

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76236

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Oxford Mountain Ranch LLC Phone 847-828-0892
Mailing Address 111 Terrace Dr., Barrington, IL 60010 Email jkoch@fellowes.com

- ☐ 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 c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kmoore@rockymountainenvironmental.com

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

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

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

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do no constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Joseph T Koch - manager
Print Name and Title if applicable

12-15-09
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change Point of Diversion ☒ Add diversion point(s) ☒ Change Place of use
☐ Change Nature of Use ☒ Change Period of Use ☐ Other
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attached additional pages if necessary and label it **Part 1A.2**. Applicant proposes to add a point of diversion to the irrigation system and correct the legal description of the existing points of diversion. In addition, the place of use is being updated to accurately portray the current system. The Period of Use on Water right 13-7144 is also being corrected to reflect the original license as it fits within current standards.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒	☐	13-7134	3.18	Irrigation	4/15 to 10/15	Ground Water
☐	☐				to	
☒	☐	13-7144	5.24	Irrigation	4/01 to 10/31	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
Total Authorized under rights			8.42	cfs and/or		ac-ft

2. Total amount of water being transferred or changed 8.42 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposed 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 #
Y			SW	SE	5	13S	38E	BANNOCK	GROUND WATER	Existing
N			SW	SE	5	13S	38E	BANNOCK	GROUND WATER	Existing
N			NW	NW	8	13S	38E	BANNOCK	GROUND WATER	Existing

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	
13S	38E	4							21	7.4	28	40	26	10					132.4
		5				3					7.7			2	22	32	37	39	142.7
		8	41	36	33		32	2.5	6.1	41	0.3								191.9
		9		27			36	34											97

Total Acres (for irrigation use) 564

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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: All water is diverted from the wells to an irrigation storage pond where it is rediverted through the irrigation system for sprinkling of fields. The system is also able to divert water from the wells directly to the pivots, if necessary.

- 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? No ☒. 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: _____

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The land now irrigated is mostly included in the proposed place of use. The remaining acres not included, will be dried up.

- 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) of use: Water right 13-132 overlaps this place of use. This right is for water out of Pine Canyon Creek. It is also diverted to the irrigation storage pond for rediversion through the same irrigation system. A transfer is also being filed to add this surface right to the same permissible place of use as the ground water rights included in this transfer.

- 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: _____

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WATER RIGHT NO. 13-7134

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Owner Type Name and Address

Current Owner JAYNE PROBST

Current Owner JOHN PROBST

30974 CHICKEN CREEK RD
 SWANLAKE, ID 83281
 (208)897-5630

Priority Date: 08/20/1976

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/15 10/15 3.18 CFS 840 AFA

Total Diversion 3.18 CFS

Location of Point(s) of Diversion:

GROUND WATER SESE Sec. 05 Township 13S Range 38E BANNOCK County

GROUND WATER NENW Sec. 08 Township 13S Range 38E BANNOCK County

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	38E	4		NESW 40			SWSW 13			SESW 40				
				NWSE 40										
		5		NESE 10			NWSE 32			SWSE 33			SESE 39	
		8		NENE 40			NWNE 40			SWNE 40				
				NENW 40			SENE 40							
		9		NWNE 39										
				NENW 38			NWNW 40							

Total Acres: 564

Acre Limit: 240

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 The total instantaneous diversion of water from all points of diversion under Transfer 5451 shall not exceed 8.42 cfs, nor total combined annual volume of 1953.0 af. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Right 13-07134 is limited to the irrigation of 240.0 acres in the place of use described above in a single irrigation season. Rights 13-07134 and 13-07144 when combined shall not exceed the total annual maximum diversion volume of 1953.0 af at the field headgate, and the irrigation of 558.0 acres.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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WATER RIGHT NO. 13-7144

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Owner Type Name and Address

Current Owner JAYNE PROBST

Current Owner JOHN PROBST

30974 CHICKEN CREEK RD

SWANLAKE, ID 83281

(208)897-5630

Priority Date: 07/09/1973

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 4/15 10/15 5.24 CFS 1445.5 AFA

Total Diversion 5.24 CFS

Location of Point(s) of Diversion:

GROUND WATER SESE Sec. 05 Township 13S Range 38E BANNOCK County

GROUND WATER NENW Sec. 08 Township 13S Range 38E BANNOCK County

Place of Use Legal Description: IRRIGATION BANNOCK County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

13S	38E	4	NESW 40	SWSW 13	SESW 40				
			NWSE 40						
		5	NESE 10	NWSE 32	SWSE 33	SESE 39			
		8	NENE 40	NWNE 40	SWNE 40				
			NENW 40	SENE 40					
		9	NWNE 39						
			NENW 38	NWNW 40					

Total Acres: 564

Acre Limit: 413

Conditions of Approval:

1. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The total instantaneous diversion of water from all points of diversion under Transfer 5451 shall not exceed 8.42 cfs, nor total combined annual volume of 1953.0 af. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. Right 13-07144 is limited to the irrigation of 413.0 acres in the place of use described above in a single irrigation season. Rights 13-07134 and 13-07144 when combined shall not exceed the total annual maximum diversion volume of 1953.0 af at the field headgate, and the irrigation of 558.0 acres.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

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

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Eastern Region

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RERECORD TO CORRECT A CALL IN THE LEGAL DESCRIPTION

203325

20332564
Attachment #2a

Recording Requested By and
When Recorded Return to:
Richard F. Goodson
HAWLEY TROXELL ENNIS & HAWLEY LLP
P.O. Box 1617
Boise, Idaho 83701

20404651

RECORDED AT REQUEST OF

FEE 24.00 DEPUTY mw

FIRST AMERICAN TITLE

2003 DEC 9 PM 3 40

OFFICIAL RECORD BK# 842

LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

WARRANTY DEED

This indenture made this 5 day of December, 2003, between JOHN H. PROBST and JAYNE K. PROBST, husband and wife, the "Grantor," and OXFORD MOUNTAIN RANCH LLC, an Idaho limited liability company, the "Grantee" whose complete mailing address is 111 Terrace Drive, Barrington, Illinois 60010.

WITNESSETH:

For valuable consideration the Grantor does hereby grant and convey to the Grantee that certain real property situate in the County of Bannock, State of Idaho, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Premises").

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, appurtenances, water and water rights thereunto belonging or in anywise appertaining, including but not limited to State of Idaho Water Rights Numbers 13-00132 and 13-07134 and 13-07144 which have been combined under transfer No. 5451 dated August

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17,1999, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

SUBJECT TO:

The liens, encumbrances and other matters listed on EXHIBIT B attached hereto and by this referenced made a part hereof.

TO HAVE AND TO HOLD said Premises unto the Grantee and its successors and assigns forever.

The Grantor covenants with the Grantee, its successors and assigns, that Grantee shall enjoy the quiet and peaceful possession of said Premises; that the Grantor is lawfully seized of said Premises in fee simple; and the Grantor warrants that the title to said Premises is merchantable and free from all liens and encumbrances, excepting those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee and that the Grantor will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, this Warranty Deed has been duly executed by the Grantor as of the day and year herein first above written.

By: John H. Probst
John H. Probst

By: Jayne K. Probst
Jayne K. Probst

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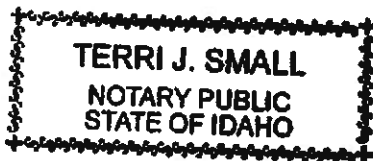
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STATE OF IDAHO)
) ss.
County of Bannock)

On this 5th day of December, 2003, before me, Terri J. Small,
a Notary Public in and for said state, personally appeared John H. Probst and Jayne K. Probst,
husband and wife, known or identified to me to be the persons whose names are subscribed to
the foregoing instrument, and acknowledged to me that they executed the same.

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



Terri J. Small
Notary Public for Idaho
Residing at Pocatello, ID
My commission expires 4/28/2005

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FIRST AMERICAN TITLE

RECORDED AT REQUEST OF
FEE 24 DEPUTY BP

2004 MAR 9 PM 2 14

OFFICIAL RECORD BK# 845
LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

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EXHIBIT "B"

1. Unpatented mining claims; reservations or exceptions in federal patents or state deeds or in acts or statutes authorizing the issuance thereof.
2. General taxes for the year 2004 and all subsequent years.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments and any facts which a correct survey and inspection would disclose and which are not shown by the public records.
4. Easement for POWER LINES granted to UTAH POWER AND LIGHT COMPANY, recorded APRIL 11, 1941 as Instrument No. 214455.
5. Easement for POLE LINES granted to UTAH POWER AND LIGHT COMPANY, recorded APRIL 11, 1941 as Instrument No. 214556.
6. RIGHT OF WAY Easement for TRANSMISSION LINES granted to PACIFIC POWER AND LIGHT COMPANY, recorded February 8, 1974 as Instrument No. 518845.
7. Easement for ELECTRIC TRANSMISSION AND DISTRIBUTION CIRCUITS granted to UTAH POWER AND LIGHT COMPANY, recorded September 7, 1977 as Instrument No. 583478. AFFECTS 9-13-38 AND 8-13-38.
8. Right, Title and Interest of the public in and to those portions of above described Premises falling within the bounds of roads or highways.
9. Provisions in HIGHWAY RIGHT OF WAY DEED recorded AUGUST 2, 1951 in Book 113, NO. 45 (AFFECTS 5-13-38).
10. Provisions in HIGHWAY RIGHT OF WAY DEED recorded MAY 25, 1951 in Book 110, NO. 529 (AFFECTS 9-13-38).
11. All other easements, claims of easement or encumbrances which are shown by the public records or which appear on the Premises.

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PARCEL 1:

A PARCEL OF LAND LOCATED IN SECTIONS 4 AND 5 OF TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 5 FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 5 BEARS NORTH 05°08'56" EAST 2646.17 FEET.
 THENCE NORTH 05°08'16" EAST 65.00 FEET TO A 5/8" REBAR WITH CAP LABELED, "A.A. HUDSON, PLS 4735", SET ON A FENCE LINE, THE POINT OF BEGINNING;
 THENCE FOLLOWING SAID FENCE LINE TO THE NEXT 23 COURSES (EACH ANGLE POINT BEING MARKED WITH A 5/8" REBAR WITH CAP);
 THENCE SOUTH 88°27'12" EAST 777.76 FEET;
 THENCE SOUTH 85°06'26" EAST 148.66 FEET;
 THENCE SOUTH 78°39'53" EAST 174.91 FEET;
 THENCE SOUTH 85°53'44" EAST 254.90 FEET;
 THENCE SOUTH 87°32'01" EAST 206.74 FEET;
 THENCE SOUTH 89°33'44" EAST 836.96 FEET;
 THENCE SOUTH 68°54'42" EAST 26.38 FEET;
 THENCE NORTH 89°22'19" EAST 1201.79 FEET;
 THENCE SOUTH 89°15'50" EAST 169.22 FEET;
 THENCE NORTH 08°28'54" EAST 561.52 FEET;
 THENCE NORTH 86°13'10" EAST 457.34 FEET;
 THENCE NORTH 85°48'58" EAST 337.36 FEET;
 THENCE NORTH 83°10'58" EAST 1060.29 FEET;
 THENCE NORTH 82°31'51" EAST 244.03 FEET;
 THENCE NORTH 82°56'19" EAST 286.02 FEET;
 THENCE NORTH 89°33'14" EAST 141.44 FEET;
 THENCE SOUTH 84°35'01" EAST 168.63 FEET;
 THENCE SOUTH 78°50'29" EAST 132.50 FEET;
 THENCE SOUTH 72°37'44" EAST 159.67 FEET;
 THENCE SOUTH 66°22'25" EAST 178.21 FEET;
 THENCE SOUTH 63°02'56" EAST 139.08 FEET;
 THENCE SOUTH 50°18'17" EAST 776.70 FEET;
 THENCE SOUTH 70°11'25" EAST 25.48 FEET;
 THENCE SOUTH 01°37'19" WEST 30.91 FEET;
 THENCE SOUTH 89°45'10" EAST 240.61 FEET;
 THENCE SOUTH 05°53'20" WEST 21.64 FEET TO A 5/8" REBAR WITH CAP SET AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4;
 THENCE NORTH 89°49'14" EAST 1332.51 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;
 THENCE SOUTH 06°00'07" WEST 1331.61 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;
 THENCE SOUTH 89°32'26" WEST 1330.58 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER;
 THENCE SOUTH 05°53'20" WEST 1337.86 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 4;
 THENCE NORTH 89°58'29" WEST 2650.33 FEET ALONG THE SOUTH LINE OF SAID SECTION 4 TO A 5/8" REBAR WITH CAP SET AT THE SOUTHWEST CORNER OF SAID SECTION 4;
 THENCE SOUTH 89°57'01" WEST 2651.66 FEET ALONG THE SOUTH LINE OF SECTION 5 TO A 5/8" REBAR WITH CAP SET AT THE SOUTH QUARTER CORNER OF SAID SECTION 5;
 THENCE NORTH 89°42'03" WEST 2651.69 FEET ALONG SAID SOUTH LINE OF SECTION 5 TO A 5/8" REBAR WITH CAP SET AT THE SOUTHWEST CORNER OF SAID SECTION 5;
 THENCE NORTH 05°08'56" EAST 2672.89 FEET ALONG THE WEST LINE OF SAID SECTION 5 TO THE POINT OF BEGINNING.

(P41102.PFD/P41102/39)

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EXCEPT:

A STRIP OF LAND 60 FEET WIDE, 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT HIGHWAY STATION 2591+80.9; THENCE SOUTH 11°26' EAST, 6.1 FEET TO A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO; THENCE SOUTH 11°26' EAST, 43.4 FEET; THENCE ON A 15°00' CURVE LEFT 175.5 FEET; THENCE SOUTH 37°46' EAST, 201.1 FEET; THENCE ON A 3°00' CURVE LEFT 950.0 FEET; THENCE SOUTH 65°16' EAST, 298.1 FEET; THENCE ON A 28°00' CURVE RIGHT 150.4 FEET; THENCE SOUTH 36°11' EAST, 340.0 FEET TO A POINT ON THE WEST BOUNDARY OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 38 E.B.M.; THENCE SOUTH 36°11' EAST, 1350.4 FEET; THENCE ON A 5°00' CURVE LEFT 138.1 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID SECTION 4, 909 FEET, MORE OR LESS, EAST OF THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE ON A 5°00' CURVE LEFT 28.0 FEET TO HIGHWAY STATION 2628+62.0.

ALSO EXCEPT:

A STRIP OF LAND 66 FEET WIDE, BEING 33 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE OF HIGHWAY AS SURVEYED AND SHOWN ON THE OFFICIAL PLAT OF THE DAYTON-RED ROCK S-1739(1) HIGHWAY SURVEY ON FILE IN THE OFFICE OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF IDAHO AND LYING OVER AND ACROSS THE SW¼SW¼ OF SECTION 4, THE SE¼SE¼ AND THE N¼SE¼ OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

BEGINNING AT STATION 319+45.7 OF THE SAID HIGHWAY SURVEY, WHICH STATION IS A POINT ON CURVE APPROXIMATELY 3546.7 FEET EAST FROM THE SOUTH QUARTER CORNER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO; THENCE 332.9 FEET WITH A 1°30' CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 10°49' TO STATION 322+78.6, WHICH STATION IS A POINT ON TANGENT; THENCE NORTH 37°36' WEST ON TANGENT 1090.5 FEET TO STATION 333+69.1, WHICH STATION IS A POINT OF CURVATURE; THENCE 651.7 FEET WITH A 3°00' CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 19°33' TO STATION 340+20.8 WHICH STATION IS A POINT ON TANGENT; THENCE NORTH 57°09' WEST ON TANGENT 773.3 FEET TO STATION 347+94.1, WHICH STATION IS A POINT OF CURVATURE; THENCE 762.9 FEET WITH A 5°00' CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 44°30' TO STATION 355+57, WHICH STATION IS A POINT ON A CURVE APPROXIMATELY 1475 FEET WEST FROM THE EAST QUARTER CORNER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

ADDITIONAL IRREGULAR STRIPS OF LAND ADJACENT AND CONTIGUOUS TO THE ABOVE DESCRIBED RIGHT OF WAY ON BOTH SIDES THEREOF AS FOLLOWS:

ON THE SOUTHWESTERLY SIDE, A STRIP OF LAND 7.0 FEET WIDE EXTENDING FROM THE SOUTH LINE OF SAID SECTION 4 TO STATION 347+00 AND TAPERING TO 0.0 FEET AT STATION 347+94.1; ON THE NORTHEASTERLY SIDE, A STRIP OF LAND WIDENING FROM 0.0 FEET AT STATION 333+00 TO 7.0 FEET AT STATION 333+69.1 AND CONTINUING 7.0 FEET WIDE TO THE NORTH LINE OF THE NW¼SE¼ OF SAID SECTION 5.

ALSO EXCEPT:

BEGINNING AT A POINT 105 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO; THENCE SOUTH 36°11' EAST, A DISTANCE OF 1350.4 FEET; THENCE ON A 5° CURVE TO THE LEFT A DISTANCE OF 139.1 FEET TO THE POINT OF ENDING,

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WHICH POINT IS 909 FEET EAST OF THE CORNER OF SECTION 4, 5, 6, 9 TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, ALL IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO EXCEPTING THEREFROM:

A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE CENTERLINE, SAID CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 210 FEET WEST, MORE OR LESS, OF THE NORTHEAST CORNER OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO; THENCE SOUTH 11°25' EAST, A DISTANCE OF 43.4 FEET, MORE OR LESS; THENCE ON A 15° CURVE TO THE LEFT A DISTANCE OF 175.5 FEET, MORE OR LESS; THENCE SOUTH 37°46' EAST A DISTANCE OF 201.01 FEET, MORE OR LESS, TO THE PLACE OF ENDING, WHICH PLACE IS 385 FEET, MORE OR LESS, SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

BEGINNING AT A POINT 75 FEET WEST, MORE OR LESS, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO; THENCE RUN SOUTH 36°11' EAST A DISTANCE OF 130 FEET, MORE OR LESS, TO POINT OF ENDING, WHICH POINT IS 105 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO EXCEPT:

A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE CENTERLINE, SAID CENTERLINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 385 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO; THENCE ON A 3° CURVE TO THE LEFT, A DISTANCE OF 950.0 FEET; THENCE SOUTH 66°16' EAST, A DISTANCE OF 298.1 FEET; THENCE ON A 20° CURVE TO THE RIGHT A DISTANCE OF 150.4 FEET; THENCE SOUTH 36°11' EAST A DISTANCE OF 210.0 FEET TO THE POINT OF ENDING, WHICH POINT IS 75 FEET WEST OF SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 38 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

PARCEL 2:

TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO.

SECTION 8:

NE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 9:

N $\frac{1}{2}$ S $\frac{1}{2}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$

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EXCEPTING THEREFROM:

A STRIP OF LAND IN THE S $\frac{1}{2}$ NW $\frac{1}{4}$ 60 FEET WIDE 30 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT HIGHWAY STATION 2646+96.6 ON A 5°00' CURVE LEFT, 42.4 FEET TO A POINT ON THE NORTH 1/16 LINE OF SECTION 9, TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO; 340 FEET, MORE OR LESS, WEST OF THE NORTH 1/16 CORNER ON THE MERIDIONAL CENTERLINE OF SAID SECTION 9; THENCE ON A 5°00' CURVE LEFT, 25 FEET, MORE OR LESS, SOUTH 55°01' EAST, 389.8 FEET TO A POINT ON THE MERIDIONAL CENTERLINE, 250.0 FEET, MORE OR LESS, SOUTH OF THE NORTH 1/16 CORNER ON THE MERIDIONAL CENTERLINE OF SAID SECTION 9; THENCE SOUTH 55°01' EAST 21.0 FEET TO HIGHWAY STATION 2651+75.0.

ALSO EXCEPTING THEREFROM:

THOSE PORTIONS OF PROPERTY DEEDED TO BANNOCK COUNTY AS DESCRIBED IN THOSE DEEDS RECORDED SEPTEMBER 4, 1920 IN BOOK 40 AS PAGE 450 AND RECORDED NOVEMBER 20, 1920 IN BOOK 40 AS PAGE 615 AND RECORDED JULY 22, 1921 IN BOOK 42 AS PAGE 514.

ALSO EXCEPT:

THE PORTION OF PROPERTY DEEDED TO THE STATE OF IDAHO AS DESCRIBED IN THAT HIGHWAY RIGHT OF WAY DEED RECORDED MAY 25, 1951 IN BOOK 110 AS PAGE 529.

PARCEL 3:

TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO.

SECTION 17:

NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

ALSO:

BEGINNING AT A POINT ON THE NORTH 1/16 SECTION LINE OF SECTION 17, AT ITS INTERSECTION WITH THE CENTER LINE OF THE GOOSEBERRY ROAD; THENCE WEST ON THE SAID NORTH 1/16 SECTION LINE 1537 FEET, MORE OR LESS, TO THE NORTHWEST 1/16 SECTION CORNER OF SAID SECTION 17; THENCE SOUTH ON THE WEST 1/16 SECTION LINE OF SAID SECTION 1778 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTER LINE OF SAID GOOSEBERRY ROAD; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CENTER LINE OF SAID GOOSEBERRY ROAD TO THE PLACE OF BEGINNING, ALL IN TOWNSHIP 13 SOUTH, RANGE 38, EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

ALSO EXCEPTING ANY LANDS LYING IN A DEED FOR PUBLIC ROADS.

PARCEL 4:

TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO
SECTION 8:

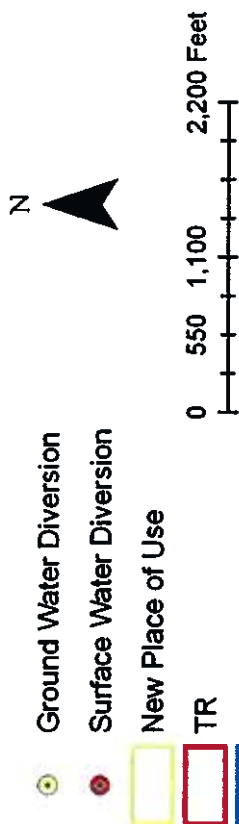
NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 5:

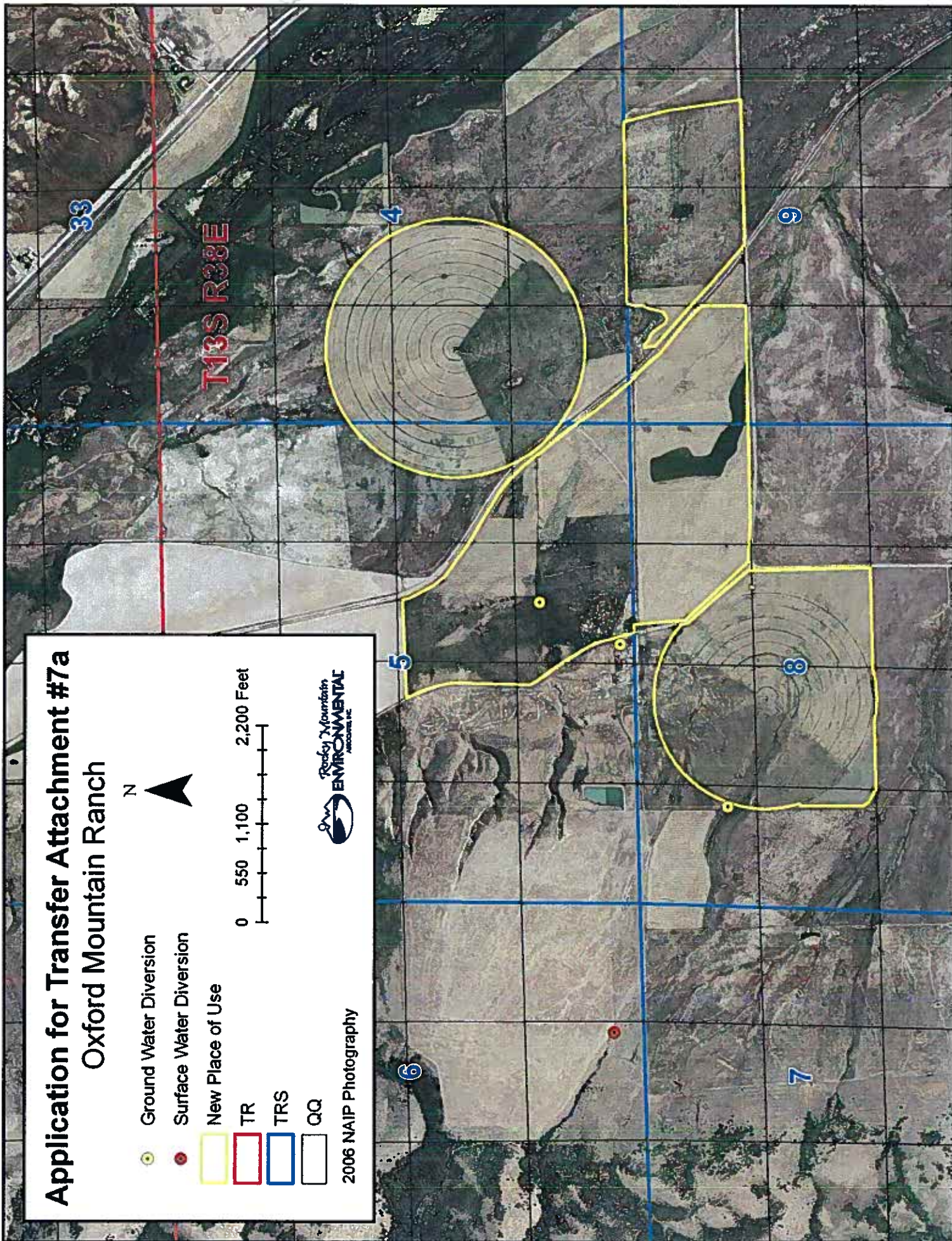
TOWNSHIP 13 SOUTH, RANGE 38 E.B.M., BANNOCK COUNTY, IDAHO.
SECTION 6: SE $\frac{1}{4}$

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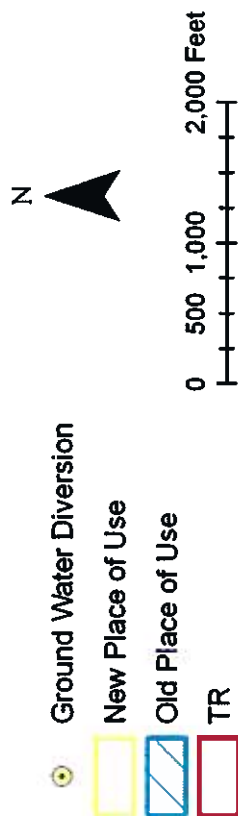
Application for Transfer Attachment #7a Oxford Mountain Ranch



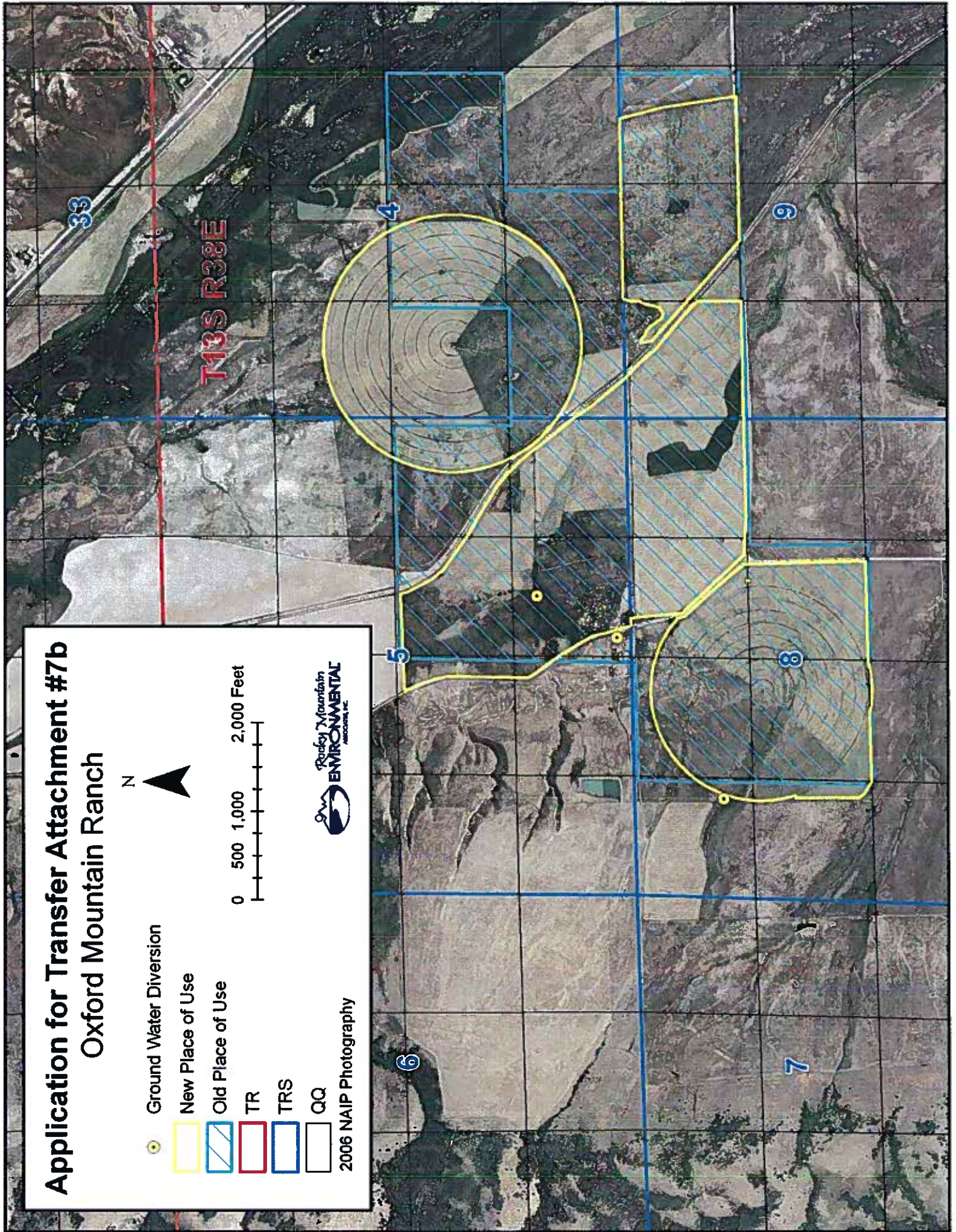
2006 NAIP Photography



Application for Transfer Attachment #7b Oxford Mountain Ranch



2006 NAIP Photography



Period of Use

This application proposes to change the period of use for water right 13-7144 from 4/15 to 10/15 to an extended period that more appropriately matches the original licensed period and IDWR's accepted period for this area.

In 1982, IDWR licensed water right 13-7144 with a period from April 1 to November 1, which was likely the standard period at the time. Transfer No. 5451 was filed and approved in 1999 that combined water rights 13-7134 and 13-7144 into the same place of use and added both points of diversion to each right. During the transfer process, the period of use was reduced for water right 13-7144 to a period from April 15 to October 15, effectively reducing it by 31 days.

According to IDWR's Transfer Processing Memorandum No. 16, "the transfer approval should retain the licensed or decreed season," except when the standard season is longer than the licensed or decreed season, in which case, an approval condition may be added that allows for an extended season. This application proposes to correct the error that reduced the period of use when approving Transfer No. 5451. The period of use should be corrected to April 1 to October 31.

Since the water right was licensed with the standard season, and practiced accordingly, it is not anticipated that there will be an enlargement of the water right.