

Michael P. Tribe, ISB No. 6816
 Matthew C. Darrington, ISB No. 7939
 ROBINSON, ANTHON & TRIBE
 Attorneys at Law
 P. O. Box 396
 Rupert, Idaho 83350
 Telephone (208) 436-4717
 Facsimile (208) 436-6804

Attorneys for Applicant,
 Caribou Lands, LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR) **APPLICANT'S PROPOSED**
 PERMIT NO. 75471 IN THE NAME OF) **EXHIBIT AND WITNESS LIST**
 CARIBOU LANDS, LLC) **RECEIVED**

JUN 11 2010

Department of Water Resources
 Eastern Region

COMES NOW the Applicant, Caribou Lands, LLC, by and through its attorney of
 record, Michael P. Tribe of the firm Robinson, Anthon & Tribe, and does hereby disclose the
 following exhibit and witness list of those that may be called on its behalf during the hearing of
 this matter commencing June 24, 2010 to-wit:

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Proposed Exhibits:

- A. Application for Transfer of Water Right (received by IDWR March 27, 2009).
- B. Amended Application for Transfer of Water Right (received by IDWR May 12, 2009).
- C. Amended Notice of Claim.
- D. Planning and Zoning Letter dated November 4, 2009.
- E. Detail "B" – Survey Plans of bottomless arch.
- F. All documents and maps in Idaho Department of Water Resources file regarding Water Right No. 24-10700.

Witnesses:

Terry Holubetz
Michael Holladay
Keith Miller
Mark Nicholl
Pete Nelson (adverse witness)
Dennis Haderlie (adverse witness)
Erika Ingersoll (adverse witness)
David H. Burton (adverse witness)

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JUN 11 2010
Department of Water Resources
Eastern Region

1
2
3 DATED this 10th day of June, 2010.
4

5 ROBINSON ANTHON & TRIBE

6 By: 
7 Michael P. Tribe
8 Attorneys for CARIBOU LANDS, LLC
9

10 **CERTIFICATE OF MAILING**

11 I hereby certify that on the 10th day of June, 2010, I served a copy of the
12 foregoing *APPLICANT'S EXHIBIT LIST AND DISCLOSURE OF WITNESSES* upon:

13 Pete Nelson
14 2346 Fairview Rd.
15 American Falls, ID 83211

16 Dennis Haderlie
17 c/o Robert L. Harris
18 Holden Kidwell Hahn & Crapo
19 PO Box 50130
20 Idaho Falls, ID 83405-0130
21 Fax: 208-523-9518

22 Erika Ingersoll
23 P. O. Box 159
24 Aberdeen, Idaho 83210

25 David H. Burton
26 PO Box 430
27 Iona, ID 83427

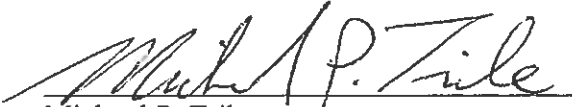
James Cefalo
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls ID 83402

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JUN 11 2010

Department of Water Resources
Eastern Region

28 by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed
to said persons at the foregoing addresses.


Michael P. Tribe

Transfer No. 75471
Receipt E034871

No.E034871

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

1. Applicant Information CARIBOU LANDS LLC
 14400 N 76TH PL
 SCOTTSDALE AZ 85260
 (480) 368-5205

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

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

	Origin/Basis	Rate	Volume	Limit	Acres	Source
24-10700	WR/Beneficial Use	0.55			27.5	SCHIESS CREEK <i>!Grouse Creek</i>

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

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
24-10700	NO	NO	YES	YES	YES	YES

Describe the reason for the proposed changes

converting a portion of their irrigated pasture to supply water for ponds and wet lands. 13.5 acres will be convert for 0.27 cfs.
 13.5 of alfalfa hay at 1.86 af/a=25 af of pond storage and evaporation.
 the actual source is grouse creek.

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	Acres Limit	Total Acres	Volume
24-10700	0.55 cfs		14.0	
TOTAL	0.55 cfs		14.0	

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JUN 11 2010

Department of Water Resources
Eastern RegionEXHIBIT A

75 471

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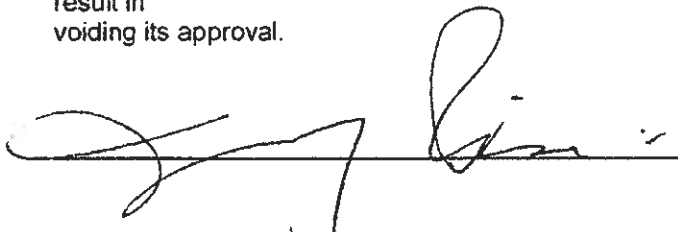
MAR 27 2009

Department of Water Resources
Eastern Region

No.E034871

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

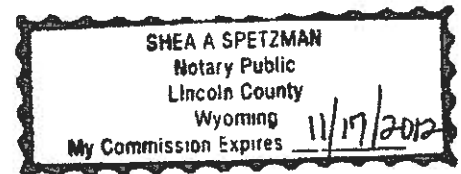
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

 Joe Risi
(Signature of Applicant)
Caribou Lands, LLC manager
(Title or Office)

Subscribed and sworn to before me this 25 day of March, 2009.


(Notary Public)

My commission expires 11/17/2012



No.E034871

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

Current Water Right No. 24-10700

Priority Date: December 15, 1902

Origin: Water Right

Basis: Decreed

Status: Active

Source: SCHIESS CREEK**Tributary:** TINCUP CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	06/15 09/01	0.55 CFS		
	Total Diversion	0.55 CFS		

Source and Point(s) of Diversion:

SCHIESS CREEK NESENW Sec. 8 Twp 05S Rge 46E CARIBOU County
(Grouse Creek)

SCHIESS CREEK SESENW Sec. 8 Twp 05S Rge 46E CARIBOU County
(Grouse Creek)

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE
05S	46E	8	4.5	23.0		
27.5						

Total Acres: 27.5

Conditions/Remarks:

1. This right is a split from former right 24-4077.
2. 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.

Page 4

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

it will be dry

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 3A**

Proposed Water Right No. 24-10700

Priority Date: December 15, 1902

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUSE CREEK

Tributary: TIN CUP CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FIRE PROTECTION STORAGE	01/01	12/31		25.0 AFA	
RECREATION STORAGE	01/01	12/31		25.0 AFA	
IRRIGATION	06/15	09/01	0.28 CFS		
DIVERSION TO STORAGE	06/15	09/01	0.27 CFS		
	Total Diversion		0.55 CFS		

Source and Point(s) of Diversion:

GROUSE CREEK	NESENW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County
GROUSE CREEK	SESENW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County
GROUSE CREEK	NENESW	Sec. 8	Twp 05S	Rge 46E	CARIBOU County

Describe the proposed diversion system

Point of Diversion # 1 diversion boxes

Point of Diversion # 2 diversion boxes

Point of Diversion # 3 diversion boxes

PLACE OF USE: FIRE PROTECTION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8									X	X							

PLACE OF USE: RECREATION STORAGE

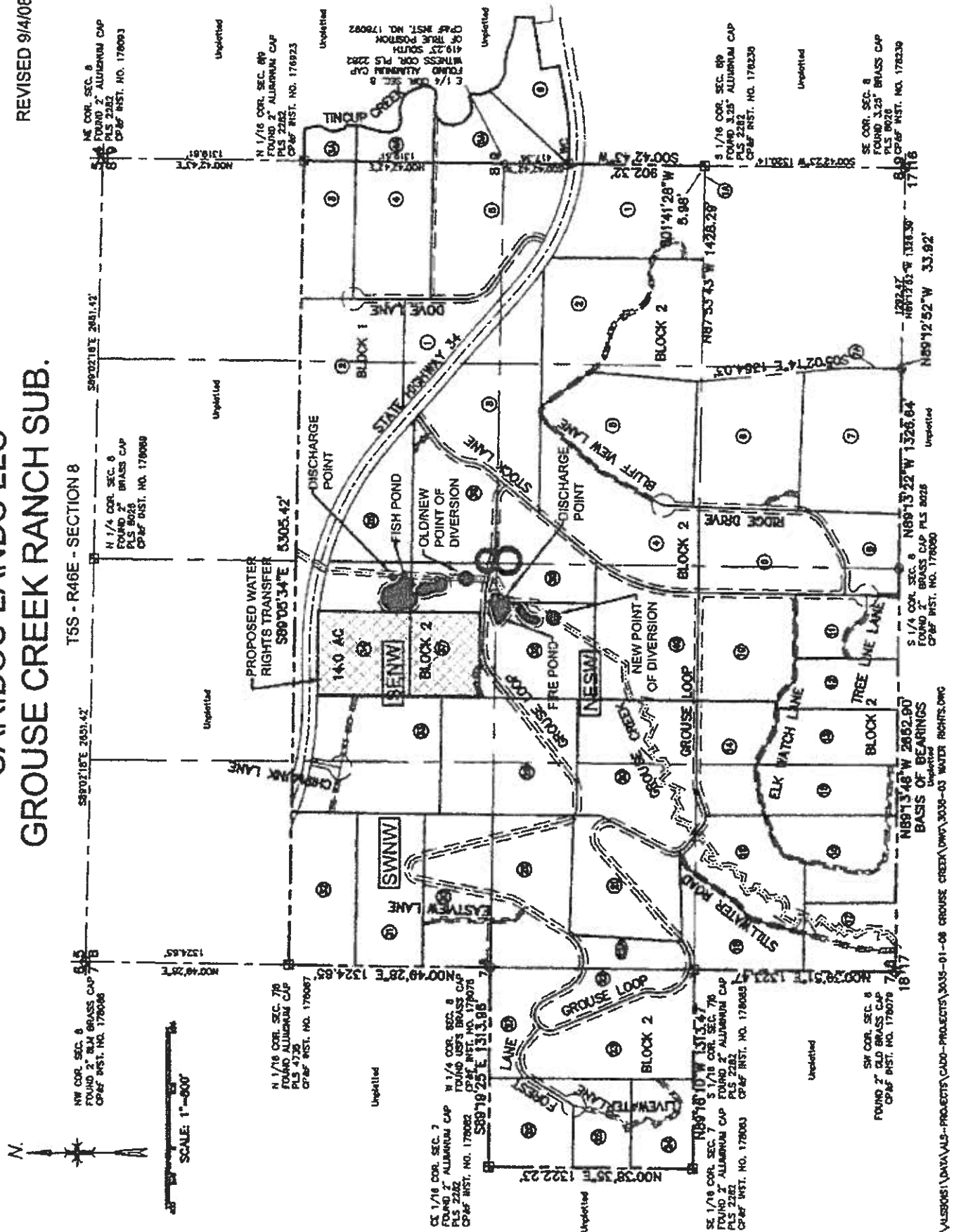
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	8								X				X					

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	
05S	46E	8							10.0				4.0						14.0

Total Acres: 14

REVISÉ 9/4/08



No. W 51142	no later than May 31, 2008 Annual Report Form		2. <u>Registered Agent and Office NO PO BOX</u>																		
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	3. <u>Mailing Address - Correct in this box, if applicable</u> CARIBOU LANDS LLC 14400 N 76TH PL SCOTTSDALE, AZ 85260		KEN KREIS 10580 W CRANBERRY CT BOISE, ID 83704 3. <u>New Registered Agent Signature</u>																		
4. Limited Liability Companies: Enter Names and Addresses of Managers. <table border="1"> <thead> <tr> <th><u>Office held</u></th> <th><u>Name</u></th> <th><u>Street or P.O. Address</u></th> <th><u>City</u></th> <th><u>State</u></th> <th><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>Manager</td> <td>Craig Emmerson</td> <td>14400 N. 76th Place</td> <td>Scottsdale</td> <td>AZ</td> <td>85260</td> </tr> <tr> <td>manager</td> <td>Joe Risi</td> <td>545 W. Broadway</td> <td>Jackson</td> <td>WY</td> <td>83802</td> </tr> </tbody> </table>				<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	Manager	Craig Emmerson	14400 N. 76th Place	Scottsdale	AZ	85260	manager	Joe Risi	545 W. Broadway	Jackson	WY	83802
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>																
Manager	Craig Emmerson	14400 N. 76th Place	Scottsdale	AZ	85260																
manager	Joe Risi	545 W. Broadway	Jackson	WY	83802																
5. Organized Under the Laws of: IDAHO W 51142		6. Signature  Date <u>3/25/08</u> Name (Typed or Printed) <u>Craig Emmerson</u> Title <u>Manager</u>																			

Issued 03/03/2008

Do Not Tape or Staple

200805008250

ET *Idaho* --- Evapotranspiration and Consumptive Irrigation

Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2007, University of Idaho.

Soda Springs (NWS NOAA--108535)

Statistics based on 21 years between 1979 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.28	-0.14	0.29	1.15	1.75	2.77	3.27	2.68	1.64	0.78	-0.25	-0.37	408	408
15-Day Moving Average ^c	0.24	-0.18	0.24	1.26	1.86	2.80	3.34	2.53	1.60	0.85	-0.22	-0.34	1,34 AF/A	
7-Day Moving Average ^d	0.26	-0.18	0.26	1.18	1.83	2.77	3.25	2.60	1.59	0.83	-0.25	-0.34		
3-Day Moving Average ^e	0.27	-0.14	0.27	1.16	1.77	2.77	3.27	2.67	1.61	0.79	-0.24	-0.35		
Standard Deviation	mm/day												mm	
Monthly	0.58	0.73	0.94	0.70	1.50	0.87	1.60	1.39	0.91	1.03	0.76	0.61	134	134
15-Day Moving Average	0.56	0.87	0.79	1.09	1.33	1.24	1.28	1.45	1.14	1.19	0.87	0.54		
7-Day Moving Average	0.80	1.14	1.12	1.66	2.09	1.79	1.79	1.80	1.74	1.59	1.19	0.76		
3-Day Moving Average	1.15	1.54	1.70	2.25	3.03	2.43	2.56	2.49	2.47	2.12	1.70	1.19		
20% Exceedance	mm/day												mm	
Monthly	0.09	0.38	0.73	1.73	2.45	3.47	4.13	3.51	2.30	1.18	0.32	0.01	472	472
15-Day Moving Average	0.40	0.58	1.26	2.66	3.55	4.35	4.66	4.18	2.94	1.99	0.76	0.24		
7-Day Moving Average	0.49	0.86	1.55	3.47	4.16	4.63	4.83	4.29	3.25	2.35	0.92	0.41		
3-Day Moving Average	0.63	0.99	2.00	3.69	4.43	5.03	5.05	4.60	3.53	2.59	1.07	0.47		
80% Exceedance	mm/day												mm	
Monthly	0.74	-1.20	-0.62	0.44	0.42	2.00	1.64	1.77	0.42	0.32	-0.74	-0.98	295	295

75 47 1

ETIdaho --- Evapotranspiration and Consumptive Irrigation

Water Requirements for Idaho

Please send suggestions for improving this site to robbison@kimberly.uidaho.edu Copyright 2007, University of Idaho.

Soda Springs (NWS NOAA--108535)

Statistics based on 21 years between 1979 to 2004

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Alfalfa - less frequent cuttings														
Precipitation Deficit (Click here for a graph)														
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Annual
Mean	mm/day												mm	
Monthly ^b	0.34	-0.16	0.17	0.58	1.99	4.96	4.76	4.66	1.97	0.37	-0.31	-0.40	569	563
15-Day Moving Average ^c	0.33	-0.20	0.18	0.58	1.93	5.03	4.58	4.61	1.94	0.38	-0.28	-0.34	1.86 AF/A	
7-Day Moving Average ^d	0.34	-0.19	0.17	0.56	1.98	5.01	4.60	4.66	1.91	0.39	-0.31	-0.35		
3-Day Moving Average ^e	0.34	-0.16	0.16	0.57	2.00	4.99	4.74	4.66	1.94	0.37	-0.30	-0.38		
Standard Deviation	mm/day												mm	
Monthly	0.51	0.61	0.59	0.36	1.84	1.10	1.22	1.36	0.93	0.93	0.34	0.56	106	111
15-Day Moving Average	0.62	0.71	0.62	0.56	1.57	1.58	1.36	1.58	1.22	1.06	0.63	0.54		
7-Day Moving Average	0.81	0.92	0.98	1.03	2.20	2.21	2.12	2.07	1.84	1.65	0.97	0.76		
3-Day Moving Average	1.10	1.36	1.57	1.61	2.97	2.94	2.91	2.80	2.58	2.24	1.46	1.21		
20% Exceedance	mm/day												mm	
Monthly	0.00	0.21	0.45	0.73	2.70	5.90	5.41	5.33	2.83	0.70	-0.06	-0.08	650	631
15-Day Moving Average	0.32	0.51	1.06	1.47	4.04	7.28	6.82	6.86	3.79	1.85	0.54	0.26		
7-Day Moving Average	0.48	0.73	1.66	2.62	5.25	7.79	7.73	7.32	4.95	2.69	1.08	0.52		
3-Day Moving Average	0.59	1.32	2.48	3.59	6.69	8.38	8.40	7.62	5.37	3.38	1.34	0.62		
80% Exceedance	mm/day												mm	
Monthly	0.71	-0.59	-0.44	0.24	0.90	3.88	3.77	3.88	1.05	0.35	-0.65	-0.77	448	479

75 471

WARRANTY DEED

For Value Received

CLYDE W. STOCK AND REA B. STOCK, husband and wife,
the Grantors of Freedom, Idaho, do hereby grant, bargain, sell and
convey unto

CARIBOU LANDS LLC., an Idaho limited liability company,

the Grantee, of 27 West Anapamu Street, No. 350, Santa Barbara, CA
93101 the following described premises, to-wit:

Caribou County, Idaho:

Township 5 South, Range 46 East of the Boise Meridian:

Section 7: NW~~1~~SE~~1~~.

Section 8: SW~~1~~NW~~1~~, SW~~1~~, NE~~1~~SE~~1~~, W~~1~~SE~~1~~.

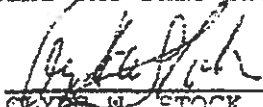
Section 9: That portion of the NW~~1~~SW~~1~~ lying North of the Soda
Springs-Freedom Highway.

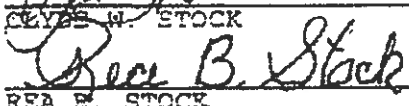
ALSO, that part of the SE~~1~~ of Section 8 and the
W~~1~~SW~~1~~ of Section 9 T. 5 S. R. 46 E., B.M., being part
of those tracts of record in the Office of the Recorder
of Caribou County, as Instrument Nos. 51588 and 151013,
lying and being situate North and West of the following
described line:

Beginning at a point on the South line of said SE~~1~~
on a fence, South 89°55'19" East 33.92 feet of the
Southwest corner of the SE~~1~~SE~~1~~ of said Section 8;
thence North 05°44'43" West 1254.03 feet along said
fence to a point at a fence corner;
thence South 88°36'12" East 1428.52 feet along a fence
to a point on the East line of said Section 8,
South 00°00'12" East 5.77 feet of the Northeast
corner of said SE~~1~~SE~~1~~;
thence continuing South 88°36'12" East 48.84 feet along
said fence to a point at a fence corner;
thence North 01°06'25" East 197.24 feet along a fence to
a pipe;
thence South 89°19'16" West 52.65 feet to a pipe on the
West line of said W~~1~~SW~~1~~;
thence North 00°00'12" West 612.01 feet along said West
line to a pipe;

thence North 08°02'41" West 239.92 feet along a fence to
 a pipe;
 thence continuing North 08°02'41" West 53.60 feet, more
 or less to the center line of State Highway No 34.
 (Tincup Road) of record in said Office as Instrument
 No. 45374 and leave said boundary;
 thence coursing said centerline as follows:
 Easterly 54 feet, more or less, along a spiral curve to
 the left, whose chord is North 82°32'04" East 53.85
 feet, to end thereof;
 North 79°32'06" East 142.05 feet to the beginning of a
 spiral curve to the right;
 Easterly 300.00 feet along said spiral curve, whose
 chord is North 81°02'05" East 299.91 feet, to the
 beginning of a circular curve to the right;
 Easterly 355.31 feet along said circular curve through
 a central angle of 07°06'23", having a radius of
 2864.77 feet and a chord of North 86°05'17" East
 355.09 feet to the East line of said W&SW&, and
 leave said centerline;
 thence South 00°00'18" West 2310.48 feet along said East
 line to the Southeast corner of said W&SW&;
 thence South 89°51'38" West 1321.77 feet along the South
 line of said Section 9, to the Corner of Beginning.

TO HAVE AND TO HOLD the said premises, with their
 appurtenances unto the said Grantee, its successors and assigns
 forever. And the said Grantors do hereby covenant to and with the
 said Grantee, that they are the owners in fee simple of said
 premises; that said premises are free from all encumbrances and
 that they will warrant and defend the same from all lawful claims
 whatsoever.


 CLYDE W. STOCK


 REA B. STOCK

STATE OF IDAHO)

: ss.

County of Caribou)

On this 14th day of June, 2006, before me the undersigned, a notary public in and for said County and State, personally appeared Clyde W. Stock and Rea B. Stock, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

Kena Ann Moore
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 7/18/09

thence continuing North 00°00'12" West 57.40 feet, more or less, to the centerline of State Highway No. 34 (Tincup Road) of record in said Office as Instrument No. 45374;

thence coursing said centerline as follows:

Easterly 235.03 feet along the arc of a circular curve to the left, through a central angle of 09°24'04", having a radius of 1432.39 feet and a chord of North 89°45'32" East 234.76 feet, to the beginning of a spiral curve to the left;

Easterly 300 feet, more or less, along said spiral curve whose chord is North 82°32'04" East 299.67 feet;

North 79°32'47" East 142.05 feet to the beginning of a spiral curve to the right;

Easterly 300.00 feet along said spiral curve, whose chord is North 81°02'46" East 299.91 feet to the beginning of a circular curve to the right;

Easterly 354.29 feet along said circular curve through a central angle of 16°26'00" having a radius of 2864.77 feet and a chord of North 86°01'09" East 354.06 feet to the East line of said W~~X~~SW~~X~~, and leave said centerline.

EXCEPT THEREFROM, that part of the SE~~X~~ of Section 8 and the W~~X~~SW~~X~~ of Section 9 T. 5 S., R. 46 E., B.M., being part of those tracts of record in the Office of the Recorder of Caribou County, as Instrument Nos. 51588 and 151013, it being the intent to more correctly describe that tract of record in said Office as Instrument No. 153139, described as follows:

Beginning at the Southeast corner of said Section 8; thence North 89°55'19" West 1292.63 feet along the South line of said Section 8 to a point on a fence South 89°55'19" East 23.92 feet of the Southwest corner of the SE~~X~~SE~~X~~ of said Section 8;

thence North 05°44'43" West 1354.03 feet along said fence to a point at a fence corner;

thence South 88°36'12" East 1428.52 feet along a fence to a point on the East line of said Section 8, South 00°00'12" East 5.77 feet, of the Northeast corner of said SE~~X~~SE~~X~~;

thence continuing South 88°36'12" East 48.84 feet along said fence to a point at a fence corner;

thence North 01°06'25" East 197.24 feet along a fence to a pipe;

thence North 89°19'16" East 206.11 feet along a fence to a pipe;

thence North 01°26'41" East 124.97 feet along a fence to a pipe;

thence North 42°26'28" East 381.80 feet along a fence to a pipe;

RECEIVED

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

Department of Water Resources

Name of Applicant(s) Caribou Land, LLCPhone 480-368-5205Mailing address 14400 N. 76th Place, Scottsdale, AZ 85260Email

- ☐ 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 RepresentativeName of Representative Phyllis LamkenPhone 208-313-7641Mailing address P.O. Box 586, Victor, ID 83455Email flip@tetonvalley.net☐ 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

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

JUN 11 2010

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**. Currently, has pending application for joint permit for restoration of stream and creation of additional wetlands. This stream restoration and wetlands will enhance the fish and animal habitat, improve riparian and wetland habitat.

EXHIBIT B

75471

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	24-10700	.12 CFS	fire protection	01/01 to 12/31	Grouse Creek
☐ ☒	24-10700	.15 CFS	fish and animal habitat	01/01 to 12/31	Grouse Creek
☐ ☒	24-10700	.27 CFS	irrigation	6/15 to 09/01	Grouse Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .55 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed .27 CFS 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 #
		SE	SE	NW	8	5S	46E	Caribou	Grouse Creek	
		NE	NE	SW	8	5S	46E	Caribou	Grouse 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	
5S	46E	8							4.0	10.0									14

Total Acres (for irrigation use) 14

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: Wetlands and fish pond are part of the stream.
- b. Who owns the property at the point(s) of diversion? applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion 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: W/A
- 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: Land is no longer farmed. It has been subdivided.
- 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: W/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:

NOV 12 2009

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

75 47 i

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

- ☐ 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.

☒ 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**.

☐ 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.:_____

[The page contains faint horizontal lines, suggesting ghosting or extremely faded text.]

Transfer contains _____ pages and _____ attachments.

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

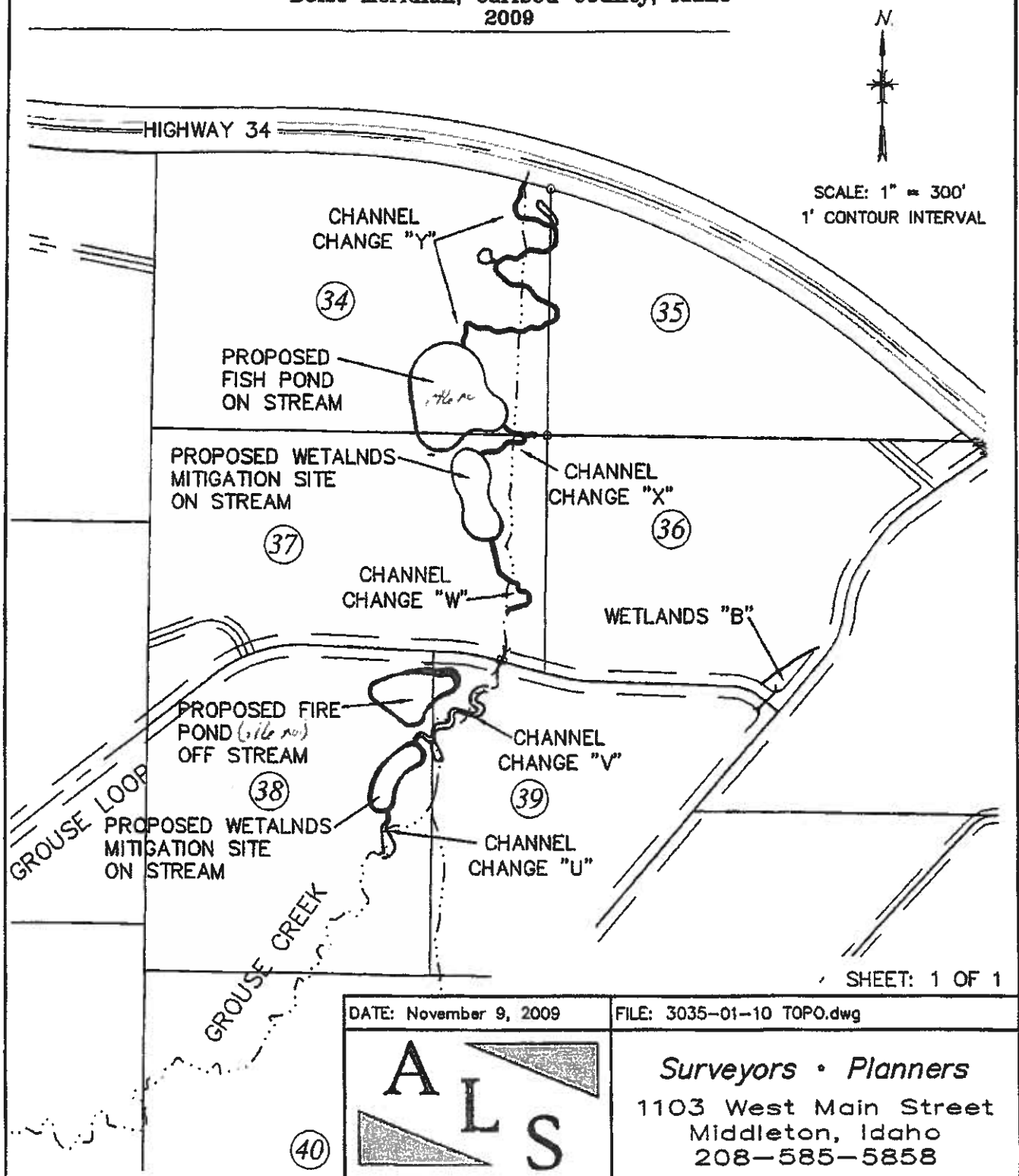
Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

75473

ATTACHMENT "D" SITE LAYOUT OF GROUSE CREEK PROPOSED ALIGNMENT

Portions of Grouse Creek Subdivision, lying in
Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009



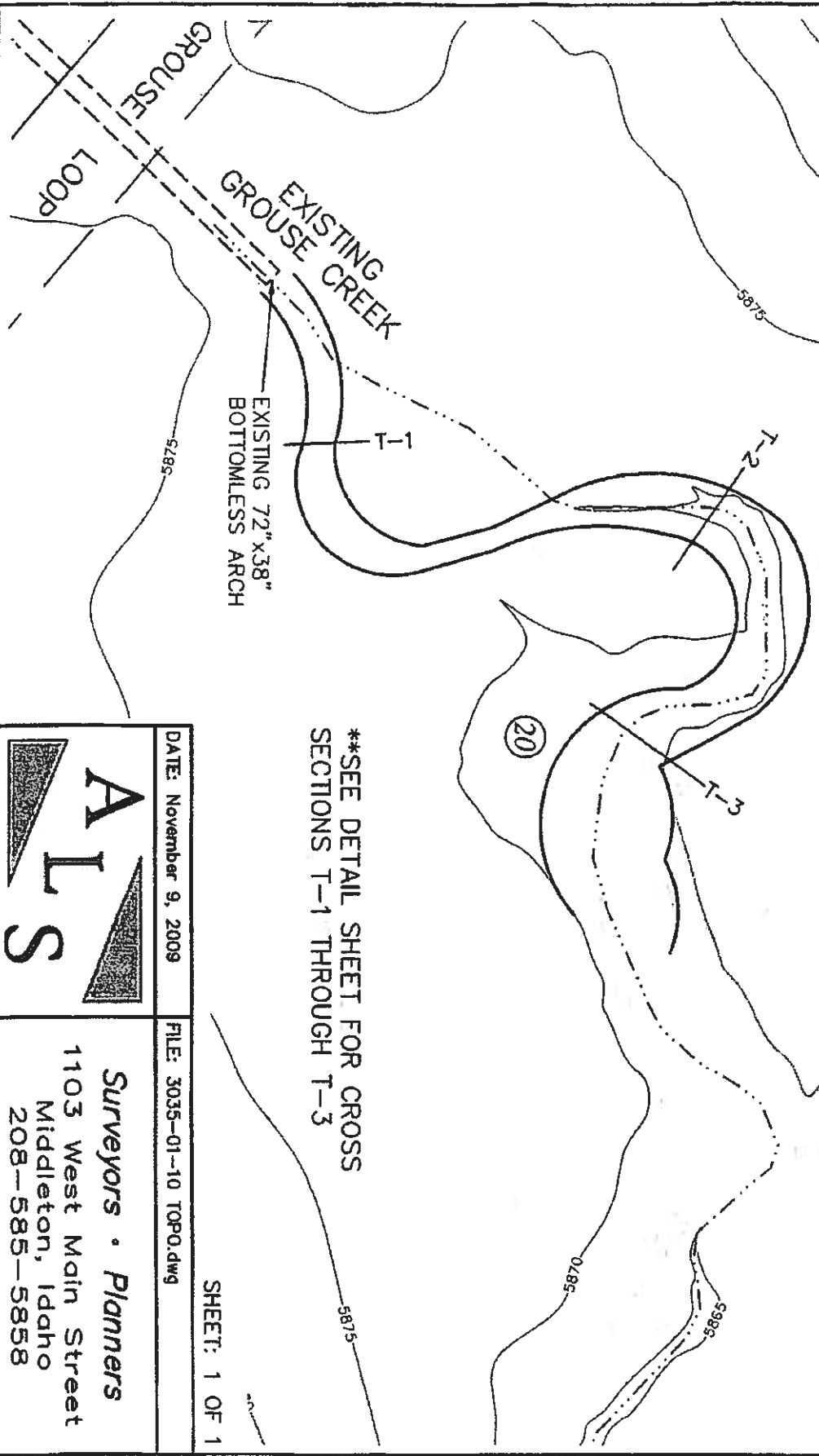
N.

SCALE: 1" = 30'

1' CONTOUR INTERVAL

ATTACHMENT "E" PROPOSED CHANNEL CHANGE "T" OF GROUSE CREEK

A Portion of Lot 20 of Grouse Creek Subdivision, in Section 8, Township 5 S., Range 46 E. of the Boise Meridian, Caribou County, Idaho 2009



**SEE DETAIL SHEET FOR CROSS SECTIONS T-1 THROUGH T-3

SHEET: 1 OF 1

DATE: November 9, 2009 FILE: 3035-01-10 TOP0.dwg	ALS Surveyors • Planners 1103 West Main Street Middleton, Idaho 208-585-5858
--	---

ATTACHMENT "F" PROPOSED CHANNEL CHANGE "U" OF GROUSE CREEK

A Portion of Lot 38 of Grouse Creek Subdivision,
in Section 8, Township 5 S., Range 48 E. of the
Boise Meridian, Caribou County, Idaho

2009

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

REMOVE

U-2

(38)

U-1

EXISTING
GROUSE CREEK

(39)



SCALE: 1" = 30'
1' CONTOUR INTERVAL

**SEE DETAIL SHEET FOR CROSS
SECTIONS U-1 THROUGH U-2

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOP0.dwg

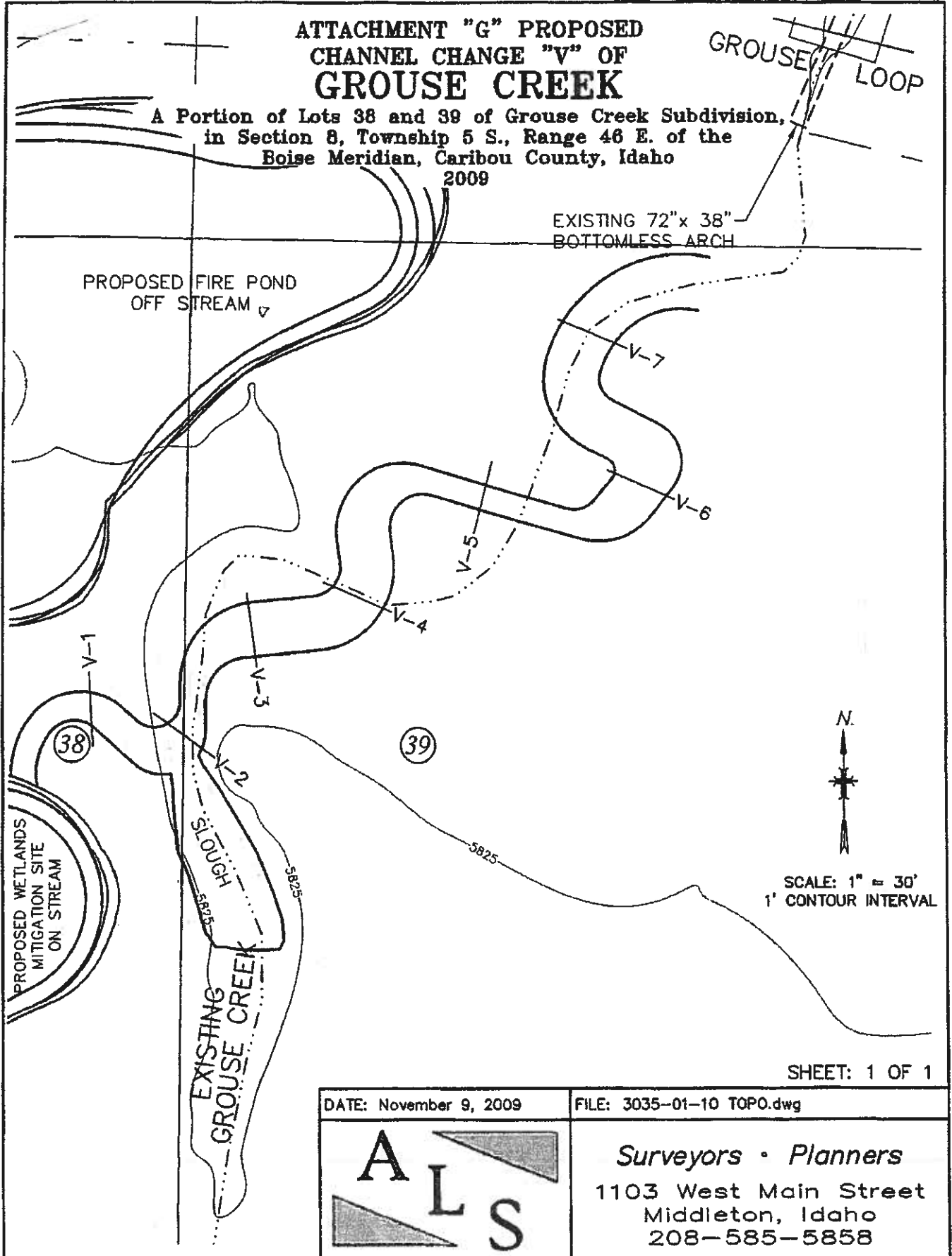


Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858

75471

ATTACHMENT "G" PROPOSED CHANNEL CHANGE "V" OF GROUSE CREEK

A Portion of Lots 38 and 39 of Grouse Creek Subdivision,
in Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009



SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg



Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858

ATTACHMENT "H" PROPOSED CHANNEL CHANGE "W" OF GROUSE CREEK

A Portion of Lot 37 of Grouse Creek Subdivision, lying in the SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the Boise Meridian, Caribou County, Idaho
2009

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

EXISTING
GROUSE CREEK

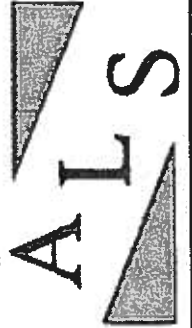
**SEE DETAIL SHEET FOR CROSS
SECTIONS W-1 THROUGH W-6

N00°43'41"E 523.92'

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg



Surveyors • Planners

1103 West Main Street
Middleton, Idaho
208-585-5858



SCALE: 1" = 30'
1' CONTOUR INTERVAL

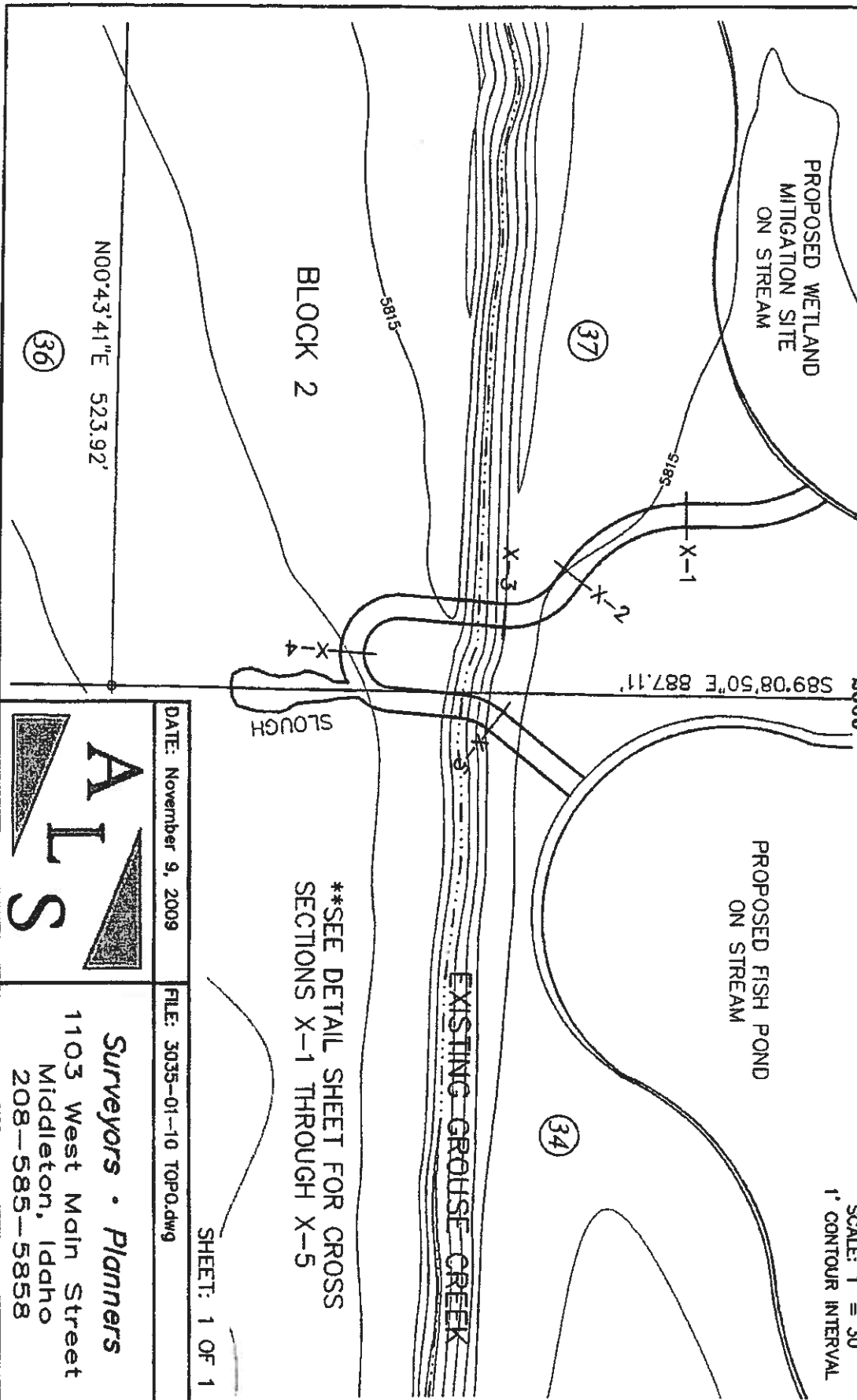
ATTACHMENT "I" PROPOSED CHANNEL CHANGE "X" OF GROUSE CREEK

A Portion of Lots 34 and 37 of Grouse Creek Subdivision, lying in the SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the Boise Meridian, Caribou County, Idaho
2009

PROPOSED WETLAND
MITIGATION SITE
ON STREAM

PROPOSED FISH POND
ON STREAM

SCALE: 1" = 30'
1' CONTOUR INTERVAL



BLOCK 2

**SEE DETAIL SHEET FOR CROSS
SECTIONS X-1 THROUGH X-5

SHEET: 1 OF 1

DATE: November 9, 2009

FILE: 3035-01-10 TOP.O.dwg



Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858

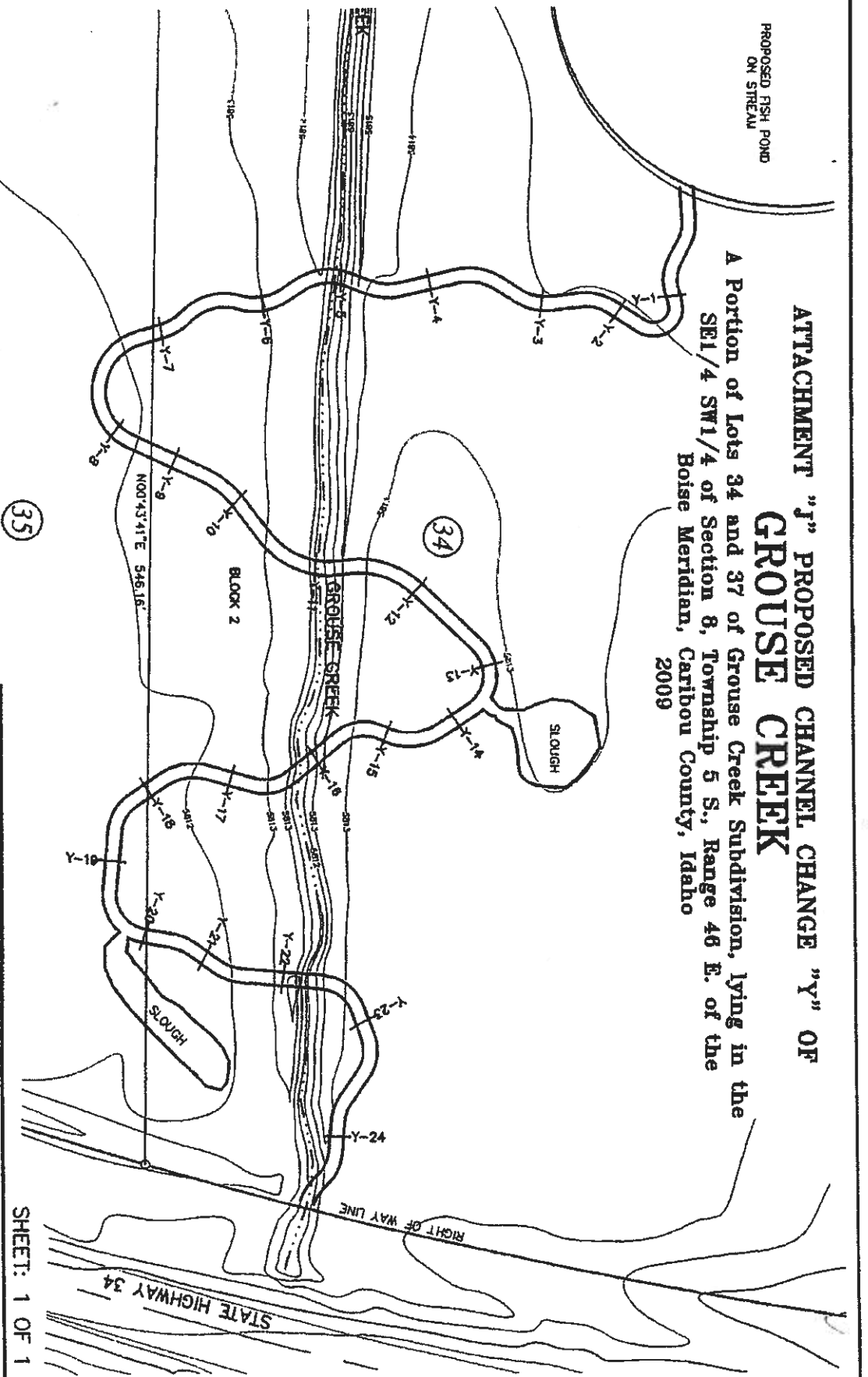
N00°43'41"E 523.92'

(36)

PROPOSED FISH POND
ON STREAM

ATTACHMENT "J" PROPOSED CHANNEL CHANGE "Y" OF GROUSE CREEK

A Portion of Lots 34 and 37 of Grouse Creek Subdivision, lying in the
SE1/4 SW1/4 of Section 8, Township 5 S., Range 46 E. of the
Boise Meridian, Caribou County, Idaho
2009



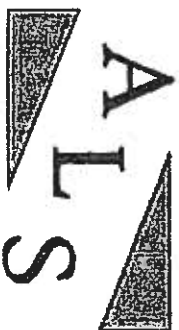
SCALE: 1" = 50'
1' CONTOUR INTERVAL

**SEE DETAIL SHEET FOR CROSS-
SECTIONS Y-1 THROUGH Y-24

DATE: November 9, 2009

FILE: 3035-01-10 TOPO.dwg

SHEET: 1 OF 1



Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858

phyllis@americanwesthomesrealty.com

From: "Mary Holladay" <racememary@yahoo.com>
To: "Phyllis Lamken" <Phyllis@americanwesthomesrealty.com>
Cc: "Keith Miller" <keith@finalplat.com>; "Terry Holubetz" <djholubetz@gmail.com>; "Michael Holladay" <racememary@yahoo.com>
Sent: Wednesday, September 30, 2009 8:46 AM
Subject: IDWR questions/Water Rights

Attached are my comments on Mr. Harris and Mr. Haderlie's questions.

1. The fire pond was not an option. Caribou County recommended and approved the fire pond. Check with Mark Nicoll for additional information. See forwarded e-mail (forwarded separately) from Walt Neitz.
2. The flow in Grouse Creek was about 75 gpm on September 22, 2009. I do not know of any other measurements. If have not seen any evidence of any measurement devise on the creek.
3. We plan to fill approximately 700 feet of the 1000 feet north of Grouse Loop. We are planning to construct approximately 2000 feet of additional channel.
4. The two sediment basins will be made into wetlands and will be a part of the new channel alignment. The fire pond size is as follows:

Surface area 0.22 ac
Depth of water, when full 5 feet
Volume of storage 267,934 gallons
Liner is PVC
Evaporation rate in July is approximately 2 gpm

The fish pond size is as follows:

Surface area, 0.69 ac
Depth of water is 13 feet
Volume of storage, 1.5 M gallons
Liner is PVC
Evaporation rate in July is approximately 4.5 gpm

The fish pond is planned to be part of the new channel alignment.

The water that is being transferred for the fire pond will only be used to refill the ponds. The flow from the creek will only be used to fill the pond and offset the evaporation lost. The vast majority of the time the flow will be left in the creek to flow into Tin Cup Creek. The fire pond is not part of the channel alignment.

The fish pond flow set aside to fill the pond will be left in the creek except for the amount used to offset the evaporation, after the volume used to fill the pond to begin with.

The sediment basins will not store water; the creek will flow through the basins, but will not be stored in the basins.

The temperature issue in the fish pond will be addressed by use of aeration equipment to turn the water over, raising the water near the bottom to the surface and the surface water towards the bottom. The aeration equipment will reduce or eliminate the rise in temperature due to solar heating. Fresh water flowing into the pond will help reduce the effects of solar heating.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase 24-10700
) (insert water right number)
)
Case 39576) STANDARD FORM 4
)
) MOTION TO FILE:
) ☐ LATE NOTICE OF CLAIM
) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact, is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

RECEIVED

JUN 11 2010

Department of Water Resources
Eastern Region
ST-1
Amended 10/10/97

EXHIBIT C

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is CARIBOU LANDS LLC

My address is 14400 N. 76TH PLACE, SCOTTSDALE AZ 85260

My phone number is: Work 480-368-5205 Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

I have attached.

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to J.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

UPON RECENT PURCHASE OF THE PROPERTY IT WAS DETERMINED THAT OUR
P.O.D (POINT OF DIVERSION) HAD BEEN MOVED. THIS MOTION TO AMEND
IS TO CORRECT THAT.

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

1) AFFIDAVIT BY MARK L NICOLL CONSULTANT FOR PROJECT

2) COPY OF DEED SHOWING OWNERSHIP & PURCHASE DATE

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Arizona

County of Maricopa

Craig Emmerson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

[Signature]
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 9/4/07
(Insert Date)



Kim Overman
Notary Public for Arizona
Residing at: 39201 N. 45th Pl.
My Commission expires: 10/30/09

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 9/4/07, ~~FILE~~ I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows.

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

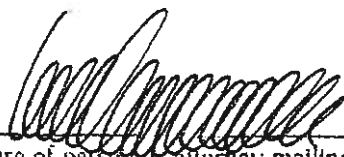
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 24-10700
Date Received: 2/5/1990
Receipt No:
Received By:

Amended

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARIBOU LANDS LLC Phone: (480) 356-5205

14400 N 36TH PLACE
SCOTTSDALE AZ USA 85250

2. Date of Priority: 12/15/1982

3. Source: ~~TINCUP CREEK~~ GROUSE CREEK Trib. to: ~~SNAKE RIVER~~ TINCUP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03S	46E	9	SW	NW	NW	CARIBOU	Beginning Point
05S	46E	~~4~~ <u>8</u>	<u>NE</u>	SE	~~NW~~ <u>NW</u>	CARIBOU	
05S	46E	8	SE	SW	NW	CARIBOU	Ending Point

5. Description of diverting works:

HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	06/15	09/01	1.81	
STOCKWATER	01/01	11/01	0.02	

7. Total Quantity Appropriated is:
1.81 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres		
05S	46E	8	SE	NE		IRRIGATION	34.1		
			SW	NW		IRRIGATION	4.3		
			SE	NW		IRRIGATION	23.7		
			SE	NW		IRRIGATION	0.3		
			NE	SW		IRRIGATION	9.5		
			NE	SE		IRRIGATION	4.5		
			SW	NE		IRRIGATION	29		
Section Acres							103.4		
05S	46E	9	SW	NW		IRRIGATION	7.6		
			NW	SW		IRRIGATION	5.4		
			NW	NW		STOCKWATER			
			SW	NW		STOCKWATER			
Section Acres							13		
Total Acres							116.4		

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? ~~no~~ YES

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 24-4677.

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

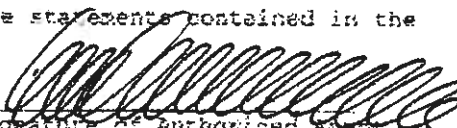
For Organizations:

I do solemnly swear or affirm that I am Manager of
Title
Caribou Lands, LLC, that I have signed the foregoing
Organization

document in the space below as Manager of
Title

Caribou Lands, LLC and that the statements contained in the
Organization

foregoing document are true and correct.


Signature of Authorized Agent

Manager, Caribou Lands, LLC
Title and Organization

9/4/07
Date

State of ~~Idaho~~ ARIZONA)
County of Maricopa) SS.

Subscribed and sworn (or affirmed) before me this
of September 2007

4th day

Kim Overman

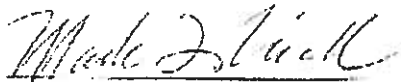
Notary Public

Residing at 39201 N. 45th Pl.

My commission Expires 10/30/09



The ranch was purchased in the summer of 2006 by Caribou Lands LLC. I was asked to meet with the State of Idaho to transfer the water rights over to the new owner. In my meetings with the Dept of Water Resources and past owners of the ranch I discovered that a Point of Diversion has been moved from TinCup Creek to Grouse Creek. The Point of Use has not changed, just where the water had been diverted from. We have been working with Cindy Bird of the Soda Springs office for the IDWR in completing the proper paperwork to correct our water right.



Mark L. Nicoll



Date

Instrument # 175867

2008-08-12

03:45:08 No. of Pages: 4

Recorded for: CARIBOU TITLE

EDYE BUSH

Ex-Officio Recorder Deputy

Index to WARRANTY DEED

12.00

WARRANTY DEED

For Value Received

CLYDE W. STOCK AND REA B. STOCK, husband and wife,

the Grantors of Freedom, Idaho, do hereby grant, bargain, sell and convey unto

CARIBOU LANDS LLC., an Idaho limited liability company,

the Grantee, of 27 West Anapamu Street, No. 350, Santa Barbara, CA 93101 the following described premises, to-wit:

Caribou County, Idaho:

Township 5 South, Range 46 East of the Boise Meridian:

Section 7: NEXSEX.

Section 8: SEXW, SWX, NEXSEX, WXSX.

Section 9: That portion of the NWXSWX lying North of the Soda Springs-Freedom Highway.

ALSO, that part of the SEX of Section 8 and the WXSX of Section 9 T. 5 S. R. 46 E., B.M., being part of those tracts of record in the Office of the Recorder of Caribou County, as Instrument Nos. 51588 and 151013, lying and being situate North and West of the following described line:

Beginning at a point on the South line of said SEX on a fence, South 89°55'19" East 33.92 feet of the Southwest corner of the SEXSEX of said Section 8; thence North 05°44'43" West 1354.03 feet along said fence to a point at a fence corner; thence South 88°36'12" East 1428.52 feet along a fence to a point on the East line of said Section 8, South 00°00'12" East 3.77 feet of the Northeast corner of said SEXSEX; thence continuing South 88°36'12" East 48.84 feet along said fence to a point at a fence corner; thence North 01°06'25" East 197.24 feet along a fence to a pipe; thence South 89°19'16" West 52.65 feet to a pipe on the West line of said WXSX; thence North 00°00'12" West 612.01 feet along said West line to a pipe;

WD: Stock/Caribou Lands

Page 1.

thence continuing North 00°00'12" West 57.40 feet, more or less, to the centerline of State Highway No. 34 (Tincup Road) of record in said Office as Instrument No. 45374;

thence coursing said centerline as follows:

Easterly 235.03 feet along the arc of a circular curve to the left, through a central angle of 89°24'04", having a radius of 1432.39 feet and a chord of North 89°45'32" East 234.76 feet, to the beginning of a spiral curve to the left;

Easterly 300 feet, more or less, along said spiral curve whose chord is North 82°32'04" East 299.67 feet;

North 79°32'47" East 142.05 feet to the beginning of a spiral curve to the right;

Easterly 300.00 feet along said spiral curve, whose chord is North 81°02'46" East 299.91 feet to the beginning of a circular curve to the right;

Easterly 354.29 feet along said circular curve through a central angle of 16°26'00" having a radius of 2864.77 feet and a chord of North 86°01'09" East 354.06 feet to the East line of said WXSWM, and leave said centerline.

EXCEPT THEREFROM, that part of the SE¼ of Section 8 and the WXSWM of Section 9 T. 5 S., R. 46 E., B.M., being part of those tracts of record in the Office of the Recorder of Caribou County, as Instrument Nos. 51598 and 151013, it being the intent to more correctly describe that tract of record in said Office as Instrument No. 153139, described as follows:

Beginning at the Southeast corner of said Section 8; thence North 89°55'19" West 1292.63 feet along the South line of said Section 8 to a point on a fence South 89°55'19" East 33.92 feet of the Southwest corner of the SE¼SE¼ of said Section 8;

thence North 05°44'43" West 1354.03 feet along said fence to a point at a fence corner;

thence South 88°16'12" East 1428.52 feet along a fence to a point on the East line of said Section 8, South 00°00'12" East 5.77 feet, of the Northeast corner of said SE¼SE¼;

thence continuing South 88°36'12" East 48.84 feet along said fence to a point at a fence corner;

thence North 01°06'25" East 197.24 feet along a fence to a pipe;

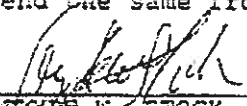
thence North 89°19'16" East 206.11 feet along a fence to a pipe;

thence North 01°26'41" East 124.97 feet along a fence to a pipe;

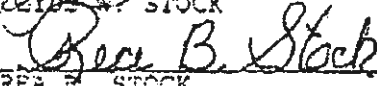
thence North 42°26'28" East 381.80 feet along a fence to a pipe;

thence North 08°02'41" West 239.92 feet along a fence to
a pipe;
thence continuing North 08°02'41" West 53.60 feet, more
or less to the center line of State Highway No 34.
(Tincup Road) of record in said Office as Instrument
No. 45374 and leave said boundary;
thence coursing said centerline as follows:
Easterly 54 feet, more or less, along a spiral curve to
the left, whose chord is North 82°32'04" East 53.35
feet, to end thereof;
North 79°32'06" East 142.05 feet to the beginning of a
spiral curve to the right;
Easterly 300.00 feet along said spiral curve, whose
chord is North 81°02'05" East 299.91 feet, to the
beginning of a circular curve to the right;
Easterly 355.31 feet along said circular curve through
a central angle of 07°06'23", having a radius of
2864.77 feet and a chord of North 86°05'17" East
355.09 feet to the East line of said W4SW4, and
leave said centerline;
thence South 00°00'18" West 2310.46 feet along said East
line to the Southeast corner of said W4SW4;
thence South 89°51'38" West 1321.77 feet along the South
line of said Section 9, to the Corner of Beginning.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee, its successors and assigns
forever. And the said Grantors do hereby covenant to and with the
said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances and
that they will warrant and defend the same from all lawful claims
whatsoever.



DAVID W. STOCK



REX B. STOCK

QUITCLAIM DEED

For Value Received

CLYDE W. STOCK AND REA B. STOCK, husband and wife,

do hereby convey, release, remise and forever quit claim unto

CARIBOU LANDS LLC, a limited liability company
27 W. Anapamu Street, No. 340, Santa Barbara California 93101

the following described premises, to-wit:

Caribou County, Idaho:

Township 3 South, Range 46 East of the Boise Meridian:

Section 9: That part of the SW 1/4 of the NW 1/4 lying West of the
centerline of Tin Cup Creek, as presently located.

Instrument # 175871

2006-05-12

04:11:28 No. of Pages: 1

Recorded for CLYDE W. STOCK

EDIE BUSH

Ex-Officio Recorder Deputy

B. Stamatman

together with their appurtenances.

Dated: May 29, 2006

Clyde W. Stock
CLYDE W. STOCK

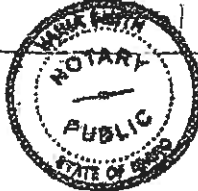
Rea B. Stock
REA B. STOCK

STATE OF IDAHO, COUNTY OF Caribou
On this 7th day of June, 2006
before me, a notary public in and for said State, personally
appeared Clyde W. Stock and Rea B.
Stock,

known to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Edie Bush
Residing at Soda Springs
Comm. Expires 8/10/10

Notary Public



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock, on
the _____ day of _____
20____, in my office, and duly recorded in _____ Macrofilm
Records.

Ex-Officio Recorder

By _____

Per _____

Mail to _____

Deputy



**CARIBOU COUNTY
PLANNING AND ZONING COMMISSION**
159 South Main Street Room 105
Soda Springs ID 83276
(208)547-1780

November 4, 2009

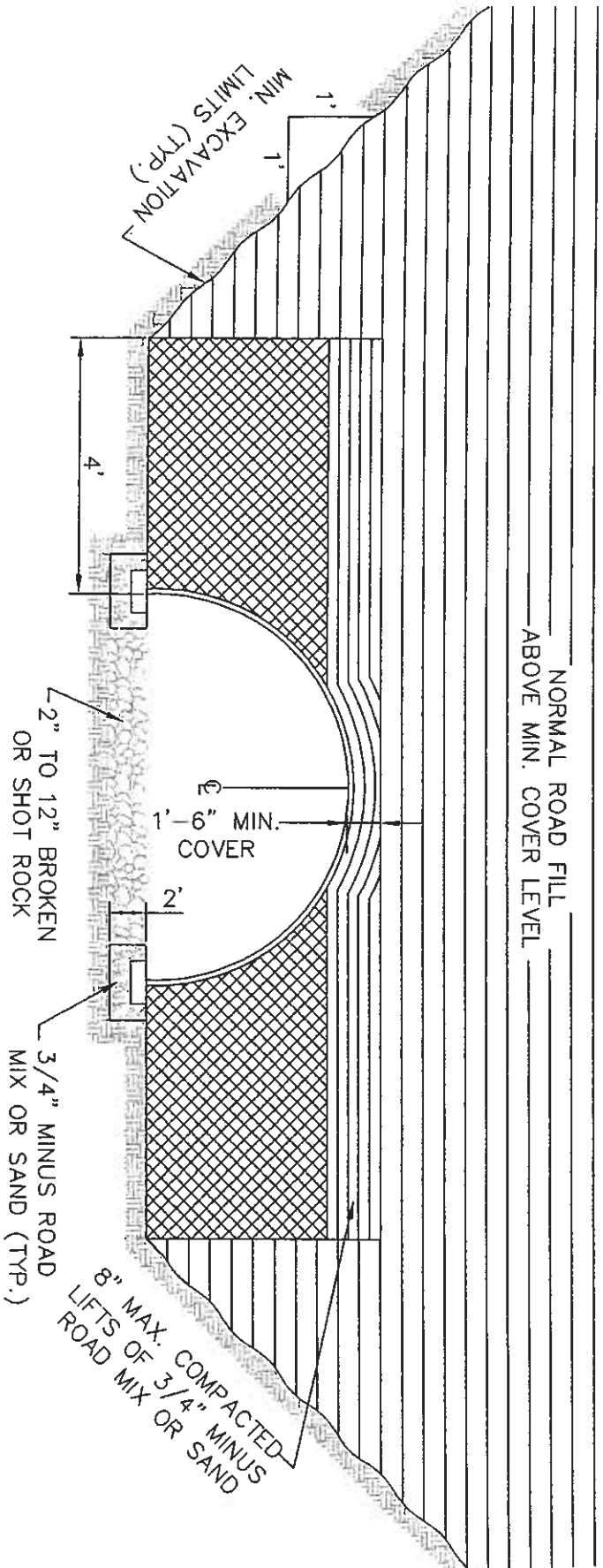
To whom it concerns:

To obtain approval for the construction of the Grouse Creek Subdivision, a pond was required to be constructed on subdivision property by the developer. This requirement by the Caribou County Planning and Zoning Commission and the Caribou County Fire Department is for access to water by fire fighting personnel and their equipment to suppress fires in the subdivision.

Ralph Hopkins
Caribou County Planning and Zoning Administrator

EXHIBIT D

DETAIL "B" SINGLE RADIUS ARCH TYPICAL BACKFILL SECTION

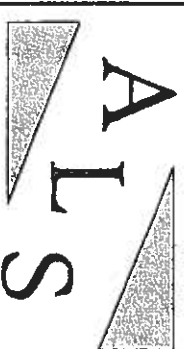


NOT TO SCALE

PAGE 2 OF 3

DATE: September 8, 2009

FILE: 3035-01-10 TOP0.dwg



Surveyors • Planners
1103 West Main Street
Middleton, Idaho
208-585-5858