

Transfer No. 75670
 Receipt No. 5020941

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

1. Applicant Information ROBERT J MEYERS
 3921 N 3300 E
 TWIN FALLS ID 83301
 (208)733-4952
 And
 KATHI L MEYERS
 3921 N 3300 E
 TWIN FALLS ID 83301
 (208)733-4952

RECEIVED

JUN 12 2009

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-10301	WR/Decreed	1.97	704.0		176.0	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
36-10301	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

We purchased this entire water right and the land it was used on in 1997, but did not realize that the actual place of use was not the same as the decreed place of use. This has now been brought to our attention, so we are filing a transfer to correct the problem. The change of place of use actually occurred when sprinklers were installed on the property in 1994. We are including an affidavit from the previous owner stating his intention to sell us the entire water right. The land north of the irrigation canal that is our north boundary has been irrigated just with canal shares since 1994.

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
36-10301	1.97 cfs		149.2	596.8 af
TOTAL	1.97 cfs		149.2	596.8 af

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**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.

Robert J. Meyers
(Signature of Applicant)

owner
(Title or Office)

Subscribed and sworn to before me this 12 day of June, 20 09

(Notary Public)

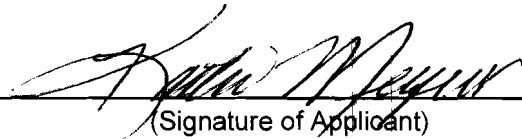
My commission expires _____

Transfer No. 75670

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**STATE OF IDAHO
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(Signature of Applicant)

owner

(Title or Office)

Subscribed and sworn to before me this 12 day of June, 20 09.

(Notary Public)

My commission expires _____

R E C E I V E D

JUN 17 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 75670

Receipt No. _____

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

Current Water Right No. 36-10301

Priority Date: January 01, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	1.97 CFS	704.0 AFA	
	Total Diversion		1.97 CFS	704.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENENW Sec. 8 Twp 07S Rge 14E GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	14E	8					36.0	36.0	37.0	5.0	24.0	38.0							176.0

Total Acres: 176

Conditions/Remarks:

1. 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. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

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?

NO

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

Transfer describes how this right has been used since before the SRBA decree was issued.

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. 75670

Receipt No. _____

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

Proposed Water Right No. 36-10301

Priority Date: January 01, 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>
IRRIGATION	03/15 11/15	1.97 CFS	596.8 AFA	
	Total Diversion	1.97 CFS	596.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENENW Sec. 8 Twp 07S Rge 14E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 Existing well, motor, pump, mainline to pivot sprinkler with end gun, handlines &
small pivot in 2 south corners corner

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	
07S 14E 8					3.5	1.7	35.0	37.0	37.0	35.0							149.2

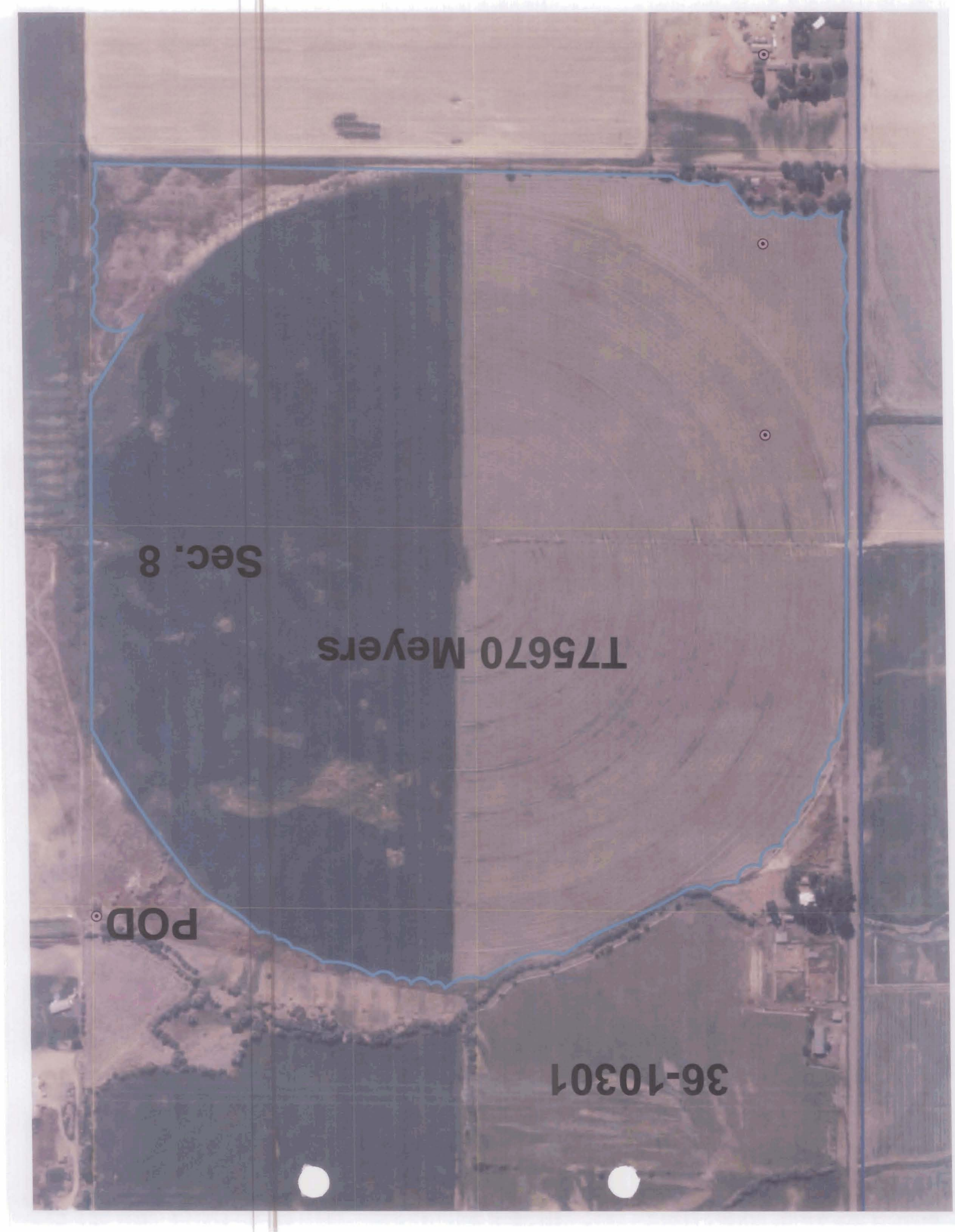
Total Acres: 149.2

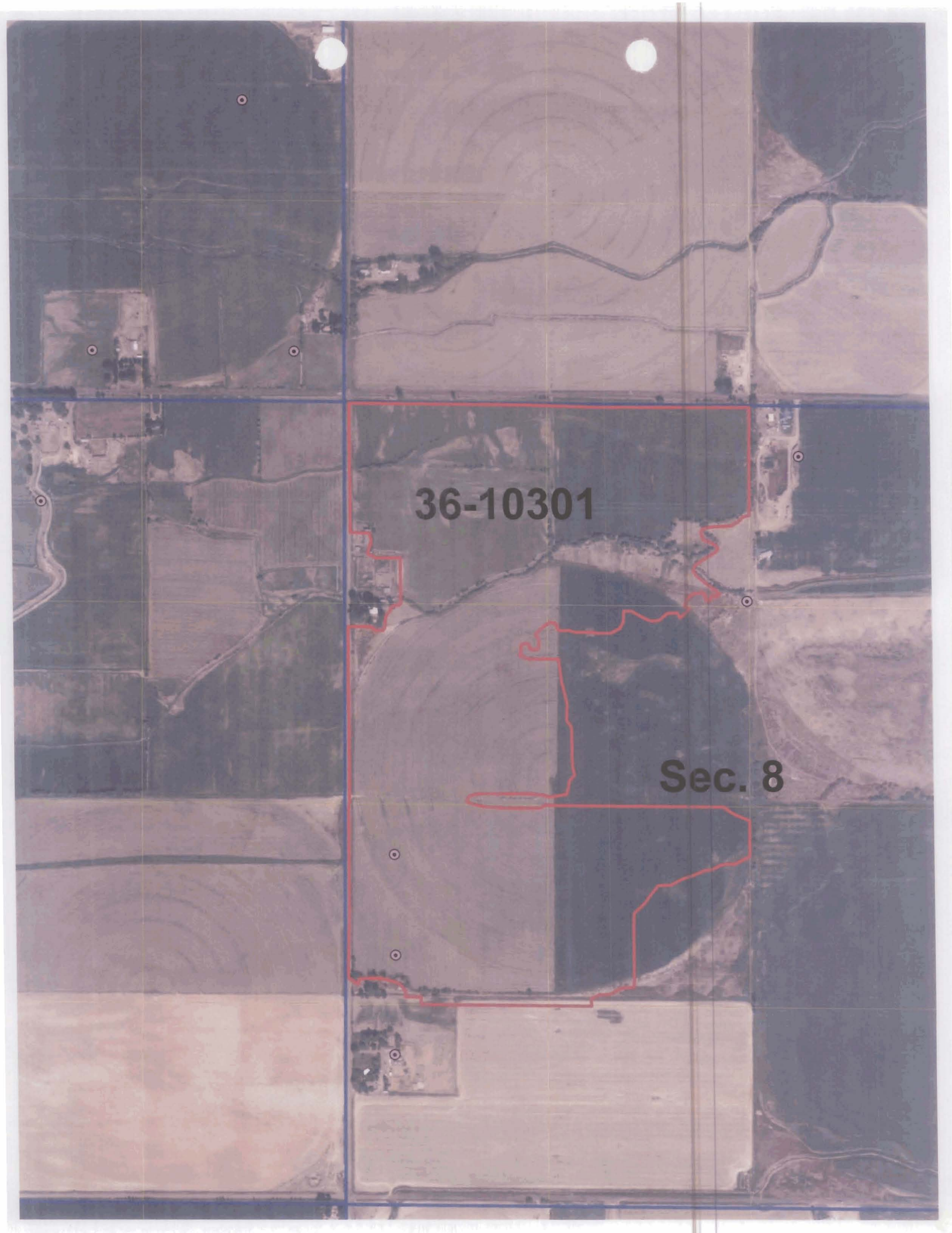
T75670 Meyers

Sec. 8

POD

36-10301



An aerial photograph of a rural landscape, likely a farm or ranch, showing various fields, a winding river or stream, and some buildings. A red boundary line is drawn across the center of the image, enclosing a specific area. The text "36-10301" is printed in large, bold, black letters within this red-outlined area. To the right of the red-outlined area, the text "Sec. 8" is printed in large, bold, black letters. Several small white circles with black outlines are scattered across the image, possibly indicating specific points of interest or survey markers. The overall color palette is dominated by earthy tones like browns, tans, and greys, with some darker green areas suggesting vegetation.

36-10301

Sec. 8

AFFIDAVIT OF TED ANDRUS

STATE OF IDAHO)
) ss.
County of Twin Falls)

TED ANDRUS, being first duly sworn upon oath, deposes and states as follows:

1. This Affidavit is submitted in support of the application to Idaho Department of Water Resources by Robert J. and Kathi Meyers for transfer of the point of use of water right no. 36-10301.

2. I am married to Arlyane Andrus. For many years, my wife and I have been the owners of real property located in Township 7 South, Range 14 East, B.M., Gooding County, Gooding County, Idaho, Section 8: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, consisting of 240 acres of land.

3. My wife and I have now sold to Robert J. Meyers and Kathi Meyers approximately 166 acres of ground, described on Exhibit "A" attached hereto. Water right no. 36-10301 is included as part of the property sold, together with twenty (20) shares of North Side Canal Company Stock.

4. The water used under right no. 36-10301 is taken from a well located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8. The well is located on the described property which we have sold to the Meyers.

5. Previously, a portion of the water from the well was used to irrigate the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8. However, in 1994, I installed a center pivot irrigation system in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8. After the pivot was installed, all of water right no. 36-10301 was applied by use of the pivot.

6. I consent to Meyers' application to modify the point of use of water right no. 36-10301. I understand that with this modification, none of the

water from the well will be used upon my property. Instead, all of water right no. 36-10301 will be used on the land described on Exhibit "A." which my wife and I are selling to the Meyers.

DATED This 14th day of March, 1997.

Ted G. Andrus

TED G. ANDRUS

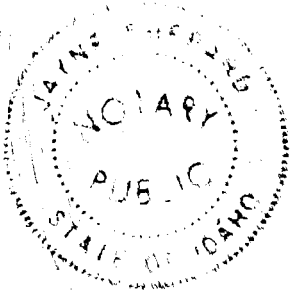
SUBSCRIBED AND SWORN to before me this 14th day of March, 1997.

James Shepard

NOTARY PUBLIC FOR IDAHO

Residing at: Buhl, ID

My commission expires: 8-21-99



TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 8: That part of the W½ of said Section, described as follows:

Commencing at the Southwest corner of Section 8;
Thence North 0°00'15" West, 1320.41 feet along the West boundary of Section 8 to the Southwest corner of the NW¼SW¼, the TRUE POINT OF BEGINNING;
Thence North 0°00'15" West, 1320.41 feet to the West quarter corner of said Section 8;
Thence continuing North 0°00'15" West, along said boundary 1134.13 feet to a point;
Thence South 89°02'40" East, 277.95 feet to a point;
Thence North 0°20'31" East, 78.24 feet to a point;
Thence South 86°58'26" East, 251.59 feet to a point;
Thence Northeasterly along the arc of a curve left 302.30 feet, said curve having a central angle of 34°38'51", a radius of 500.00 feet and a long chord bearing and distance of North 64°36'37" East, 297.77 feet;
Thence Northeasterly along the arc of a curve right 405.38 feet, said curve having a central angle of 24°41'29", a radius of 940.68 feet and a long chord bearing and distance of North 68°12'04" East 402.25 feet;
Thence Northeasterly along the arc of a curve left 189.47 feet, said curve having a central angle of 10°51'21", a radius of 1000.00 feet and a long chord bearing and distance of North 49°25'23" East, 189.19 feet;
Thence Northeasterly along the arc of a curve right 243.78 feet, said curve having a central angle of 13°58'03", a radius of 1000.00 feet and a long chord bearing and distance of North 78°32'56" East, 243.18 feet;
Thence South 86°38'47" East, 233.91 feet to a point;
Thence South 76°41'25" East, 351.47 feet to a point;
Thence South 58°53'15" East, 367.32 feet to a point;
Thence South 89°52'42" East, 201.10 feet to a point on the East line of the NW¼ of Section 8;
Thence South 0°00'09" East, 2677.24 feet along said line to a point on the South boundary of said Section 8;
Thence South 89°58'28" West, along the South boundary of said Section 8, 2645.14 feet to the TRUE POINT OF BEGINNING.

EXHIBIT "A"

G-23155

Exhibit "A" Continued...

SUBJECT TO THE FOLLOWING:

All reservations in patents or deeds in the chain of title.

Taxes for 1997 and subsequent years, which are a lien, but not yet due and payable.

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Assessments of any local irrigation district.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by John H. Reinke and Helen Reinke, husband and wife, to Idaho Power Company, a corporation, dated December 6, 1948, recorded April 30, 1949 in Book 6 Page 431 as Instrument Number 108736, Jerome County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by Ted Andrus and Arlyane Andrus, husband and wife, to Idaho Power Company, a corporation, dated July 20, 1977, recorded March 1, 1978 as Instrument Number 69050, Gooding County records, affecting the E 100 feet of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 14, East Boise Meridian.

Right of Way Easement given by Ted Andrus and Arlyane Andrus to Pacific Power & Light Company, dated March 2, 1978, recorded March 15, 1978 as Instrument Number 69308, Gooding County records, affecting a portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 7, a portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8, Township 7 South, Range 14, East Boise Meridian.

Exhibit "A"

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 8: That part of the W½ of said Section, described as follows:

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Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including, but not limited to 20.0 shares of capital stock of the North Side Canal Company, Limited.

Continued.....

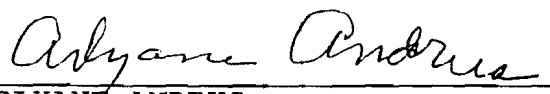
WARRANTY DEED

FOR VALUE RECEIVED, TED G. ANDRUS and ARLYANE ANDRUS, husband and wife, hereinafter called the Grantor, hereby sell, assign, transfer and convey unto ROBERT J. MEYERS and KATHI MEYERS, husband and wife, 3024 Woodridge, Twin Falls, Idaho 83301, hereinafter called the Grantee, all of the right, title and interest of Grantor in and to that certain real property situated in Gooding County, Idaho, and described on Exhibit A hereto, which exhibit is incorporated herein by this reference.

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

DATED this 14th day of March, 1997.

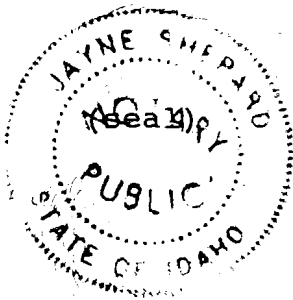

TED G. ANDRUS


ARLYANE ANDRUS

STATE OF IDAHO)
 : ss
County of Gooding)

On this 14th day of March, 1997, before me, a Notary Public in and for said state, personally appeared TED G. ANDRUS and ARLYANE ANDRUS, husband and wife, known or identified to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I subscribe my name and seal the day and year above first written.



Jayne Shepard
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl, ID.
My Commission Expires: 8-21-99

170013

STATE OF IDAHO COUNTY OF GOODING
Land Title & Escrow Inc.
Filed for record at the request of _____
16 min. past 4 o'clock P.m. this 14th
of March, 19 97 12:00
By Penny Watson Deputy

No 22544

Incorporated Under the Laws of the State of Idaho

Principal Place of Business, Jerome, Idaho

** 20.00 ** Shares
of Common Stock**NORTH SIDE CANAL COMPANY, LIMITED****Par Value of Shares One Dollar**Authorized Capital 170,000 shares with an aggregate par value of \$170,000.
(Reduced from original authorized capital of 200,000 shares by Court Decree)

September 16, 1997

THIS IS TO CERTIFY THAT ROBERT J. MEYERS and KATHI MEYERS, H/Wis the owner of Twenty and 00/100 (20.00)-----Shares of the Capital Stock of the
NORTH SIDE CANAL COMPANY, LIMITED.

This Certificate Entitles the owner thereof to receive one-eightieth of a cubic foot of water per acre per second of time for the following described land: 1.0 shs to 10.0 ac. more or less, of the NE $\frac{1}{4}$ NW $\frac{1}{4}$; .50 shs to 1.0 ac. more or less, of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; 9.0 shs to 39.0 ac. more or less, of the SW $\frac{1}{4}$ NW $\frac{1}{4}$; 9.5 shs to 40.0 ac. to the SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section Eight (8), Township Seven (7) South, Range Fourteen (14) East, Boise Meridian. Gooding County
(SEE REVERSE)

in accordance with the terms of the contract between the STATE OF IDAHO and the TWIN FALLS NORTH SIDE LAND AND WATER COMPANY.

AND THIS CERTIFICATE Also entitles the owner to a proportionate interest in the dam, canal, water rights and all other rights and franchises of the Twin Falls North Side Land and Water Company, based upon the number of shares finally sold, in accordance with the said contract between the said Company and the State of Idaho. Under provisions of Article X, Section 3 of the By-Laws of this Corporation, no transfer of this stock shall be registered upon its books until all of the indebtedness of the registered owner thereof to this Corporation shall have been paid. This stock is appurtenant to the land above described and will be transferred only to record owner thereof.
IN WITNESS WHEREOF, The said Corporation has caused its corporate name and seal to be hereto affixed.