

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76346

MAR 01 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

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

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

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76346

MAR 01 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

SOUTHERN REGION

Name of Applicant(s) Mike and Whendy StandleePhone 208-825-5117Mailing address 1690 E. 990 S. Eden, ID 83325

Email _____

- ☐ 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.

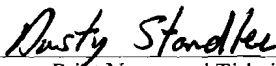
☐ No RepresentativeName of Representative Greg Sullivan of Brockway EngineeringPhone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301Email greg.sullivan@brockwayeng.com

- ☐ 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**.

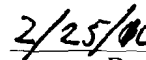
I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made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

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☒ Change period of use ☐ Other _____
- 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. Adjust place of use of water rights**.

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 ☒ ☐	36-2243	4/	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2243	0.02/	Domestic	1/01 to 12/31	Ground Water
☒ ☐	36-15119	1.31/	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.0 cfs and/or 1668 ac-ft

2. Total amount of water proposed to be transferred or changed 4.0 cubic feet per second and/or 1668 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 #

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	
10S	20E	10	33	29	40	40									40	40	40	40	302
		11						32				40	40						112
		14						40											40
		15	40	40															80

*Irrigation will be limited to 417 acres in one growing season.

Total Acres (for irrigation use) 534*

**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: Existing well, pump, pipes and distribution system.

- 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: N/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: 15 acres of land will be dried up and only 417 acres will be irrigated

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 36-2243

Current Owner: MIKE STANDLEE
WHENDY STANDLEE

Priority Date: 2/2/1954

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	3/15 to 11/15	0.02 CFS	
IRRIGATION	3/15 to 11/15	4 CFS	
	Total Diversion	4 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4NE1/4 Sec. 10, Twp 10S, Rge 20E B.M.
JEROME County

Place of Use

IRRIGATION Within JEROME County

T10S R20E S10	NENE	31.00	T10S R20E S10	NWNE	30.00
T10S R20E S10	SWNE	40.00	T10S R20E S10	SENE	40.00
T10S R20E S10	NESE	40.00	T10S R20E S10	NWSE	40.00
T10S R20E S10	SWSE	39.00	T10S R20E S10	SESE	5.00
T10S R20E S11	NWNW	31.00	T10S R20E S11	NWSW	40.00
T10S R20E S11	SWSW	15.00	T10S R20E S15	NENE	31.00
T10S R20E S15	NWNE	35.00			

Total Acres: 417

DOMESTIC Within JEROME County

T10S R20E S10 SESE

Page _____ of _____

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-15119 IS LIMITED TO THE TOTAL COMBINED DIVERSION RATE OF 4.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1668 AF.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. RIGHT NO. 36-15119 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
RIGHT NO. 36-15119 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHT NO. 36-15119 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 417.0 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
7. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-15119

Current Owner: MIKE STANDLEE
WHENDY STANDLEE

Priority Date: 3/1/1975

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	3/15	11/15	1.31 CFS	
	Total Diversion		1.31 CFS	

Location of Point(s) of Diversion

GROUND WATER
JEROME County

SE1/4SW1/4NE1/4 Sec. 10, Twp 10S, Rge 20E B.M.

Place of Use

IRRIGATION Within JEROME County

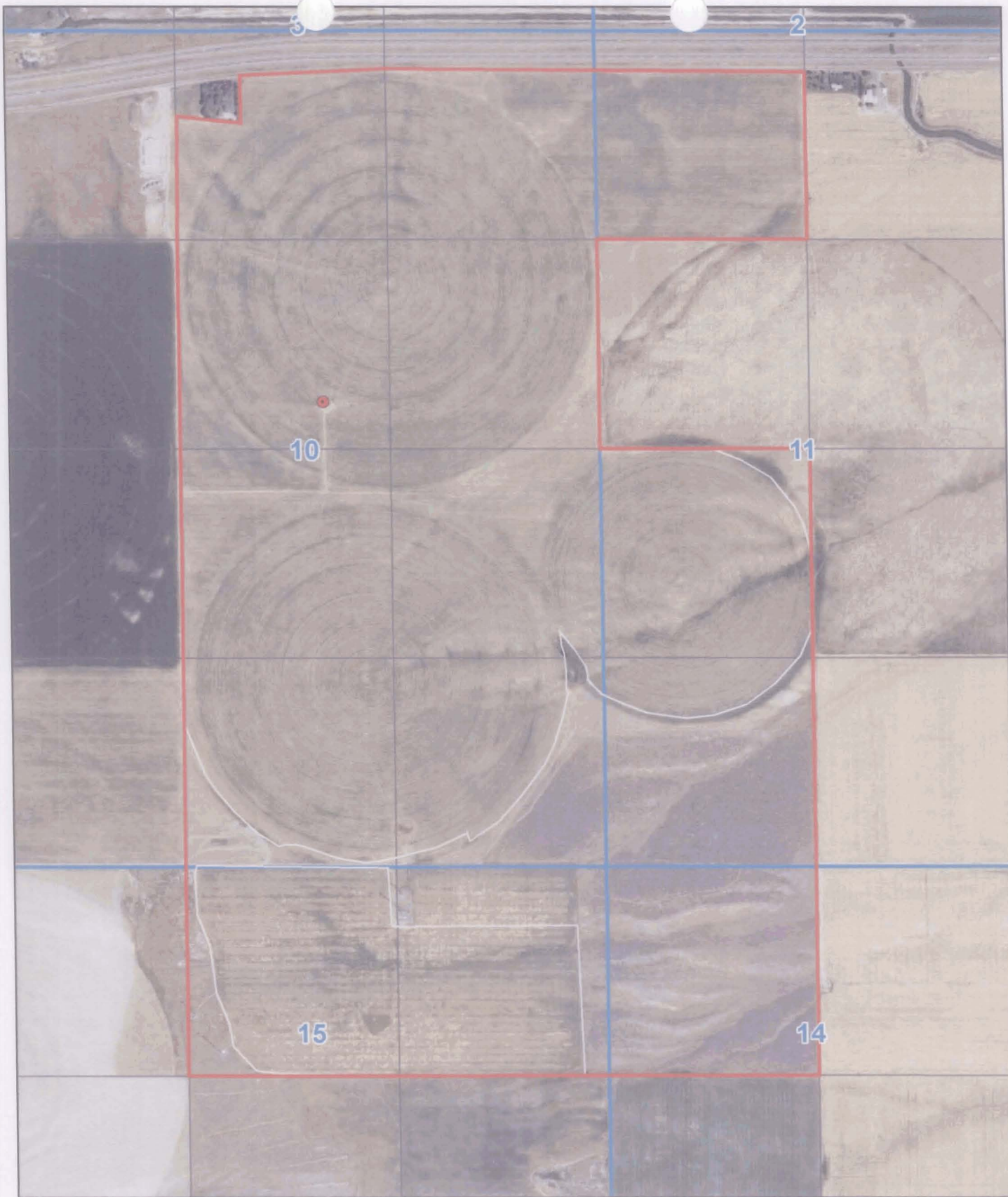
T10S R20E S10	NENE	31.00	T10S R20E S10	NWNE	30.00
T10S R20E S10	SWNE	40.00	T10S R20E S10	SENE	40.00
T10S R20E S10	NESE	40.00	T10S R20E S10	NWSE	40.00
T10S R20E S10	SWSE	39.00	T10S R20E S10	SESE	5.00
T10S R20E S11	NWNW	31.00	T10S R20E S11	NWSW	40.00
T10S R20E S11	SWSW	15.00	T10S R20E S15	NENE	31.00
T10S R20E S15	NWNE	35.00			

Total Acres: 417

Conditions of Approval:

1. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-02243 PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. RIGHT NO. 36-02243 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 137 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NO. 36-02243 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 417 ACRES IN A SINGLE IRRIGATION SEASON.
5. USE OF THIS RIGHT WITH RIGHT NO. 36-02243 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1668 AF.
6. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Decreed Date: 8/27/2001



1 inch equals 850 feet

**STANDLEE HAY EDEN
PROPOSED PPU TRANSFER
NAIP 2009 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - FEB. 17, 2010

Legend

- Proposed PPU
- Proposed_Irrigation_417_ac
- WR_POD_36-11519_2243
- 10s_20e_Sections
- t10s20e

Add'l Fee Paid	Date	Received by	Receipt #
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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

January 26, 2010

Mr. Mike Standlee
826 S 1800 E
Eden, ID 83325

CERTIFIED MAIL

RE: Unauthorized Diversion of Water

Dear Mr. Standlee:

The Idaho Department of Water Resources (Department) has contacted this office requesting that legal action be commenced for illegal diversion on lands located in Jerome County.

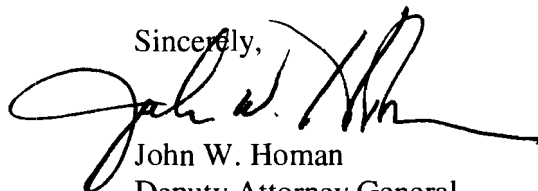
The Department issued you a Notice of Violation dated August 18, 2009, citing violations of Idaho law for unauthorized diversion of water for irrigation purposes to about 15 acres of land located in the SESE, Section 10, T10S, R20E. Although you or your employees initially contacted the Department and had discussions with Department staff to resolve the pending violation, you have not followed through with execution of a proposed Consent Agreement that was sent to you by the Department on September 18, 2009. Department staff have contacted Mr. Craig Edgar of your office several times since sending you the proposed Consent Agreement but no progress has been made towards your execution of the Consent Agreement and a final resolution of the matter.

Mr. Standlee, the purpose of this letter is to give you a final opportunity to resolve this matter with the Department under the enclosed Consent Agreement. I am hesitant at this point to proceed ahead and file a lawsuit until I am convinced that you completely understand the urgency of the situation. You have been ordered to cease and desist any further diversion and the state will seek the maximum civil penalty allowed under the law if the matter goes to court, including attorney fees. Please contact Tim Luke at the State Office at (208) 287-4959 no later than Monday, February 8, 2010 to make arrangements to resolve this matter by executing the enclosed Consent Order and paying the sum identified. Failure to contact the Department prior to the February 8th deadline shall result in this office filing a complaint in district court requesting an injunction to stop you from diverting water without proper authorization.

Finally, I want to strongly emphasize and discourage you from diverting additional water

not in conformance with your existing water rights. Although it is foreseeable that you and the Department may be able to come to some arrangement in the future to address the outstanding violations concerning the illegal diversion, you must stop the unauthorized diversion of the water until these issues are resolved.

Please feel free to contact me at (208) 287-4812 should you have any questions.

Sincerely,

John W. Homan
Deputy Attorney General
Natural Resources Division

Enclosure: IDWR Consent Order and Agreement, September 18, 2009

- c. Tim Luke, IDWR
Cindy Yenter, WD 130 Watermaster
Allen Merritt, IDWR Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 18, 2009

Michael Standlee
Attn: Craig Edgar
826S 1800 E
Eden, ID 83325

Re: Consent Order and Agreement for Notice of Violation Dated August 18, 2009

Dear Gentlemen,

Please find enclosed a Consent Order and Agreement regarding the Notice of Violation dated August 18, 2009 that the Idaho Department of Water Resources (Department) sent to you. This Agreement is being sent to you following several phone conferences that I have had with you between approximately August 20 and September 10, 2009. The Department appreciates the interest and cooperation you have taken in this matter over the past month. As we discussed, I have prepared a Consent Order and Agreement for your consideration without the need for a face-to-face compliance conference since this matter is relatively straightforward and because you have shown a good faith effort to resolve the Notice of Violation.

I believe the terms and conditions of the proposed Consent Order and Agreement are consistent with what we have discussed. Please note that the required civil penalty may be slightly higher than we originally discussed since I did not receive information from you regarding the location of potential restitution acres from either this year or, alternatively, for next year.

Please carefully review and consider the terms and conditions of this proposed order and agreement. If you agree with the terms and conditions, please sign the document and return it directly to me as soon as possible. I will then execute the agreement on behalf of the Department and return a copy of the original with signatures to you. If you have any further concerns or questions about the proposed order and agreement, please call me directly or submit written comments to me at the office listed on this letterhead. I look forward to your prompt reply and a final resolution of this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Consent Order and Agreement

Cc: Cindy Yenter, Water District 130 Watermaster
Allen Merritt, IDWR Southern Region Manager
John Homan, Deputy Attorney General

SCANNED
SEP 18 2009

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO
CONSENT ORDER AND AGREEMENT

In the matter of Notice of Violation and Cease and Desist Order dated August 18, 2009, issued to Mike Standlee pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

- 1) Mike Standlee ("Standlee" or "Respondent") is the owner of record of property located within the SESE of Section 10, Township 10 South (T10S), and Range 20 East (R20E). Standlee is the owner of record of two ground water rights that authorize the irrigation of up to 417 acres within the E1/2 of Section 10, the W1/2W1/2 of Section 11, and the NE1/4 of Section 15, all in T10S, R20E. The two ground water rights owned by Standlee for the 417 acres are identified as 36-2243 and 36-15119.
- 2) On July 23, 2009, the watermaster of Water District No. 130 sent a Notice of Pending Curtailment of Water Rights to right holders within Water District 130 subject to the Clear Springs Foods water right delivery call. The watermaster sent Standlee a copy of this notice for water right number 36-15119. The watermaster's notice advised Standlee that water right 36-15119 would be curtailed effective July 31, 2009. The notice was sent pursuant to the Order Curtailing Ground Water Rights in Water Districts 130 and 140 Junior to January 8, 1981 issued by the Director of the Idaho Department of Water Resources ("Department") on July 22, 2009.
- 3) Between July 31 and about August 12, 2009, the watermaster's monitoring of water rights subject to the curtailment notice referenced in Finding 2 above revealed that Standlee had irrigated in 2009 up to 432 acres of land within the area described in Finding 1 above. The watermaster found that Standlee was irrigating an additional 15 acres without valid water rights since Standlee's two water rights only authorize irrigation of a total combined 417 acres. Standlee did cooperate with the Department's 2009 curtailment order by ceasing further irrigation of lands under its' junior priority right, 36-15119.
- 4) On August 18, 2009, the Department sent Standlee a Notice of Violation (NOV) notifying Standlee that it had irrigated a total of about 432 acres of land in 2009 within the area described in Finding 1 above, and that approximately 15 acres of that land was irrigated without valid water rights. The Department' NOV required Standlee to cease and desist from further irrigation of the 15 acres until valid water rights were obtained for the land, file a water right transfer with the Department within 60 days to correct the place of use under water rights 36-2243 and 36-15119, provide restitution to replace the amount of water diverted from the Eastern Snake Plain Aquifer in 2009 without authorization by setting aside and curtailing diversion of ground water on a minimum of 15 acres during 2010, and pay a civil penalty of four thousand five hundred dollars (\$4,500), which is the maximum penalty authorized by law for an illegal diversion of water of this magnitude.

- 5) Upon receipt of the Department's NOV dated August 18, 2009, Standlee or representatives of Standlee contacted the Department to discuss the NOV and options to bring its water use in compliance with its water rights. Based on these discussions, the Department understands that Standlee will file a water right transfer to correct the place of use under water rights 36-2243 and 36-15119 so that no more than 417 acres are irrigated and all 417 acres are properly described by the rights.
- 6) Standlee and the Department did not schedule a compliance conference provided by Section 42-1701B, Idaho Code, but both parties have conducted several phone conferences between approximately August 20 and September 10, 2009 in an effort to resolve the NOV and bring Standlee's water use in compliance with its water rights. Both Department staff and the watermaster acknowledge Standlee's cooperation in complying with the Department's curtailment order and prompt response to the NOV.

It is hereby ordered and agreed that:

Terms of Agreement

- 1) Standlee agrees to limit irrigation under water right nos. 36-2243 and 36-15119 to no more than 417 acres for the remainder of the 2009 irrigation season and any subsequent irrigation season until additional valid water rights are secured pursuant to an approved water right transfer, or other written authorization is obtained from the Department.
- 2) Payment of an agreed civil penalty in the amount of eight hundred forty dollars (\$840) is payable to the Idaho Department of Water Resources within twenty-one (21) days of the execution of this agreement for the violation identified in the Notice of Violation dated August 18, 2009.
- 3) The Department suspends payment of three thousand, six seven hundred sixty dollars (\$3,660) civil penalty, which is the maximum penalty authorized by law for an illegal diversion of 15 acres less the amount identified in term 2 above. This penalty or any portion may be re-imposed for Standlee's failure to fully comply with the terms of this agreement.
- 4) This agreement does not limit the Department or the watermaster of Water District No. 130 to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized use in 2009.

Dated this _____ day of _____, 2009

Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent acknowledges, in general, the facts set forth herein and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this ____ day of _____, 2009

Mike Standlee

No. C 90326	Due no later than Sep 30, 2009 Annual Report Form	2. Registered Agent and Address (NO PO BOX)																																			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		MICHAEL G. STANDLEE 1690 E 900 S EDEN ID 83325 3. <u>New</u> Registered Agent Signature: *																																			
4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and(optional) Treasurer. <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>DIRECTOR</td> <td>DUSTY STANDLEE</td> <td>826 S 1700 E</td> <td>EDEN</td> <td>ID</td> <td>USA</td> <td>83325</td> </tr> <tr> <td>TREASURER</td> <td>KAMI DELGADO</td> <td>826 S. 1700 E.</td> <td>EDEN</td> <td>ID</td> <td>USA</td> <td>83325</td> </tr> <tr> <td>SECRETARY</td> <td>WHENDY STANDLEE</td> <td>826 S. 1700 E.</td> <td>EDEN</td> <td>ID</td> <td>USA</td> <td>83325</td> </tr> <tr> <td>PRESIDENT</td> <td>MIKE STANDLEE</td> <td>826 S. 1700 E.</td> <td>EDEN</td> <td>ID</td> <td>USA</td> <td>83325</td> </tr> </tbody> </table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	DIRECTOR	DUSTY STANDLEE	826 S 1700 E	EDEN	ID	USA	83325	TREASURER	KAMI DELGADO	826 S. 1700 E.	EDEN	ID	USA	83325	SECRETARY	WHENDY STANDLEE	826 S. 1700 E.	EDEN	ID	USA	83325	PRESIDENT	MIKE STANDLEE	826 S. 1700 E.	EDEN	ID	USA	83325
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PRESIDENT	MIKE STANDLEE	826 S. 1700 E.	EDEN	ID	USA	83325																															
5. Organized Under the Laws of: ID C 90326	6. Annual Report must be signed.* Signature: Michael Standlee Name (type or print): Michael Standlee Date: 11/30/2009 Title: President																																				
Processed 11/30/2009 * Electronically provided signatures are accepted as original signatures.																																					



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 12, 2010

Michael Standlee
826 S 1800 E
Eden, ID 83325

Re: Consent Order & Agreement dated September 18, 2009

Dear Mr. Standlee,

I am in receipt of the Consent Order and Agreement that you executed on February 2, 2010 regarding the Notice of Violation and Cease and Desist Order dated August 18, 2009 along with payment of the civil penalty in the amount of eight hundred & forty dollars (\$840). Please find attached a copy of the agreement that I have executed on behalf of the Idaho Department of Water Resources and a receipt in the amount of \$840. The Department appreciates your cooperation in this matter.

Please contact me directly at 208-287-4959 if you have any further concerns or questions regarding this matter.

Respectfully,

Tim Luke
Water Distribution Section

Enclosure: Signed Copy of Consent Order and Agreement
Receipt for Payment of \$840.00 Penalty

Cc: Ernie Carlsen, Watermaster, Water District No. 120
Heather Bohac, IDWR Eastern Region

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

CONSENT ORDER AND AGREEMENT

RECEIVED

FEB 05 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

In the matter of Notice of Violation and Cease and Desist Order dated August 18, 2009, issued to Mike Standlee pursuant to Section 42-1701B, Idaho Code.

Findings of Fact

- 1) Mike Standlee ("Standlee" or "Respondent") is the owner of record of property located within the SESE of Section 10, Township 10 South (T10S), and Range 20 East (R20E). Standlee is the owner of record of two ground water rights that authorize the irrigation of up to 417 acres within the E1/2 of Section 10, the W1/2W1/2 of Section 11, and the NE1/4 of Section 15, all in T10S, R20E. The two ground water rights owned by Standlee for the 417 acres are identified as 36-2243 and 36-15119.
- 2) On July 23, 2009, the watermaster of Water District No. 130 sent a Notice of Pending Curtailment of Water Rights to right holders within Water District 130 subject to the Clear Springs Foods water right delivery call. The watermaster sent Standlee a copy of this notice for water right number 36-15119. The watermaster's notice advised Standlee that water right 36-15119 would be curtailed effective July 31, 2009. The notice was sent pursuant to the Order Curtailing Ground Water Rights in Water Districts 130 and 140 Junior to January 8, 1981 issued by the Director of the Idaho Department of Water Resources ("Department") on July 22, 2009.
- 3) Between July 31 and about August 12, 2009, the watermaster's monitoring of water rights subject to the curtailment notice referenced in Finding 2 above revealed that Standlee had irrigated in 2009 up to 432 acres of land within the area described in Finding 1 above. The watermaster found that Standlee was irrigating an additional 15 acres without valid water rights since Standlee's two water rights only authorize irrigation of a total combined 417 acres. Standlee did cooperate with the Department's 2009 curtailment order by ceasing further irrigation of lands under its' junior priority right, 36-15119.
- 4) On August 18, 2009, the Department sent Standlee a Notice of Violation (NOV) notifying Standlee that it had irrigated a total of about 432 acres of land in 2009 within the area described in Finding 1 above, and that approximately 15 acres of that land was irrigated without valid water rights. The Department' NOV required Standlee to cease and desist from further irrigation of the 15 acres until valid water rights were obtained for the land, file a water right transfer with the Department within 60 days to correct the place of use under water rights 36-2243 and 36-15119, provide restitution to replace the amount of water diverted from the Eastern Snake Plain Aquifer in 2009 without authorization by setting aside and curtailing diversion of ground water on a minimum of 15 acres during 2010, and pay a civil penalty of four thousand five hundred dollars (\$4,500), which is the maximum penalty authorized by law for an illegal diversion of water of this magnitude.

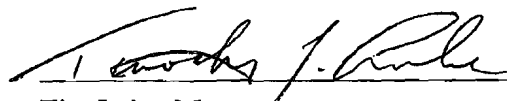
- 5) Upon receipt of the Department's NOV dated August 18, 2009, Standlee or representatives of Standlee contacted the Department to discuss the NOV and options to bring its water use in compliance with its water rights. Based on these discussions, the Department understands that Standlee will file a water right transfer to correct the place of use under water rights 36-2243 and 36-15119 so that no more than 417 acres are irrigated and all 417 acres are properly described by the rights.
- 6) Standlee and the Department did not schedule a compliance conference provided by Section 42-1701B, Idaho Code, but both parties have conducted several phone conferences between approximately August 20 and September 10, 2009 in an effort to resolve the NOV and bring Standlee's water use in compliance with its water rights. Both Department staff and the watermaster acknowledge Standlee's cooperation in complying with the Department's curtailment order and prompt response to the NOV.

It is hereby ordered and agreed that:

Terms of Agreement

- 1) Standlee agrees to limit irrigation under water right nos. 36-2243 and 36-15119 to no more than 417 acres for the remainder of the 2009 irrigation season and any subsequent irrigation season until additional valid water rights are secured pursuant to an approved water right transfer, or other written authorization is obtained from the Department.
- 2) Payment of an agreed civil penalty in the amount of eight hundred forty dollars (\$840) is payable to the Idaho Department of Water Resources within twenty-one (21) days of the execution of this agreement for the violation identified in the Notice of Violation dated August 18, 2009.
- 3) The Department suspends payment of three thousand, six hundred sixty dollars (\$3,660) civil penalty, which is the maximum penalty authorized by law for an illegal diversion of 15 acres less the amount identified in term 2 above. This penalty or any portion may be re-imposed for Standlee's failure to fully comply with the terms of this agreement.
- 4) This agreement does not limit the Department or the watermaster of Water District No. 130 to seek future compliance or regulation of said water use for other issues not directly related to the unauthorized use in 2009.

Dated this 11th day of February, ²⁰¹⁰2009

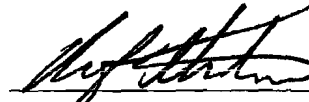


Tim Luke, Manager
Water Distribution Section
Idaho Department of Water Resources

CONSENT

Respondent acknowledges, in general, the facts set forth herein and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this 2nd day of February, ²⁰¹⁰~~2009~~



Mike Standlee

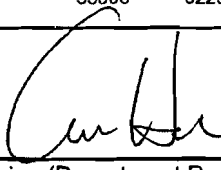
Idaho Department of Water Resources Receipt

Receipt ID: S031271

Payment Amount \$840.00 Date Received 2/8/2010 8:32 AM Region SOUTHERN
Payment Type Check Check Number 1630
Payer Standlee Ag Resources
Comments NOV Check received Feb 5th 2010

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$840.00	WATER RIGHT ENFORCEMENT	55506	0229	22		1315


Signature Line (Department Representative)

STANDLEE AG RESOURCES

1630

Date	Invoice Number	Comment	Amount	Discount Amount	Net Amount
1/31/2010	CK00163001	Civil penalty-Eden Farms	840.00	0.00	840.00

Check 001630	1/31/2010	Idaho Dept. of Water Resources	Check Total:	840.00
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WARRANTY DEED

#J-30006

For Value Received

Instrument # 2021723
JEROME COUNTY, JEROME, IDAHO
2002-04-08 04:30:49 No. of Pages: 2
Recorded for: LAND TITLE & ESCROW
CHERYL WATTS Fee: 6.00
Ex-Officio Recorder Deputy *Bunch*

EVAN KAY MECHAM and MONIKA MECHAM, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MIKE STANDLEE and WHENDY STANDLEE, husband and wife
Address: 1690 East 990 South Eden, Idaho 83325

Hereinafter called the Grantee, the following described premises situated in JEROME County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:

SUBJECT TO:

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

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto

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

Dated: April 8, 2002

Evan Kay Mecham
EVAN KAY MECHAM

Monika Mecham
MONIKA MECHAM

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 8TH day of April, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared EVAN KAY MECHAM and MONIKA MECHAM, known or identified to me to be the persons are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public
Residing at: _____
My Commission expires: _____

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

Order Number: J-30006

EXHIBIT "A"

TOWNSHIP 10 SOUTH, RANGE 20, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 10: That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, lying South of Interstate 80N, Project No. I-80N-3(18)191 Highway Survey, EXCEPTING THEREFROM the following described parcel of land:

Commencing at the South quarter corner of Section 10, Township 10 South, Range 20, East Boise Meridian;
Thence North 0°13'46" West, 4720.29 feet along the North-South centerline of Section 10 to THE REAL POINT OF BEGINNING;
Thence from this REAL POINT OF BEGINNING South 83°45'07" East, 415.31 feet;
Thence North 0°31'32" East, 280.49 feet to the South boundary of a frontage road along the Interstate Highway;
Thence along the South boundary of said frontage road South 84°42'57" West, 417.98 feet to the North-South centerline said Section 10;
Thence along said North-South centerline, Section 10 South 0°13'46" East, 196.79 feet to THE REAL POINT OF BEGINNING.

CORPORATE WARRANTY DEED

#

FOR VALUE RECEIVED,

MECHAM, INC.

Instrument # 2021724

JEROME COUNTY, JEROME, IDAHO

2002-04-08

04:31:43 No. of Pages: 2

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 6.00

Ex-Officio Recorder Deputy

C. Bunch

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

MIKE STANDLEE and WENDY STANDLEE, husband and wife
Whose address is: 1690 East 990 South Eden, Idaho 83325

GRANTEE, the following described real estate, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:

SUBJECT TO:

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

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

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 corporate seal to be affixed by its Secretary this 8TH day of APRIL, 2002.

MECHAM, INC.

BY: *Blaine Mecham*
VICE PRESIDENT

ATTEST: *Kay Mecham*
SECRETARY/TREASURER

STATE OF IDAHO)

) ss.

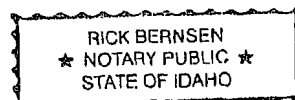
COUNTY OF JEROME)

On this 8TH day of APRIL, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE MECHAM and KAY MECHAM, known or identified to me to be the Vice President and Secretary/Treasurer of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public

Residing at:

My Commission expires:



RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7.1.07

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 20, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 10: $\checkmark$ $S\frac{1}{2}NE\frac{1}{4}$; $N\frac{1}{2}SE\frac{1}{4}$; $SE\frac{1}{4}SE\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$;

$\checkmark$ That part of the $NE\frac{1}{4}NE\frac{1}{4}$, lying South of Interstate 80N, Project No. 1-80N-3(18)191 Highway Survey.

Section 11: $\checkmark$ $SW\frac{1}{4}SW\frac{1}{4}$; $NW\frac{1}{4}SW\frac{1}{4}$;

$\checkmark$ That part of the $NW\frac{1}{4}NW\frac{1}{4}$, lying South of Interstate 80N Project No. 1-80N-3(18)191 Highway Survey.

Section 14: $\checkmark$ $NW\frac{1}{4}NW\frac{1}{4}$;

Section 15: $\checkmark$ $N\frac{1}{2}NE\frac{1}{4}$; $NW\frac{1}{4}$;

Section 16: $\checkmark$ $E\frac{1}{2}$, EXCEPTING THEREFROM the following described parcel of land in the $NE\frac{1}{4}NE\frac{1}{4}$:

Commencing at the Northeast corner of Section 16, Township 10 South, Range 20, East Boise Meridian, said corner being THE REAL POINT OF BEGINNING;

$\checkmark$ Thence South $0^{\circ}13'00''$ East, 157.87 feet along the East boundary of Section 16;

Thence South $89^{\circ}58'41''$ West, 408.18 feet, 129475

Thence North $0^{\circ}13'00''$ West, 157.87 feet to the North boundary of Section 10;

Thence North $89^{\circ}58'41''$ East, 408.18 feet along the North boundary Section 16 to THE REAL POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 10: A parcel of land located in the $N\frac{1}{2}NW\frac{1}{4}$, described as follows:

Beginning at the North quarter corner of said Section 10;

Thence South $0^{\circ}04'39''$ West along the center section line of said Section 10 for a distance of 370.80 feet to the South Right of Way line of Interstate 80N, Project No. 1-80N-3(18)191 and being the REAL POINT OF BEGINNING;

Thence from the REAL POINT OF BEGINNING South $0^{\circ}04'39''$ West along the center section line of said Section 10 for a distance of 951.05 feet to the Southeast corner of the $N\frac{1}{2}NW\frac{1}{4}$;

Thence North $89^{\circ}58'21''$ West along the South line of the $N\frac{1}{2}NW\frac{1}{4}$ for a distance of 233.66 feet;

Thence North $0^{\circ}04'39''$ East for a distance of 910.82 feet to the South Right of Way line of the Interstate 80N;

Thence North $79^{\circ}57'46''$ East along the South Right of Way line of Interstate 80N for a distance of 223.00 feet;

Thence North $84^{\circ}56'39''$ East along the South Right of Way line of Interstate 80N for a distance of 14.19 feet to the REAL POINT OF BEGINNING;

WARRANTY DEED

Instrument # 2051207
 JEROME COUNTY, JEROME, IDAHO
 2005-03-07 03:57:52 No. of Pages: 6
 Recorded for: LAND TITLE & ESCROW
 CHERYL WATTS Fee: \$15.00
 Ex-Officio Recorder Deputy S. Thorgust

For Value Received

Donald D. Bolingbroke, as Personal Representative of the
ESTATE OF EDNA BOLINGBROKE, deceased, Case No. CV-2004-0000144,
 filed in the District Court of The Second Judicial District Of the State of Idaho in and for
 The County of Latah

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MIKE STANDLEE and WHENDY STANDLEE, husband and wife
 Address: 1690 E 990 S Eden, Id 83325

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO:

SUBJECT TO:

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

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto

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

Dated: February 25, 2005

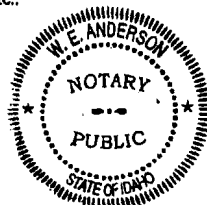
ESTATE OF EDNA BOLINGBROKE

By: Donald D. Bolingbroke - PR

Donald D. Bolingbroke, As Personal Representative
 of the Estate

STATE OF IDAHO)
) ss.
 COUNTY OF LATAH)

On this 25 day of February, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald D.
 Bolingbroke, known or identified to me to be the Personal Representative of the Estate of Edna Bolingbroke, deceased and the person
 whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as the Personal Representative
 of said Estate..



W.E. Anderson
 Notary Public
 Residing at: Idaho, ID
 My Commission expires: 7/23/05

EXHIBIT "A"

TRACT I

Order Number: J-33925

PARCEL NO. 1:

**TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO**

Section 9: A portion of the E½, described as follows:

Beginning at a point on the East boundary of said Section 9 that is South 0°00'23" East, 2829.51 feet from the Section corner common to Section 9, 10, 3 and 4, Township 10 South, Range 20 East, Boise Meridian;
Thence North 73°14'53" West, 563.45 feet;
Thence North 83°41'53" West, 221.19 feet;
Thence North 57°00'53" West, 241.37 feet;
Thence South 86°31'07" West, 539.05 feet;
Thence South 64°23'37" West, 342.09 feet;
Thence North 64°46'53" West, 283.44 feet;
Thence North 51°09'53" West, 729.08 feet to a point on the West boundary of the E½ of said Section 9;
Thence North 0°03'23" West along said West boundary, 1833.83 feet to a point on the South boundary of Interstate Highway No. 84 N., Project No. 1-86N-3 (18) 191, said point being South 0°03'23" East, 281.03 feet from the Quarter Section corner common to Section 9 and 4, Township 10 South, Range 20 East, Boise Meridian;
Thence South 89°43'54" East, along said highway boundary, 459.52 feet;
Thence South 85°43'30" East, along said highway boundary 1205.30 feet;
Thence South 83°43'04" East, along said highway boundary, 977.02 feet to a point on the East boundary of said Section 9 that is South 0°00'23" East, 477.56 feet from said Section corner;
Thence South 0°00'23" East, along said East boundary, 2351.95 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM that part of the NE¼ and SE¼ of said Section, described as follows:

Beginning at the East quarter corner of Section 9, said corner marked by a ¾" rebar which shall be THE TRUE POINT OF BEGINNING;
Thence South 00°07'09" East (South 00°00'23" West rec.) along the East line of the SE¼ for a distance of 188.15 feet;
Thence North 73°26'07" West (North 73°14'53" East rec.) for a distance of 563.19 feet (563.45 feet rec.) to a ½" rebar;
Thence North 83°50'44" West (North 83°41'53" West rec.) for a distance of 221.24 feet (221.19 feet rec.);
Thence North 57°09'45" West (North 57°00'53" West rec.) for a distance of 135.30 feet;
Thence South 89°59'00" East for a distance of 872.88 feet to a ½" rebar on the East line of the NE¼;
Thence South 00°09'17" East (South 00°00'23" East rec.) along said line for a distance of 69.25 feet to THE TRUE POINT OF BEGINNING.
SUBJECT TO a 25 foot county road right of way along the East side.

AND EXCEPTING THEREFROM that part of the NE¼ and SE¼ of said Section, described as follows:

Beginning at the East quarter corner of Section 9, said corner marked by a ¾" rebar;
Thence North 00°09'17" West (North 00°00'23" East rec.) along said line for a distance of 69.25 feet to a ½" rebar;
Thence North 89°59'00" West for a distance of 1548.25 feet to a point which shall be THE TRUE POINT OF BEGINNING;

-Continued-

CONTINUATION

EXHIBIT "A"

Order Number: J-33925

Thence South 64°13'25" West (South 64°23'37" West rec.) for a distance of 288.88 feet to a ½" rebar;
Thence North 64°53'34" West (North 64°46'53" West rec.) for a distance of 283.50 feet (283.44 feet rec.) to a ½" rebar;
Thence North 51°16'34" West (North 51°09'53" West rec.) for a distance of 8.76 feet;
Thence South 89°59'00" East for a distance of 523.69 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: That part of the NE¼ of said Section, described as follows:

Beginning at the East quarter corner of Section 9, said corner marked by a ¾" rebar;
Thence North 00°09'17" West (North 00°00'23" East rec.) along said line for a distance of 69.25 feet to a ½" rebar;
Thence North 89°59'00" West for a distance of 872.88 feet to a point which shall BE THE TRUE POINT OF BEGINNING;
Thence North 89°59'00" West for a distance of 675.37 feet;
Thence North 64°13'25" East (North 64°23'37" East rec.) for a distance of 53.42 feet to a ½" rebar;
Thence North 86°22'16" East (North 86°31'07" East rec.) for a distance of 539.17 feet (539.05 feet rec.);
Thence South 57°09'45" East (South 57°00'53" East rec.) for a distance of 106.13 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 3:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: That part of the NE¼ of said Section, described as follows:

Beginning at the East quarter corner of Section 9, said corner marked by a ¾" rebar;
Thence North 00°09'17" West (North 00°00'23" East rec.) along said line for a distance of 69.25 feet to a ½" rebar;
Thence North 89°59'00" West for a distance of 2071.94 feet to THE TRUE POINT OF BEGINNING;
Thence North 89°59'00" West for a distance of 561.86 feet to a ½" rebar on the West line of the NE¼;
Thence North 00°09'56" West (North 00°03'23" West rec.) for a distance of 451.41 feet;
Thence South 51°16'34" East (South 51°09'53" East rec.) for a distance of 721.85 feet to THE TRUE POINT OF BEGINNING.

-Continued-

CONTINUATION

EXHIBIT "A"

Order Number: J-33925

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: That certain parcel of real property situated in the E $\frac{1}{2}$ NW $\frac{1}{4}$, described as follows:

Beginning at the point where Lateral PB 2 of the North Side Pumping Company,
flowing in a Westerly course, crosses the East boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence South along said East boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence South along said East boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ 1,400 feet;
Thence West by Northwest 400 feet, more or less, to a point on said Lateral PB 2;
Thence up and along said Lateral PB 2 to the PLACE OF BEGINNING.

EXCEPTING THEREFROM part of the NW $\frac{1}{4}$, described as follows:

Beginning at the North $\frac{1}{4}$ corner of Section 9, Township 10 South, Range 20 East
Boise Meridian, said corner marked by a $\frac{1}{2}$ " rebar;
Thence South 00°06'24" East along the $\frac{1}{4}$ section line for a distance of 274.27 feet
to the South right of way of Interstate 84;
Thence North 89°46'00" West along the said right of way for a distance of 82.40
feet;
Thence South 01°09'41" East for a distance of 423.60 feet to the centerline of the
PB 2 lateral which shall be the POINT OF BEGINNING;
Thence South 01°09'41" East for a distance of 869.58 feet to a $\frac{1}{2}$ " rebar on the
centerline of the PB 2 lateral;
Thence North 09°21'27" West along said centerline for a distance of 361.12 feet;
Thence North 13°52'08" West continuing along said line for a distance of 147.32
feet;
Thence North 12°27'02" East continuing along said line for a distance of 43.55
feet;
Thence North 33°48'23" East continuing along said line for a distance of 53.57
feet;
Thence North 07°58'34" East continuing along said line for a distance of 47.64
feet;
Thence North 45°18'22" West continuing along said line for a distance of 104.96
feet;
Thence North 58°41'30" West continuing along said line for a distance of 115.05
feet;
Thence North 30°38'46" West continuing along said line for a distance of 34.18
feet;
Thence North 14°03'16" East continuing along said line for a distance of 39.61
feet;
Thence North 68°43'55" East continuing along said line for a distance of 49.50
feet;
Thence North 84°18'32" East continuing along said line for a distance of 166.00
feet to the POINT OF BEGINNING.

EXCEPT THEREFROM part of the NW $\frac{1}{4}$ of Section 9 of Township 10 South,
Range 20 East of the Boise Meridian, Jerome County, Idaho, described as follows:

Beginning at the North $\frac{1}{4}$ corner of Section 9 of Township 10 South, Range 20
East Boise Meridian, said corner marked by a $\frac{1}{2}$ " rebar;
Thence South 00°06'24" East along the $\frac{1}{4}$ section line for a distance of 274.27 feet
to the South right of way of Interstate 80;
Thence North 89°46'00" West along the said right of way for a distance of 82.40
feet;

-Continued-

CONTINUATION

EXHIBIT "A"

Order Number: J-33925

Thence South 01°09'41" East for a distance of 1293.18 feet to a ½" rebar on the centerline of the PB 2 lateral which shall be the POINT OF BEGINNING;
Thence South 15°05'58 West for a distance of 402.44 feet;
Thence North 50°23'11" West for a distance of 199.68 feet to the centerline of the PB 2 lateral;
Thence North 69°00'43" East along said line for a distance of 49.25 feet;
Thence North 48°00'01" East continuing along said line for a distance of 212.93 feet;
Thence North 37°59'50" East continuing along said line for a distance of 64.15 feet;
Thence North 16°28'11" East continuing along said line for a distance of 52.72 feet to the POINT OF BEGINNING.

PARCEL NO. 5

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: Part of the N½, described as follows:

Beginning at the North ¼ corner of said Section 9 of Township 10 South, Range 20 East, Boise Meridian, said corner marked by a ½" rebar;
Thence South 00°06'24" East along the ¼ section line for a distance of 274.27 feet to the South right of way of Interstate 80 which shall be the POINT OF BEGINNING;
Thence South 00°06'24" East for a distance of 115.07 feet to the West toe of slope of the PB 2 lateral;
Thence South 50°36'39" East along said line for a distance of 10.24 feet;
Thence South 63°42'36" East continuing along said line for a distance of 218.31 feet;
Thence South 37°23'12" East continuing along said line for a distance of 55.97 feet;
Thence South 01°41'24" West continuing along said line for a distance of 61.45 feet;
Thence South 44°05'51" West continuing along said line for a distance of 58.78 feet;
Thence South 76°27'44" West continuing along said line for a distance of 60.12 feet;
Thence South 85°59'40" West continuing along said line for a distance of 136.29 feet to the ¼ section line;
Thence South 00°06'24" East along the ¼ section line for a distance of 27.23 feet to the centerline of the PB 2 lateral;
Thence South 85°24'59" West along said centerline for a distance of 74.83 feet;
Thence North 01°09'41" West for a distance of 423.60 feet to the South right of way of Interstate 80;
Thence South 89°46'00" East along said right of way for a distance of 82.40 feet to the POINT OF BEGINNING.

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: Part of the NW¼, described as follows:

Beginning at the North ¼ corner of Section 9, of Township 10 South, Range 20 East, Boise Meridian, said corner marked by a ½" rebar;
Thence South 00°06'24" East along the ¼ section line for a distance of 274.27 feet to the South right of way of Interstate 80;
Thence North 89°46'00" West along said right of way for a distance of 82.40 feet;

-Continued-

CONTINUATION

EXHIBIT "A"

Order Number: J-33925

Thence South 01°09'41" East for a distance of 1293.18 feet to a ½" rebar on the centerline of the PB 2 lateral;
Thence South 15°05'58" West for a distance of 402.44 feet to the POINT OF BEGINNING;
Thence South 50°23'11" East for a distance of 213.41 feet to a ½" rebar on the East line of the NW¼;
Thence North 89°55'29" West for a distance of 201.04 feet to a ½" rebar;
Thence North 15°05'58" East for a distance of 140.66 feet to the POINT OF BEGINNING.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 10: The S½NW¼ and the SW¼;

PARCEL NO. 7 (WELL)

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 9: Part of the SE¼, described as follows:

Beginning at the SE corner of Section 9 of Township 10 South, Range 20 East, Boise Meridian, said corner marked by a ½" rebar;
Thence North 00°07'09" West along the East line of Section 9 for a distance of 929.85 feet to the POINT OF BEGINNING;
Thence South 89°52'51" West for a distance of 47.00 feet;
Thence North 00°07'09" West for a distance of 72.85 feet;
Thence North 89°52'51" East for a distance of 47.00 feet to the East line of Section 9;
Thence South 00°07'09" East along the East line of Section 9 for a distance of 72.85 feet to the POINT OF BEGINNING.

SUBJECT TO a County road right of way along the East side.

End of Exhibit "A"