

Collett X-Fer Apl

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76180

DEC 07 2009

WATER RESOURCES
WESTERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

Yes N/A * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76180

RECEIVED

DEC 02 2009

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

WATER RESOURCES

Name of Applicant Brian and Christine CollettPhone 208-834-2062Mailing address 24777 Collett Rd, Oreana, Idaho, 83650Email cel 250-3916

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

* Brian D. Collett
Signature of Applicant or Authorized Representative

Brian D Collett 11-30-09
Print Name and Title if applicable Date

Christine S Collett
Signature of Applicant or Authorized Representative

Christine Collett 11-30-09
Print Name and Title if applicable Date

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 Ownership Change

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Application proposes additional P/D only, one wed in w/1/2 NES/16SS3E
outhern.

CUC
3-17-10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.		Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part						
☒	☐	57-2195	.04	Domestic	1/01 to 12/31	Ground Water
☒	☐		1.57	Irrigation	<u>3-01-10-01</u> to 11/15	Ground Water
☐	☐				<u>3-17-10-01</u> to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 1.570 cfs and/or 364.5 ac-ft

2. Total amount of water proposed to be transferred or changed 1.570 cubic feet per second and/or 364.5 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes			SW	NE	16	5S	1E	Owyhee	Ground Water	
no		NE	SE	SW	16	5S	1E	Owyhee	Ground Water	
<u>yes</u>			<u>NW</u>	<u>NE</u>	<u>16</u>	<u>5S</u>	<u>1E</u>	<u>Owyhee</u>	<u>Ground Water</u>	<u>3-17-10-01</u>

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

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

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Additional well and existing well can be equipped with flow meter and will have a lockable disconnect at the electrical service panel

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: No Change

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

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

Yes No

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

If yes, describe:

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 2 attachments.

Received by SB Date 12-2-09 Prelim. Check by AF Date 3/15/2010

Fee Paid 290.00 Date 12-2-09 Received by SB Receipt # W038031

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

PART 2 A

Page 1

10/26/2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-2195

WATER RIGHT NUMBER: 57-2195

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KIRBY A FOREMAN
Current Owner	OREANA, ID 83659 RUTH M COLLETT 24912 COLLETT RD MURPHY, ID 83650-5072 (208)834-2306
Current Owner	BOB D COLLETT 24912 COLLETT RD MURPHY, ID 83650-5072 (208)834-2306

Priority Date: 10/18/1949

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>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	3/01 to 11/15	1.570 CFS	364.50 AF
	<u>Total Diversion:</u>	1.570 CFS	364.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SW 1/4	Sec. 16, Twp 05S, Rge 01E, B.M.
OWYHEE County		

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S 01E 16												X					

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S 01E 15							8.0										8.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-2195

05S 01E 16	36.0	14.0	21.0	17.0	2.0	7.0	20.0	4.0	121.0
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Total Acres: 129

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 81 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 134 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-02127, 57-00086, 57-10898.
2. 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.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.68 CFS. COMBINED RIGHT NOS.: 57-02127, 57-00086, 57-10898.
6. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:

1. MCCARTHY 12/3/1991 COPIED FROM REMARKS
Comment: THIS RIGHT HAS BEEN COMBINED WITH WR#57-04004. THERE HAS ALSO BEEN AN EXPANSION IN NUMBER OF IRR. ACRES. THE AMOUNTS OF WATER HAVE BEEN COMBINED. SEE WR#A5702127 FOR THE MAP OF POU.
2. WHITE 7/14/1992 DATA ENTRY
Comment: ADDED CONDITION C05, PER LKH.
3. DSMITH 1/19/1996 NAME AND/OR ADDRESS CHANGE
Comment: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-2195

Dates and Other Information:

Licensed Date:
Decreed Date: 1/3/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.68		134
Combined Water Rights: 57-10898 , 57-86 , 57-2127 , 57-2195		

Water Supply Bank:

Idaho Department of Water Resources

Well Drillers' Locator

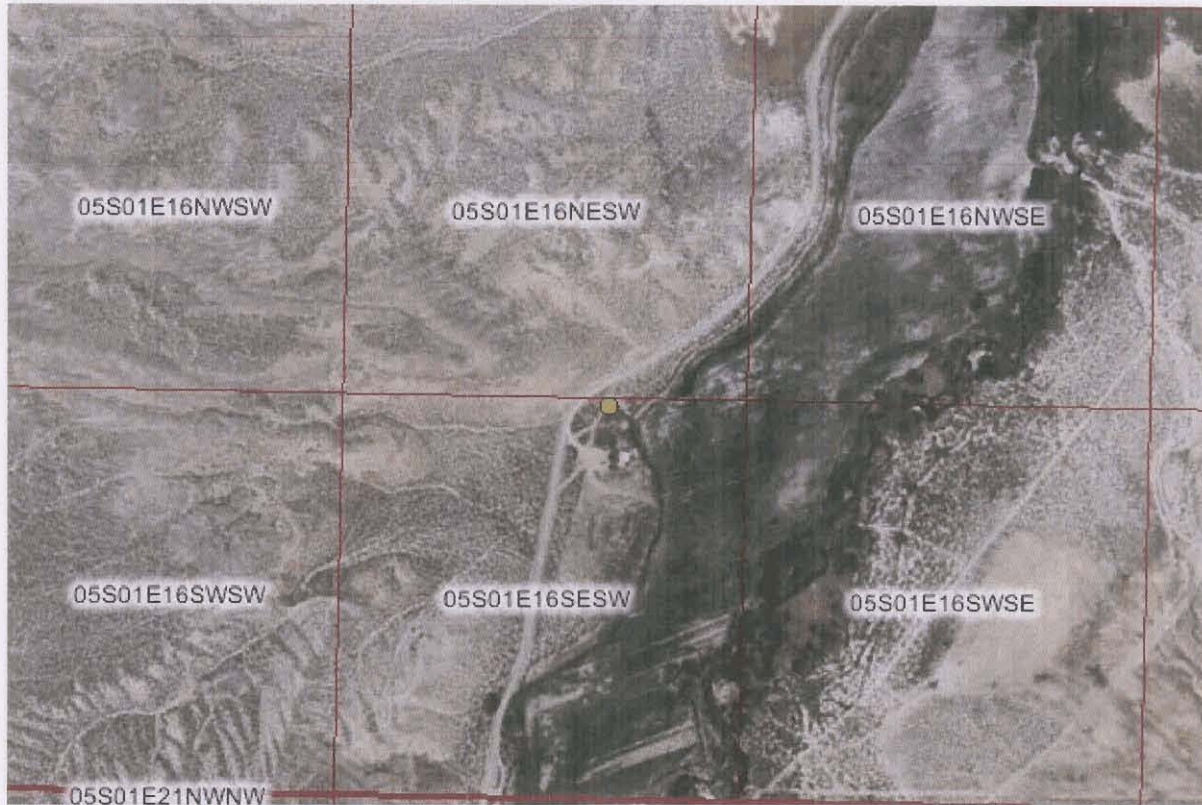
The lat/long you provided was 42° 59.121' N; 116° 20.768' W
 SE quarter of the SW quarter of Section 16, Township 05S, Range 01E
 IDTM NAD83 coordinates: Easting=2308721; Northing=1312083



Choose the map-display background:

Photo

Topo



Add Layer



* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

Drilling restrictions may apply to these areas.

Hide areas of possible drilling restriction



Note: If you do not see a yellow dot in the middle of the map, press the "refresh" button on your browser.

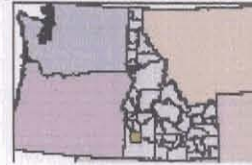
Idaho Department of Water Resources

Well Drillers' Locator

The lat/long you provided was 42° 59.560' N; 116° 20.535' W

NW quarter of the NE quarter of Section 16, Township 05S, Range 01E

IDTM NAD83 coordinates: Easting=2309061; Northing=1312886



Choose the map-display background:

Photo

Topo



Add Layer



Wells



Water Rights



Water Right Permits



Adjudication Claims



Adjudication Recommendations

* Positions of wells/headgates may be based upon the center of a quarter-quarter section; those obtained by GPS or survey are accurate.

Drilling restrictions may apply to these areas.

Hide areas of possible drilling restriction



Areas Drilling Concern



Contamination Areas



Nitrate Priority Areas



Critical Ground Water Areas



Ground Water Management Areas

Note: If you do not see a yellow dot in the middle of the map, press the "refresh" button on your browser.

Attachment #2a GIFT DEED

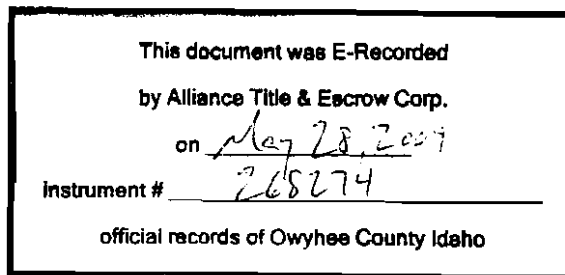
Rerecord to correct legal description

We, **Bob D Collett and Ruth M Collett**, husband and wife, do hereby grant, gift and convey unto

Brian D Collett and Christine L Collett, husband and wife, whose address is,
24777 Collett Road, Oreana, Idaho 83650

The following described premises to-wit,

See attached exhibit "A"



TO HAVE AND TO HOLD this said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever: that said premises are free from all encumbrances; except for general taxes and assessments, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: February 24, 2009

Instrument # 269806

MURPHY, OWYHEE, IDAHO
11-27-2009 02:06:44 No. of Pages: 2
Recorded for : CHRIS COLLETT
CHARLOTTE SHERBURN Fee: 6.00
Ex-Officio Recorder Deputy Metcalf
Index to: DEED, GIFT

Bob D Collett

BOB D COLLETT

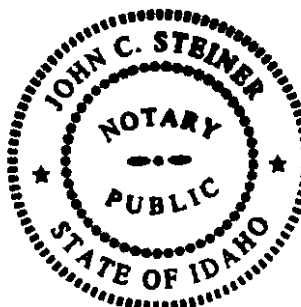
Ruth M Collett

RUTH M COLLETT

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 24th day of February 2009 before me a notary public, personally appeared, BOB D COLLETT AND RUTH M COLLETT, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledge to me that they executed the same.

John C. Steiner
NOTARY PUBLIC
Resides at: Oreana, Idaho
Commissions Expires: 2-1-2013



**INDEXED
SCANNED**

EXHIBIT "A"

PARCEL NO. 1:

Lot 11 (SE1/4NW1/4), Lot 12 (SW1/4NW1/4), Lot 14 (SE1/4SE1/4), SW1/4, SW1/4SE1/4 of Section 1; SE1/4SE1/4 Section 2; E1/2NE1/4, SE1/4 of Section 10; S1/2, E1/2NE1/4 of Section 11; W1/2, W1/2NE1/4, Lot 1 (NE1/4NE1/4), Lot 2 (SE1/4NE1/4) Section 12; W1/2NE1/4, N1/2NW1/4 Section 13; NE1/4NE1/4 of Section 14; all in Township 9 South, Range 2 West of the Boise Meridian

PARCEL NO. 2:

NE1/4NE1/4, NW1/4SE1/4, SE1/4SW1/4, S1/2NE1/4 of Section 16, Township 5 South, Range 1 East of the Boise Meridian

PARCEL NO. 3:

IN TOWNSHIP 9 SOUTH, RANGE 2 WEST, B.M., OWYHEE COUNTY, IDAHO, Section 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13, NW1/4SE1/4

PARCEL NO. 4:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B.M., OWYHEE COUNTY, IDAHO, Section 16:
N1/2SW1/4, E1/2SE1/4, **SW1/4SW1/4**, SW1/4SE1/4

PARCEL NO. 5:

IN TOWNSHIP 7 SOUTH, RANGE 1 EAST, B.M., OWYHEE COUNTY, IDAHO, Section 29:
W1/2SE1/4, SE1/4SW1/4

PARCEL NO. 6:

NWNW, Section 15, Range 5 South, 1 East, B.M., OWYHEE COUNTY, IDAHO

STATE OF IDAHO DEED

NUMBER 13465
Certificate No. 24551

To All to Whom These Presents Shall Come, Greetings:

On the 8th day of NOVEMBER, 1968, for value received, all that tract or parcel of **PUBLIC SCHOOL ENDOWMENT** land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

- **BOB COLLETT and RUTH M. COLLETT, h/w** -

for the aggregate price of **FOUR THOUSAND ONE HUNDRED AND NO/100 ----- DOLLARS**

Whereas, the said sum has been fully paid to the proper receiving officer for the State of Idaho, by **BRIAN COLLETT and CHRISTINE COLLETT** - HC79, Box 2197, Oreana, Idaho 83650, who acquired their interest by Assignment from Bob Collett and Ruth M. Collett, dated March 14, 2001, recorded March 29, 2001, as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the real estate located in **OWHYEE** County, State of Idaho, hereinafter legally described as:

The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) Section 16, Township Five (5) South, Range One (1) East, Boise Meridian, containing 200.00 acres, more or less.

The said State of Idaho, in pursuance of law in such case made and provided, do hereby grant, bargain, sell, convey and confirm, in fee, unto the said

- **BRIAN COLLETT and CHRISTINE COLLETT** -

Their heirs and assigns, in fee simple forever, to have and hold the said premises with their appurtenances thereon, subject to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States. The State reserves the right to all coal, oil, oil shale, gas, phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony and all minerals or deposits of minerals of whatsoever kind or character, including geothermal resources (and associated by-products), sand and gravel.

In Witness Whereof, I, **DIRK KEMPTHORNE**, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 30th day of March, 2001 A.D.

Countersigned:

Dirk Kempthorne
Governor of Idaho and President of
State Board of Land Commissioners

Chris Collett
Secretary of State

Winston Wiggan
Acting Director, Department of Lands

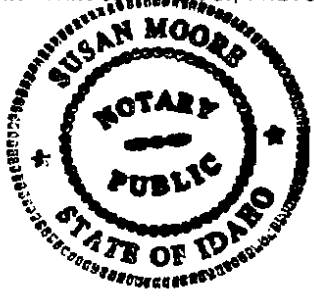


State of Idaho Deed No. 13465

STATE OF IDAHO }
County of Ada } ss.

On this 30th day of March, in the year 2001, before me, a Notary Public in and for said State personally appeared **DIRK KEMPTHORNE**, known to me to be the Governor of the State of Idaho, and **PETE T. CENARRUSA**, known to me to be the Secretary of State of the State of Idaho, and **WINSTON A. WIGGINS**, known to me to be the Acting Director, Department of Lands of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above written.



Susan Moore
Notary Public
Residing at: Boise
My Commission Expires: 6-8-2001

235480

State of Idaho
&

FILED - RECORDED
01 APR -3 PM 12:36

BY K. Harper
DEPUTY