreed   | 1.51 | 295.8  |            |             | GROUND WATER |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------|-------|-----|-----|---------|---------------|---------------|
| 35-13556 | NO    | YES | NO  | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

Change point of diversion of one of the wells located in Section 1, 03N, 36E. New point of diversion will be located in the NENE of Section 01, 03N, 36E.

**4. FOR CHANGES IN NATURE OF USE ONLY**

**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

**B. Describe the effects on other water uses resulting from the proposed change**

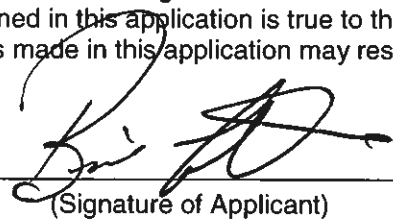
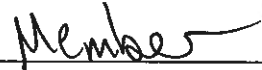
**5. Total Amounts Transferred**

|          | Rate     | Acre Limit | Total Acres | Volume   |
|----------|----------|------------|-------------|----------|
| 35-13556 | 1.51 cfs |            |             | 295.8 af |
| TOTAL    | 1.51 cfs |            |             | 295.8 af |

Transfer No. 76900  
Receipt No. \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

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.

  
\_\_\_\_\_  
(Signature of Applicant)  
\_\_\_\_\_  
(Title or Office)

Transfer No. 76900

Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 35-13556

Priority Date: September 16, 1961

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| COMMERCIAL            | 01/01 12/31    | 1.51 CFS              | 295.8 AFA     |                    |
| STOCKWATER            | 01/01 12/31    | 1.51 CFS              | 295.8 AFA     |                    |
| Total Diversion       |                | 1.51 CFS              | 295.8 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER      L6 (NWNESE)    Sec. 1    Twp 03N    Rge 36E    BONNEVILLE  
County

GROUND WATER      L6 (NWNESE)    Sec. 1    Twp 03N    Rge 36E    BONNEVILLE  
County

GROUND WATER      L7 (SWSESE)    Sec. 1    Twp 03N    Rge 36E    BONNEVILLE  
County

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  |        |
| 03N | 36E | 1   | X   |    |    | X   |    |    |    |    |    |    |    |    | X   |    |    | X   |        |
|     |     |     | L 1 |    |    | L 5 |    |    |    |    |    |    |    |    | L 6 |    |    | L 7 |        |

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  |        |
| 03N | 36E | 1   | X   |    |    | X   |    |    |    |    |    |    |    |    | X   |    |    | X   |        |
|     |     |     | L 1 |    |    | L 5 |    |    |    |    |    |    |    |    | L 6 |    |    | L 7 |        |

Conditions/Remarks:

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. Prior to the diversion and use of water under Transfer approval 72722, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The diversion and use of water described in Transfer 72722 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Commercial use is for a cattle feedlot.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

Documentation of Ownership of the Current Place of Use

Owner per IDWR and taxlot data

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

YES

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

N/A

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. 76900

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 35-13556

Priority Date: September 16, 1961

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| COMMERCIAL            | 01/01 12/31    | 1.51 CFS              | 295.8 AFA     |                    |
| STOCKWATER            | 01/01 12/31    | 1.51 CFS              | 295.8 AFA     |                    |
| Total Diversion       |                | 1.51 CFS              | 295.8 AFA     |                    |

Source and Point(s) of Diversion:

|              |           |        |         |         |                      |
|--------------|-----------|--------|---------|---------|----------------------|
| GROUND WATER | L1 (NENE) | Sec. 1 | Twp 03N | Rge 36E | BONNEVILLE<br>County |
|--------------|-----------|--------|---------|---------|----------------------|

|              |             |        |         |         |                      |
|--------------|-------------|--------|---------|---------|----------------------|
| GROUND WATER | L6 (NWNESE) | Sec. 1 | Twp 03N | Rge 36E | BONNEVILLE<br>County |
|--------------|-------------|--------|---------|---------|----------------------|

|              |             |        |         |         |                      |
|--------------|-------------|--------|---------|---------|----------------------|
| GROUND WATER | L7 (SWSESE) | Sec. 1 | Twp 03N | Rge 36E | BONNEVILLE<br>County |
|--------------|-------------|--------|---------|---------|----------------------|

Describe the proposed diversion system

Point of Diversion # 1 Well/pump to stockyard.

Point of Diversion # 2 well/pump to stock yard

Point of Diversion # 3 domestic used for this stockwater/commercial

**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  |        |
| 03N | 36E | 1   | X   |    |    | X   |    |    |    |    |    |    |    |    | X   |    |    | X   |        |
|     |     |     | L 1 |    |    | L 5 |    |    |    |    |    |    |    |    | L 6 |    |    | L 7 |        |

**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 03N | 36E | 1   | X         |           |           | X         |           |           |           |           |           |           |           |           | X         |           |           | X         |        |
|     |     |     | L 1       |           |           | L 5       |           |           |           |           |           |           |           |           | L 6       |           |           | L 7       |        |

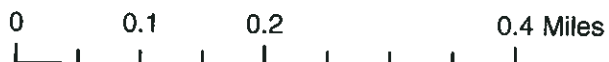


2009 Aerial Photography

**Legend**

- Township/Range
- Sections
- QQ
- modelgrid

Water Rights:  
35-13566



1 inch = 0.15 miles

76900

FILED/RECEIVED

STATE OF IDAHO

- NAME:

ADDRESS:

**Signature:**

Capacity: Member

**Signature:**

Typed Name:

**Capacity:**

**Secretary of State use only**

IDAHO SECRETARY OF STATE  
11/19/2001 05:00  
CK: 2461 CT: 49995 BH: 438378  
1 @ 100.00 = 100.00 ORGAN LLC # 2

No. W 17144

Due no later than November 30, 2006

Annual Report Form

1. Mailing Address - Correct in this box, if applicable

SECRETARY OF STATE  
450 NORTH FOURTH STREET  
PO BOX 83720  
BOISE, ID 83720-0080

CINDER BUTTE CATTLE CO., LLC  
BRENT LOTT  
6730 W 129 N  
IDAHO FALLS, ID 83402

2. Registered Agent and Office NO PO BOX

BRENT LOTT  
8437 N 45 E  
IDAHO FALLS, ID 83401

3. New Registered Agent Signature

NO FILING FEE IF  
RECEIVED BY DUE DATE

4. Limited Liability Companies: Enter Names and Addresses of Members.

| Office held | Name         | Street or P.O. Address | City                   | State | Zip   |
|-------------|--------------|------------------------|------------------------|-------|-------|
| Member      | Brent Lott   | 8437 N. 45th E         | Idaho Falls            | ID    | 83401 |
| Member      | Peter Cannon | 2001 S. Weigh. St      | Ar. Shelly Idaho Falls | ID    | 83401 |

5. Organized Under the Laws of:

IDAHO  
W 17144

6.

Signature

Date

Name (Printed)

Shane McFadden

Title

Accountant

Issued 09/02/2008

Do Not Tape or Staple

200811004209