

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Kent H. Nelson Phone (435) 564-3677

Post Office address P.O. Box 574, Green River, UT 84525

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Applicant wishes to abandon well in SWSWNE, S28, T4N R26E and replace it with a well in the SWSE, S21, T4N R26E. The point of diversion in the NENW, S28, T4N R26E is added to water right nos. 34-7059D and 34-12381 to better represent the existing integrated delivery system. The place of use for each of the water rights will not be changed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2309</u>	<u>10/2/1953</u>	<u>2.00 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-2358F</u>	<u>4/20/1961</u>	<u>1.26 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-7059B</u>	<u>1/15/1974</u>	<u>10.44 cfs</u>	<u>irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-7059D</u>	<u>1/15/1974</u>	<u>3.50 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-12381</u>	<u>5/1/1983</u>	<u>1.19 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 13.89* cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	21	4N	26E	Butte	New well
		SE	SE	20	4N	26E	Butte	Well #1
		SW	SE	21	4N	26E	Butte	Well #2
		NE	NW	28	4N	26E	Butte	Unnamed well

5. Lands irrigated or place of use: Water Rights 34-2309, 34-2358F, 34-7059B

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	20												6.5			33	33	72.5
		28			33	33			33	33	33	33			33	33			264.0
		29	35	35	35	35	33.5	28	28	28					20	20			297.5

Total Acres 634.0

* limit of combined rate of diversion

RECEIVED
OCT 16 2008

Department of Water Resources
Eastern Region

SCANNED

APR 13 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Kent H. Nelson Phone (435) 564-3677

Post Office address P.O. Box 574, Green River, UT 84525

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Applicant wishes to abandon well in SWSWNE, S28, T4N R26E and replace it with a well in the SWSE, S21, T4n R26E. The point of diversion in the NENW, S28, T4N R26E is added to water right nos. 34-7059D and 34-12381 to better represent the existing integrated delivery system. The place of use for each of the water rights will not be changed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2309</u>	<u>10/2/1953</u>	<u>2.00 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-2358F</u>	<u>4/20/1961</u>	<u>1.26 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-7059B</u>	<u>1/15/1974</u>	<u>10.44 cfs</u>	<u>irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-7059D</u>	<u>1/15/1974</u>	<u>3.50 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-12381</u>	<u>5/1/1983</u>	<u>1.19 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 13.89* cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	21	4N	26E	Butte	New well
		SE	SE	20	4N	26E	Butte	Well #1
		SW	SE	21	4N	26E	Butte	Well #2
		NE	NW	28	4N	26E	Butte	Unnamed well

5. Lands irrigated or place of use: Water Rights 34-2309, 34-2358F, 34-7059B

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	20											6.5			33	33	72.5	
		28			33	33			33	33	33	33			33	33		264.0	
		29	35	35	35	35	33.5	28	28	28					20	20		297.5	

Total Acres 634.0

RECEIVED
OCT 16 2008

Department of Water Resources
Eastern Region

* limit of combined rate of diversion

Lands irrigated or place of use: Water Rights 34-7059D, 34-12381

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	21											33	33			33	33	132.0
		28	33	33			33	33											132.0

Total Acres 264.0

6. General Information:

- a. Description of diversion system wells and pumps to mainlines and pivots
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The place of use is not changed.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- a. Decree No. 34-2309 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Memorandum of Sale

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2358F, 34-7059B

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:
- e. Decree No. 34-2358F Decreed to

in case of vs.

dated in county of
- f. License No. issued by the Idaho Department of Water Resources.

g. Claim No. on file with the Idaho Department of Water Resources.

h. Transfer No. which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice

☐ Warranty Deed

☒ Other Memorandum of Sale
3. Source of water tributary to
4. Date or priority
5. Water is used for the following purposes:
- amount for purposes from to

(cfs/ac-ft)

amount for purposes from to

(cfs/ac-ft)

amount for purposes from to

(cfs/ac-ft)
6. Total amount of water under right cubic feet per second and/or acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-7059B

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

G. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:
- i. Decree No. 34-7059B Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - j. License No. _____ issued by the Idaho Department of Water Resources.
 - k. Claim No. _____ on file with the Idaho Department of Water Resources.
 - l. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Memorandum of Sale

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

H. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

I. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

J. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- m. Decree No. 34-7059D Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- n. License No. _____ issued by the Idaho Department of Water Resources.
- o. Claim No. _____ on file with the Idaho Department of Water Resources.
- p. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Memorandum of Sale

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right no. 34-12381

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

K. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

L. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

M. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- q. Decree No. 34-12381 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- r. License No. _____ issued by the Idaho Department of Water Resources.
- s. Claim No. _____ on file with the Idaho Department of Water Resources.
- t. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Memorandum of Sale

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right no. 34-7059D

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

N. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

33	33			33	33	132.0
----	----	--	--	----	----	-------

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

O. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

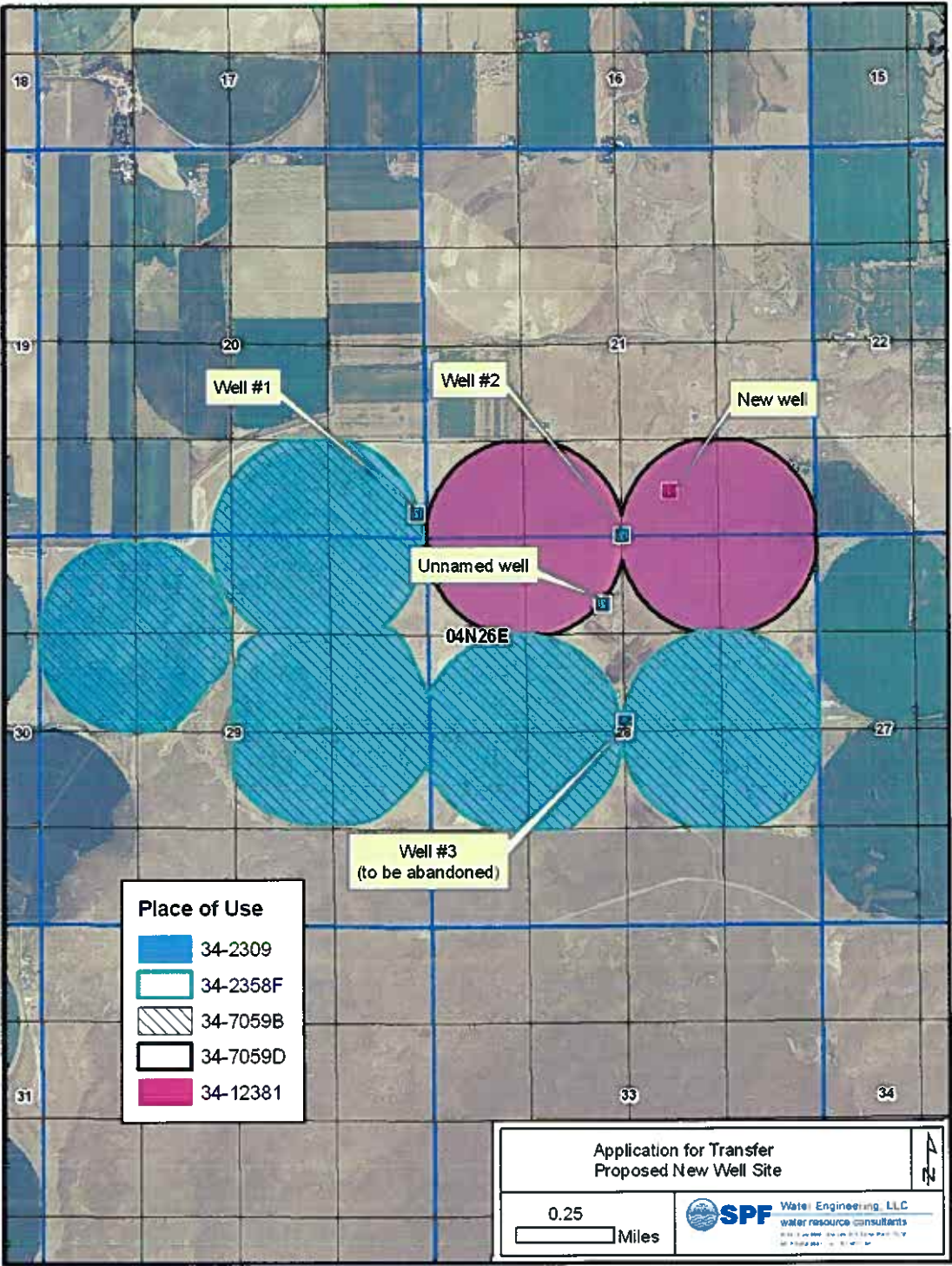
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



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

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____

Quantity and quality of return flows and location of discharge: _____

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

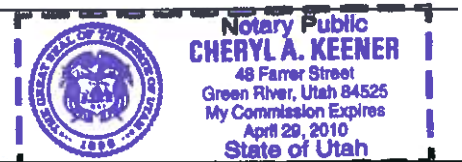
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Kurt H Nelson
 (Signature of Applicant)

Subscribed and sworn to before me this 1st day of October, 20 08.

Cheryl A Keener
 (Notary Public)

My commission expires April 29, 2010

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

36831-B

Patsy Kinley
879-5249

NO. 32828

RECORDED

MAR 16 1998

AM 4:59 PM
BUTTE COUNTY RECORDER
Caroline Morgan

GRANT DEED

THIS INDENTURE is made this 13th day of March, 1998, between J-P RANCH, INC., an Idaho corporation, the "Grantor", and KENT GEORGE HANSEN and ANN HANSEN, husband and wife, whose mailing address is 2626 North 800 East, Montevue, Idaho 83435, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Butte, State of Idaho, to-wit:

TRACT I:

Township 4 North, Range 26, E.B.M., Butte County, Idaho

Section 20: S $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying SE of the Stub Canal.

Section 28: S $\frac{1}{2}$ N $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$

Section 29: N $\frac{1}{2}$, EXCEPTING THEREFROM a fraction of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the SW corner of said 40 acres; thence N. 247 feet; thence E. 640 feet; thence SE to a point on the S. line of said 40 acres 990 feet E. of the point of beginning; thence W. 990 feet to the point of beginning.

ALSO: N $\frac{1}{2}$ SE $\frac{1}{4}$, a fraction of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Beginning at the NE corner of said 40 acres; thence S. 400 feet to a point on the E. line of said 40 acres; thence W. 330 feet; thence N. 400 feet to a point on the N. line of said 40 acres 330 feet W. of the point of beginning; thence 330 feet E. along the N. line of said 40 acres to the point of beginning.

LESS AND EXCEPTING TRACT I-A:

Portions of the NW $\frac{1}{4}$ of said Section 29 lying S. of the Lower Blaine Canal right-of-way; said parcel of land being more particularly described as follows:

Beginning at the NE corner of said Section 30; thence N. 89°57'00" W. along the N. boundary of said Section 30, a distance of 1325.28 feet to the NW corner of the NE¼NE¼ of said Section 30; thence S. 00°21'24" W. along the W. boundary of the E¼NE¼ of said Section 30, a distance of 2473.43 feet; thence S. 89°20'46" E. along the centerline of said field road, a distance of 1812.56 feet; thence N. 04°52'02" W. 35.91 feet to the point of curvature of a concave curve to the E., having a radius of 1350.31 feet, a central angle of 118°47'15" and a length of 2799.51 feet; thence N. 00°00'00" E. 14.77 feet to the Southerly boundary of the Lower Blaine Canal right-of-way; thence N. 89°52'28" W. along the Southerly boundary of said Canal right-of-way a distance of 680.90 feet to the E. boundary of said Section 30, thence N. 00°43'57" E. along said E. boundary of said Section 30, a distance of 126.97 feet to the NE corner of said Section 30 and the point of beginning.

Section 30: E¼NE¼, LESS AND EXCEPTING TRACT I-A, shown above.

TRACT II:

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 21: S¼S¼, EXCEPTING THEREFROM: beginning 100 feet S. of the NE corner of the SE¼SE¼ of said Section 21; thence S. 600 feet; thence Northwesterly 750 feet to a point that is 100 feet S. of the N. line of said SE¼SE¼ and 440 feet W. of the point of beginning; thence E. 440 feet to the point of beginning.

Section 28: N¼N¼

Beginning at the corner common to Sections 20, 21, 28 and 29, Township 4 North, Range 26 E.B.M., Butte County, Idaho (said corner being a 2 inch iron pipe with the brass cap missing, placed by G.L.O. Surveyors in 1944), and running thence S. 00°25'00" E. 374.84 feet along the Section line to the Westerly side of an existing field road; thence along said road the following three courses: (1) N. 13°36'39" W. 441.21 feet; thence (2) N.

05°25'21" E. 263.07 feet; thence (3) N. 20°07'59" E. 218.42 feet to the E. line of said Section 20; thence S. 00°07'00" E. 520.95 feet along said Section line to the point of beginning.

Together with the following irrigation equipment, pumping plants and sprinkler systems situate on the above described real property:

1. Seven (7) pivot irrigation systems
2. Three (3) pumps

SUBJECT TO THE FOLLOWING:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Rights-of-Way for ditches, tunnels and telephone and transmission lines constructed by the authority of the United States, as granted to the United States under the provisions of Section 58-604, Idaho Code 1947.
3. Right-of-Way Deed dated December 29, 1955, executed by A. Aikele and Elaine Aikele, husband and wife, Herman Aikele and Atha Aikele, husband and wife, and Don A. Aikele, a bachelor, parties of the first part, and Juel Aikele, party of the second part, recorded December 30, 1955, in Book 3 of Miscellaneous Records, Page 551, records of said County, for an easement to install, operate, and maintain an irrigation ditch across the NW¼NW¼ of Section 29 and other land.
4. Easement dated May 29, 1964, by and between Andreas Aikele and Elaine T. Aikele, husband and wife, and Don A. Aikele and Caroline R. Aikele, husband and wife, parties of the first part, and Herman Aikele, party of the second part, recorded April 13, 1965, in Book 4 of Miscellaneous Records, Page 585, records of said County, for a perpetual easement and right-of-way for a ditch over the NE¼NW¼ of Section 29 and other land.

5. Right-of-Way Easement Transmission dated December 27, 1974, executed by Don Aikele to Lost River Electric Cooperative, Inc., a cooperative corporation, its successors and assigns, recorded January 2, 1975, as Instrument No. M-3836, records of said County, the right to enter upon the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28 to construct, reconstruct, rephase, repair, operate and maintain an electric transmission line and/or distribution line or system, and to cut, trim, and control the growth by chemical means of all trees and shrubbery to the extent necessary to keep them clear of said electric line or system, and to cut from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.
6. Right-of-Way Easement Transmission dated December 27, 1974, executed by Juel Aikele to Lost River Electric Cooperative, Inc., a cooperative corporation, its successors and assigns, recorded January 2, 1975, as Instrument No. M-3838, records of said County, the right to enter upon the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 to construct, reconstruct, rephase, repair, operate and maintain an electric transmission line and/or distribution line or system, and to cut, trim, and control the growth by chemical means of all trees and shrubbery to the extent necessary to keep them clear of said electric line or system, and to cut from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.
7. Easement for Irrigation Wells, Transportation System, Inc. dated May 5, 1975, executed by Don Aikele and Caroline Aikele, husband and wife, Grantors, to Juel Aikele and Mary Anne Aikele, husband and wife, Water Users, recorded May 6, 1975, as Instrument No. M-4035, records of said County, to construct, drill, maintain, operate, equip and repair irrigation wells, pumps and motors; to construct, maintain, equip, operate and repair a water conveyance system, by ditch or pipeline; and to construct, operate, repair and equip a maintenance road and electric power delivery line for said purposes, not to exceed 100 feet in width, over a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, and other property.
8. Easement for Irrigation Transportation System dated December 13, 1976, executed by Don Aikele and Caroline Aikele, husband and wife, and Juel Aikele and Mary Anne Aikele, husband and wife, Grantors, to

Herman Aikele and Atha M. Aikele, husband and wife, Water Users, recorded December 15, 1976, as Instrument No. M-5494, records of said County, for an easement and right-of-way over a portion of said Section 29 and other property, for the purpose of constructing, maintaining, equipping, operating and repairing a water conveyance system by ditch; and constructing, operating, repairing and equipping a maintenance road for said purposes, not to exceed 100 feet in width. Re-recorded January 5, 1977, as Instrument No. M-5655, records of said County.

9. Grant of Easement dated April 30, 1985, executed by Juel Aikele and Mary Anne Aikele, husband and wife, as Grantors, to Don Aikele and Caroline Aikele, husband and wife, Grantees, recorded May 22, 1985, as Instrument No. M-15979, records of said County, for an easement for ingress and egress over and across the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28, and other property.
10. Grant of Easement dated April 30, 1985, executed by Don Aikele and Caroline Aikele, husband and wife, to The Federal Land Bank of Spokane, recorded May 22, 1985, as Instrument No. M-15980, records of said County, for an easement for ingress and egress over and across a portion of Sections 20 and 29 and other property.
11. Easement for Irrigation Ditch/Canal dated May 16, 1989, executed by Don A. Aikele and Caroline Aikele, husband and wife; Juel Aikele and Mary Anne Aikele, husband and wife; Herman Aikele and Atha Aikele, husband and wife; Susan Aikele, a widow; Steven Aikele and Peggy Aikele, husband and wife; Michael Aikele and Lori Aikele, husband and wife; and Eric M. Aikele and Janet Aikele, husband and wife, recorded June 16, 1989, as Instrument No. 22230, records of said County, for the purpose of operation, maintenance, repair, construction and reconstruction of an irrigation ditch or canal over and across a portion of Sections 20 and 29, and other property, together with a right-of-way for ingress and egress over said ditch and adjacent land for said purposes.
12. Water Users' Agreement upon the terms, conditions and provisions contained therein:
Dated: June 15, 1989

Parties: Don A. Aikele and Caroline Aikele, husband and wife;
and Joseph J.

Lambert and Gina A. Lambert, husband and wife.

Recorded: June 21, 1989, as Instrument No. 22246, records of said
County.

13. Reservation contained in Warranty Deed dated June 16, 1989, executed by Don A. Aikele and Caroline Aikele, husband and wife, recorded June 21, 1989, as Instrument No. 22252, records of said County, substantially as follows: reserving to Grantors an easement and right-of-way for conveyance of irrigation water, and for maintenance, construction and repair of an irrigation water pipeline, and further reserving to Grantors an easement and right-of-way for conveyance of irrigation water, and for maintenance, construction, and repair of an existing irrigation ditch from the West Well, as to lands in Section 20 and 29, a portion of Section 28, and other property.
14. Letter of Understanding between Eastern Idaho Production Credit Association and Don Aikele and Caroline Aikele, recorded October 22, 1990, as Instrument No. 24295, records of said County.
15. Easement dated October 5, 1990, executed by Joseph J. M. Lambert and Gina Lambert, husband and wife; Juel A. Aikele and Mary Anne Aikele, husband and wife; Susan Aikele, a single woman; Don A. Aikele and Caroline Aikele, husband and wife; Thomas J. Perkes and Francis K. Perkes, husband and wife; and M. Todd Perkes and Norma Perkes, husband and wife, recorded November 29, 1990, as Instrument No. 24402, records of said County, for a 30 foot easement and right-of-way over a portion of this land and other property.
16. Agreement upon the terms, conditions and provisions contained therein:
Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26488
17. Agreement upon the terms, conditions and provisions contained therein:
Dated: May 27, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26489

Amendment to Agreement recorded April 25, 1994 as Instrument No. 27901.

18. Agreement upon the terms, conditions and provisions contained therein:
Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26490
Amendment to Agreement recorded April 25, 1994 as Instrument No. 27902.
19. Agreement upon the terms, conditions and provisions contained therein:
Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 28, 1992 as Instrument No. 26491
Amendment to Agreement recorded April 25, 1994 as Instrument No. 27903.
20. Agreement upon the terms, conditions and provisions contained therein:
Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26492
Amendment to Agreement recorded April 25, 1994 as Instrument No. 27904.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

J-P RANCH, INC.

By: *Judd G. Cramer*
Judd G. Cramer
Its: President

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 13 day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Judd G. Cramer, known or identified to me to be the President of J-P Ranch, Inc., 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Anita McMurtry
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 5/20/2000

36182

WARRANTY DEED

For Value Received KENT GEORGE HANSEN AND ANN HANSEN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto STEPHEN BAUCHMAN AND LYNDILLA BAUCHMAN, husband and wife, the Grantees, whose current address is 3730 Pama Lane, Las Vegas, Nevada 89120, the following described premises, in Butte County, Idaho, to-wit:

TRACT I:

Township 4 North, Range 26, E.B.M., Butte County, Idaho

Section 20: S $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying SE of the Stub Canal.

Section 28: S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ S $\frac{1}{2}$

Section 29: N $\frac{1}{2}$, EXCEPTING THEREFROM a fraction of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the SW corner of said 40 acres; thence N. 247 feet; thence E. 640 feet; thence SE to a point on the S. line of said 40 acres 990 feet E. of the point of beginning; thence W. 990 feet to the point of beginning.

0036182

AUG 23 2000

12:00

BUTTE COUNTY, IDAHO

RECORDED

Heylea H. H. H.

ALSO:

N $\frac{1}{2}$ SE $\frac{1}{4}$, a fraction of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Beginning at the NE corner of said 40 acres; thence S. 400 feet to a point on the E. line of said 40 acres; thence W. 330 feet; thence N. 400 feet to a point on the N. line of said 40 acres 330 feet W. of the point of beginning; thence 330 feet E. along the N. line of said 40 acres to the point of beginning.

LESS AND EXCEPTING TRACT I-A:

Portions of the NW $\frac{1}{4}$ of said Section 29 lying S. of the Lower Blaine Canal right-of-way; said parcel of land being more particularly described as follows:

Beginning at the NE corner of said Section 30; thence N. 89°57'00" W. along the N. boundary of said Section 30, a distance of 1325.28 feet to the NW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 30; thence S. 00°21'24" W. along the W. boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 30, a distance of 2473.43 feet; thence S. 89°20'46" E. along the centerline of said field road, a distance of 1812.56 feet; thence N. 04°52'02" W. 35.91 feet to the point of curvature of a concave curve to the E., having a radius of 1350.31 feet, a central angle of 118°47'15" and a length of 2799.51 feet; thence N. 00°00'00" E. 14.77 feet to the Southerly boundary of the Lower Blaine Canal right-of-way; thence N. 89°52'28" W. along the Southerly boundary of said Canal right-of-way a distance 680.90 feet to the E. boundary of said Section 30; thence N. 00°43'57" E. along said E. boundary of said Section 30, a distance of 126.97 feet to the NE corner of said Section 30 and the point of beginning.

Section 30: E $\frac{1}{2}$ NE $\frac{1}{4}$, LESS AND EXCEPTING TRACT I-A, shown above.

TRACT II:

75072

36182

Township 4 North, Range 16 E.B.M., Butte County, Idaho
Section 21: S $\frac{1}{4}$ S $\frac{1}{4}$, EXCEPTING THEREFROM: beginning
100 feet S. of the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
said Section 21; thence S. 600 feet; thence
Northwesterly 750 feet to a point that is 100 feet
S. of the N. line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ and 440 feet W.
of the point of beginning; thence E. 440 feet to
the point of beginning.

Section 28: N $\frac{1}{2}$ N $\frac{1}{2}$

Beginning at the corner common to Sections 20, 21,
28 and 29, Township 4 North, Range 26 E.B.M.,
Butte County, Idaho (said corner being a 2 inch iron
pipe with the brass cap missing, placed by G.L.O.
Surveyors in 1944), and running thence S. 00°25'00"
E. 374.84 feet along the Section line to the Westerly
side of an existing field road; thence along said road
the following three courses: (1) N. 13°36'39" W.
441.21 feet; thence (2) N. 05°25'21" E. 263.07
feet; thence (3) N. 20°07'59" E. 218.42 feet to the
E. line of said Section 20; thence S. 00°07'00" E.
520.95 feet along said Section line to the point
of beginning.

Together with the following irrigation equipment, pumping plants
and sprinkler systems situate on the above described real property:

1. Seven (7) pivot irrigation systems
2. Three (3) pumps

SUBJECT TO THE FOLLOWING:

1. All existing easements or claims of easements, patent reservations,
rights-of-way, protective covenants, zoning ordinances, and
applicable building codes, laws and regulations, encroachments,
overlaps, boundary line disputes and other matters which would
be disclosed by an accurate survey or inspection of the premises.
2. Rights-of-Way for ditches, tunnels and telephone and transmission
lines constructed by the authority of the United States, as granted
to the United States under the provisions of Section 58-604,
Idaho Code 1947.
3. Right-of-Way Deed dated December 29, 1955, executed by A.
Aikele and Elaine Aikele, husband and wife, Herman Aikele
and Atha Aikele, husband and wife, and Don A. Aikele, a
bachelor, parties of the first part, and Juel Aikele, party of
the second part, recorded December 30, 1955, in Book 3 of
Miscellaneous Records, Page 551, records of said County, for
an easement to install, operate, and maintain an irrigation
ditch across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29 and other land.
4. Easement dated May 29, 1964, by and between Andreas
Aikele and Elaine T. Aikele, husband and wife, and Don A.
Aikele and Caroline R. Aikele, husband and wife, parties of
the first part, and Herman Aikele, party of the second part,
recorded April 13, 1965, in Book 4 of Miscellaneous Records,
Page 585, records of said County, for a perpetual easement
and right-of-way for a ditch over the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
29 and other land.

75072

36182

5. Right-of-Way Easement Transmission dated December 27, 1974, executed by Don Aikele to Lost River Electric Cooperative, Inc., a Cooperative corporation, its successors and assigns, recorded January 2, 1975, as Instrument No. M-3836, records of said County, the right to enter upon the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28 to construct, reconstruct, rephase, repair, operate and maintain an electric transmission line and/or distribution line or system, and to cut, trim, and control the growth by chemical means of all trees and shrubbery to the extent necessary to keep them clear of said electric line or system, and to cut from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.
6. Right-of-Way Easement Transmission dated December 27, 1974, executed by Juel Aikele to Lost River Electric Cooperative, Inc., a cooperative corporation, its successors and assigns, recorded January 2, 1975, as Instrument No. M-3838, records of said County, the right to enter upon the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 to construct, reconstruct, rephase, repair, operate and maintain an electric transmission line and/or distribution line or system, and to cut, trim, and control the growth by chemical means of all trees and shrubbery to the extent necessary to keep them clear of said electric line or system, and to cut from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.
7. Easement for Irrigation Wells, Transportation System, Inc. dated May 5, 1975, executed by Don Aikele and Caroline Aikele, husband and wife, Grantors, to Juel Aikele and Mary Anne Aikele, husband and wife, Water Users, recorded May 6, 1975, as Instrument No. M-4035, records of said County, to construct, drill, maintain, operate, equip and repair irrigation wells, pumps and motors; to construct, maintain, equip, operate and repair a water conveyance system, by ditch or pipeline; and to construct, operate, repair and equip a maintenance road and electric power delivery line for said purposes, not to exceed 100 feet in width, over a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, and other property.
8. Easement for Irrigation Transportation System dated December 13, 1976, executed by Don Aikele and Caroline Aikele, husband and wife, and Juel Aikele and Mary Anne Aikele, husband and wife, Grantors, to Herman Aikele and Atha M. Aikele, husband and wife, Water Users, recorded December 15, 1976, as Instrument No. M-5494, records of said County, for an easement and right-of-way over a portion of said Section 29 and other property, for the purpose of constructing, maintaining, equipping, operating and repairing a water conveyance system by ditch; and constructing, operating, repairing and equipping a maintenance road for said purposes, not to exceed 100 feet in width. Re-recorded January 5, 1977, as Instrument No. M-5655, records of said County.
9. Grant of Easement dated April 30, 1985, executed by Juel Aikele and Mary Anne Aikele, husband and wife, as Grantors, to Don Aikele and Caroline Aikele, husband and wife, Grantees, recorded may 22, 1985, as Instrument No.

75 072 75 072

36182

M-15979, records of said County, for an easement for ingress and egress over and across the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, the NW $\frac{1}{4}$ of Section 28, and other property.

10. Grant of Easement dated April 30, 1985, executed by Don Aikele and Caroline Aikele, husband and wife, to The Federal Land Bank of Spokane, recorded May 22, 1985, as Instrument No. M-15980, records of said County, for an easement for ingress and egress over and across a portion of Sections 20 and 29 and other property.
11. Easement for Irrigation Ditch/Canal dated May 16, 1989, executed by Don A. Aikele and Caroline Aikele, husband and wife; Juel Aikele and Mary Anne Aikele, husband and wife; Herman Aikele and Atha Aikele, husband and wife; Susan Aikele, a widow; Steven Aikele and Peggy Aikele, husband and wife; Michael Aikele and Lori Aikele, husband and wife; and Eric M. Aikele and Janet Aikele, husband and wife, recorded June 16, 1989, as Instrument No. 22230, records of said County, for the purpose of operation, maintenance, repair, construction and reconstruction of an irrigation ditch or canal over and across a portion of Sections 20 and 29, and other property, together with a right-of-way for ingress and egress over said ditch and adjacent land for said purposes.
12. Water Users' Agreement upon the terms, conditions and provisions contained therein:
Dated: June 15, 1989
Parties: Don A. Aikele and Caroline Aikele, husband and wife; and Joseph J. Lambert and Gina A. Lambert, husband and wife.
Recorded: June 21, 1989, as Instrument No. 22246, records of said County.
13. Reservation contained in Warranty Deed dated June 16, 1989, executed by Don A. Aikele and Caroline Aikele, husband and wife, recorded June 21, 1989, as Instrument No. 22252, records of said County, substantially as follows: reserving to Grantors an easement and right-of-way for conveyance of irrigation water, and for maintenance, construction and repair of an irrigation water pipeline, and further reserving to Grantors an easement and right-of-way for conveyance of irrigation water, and for maintenance, construction, and repair of an existing irrigation ditch from the West Well, as to lands in Section 20 and 29, a portion of Section 28, and other property.
14. Letter of Understanding between Eastern Idaho Production Credit Association and Don Aikele and Caroline Aikele, recorded October 22, 1990, as Instrument No. 24295, records of said County.
15. Easement dated October 5, 1990, executed by Joseph J. M. Lambert and Gina Lambert, husband and wife; Juel A. Aikele and Mary Anne Aikele, husband and wife; Susan Aikele, a single woman; Don A. Aikele and Caroline Aikele, husband and wife; Thomas J. Perkes and Francis K. Perkes, husband and wife; and M. Todd Perkes and Norma Perkes, husband and wife, recorded November 29, 1990, as Instrument No. 24402, records of said County, for a 30 foot

36182

easement and right-of-way over a portion of this land and other property.

16. Agreement upon the terms, conditions and provisions contained therein:

Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26488

17. Agreement upon the terms, conditions and provisions contained therein:

Dated: May 27, 1992
Parties: Lost River Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26489

Amendment to Agreement recorded April 25, 1994 as Instrument No. 27901.

18. Agreement upon the terms, conditions and provisions contained therein:

Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26490

Amendment to Agreement recorded April 25, 1994 as Instrument No. 27902.

19. Agreement upon the terms, conditions and provisions contained therein:

Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 28, 1992 as Instrument No. 26491

Amendment to Agreement recorded April 25, 1994 as Instrument No. 27903.

20. Agreement upon the terms, conditions and provisions contained therein:

Dated: October 22, 1992
Parties: Lost River Electric Cooperative, Inc.
Recorded: December 23, 1992 as Instrument No. 26492

Amendment to Agreement recorded April 25, 1994 as Instrument No. 27904.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Butte County, Idaho and that they will warrant and defend the same from all lawful claims whatsoever.

75079

36182

Dated: This 5 day of Aug., 2000.

Kent George Hansen
KENT GEORGE HANSEN

Ann Hansen
ANN HANSEN

STATE OF IDAHO)

: ss

County of: Jefferson

On this 5th day of
August, 192000 before
me, a Notary Public, per-
sonally appeared Kent George
Hansen and Ann Hansen

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

Shauna Bare
Notary Public for Idaho
Residing at Terreton, Idaho
Commission Expires 5-24-02

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for
record at the request of Custer Co Title
at 00 minutes past
o'clock P.M., this 23 day of August
1999 in my office, and duly recorded in Book
_____ of Deeds at page 36182

Dudley D. Dickey
Ex-Officio Recorder
BY _____ Deputy

Fee: \$ 18.00Mail to: Custer County Title

NO. 0045025

RECORDED

SEP 18 2007

BUTTE COUNTY RECORDS
FILED

MEMORANDUM OF SALE

This Memorandum declares that CHALLIS CREEK CATTLE CO., LLC, an Idaho limited liability company, ("Seller"), and KENT H. NELSON and EMILIE E. NELSON, husband and wife, of Green River, Utah, ("Buyer") have executed a Real Estate Purchase and Sale Agreement relating to the following real property, together with all improvements thereon, situated in Butte County, Idaho to-wit: (Buyer Address: P.O. Box 574, Green River, UT. 84525)

Legal Description attached as Exhibit A incorporated herein by reference.

The physical address of the property is No Known Address, Idaho

TOGETHER WITH all improvements thereon, all manufactured housing, and all fixtures and appliances therein;

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging.

A copy of the original Contract is in the possession of Curt R. Thomsen, 703 Seventh Street, Challis, Idaho 83226 and Jeremy R. Cook, Parsons Kinghorn Harris, 111 East Broadway, 11th Floor, Salt Lake City, Utah 84111, counsel for the parties. All inquiries concerning the nature and extent of the interests of Buyer and Seller and their respective rights under such Contract should be made at the offices of their Attorneys.

DATED This 17th day of September, 2007.

SELLER:

CHALLIS CREEK CATTLE CO., LLC

BY:

Stephen G. Bauchman
Stephen G. Bauchman

ITS: MEMBER-MANAGER

1. MEMORANDUM OF SALE
Order No: 5354187



BUYER:


Kent H. Nelson

BUYER:


Emilie E. Nelson

2. MEMORANDUM OF SALE



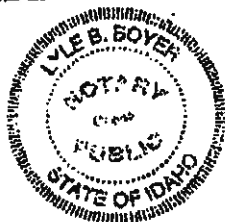
STATE OF IDAHO

County of Butte) ss.
)

On this 17th day of September, 2007, before me the undersigned, a Notary Public in and for said State, personally appeared Stephen G. Bauchman, known to me to be the person who executed the within instrument, and the Member Manager of Challis Creek Cattle Co., LLC and acknowledged to me that he executed the same for the limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

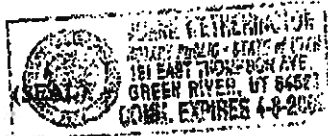


Lyle B. Boyer
Notary Public for Idaho
Residing at: Arco, ID
My Commission Expires: 6-5-2009

STATE OF UtahCounty of Emery) ss.
)

On this 13 day of September, 2007, before me the undersigned, a Notary Public in and for said State, personally appeared KENT H. NELSON and EMILIE E. NELSON, husband and wife, known to me to be the persons who executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sharon Wilkerson
Notary Public for Utah
Residing at: 1000 N. 1000 E. 84505
My Commission Expires: April 8, 2009

5826.004 Memo Sale

3. MEMORANDUM OF SALE

EXHIBIT A- page 1

TRACT 1:

Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

Section 20: S1/2SE1/4; SE1/4SW1/4 lying Southeast of the Stub Canal.

LESS AND EXCEPTING

Beginning at the South 1/4 Corner of Section 20, Township 4 North, Range 26 East of the Boise Meridian; running thence S.89°24'20"W. along the Section line 526.36 feet to the centerline of the Stub canal; thence along said centerline the following two (2) courses: N.12°12'00"E. 54.46 feet; thence N.01°00'22"W. 146.85 feet to the TRUE POINT OF BEGINNING; running thence along said centerline of the Stub canal the following six (6) courses: N.00°07'45"W. 288.33 feet; thence N.08°41'08"E. 84.74 feet; thence N.25°33'41"E. 77.84 feet; thence N.41°08'43"E. 78.58 feet; thence N.46°30'35"E. 272.57 feet; thence N.49°12'37"E. 293.40 feet to the North-South Center Section line of said Section 20; thence S.27°49'10"W. 1108.63 feet to the TRUE POINT OF BEGINNING.

Section 28: S1/2N1/2; N1/2S1/2

Section 29: N1/2, EXCEPTING THEREFROM a fraction of the SW1/4NW1/4 described as follows:
Beginning at the Southwest Corner of said 40 acres; thence North 247 feet; thence East 640 feet; thence Southeast to a point on the South line of said 40 acres, 990 feet East of the point of beginning; thence West 990 feet to the POINT OF BEGINNING.

ALSO EXCEPTING: N1/2SE1/4 and a fraction of the NW1/4SW1/4 described as follows:
Beginning at the Northeast Corner of said 40 acres; thence South 400 feet to a point on the East line of said 40 acres; thence West 330 feet; thence North 400 feet to a point on the North line of said 40 acres 330 feet West to the point of beginning; thence 330 feet East along the North line of said 40 acres to POINT OF BEGINNING.

Section 30: E1/2NE1/4, EXCEPT that portion of the SE1/4NE1/4 lying South of the field road.

LESS AND EXCEPTING TRACT 1-A:

A parcel of land being generally described as a portion of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) and that portion of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), lying North of the field road in Section 30, Township 4 North, Range 26 E.B.M., Butte County, Idaho. Also, portions of the Northwest Quarter of Section 29, Township 4 North, Range 26 E.B.M., lying South of the Lower Blaine Canal right-of-way, said parcel of land being more particularly described as follows:

Beginning at the Northeast Corner of said Section 30; thence N 89°57'01" West, along the North boundary of said Section 30, a distance of 1335.28 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter, Section 30; thence S 0°21'24" W, along the West boundary of the East half of the Northeast Quarter, Section 30, a distance of 2473.43 feet; thence S 89°20'46" E, along the centerline of said field road, a distance of 1812.56 feet; thence N 4°45'02" W, 35.91 feet to the point of curvature of a tangent curve to the East, having a radius of 1350.31 feet, a central angle of 118°47'15", and a length of 2799.51 feet; thence N 0°00'00" E. 14.77 feet to the Southerly boundary of the Lower Blaine Canal right-of-way; thence N 89°52'28" W, along the Southerly boundary of said canal right-of-way, a distance of 680.90 feet to the East boundary of said Section 30; thence N 0°43'57" E, along said East boundary, Section 30, a distance of 126.97 feet to the Northeast Corner of Section 30 and the POINT OF BEGINNING.

SEP-23-2008 05:03 AM

Butte County Clerk

2085273295

P. 6

EXHIBIT A- page 2

TRACT II:

Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

Section 21: S1/2S1/2, EXCEPTING THEREFROM; Beginning 100 feet South of the Northeast Corner of the SE1/4SE1/4 of said Section 21; thence South 600 feet; thence Northwesterly 750 feet to a point that is 100 feet South of the North line of said SE1/4SE1/4 and 440 feet West of the point of beginning; thence East 440 feet to the POINT OF BEGINNING.

Section 28: N1/2N1/2 and Beginning at the corner common to Section 20, 21, 28 and 29, Township 4 North, Range 26 E.B.M., Butte County, Idaho (said corner being a 2 inch iron pipe with the brass cap missing, placed by G.L.O. Surveyors in 1944), and running thence S 00°25'00" E 374.84 feet along the Section line to the Westerly side of an existing road; thence along said road the following three courses:

N 13°36'39" W 441.21 feet; thence

N 05°25'21" E 263.07 feet; thence

N 20°07'59" E 218.42 feet to the East line of said Section 20;

thence S 00°07'00" E 520.95 feet along said Section line to the POINT OF BEGINNING.



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

00 DEC 22 AM 10:11

STATE OF IDAHO

- The name of the limited liability company is: CHALLIS CREEK CATTLE COMPANY, L.L.C.
- The address of the initial registered office is: 415 SOUTH ARTHUR, POCA TELLO ID
83204 and the name of the initial registered agent at that address is: JACK ROBISON
- The mailing address for future correspondence: 4075 W. DESERT INN ROAD, SUITE B,
LAS VEGAS, NEVADA 89102
- Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒ (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name
Stephen G. Bauchman and Lyndella A. Bauchman, Trustees of the Bauchman Family Trust, dated 9/27/00

Address
4075 W. Desert Inn Road, Suite B
Las Vegas, Nevada 89102

- Signature of at least one person responsible for forming the limited liability company:

PAUL S. ADAMS
Organizer

Secretary of State use only

IDAHO SECRETARY OF STATE

12/27/2000 09:00
CK: 7825 CT: 148836 BH: 369887

1 @ 100.00 = 100.00 ORGAN LLC # 2
1 @ 20.00 = 20.00 EXPEDITE C # 3

W13843

FILED EFFECTIVE

00 DEC 27 AM 9:45
STATE OF IDAHO



SPF WATER
ENGINEERING

October 14, 2008

Blake Jordan
Eastern Region Office
Idaho Dept. of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402

Subject: Amended Application for Transfer
Water Right No. 34-2309, et.al

Dear Blake,

On behalf of Kent Nelson, I am submitting the enclosed *Amended Application for Transfer* for the water rights captioned above. The application proposes to change the existing points of diversion, while maintain the existing place of use. The place of use description has been amended to clearly show the location of the various water rights after the transfer.

In addition, we are providing copies of the following documents:

1. Grant Deed conveying land from J-P Ranch Inc. to Kent and Ann Hansen (recorded March 16, 1998),
2. Warranty Deed conveying land from Kent and Ann Hansen to Stephen and Lyndella Bachman (recorded August 23, 2000),
3. Memorandum of Sale for land from Challis Creek Cattle Co. LLC to Kent and Emilie Nelson (recorded September 18, 2007),
4. Articles of Organization, Challis Creek Cattle Co. LLC

These documents confirm the land in question has been conveyed from J-P Ranch through Hansen and Bachman to Kent Nelson, with the appurtenant water rights.

The filing fee for this application (\$770.00) was previously submitted.

Please contact me with any questions.

Sincerely,

Roxanne Brown

Cc: Kent Nelson
Steve Bachman, Challis Creek Ranch

Enclosures
Application for Transfer
Documents

SPF Job No.: 687.0010

RECEIVED
OCT 16 2008

Department of Water Resources
Eastern Region

**SPF**Water Engineering, LLC
water resource consultants

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

September 2, 2008

Southern Region Office
Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380Subject: Application for Transfer
Water Right No. 34-2309, et.al

Dear Steve,

On behalf of Kent Nelson, I am pleased to submit the enclosed *Application for Transfer* for Water Right Nos. 34-2309, 34-2358F, 34-7059B, 34-7059D and 34-12381. The application proposes to change the existing points of diversion.

We understand that the filing fee for this Application is \$770.00. You will find a check for that amount enclosed.

Please contact me with any questions.

Sincerely,

Roxanne Brown

Cc: Kent Nelson
Steve Bachman, Challis Creek RanchEnclosures
Check No. 1923
Application for Transfer

SPF Job No.: 687.0010

RECEIVED

SEP 04 2008

Department of Water Resources
Eastern Region

E034399

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant Kent H. NelsonPhone (435) 564-3677Post Office address P.O. Box 574, Green River, UT 84525

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant wishes to abandon well in SWSWNE, S28, T4N R26E and replace it with a well in the SWSE, S21, T4N R26E. The point of diversion in the NENW, S28, T4N R26E is added to water right nos. 34-7059D and 34-12381 to better represent the existing system.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2309</u>	<u>10/2/1953</u>	<u>2.00 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-2358F</u>	<u>4/20/1961</u>	<u>1.26 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-7059B</u>	<u>1/15/1974</u>	<u>10.44 cfs</u>	<u>irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-7059D</u>	<u>1/15/1974</u>	<u>3.50 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-12381</u>	<u>5/1/1983</u>	<u>1.19 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 13.89* cubic feet per second and/or _____ acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	21	4N	26E	Butte	New well
		SE	SE	20	4N	26E	Butte	Well #1
		SW	SE	21	4N	26E	Butte	Well #2
		NE	NW	28	4N	26E	Butte	Unnamed well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	20												6.5			33	33	72.5
		21											33	33			33	33	132.0
		28	33	33	33	33	33	33	33	33	33	33			33	33			396.0
		29	35	35	35	35	33.5	28	28	28					20	20			297.5

Total Acres 898.0

PART 1

6. General Information:

- a. Description of diversion system wells and pumps to mainlines and pivots
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
n/a
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

April 15, 2008

SPF Water Engineering, LLC
Attn: Roxanne Brown
600 E. River Park Ln., Suite 105
Boise, ID 83706-6551

Re: Application for Transfer of Water Right Nos. 34-2309, 34-2358F, 34-7059B, 34-7059D
and 34-12381

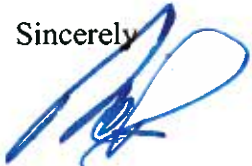
Dear Roxanne,

Bank of America has received a copy of the *Application for Transfer of Water Right* for water
right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D and 34-12381.

Bank of America currently holds a lien, deed of trust, mortgage or contract for the property
where the transfer of water rights will occur.

We approve of the transfer that is being proposed on this property.

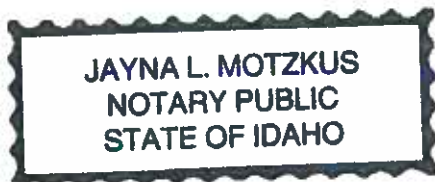
Sincerely,



Michael C Rust
Senior Vice President

State of Idaho)
County of Ada) SS.
_____)

Subscribed and sworn (or affirmed) before me this 25 day of April, 2007.



Jayna L Motzkus
Notary Public

Residing at Ada County

My Commission Expires 3/10/2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCE
SOUTHERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- a. Decree No. 34-2309 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D, and 34-12381 use the same wells for irrigation.

75 072

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

75 072

Total Acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/11/2008

WATER RIGHT NO. 34-2309

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J - P RANCH INC C/O JUDD CRAMER 987 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	DON A AIKELE RT 1 BOX 60 MOORE, ID 83255 (208)527-3325
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 203 S GARFIELD PO BOX 1667 POCATELLO, ID 83204

Priority Date: 10/02/1953

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2 CFS	
Total Diversion			2 CFS	

75 07 2

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 20	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWNE	Sec. 28	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENW	Sec. 28	Township 04N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	26E	20		SESW	6.5									
				SWSE	33		SESE	33						
		28		SWNE	33		SENE	33						
				SWNW	33		SENE	33						
				NESW	33		NWSW	33						
				NESE	33		NWSE	33						
		29		NENE	35		NWNE	35		SWNE	35		SENE	35
				NENW	33.5		NWNW	28		SWNW	28		SENE	35
				NESE	20		NWSE	20					SENE	35

Total Acres: 634

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NOS. 34-07059B AND 34-02358F IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.44 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2219.0 AF. THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 13.89 CFS. OTHER RIGHT NOS.: 34-02358F, 34-07059D, 34-07059B AND 34-12381.
2.		USE OF THIS RIGHT WITH RIGHT NOS. 34-07059B AND 34-02358F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 634 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	M03	A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4.	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.

5.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7.		THE RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-02358F, 34-07059D, 34-07059B AND 34-12381.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 634

Combined Volume Limit: 2219

Combined Rate Limit: 10.44

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

D. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- e. Decree No. 34-2358F Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D,
and 34-12381 use the same wells for irrigation.

75 072

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/11/2008

WATER RIGHT NO. 34-2358F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J - P RANCH INC C/O JUDD CRAMER 987 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	DON A AIKELE RT 1 BOX 60 MOORE, ID 83255 (208)527-3325
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 203 S GARFIELD PO BOX 1667 POCATELLO, ID 83204

Priority Date: 04/20/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.26 CFS	
Total Diversion			1.26 CFS	

75 072

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 20	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWNE	Sec. 28	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENW	Sec. 28	Township 04N	Range 26E	BUTTE County

IRRIGATION Use:
Acre Limit: 112

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	26E	20		SESW	6.5									
				SWSE	33		SESE	33						
		28		SWNE	33		SENE	33						
				SWNW	33		SENE	33						
				NESW	33		NWSW	33						
				NESE	33		NWSE	33						
		29		NENE	35		NWNE	35		SWNE	35		SENE	35
				NENW	33.5		NWNW	28		SWNW	28		SENE	35
				NESE	20		NWSE	20					SENE	35

Total Acres: 634

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NOS. 34-07059B AND 34-02309 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.44 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2219.0 AF. THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 13.89 CFS. OTHER RIGHT NOS.: 34-07059B, 34-07059D, 34-02309 AND 34-12381.
2.		USE OF THIS RIGHT WITH RIGHT NOS. 34-07059B AND 34-02309 IS LIMITED TO THE THE IRRIGATION OF A COMBINED TOTAL OF 634 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	M03	A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4.	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.

5.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.		THE RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-07059B, 34-07059D, 34-02309 AND 34-12381.
7.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 634

Combined Volume Limit: 2219

Combined Rate Limit: 10.44

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCE
SOUTHERN REGION

G. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- i. Decree No. 34-7059B Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- j. License No. _____ issued by the Idaho Department of Water Resources.
- k. Claim No. _____ on file with the Idaho Department of Water Resources.
- l. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D,
and 34-12381 use the same wells for irrigation.

75 072

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

H. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

I. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

75072

Total Acres _____

COPY

WARRANTY DEED

ORIGINAL

GRANTOR, CHALLIS CREEK CATTLE CO., LLC, an Idaho Limited Liability Company, County of Custer, State of Idaho, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell and convey unto KENT H. NELSON AND EMILIE E. NELSON, husband and wife, of Green River, Utah, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate, located in Butte County, State of Idaho.

Legal Description attached as Exhibit A and incorporated herein by reference.

The physical address of the property is No Known address

TOGETHER WITH all improvements thereon and all fixtures and appliances thereon;

TOGETHER, with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to:

A certain Mortgage recorded as instrument # 39721 of the records of Butte County in favor of Bank of America. Recorded Aug 11, 2003

Conveying hereby one thousand one hundred acres, more or less.

Grantor, for its heirs, successors and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantee, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 17th day of September, 2007.

CHALLIS CREEK CATTLE CO., LLC

BY: Stephen G. Bauchman

Stephen G. Bauchman

ITS: MEMBER-MANAGER

1. WARRANTY DEED
Order No: 5354LRT

EXHIBIT A- page 1

TRACT 1:

Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

Section 20: S1/2SE1/4; SE1/4SW1/4 lying Southeast of the Stub Canal.

LESS AND EXCEPTING

Beginning at the South 1/4 Corner of Section 20, Township 4 North, Range 26 East of the Boise Meridian; running thence S.89°24'20"W. along the Section line 526.36 feet to the centerline of the Stub canal; thence along said centerline the following two (2) courses: N.12°00'15"E. 54.46 feet; thence N.01°00'22"W. 146.85 feet to the TRUE POINT OF BEGINNING; running thence along said centerline of the Stub canal the following six (6) courses: N.00°07'45"W. 388.33 feet; thence N.08°41'08"E. 84.74 feet; thence N.25°33'41"E. 77.84 feet; thence N.41°25'43"E. 78.58 feet; thence N.46°30'35"E. 272.57 feet; thence N.49°12'37"E. 293.40 feet to the North-South Center Section line of said Section 20; thence S.27°49'10"W. 1108.63 feet to the TRUE POINT OF BEGINNING.

Section 28: S1/2N1/2; N1/2S1/2

Section 29: N1/2, EXCEPTING THEREFROM a fraction of the SW1/4NW1/4 described as follows:

Beginning at the Southwest Corner of said 40 acres; thence North 247 feet; thence East 640 feet; thence Southeast to a point on the South line of said 40 acres, 990 feet East of the point of beginning; thence West 990 feet to the POINT OF BEGINNING.

ALSO EXCEPTING: N1/2SE1/4 and a fraction of the NW1/4SW1/4 described as follows:

Beginning at the Northeast Corner of said 40 acres; thence South 400 feet to a point on the East line of said 40 acres; thence West 330 feet; thence North 400 feet to a point on the North line of said 40 acres 330 feet West to the point of Beginning; thence 330 feet East along the North line of said 40 acres to POINT OF BEGINNING.

Section 30: E1/2NE1/4, EXCEPT that portion of the SE1/4NE1/4 lying South of the field road.

LESS AND EXCEPTING TRACT I-A:

A parcel of land being generally described as a portion of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) and that portion of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), lying North of the Field road in Section 30, Township 4 North, Range 26 E.B.M., Butte County, Idaho. Also, portions of the Northwest Quarter of Section 29, Township 4 North, Range 26 E.B.M., lying South of the Lower Blaine Canal right-of-way, said parcel of land being more particularly described as follows:

Beginning at the Northeast Corner of said Section 30; thence N 89°57'01" West, along the North boundary of said Section 30, a distance of 1335.28 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter, Section 30; thence S 0°21'24" W, along the West boundary of the East half of the Northeast Quarter, Section 30, a distance of 2473.43 feet; thence S 89°20'46" E, along the center-line of said field road, a distance of 1812.56 feet; thence N 4°45'02" W, 35.91 feet to the point of curvature of a concave curve to the East, having a radius of 1350.31 feet, a central angle of 118°47'15", and a length of 2799.51 feet; thence N 0°00'00" E. 14.77 feet to the Southerly boundary of the Lower Blaine Canal right-of-way; thence N 89°52'28" W, along the Southerly boundary of said canal right-of-way, a distance of 680.90 feet to the East boundary of said Section 30; thence N 0°43'57" E, along said East boundary, Section 30, a distance of 126.97 feet to the Northeast Corner of Section 30 and the POINT OF BEGINNING.

EXHIBIT A- page 2

TRACT II:

Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

✓Section 21: S1/2S1/2, EXCEPTING THEREFROM; Beginning 100 feet South of the Northeast Corner of the SE1/4SE1/4 of said Section 21; thence South 600 feet; thence Northwesterly 750 feet to a point that is 100 feet South of the North line of said SE1/4SE1/4 and 440 feet West of the point of beginning; thence East 440 feet to the POINT OF BEGINNING.

✓Section 28: N1/2N1/2 and Beginning at the corner common to Section 20, 21, 28 and 29, Township 4 North, Range 26 E.B.M., Butte County, Idaho (said corner being a 2 inch iron pipe with the brass cap missing, placed by G.L.O. Surveyors in 1944), and running thence S 00°25'00" E 374.84 feet along the Section line to the Westerly side of an existing road; thence along said road the following three courses:

N 13°36'39" W 442.21 feet; thence

N 05°25'21" E 263.07 feet; thence

N 20°07'59" E 218.42 feet to the East line of said Section 20;

thence S 00°07'00" E 520.95 feet along said Section line to the POINT OF BEGINNING.

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/11/2008

WATER RIGHT NO. 34-7059B

Owner Type	<u>Name and Address</u>
Current Owner	J - P RANCH INC C/O JUDD CRAMER 987 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	DON A AIKELE RT 1 BOX 60 MOORE, ID 83255 (208)527-3325
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 203 S GARFIELD PO BOX 1667 POCATELLO, ID 83204

Priority Date: 01/15/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	10.44 CFS	
Total Diversion			10.44 CFS	

75 072

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 20	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWNE	Sec. 28	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENW	Sec. 28	Township 04N	Range 26E	BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	26E	20		SESW	6.5									
				SWSE	33		SESE	33						
		28		SWNE	33		SENE	33						
				SWNW	33		SENE	33						
				NESW	33		NWSW	33						
				NESE	33		NWSE	33						
		29		NENE	35		NWNE	35		SWNE	35		SENE	35
				NENW	33.5		NWNW	28		SWNW	28		SENE	35
				NESE	20		NWSE	20					SENE	35

Total Acres: 634

Conditions of Approval:

1.	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.
2.	S38	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3.		USE OF THIS RIGHT WITH RIGHT NO. 34-02309 AND 34-02358F IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.44 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2219.0 AF. THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 13.89 CFS. OTHER RIGHT NOS.: 34-02309, 34-02358F, 34-07059D AND 34-12381.
4.		USE OF THIS RIGHT WITH RIGHT NOS. 34-02309 AND 34-02358F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 634 ACRES IN A SINGLE IRRIGATION SEASON.
5.	M03	A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
6.		THE RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-02309, 34-02358F, 34-07059D AND 34-12381.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 634

Combined Volume Limit: 2219

Combined Rate Limit: 10.44

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

J. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- m. Decree No. 34-7059D Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- n. License No. _____ issued by the Idaho Department of Water Resources.
- o. Claim No. _____ on file with the Idaho Department of Water Resources.
- p. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D,
and 34-12381 use the same wells for irrigation.

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

K. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

L. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/11/2008

WATER RIGHT NO. 34-7059D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J - P RANCH INC C/O JUDD CRAMER 987 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	DON A AIKELE RT 1 BOX 60 MOORE, ID 83255 (208)527-3325
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 203 S GARFIELD PO BOX 1667 POCATELLO, ID 83204

Priority Date: 01/15/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	3.5 CFS	
Total Diversion			3.5 CFS	

75 072

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 20	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWNE	Sec. 28	Township 04N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 174.4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	26E	21		SWSW	33		SESW	33						
				SWSE	33		SESE	33						
		28		NENE	33		NWNE	33						
				NENW	33		NWNW	33						

Total Acres: 264

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 34-12381 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.50 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 924.0 AF. THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 13.89 CFS. OTHER RIGHT NOS.: 34-07059B, 34-02309, 34-02358F AND 34-12381.
2.		USE OF THIS RIGHT WITH RIGHT NO. 34-12381 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 264 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 174.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.		RIGHT NO. 34-12381 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416(2), IDAHO CODE. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-07059B, 34-02309, 34-02358F AND 34-12381.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

75 07 2

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 13.89
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

M. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of IDWR "Water Right Report")

1. Right as evidenced by:

- q. Decree No. 34-12381 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- r. License No. _____ issued by the Idaho Department of Water Resources.
- s. Claim No. _____ on file with the Idaho Department of Water Resources.
- t. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Water right nos. 34-2309, 34-2358F, 34-7059B, 34-7059D,
and 34-12381 use the same wells for irrigation.

75 072

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

N. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

O. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/11/2008

WATER RIGHT NO. 34-12381

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J - P RANCH INC C/O JUDD CRAMER 987 S 55 W IDAHO FALLS, ID 83402 (208)528-0188
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	DON A AIKELE RT 1 BOX 60 MOORE, ID 83255 (208)527-3325
Original Owner	EASTERN IDAHO PRODUCTION CREDIT ASSN 203 S GARFIELD PO BOX 1667 POCATELLO, ID 83204

Priority Date: 05/01/1983

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.19 CFS	
Total Diversion			1.19 CFS	

75 072

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 20	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWSE	Sec. 21	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWSWNE	Sec. 28	Township 04N	Range 26E	BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	26E	21		SWSW	33		SESW	33						
				SWSE	33		SESE	33						
		28		NENE	33		NWNE	33						
				NENW	33		NWNW	33						

Total Acres: 264

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 34-07059D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.50 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 792.0 AF. THIS RIGHT AND THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 13.89 CFS. OTHER RIGHT NOS.: 34-02309, 34-02358F, 34-07059B AND 34-07059D.
2.	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.
3.		USE OF THIS RIGHT WITH RIGHT NO. 34-07059D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 264 ACRES IN A SINGLE IRRIGATION SEASON.
4.	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.
5.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-07059D PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.		RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-02309, 34-02358F, 34-07059B AND 34-07059D.

Dates:

Licensed Date:

Decreed Date: 06/27/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date  epted:
Water Supply Bank Enrollment Date removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 13.89
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

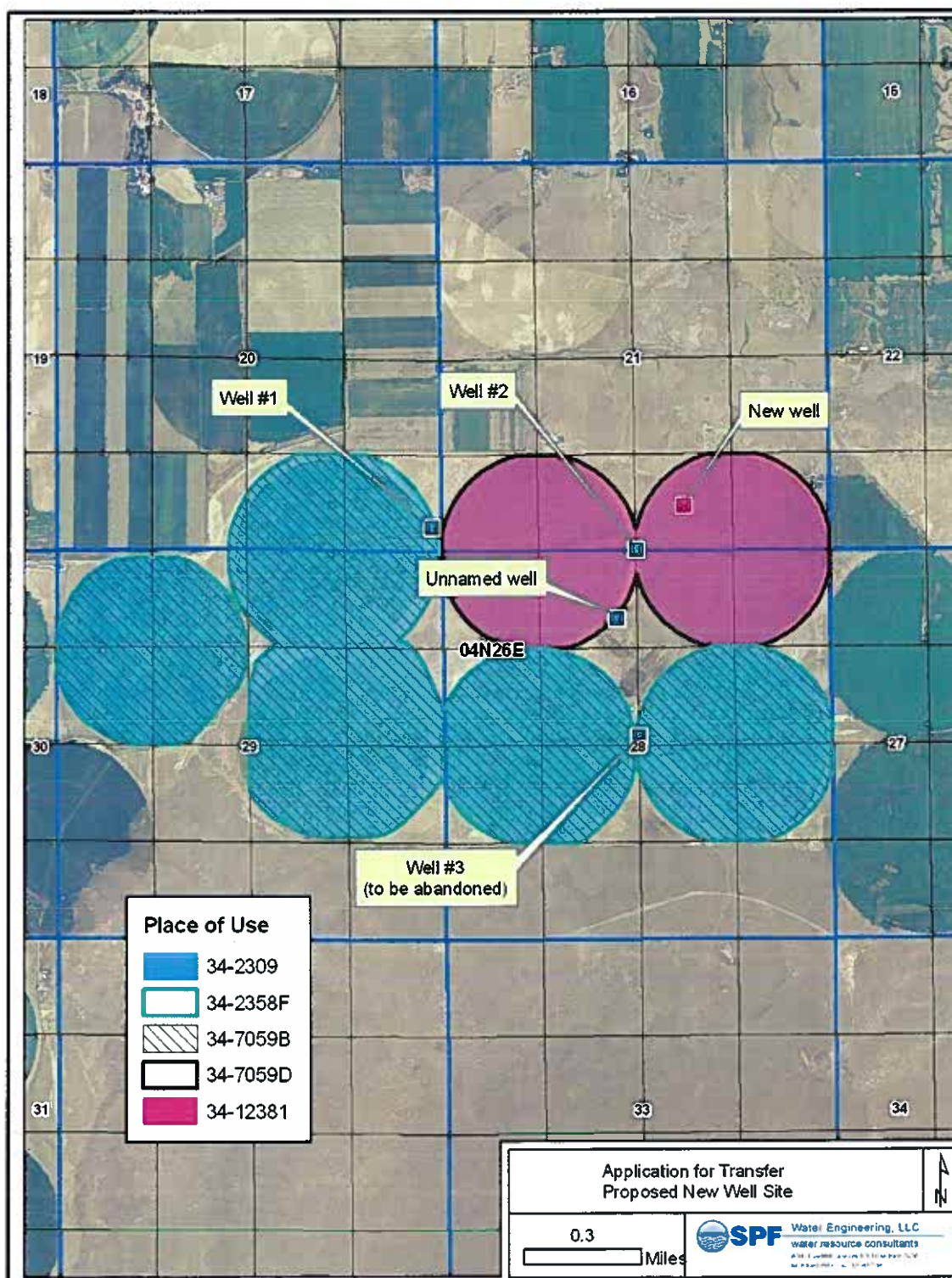
RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

SEP 03 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



75 072

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

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	n/a			to _____
				to _____

Quantity and quality of return flows and location of discharge: _____

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

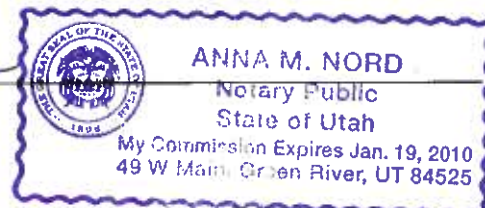
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Kevin H. Nelson
(Signature of Applicant)

Subscribed and sworn to before me this 5th day of August, 2008.

Anna M. Nord
(Notary Public)

My commission expires Jan 19, 2010

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

75 072

Attachment A – Warranty Deed