

TRANSFER # 66354

WAS

RENUMBERED TO

TRANSFER # 78283

IN DECEMBER, 2012.

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4930
66354

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Buckeye Farms Phone (208) 622-4100
Post Office address Route One Box 150 18335 U.S. Hwy 30 Hagerman, ID 83332

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 Northern half of property was sold.
Transferring the water to remaining lands.

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>36-00015</u>	<u>3/08/1902</u>	<u>6.5</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>36-00018</u>	<u>4/01/1917</u>	<u>20.0</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 26.5 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water 36-00015 Weatherby Springs tributary to Billingsley Creek
36-00018 Billingsley Creek Snake River

4. Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SW	30	7S	14E	Gooding	Weatherby Spg 36-00015
	NE	SW	NE	31	7S	14E	Gooding	Billingsley Crk 36-00018

5. Lands irrigated or place of use: * Per telecon w/Dave Skow 10-3-96

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	26											40	40			40	40	160ac
7S	13E	35	10	40	40	15	40	40		40	40				20	40	*	*	325ac

Total acres 485 483*

PART 1

6. General Information:

- a. Description of diversion system 36-00015/Water delivery through the Bar-S ditch,
Curren Ditch, South pipeline.
36-00018/Water delivery through the Curren Ditch, South pipeline.

- 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:

Other waters are available for these lands

- 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 said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-00015 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a 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 Weatherby Springs tributary to Billingsley Creek
4. Date or priority 3-8-1902

5. Water is used for the following purpose:

amount 6.50 cfs for Irrig. purposes from 3-15 to 11-15
(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 6.50 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
	SE	NE	SW	30	7S	14E	Gooding	Bar S Ditch, Carren Ditch, North South Pipelines

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	23									32	35	40	34					141
		26					10	22		21	19			16		6	22	12	128
		35	8	9	38	9	15	2		37	40				19	37			214

Total acres 483

9. Describe any other water rights used for the same purpose as described above 36-00018

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 36-000/8 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a 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 Billingsley Creek tributary to Snake River

4. Date or priority 4-1-1917

5. Water is used for the following purpose:

amount 20.0 cfs for Irrig. purposes from 3-15 to 11-15
(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 20.0 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
	NE	SW	NE	31	7S	14E	Gooding	Curren Ditch, North & South Pipelines

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	13E	23									32	35	40	34					141
		26					10	22		21	19			16		6	22	12	128
		35	8	9	38	9	15	2		37	40				19	37			214

Total acres 483

9. Describe any other water rights used for the same purpose as described above 36-000/5

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

HDR Engineering, Inc.

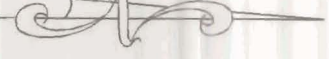
Water Rights:
36-00015 and 36-00018

Land Retained

Point of Diversion

0 750 1500 3000 4500

FEET



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

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			to
			to

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

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

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.

BOCKEY FARM

By: Dean A. Rosholt
Attorney-in-Fact (Signature of Applicant)

Subscribed and sworn to before me this 25th day of January, 19 94.

Macon Hart Highland
(Notary Public)

My commission expires 12-17-97 Residing at Gooding

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 1 attachments

Received by WLB Date 1-25-94 Protest filed by _____

Prelim. check by JF Stanton Fee \$50.00

Receipted by MTS 5016501 Date 1-25-94

Published in Gooding Co. Leader, F.D. Statesman, Port Register, Times News, Lewiston Tribune Copies of protest forwarded by _____

Pub. dates 10/23/96, 10/30/96, 10/24/96, 10/31/96 Hearing held by _____ Date _____

Watermaster recommendation requested on 10/2/96 Recommended for ☐ approval ☐ denial

_____ rec'd. 11/12/96 by _____

Copy of transfer sent to lien holder _____

RECEIVED

JAN 25 1994

Department of Water Resources
Southern Region Office

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, BUCKEYE FARMS, INC., a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto

SPRING VALLEY RANCHES, INC., a Utah corporation whose address is P.O. Box 73, Hagerman, Idaho 83332, Grantee, the following described real estate, situated in Gooding County, Idaho, to wit:

T. 7 S., R. 13E., Boise Meridian, Gooding County, Idaho:

Section 23: SW1/4

Section 26: N1/2 NW1/4, W1/2 NE1/4, NW1/4 SE1/4, NE1/4 SW1/4, SE1/4 NW1/4

EXCEPTING THEREFROM the parcel of land described as follows:

BEGINNING at the Southwest corner of the NE1/4 SE1/4 of said Section 26;

Thence North and parallel with the East line of Section 26 to the Northwest corner of the NE1/4 NE1/4 of Section 26;

Thence West along the North line of said Section 26 to a point which is 30 feet West of the West bank of the Big Bend Ditch.

Thence Southerly along a line running 30 feet West of the West bank of said Big Bend Ditch to a point which is directly West of the Southwest corner of the NE1/4 SE1/4 of said Section 26;

Thence East and parallel with the North line of Section 26 to THE POINT OF BEGINNING.

Reserving unto the Grantor Water Right Nos. 36-0014, 36-0015, 36-0016, 36-0017; Permit Nos. 36-7741, 36-7740; or 67.5 shares of Big Bend Irrigation and Mining Co. stock appertenant to the above described parcel, it being acknowledged that said property is being conveyed without water rights.

By recordation of this Deed, Spring Valley Ranches, Inc. assumes all obligations concerning the environmental requirements for the above described

property in accordance with Sections 9 and 11 of the Agreement between the parties dated as of January 31, 1989.

To have and to hold the said premises and their appurtenances unto the said Grantee, its successors and assigns, forever.

The said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as set forth above and assumed by Grantee; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

DATED this 7 day of Feb, 1989.

BUCKEYE FARMS, INC.

By [Signature]
President

ATTEST:

By [Signature]
Secretary

STATE OF IDAHO

County of Blaine ss.

On this 7th day of February, 1989, before me, a Notary Public, in and for said County and State, personally appeared James H. Burwell and John A. Burde, known identified to me to be the President and Secretary, respectively, of BUCKEYE FARMS, INC., the corporation, and executed the foregoing instrument, 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 above written.

[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: [Address]
My commission expires: [Date]

0472m

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby nominates and appoints JOHN A. ROSHOLT, of 142 Third Avenue N., Twin Falls, Idaho 83301, as attorney-in-fact with full authority to act for and on behalf of Buckeye Farms, Inc., an Idaho corporation, to file water right claims in the Snake River Basin Adjudication and to execute any and all documents required or necessary to file and perfect such rights for the properties of Buckeye Farms, Inc., for which corporation I am the secretary, located in Gooding County, Idaho.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the above-mentioned. Further, I hereby declare that each and every agreement, receipt or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid and effectual as if they had been signed, sealed and delivered by me in my own proper person for said corporation.

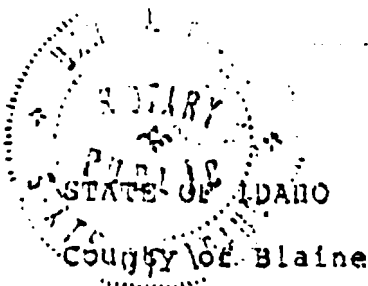
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal:

This 31st day of August, 1988.

John A. Burke

JOHN A. BURKE

Secretary Buckeye Farms, Inc.



) ss.

On this 31st day of AUGUST, 1988, before me, a Notary Public, in and for said County and State, personally appeared JOHN A. BURKE, Secretary of BUCKEYE FARMS, INC., the corporation that executed the foregoing instrument, 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.

David F. [Signature]

NOTARY PUBLIC FOR IDAHO

Residing at: HAILEY

My commission expires: 7-8-91

0192m