

**PLEASE REFER TO FILE
FOLDER NO. 4**

**FOR THE
CONTINUATION OF THIS
WATER RIGHT FILE**

No. 61-12090

RECEIVED

SEP 28 2006

**WATER RESOURCES
WESTERN REGION**

Ident. No. 61-12090 12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

*

1. Name of Applicant Boise-Highland Development Co. Phone (208)853-1222
Mailing address 6100 Pierce Park Ln., Boise, ID 83703
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 01S Range 04E Sec. 11, in the _____ ¼, _____ ¼, NE _____ ¼, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: 01S, 04E, S02, SESE; 01S, 04E, S11, NWSE; 01S, 04E, S11, NENE
4. Water will be used for the following purposes:
- | | | | |
|---|----------------------|--|------------------------|
| Amount <u>5.0 cfs</u>
(cfs or acre-feet per annum) | for <u>municipal</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ | (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ | (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ | (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ | (both dates inclusive) |
| Amount _____
(cfs or acre-feet per annum) | for _____ | purposes from _____ to _____ | (both dates inclusive) |
5. Total quantity to be appropriated is (a) 5.0 _____ and/or (b) _____
cubic feet per second _____ acre feet per annum _____
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source up to 4 wells with electric pumps
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is 16 inches; proposed depth of well is 700 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. Sterling Sage Subdivision
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

* Assigned to Nevis LLC 10/17/07



9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	04E	2													M		M	M	
		11	M	M	M	M										M			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

- 11.a. Who owns the property at the point of diversion? Betsy Binnendijk-Zijderlaan
- b. Who owns the land to be irrigated or place of use? Betsy Binnendijk-Zijderlaan
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: business contract

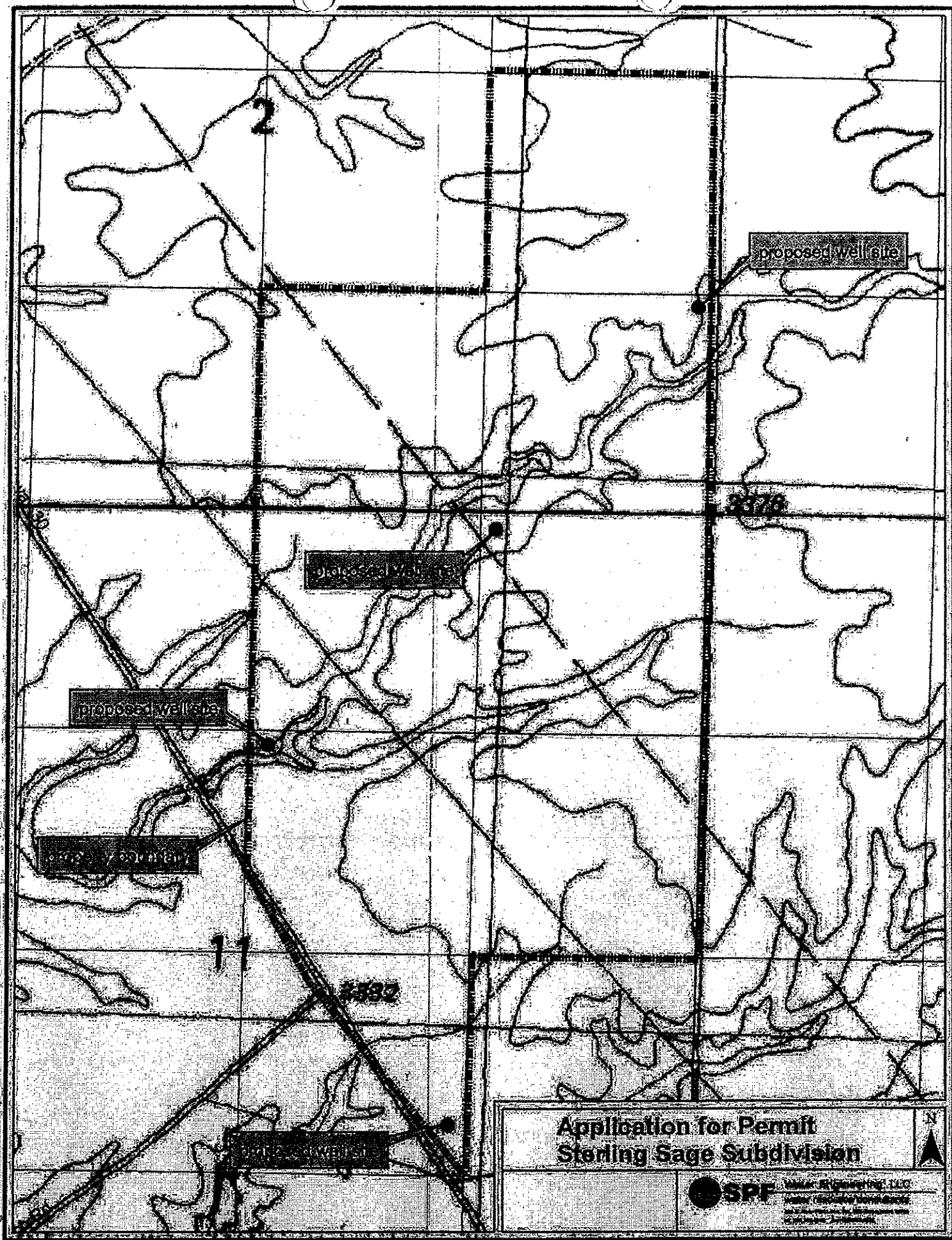
12. Remarks: The proposed 5.0 cfs municipal diversion rate assumes diversion of 0.60 cfs for in-house domestic use, 2.76 cfs for irrigation, and 0.04 cfs for commercial uses. The domestic use estimate is based on 176 residential units using IDWR's standard chart. The irrigation estimate is based on 176 residential units with an average irrigated area of 0.5 acre per unit, and a diversion rate of 0.02 cfs/acre plus the irrigation of approximately 50 acres of common area with a diversion rate of 0.02 cfs/acre. The commercial use is associated with a small equestrian center. The municipal use also includes fire protection flow at the rate of 2.2 cfs, per International Fire Code.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Betsy Binnendijk-Zijderlaan
Signature of Applicant (and title, if applicable)

Received by DB Date 9-28-06 Time 11:30 am Preliminary check by SR
 Fee \$ 410- Received by DB # W034738 Date 9-28-06
 Publication prepared by DB Date 4/9/08 Published in MTN HOME NEWS; APRIL 16 & 23, 2008
 Publication approved _____ Date _____



61-10000

ARTICLE VI OPERATING AGREEMENT

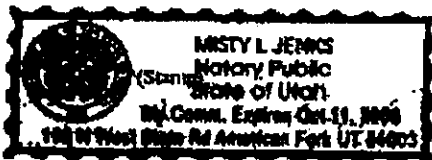
The rules, regulations and procedures governing the operations of the Company shall be set forth in an Operating Agreement which shall be adopted by the members of the Company.

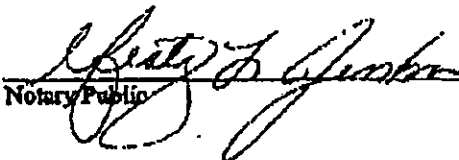
IN WITNESS WHEREOF, the undersigned has executed these Articles of Organization this 29 day of November, 2005.


Roger Hoffman, Manager and Registered Agent

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, a Notary Public, do hereby certify that on this 29 day of December, 2005, personally appeared before me, Roger Hoffman, who is known to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he executed the same.



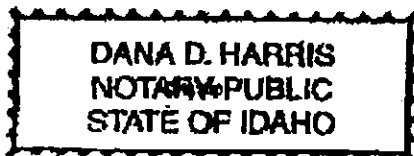

Notary Public

IN WITNESS WHEREOF, the undersigned has executed these Articles of Organization this 29 day of November, 2005.


Alice Culver, Manager

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

I, a Notary Public, do hereby certify that on this 29th day of November, 2005, personally appeared before me, Alice Culver, who is known to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he executed the same.




Notary Public

Eagle, Idaho my commission expires 2/10/2011

8461AR/01

Signature Page
for
Operating Agreement
of
Boise - Highland Development Company, LLC

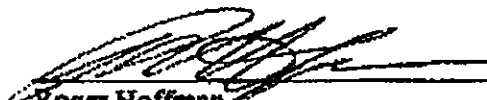
(continued)

IN WITNESS WHEREOF, this Operating Agreement has been executed on the date hereinabove first written by the following Manager and Members, whose respective mailing addresses are set forth opposite their signatures. By their signatures below said Manager and Members do hereby affirm that they have read the foregoing Operating Agreement and are familiar with its contents and they do hereby verify the truthfulness thereof.

Mailing Address:

MANAGERS:

12 West 100 North, Suite 201A
American Fork, Utah 84003


Roger Hoffman

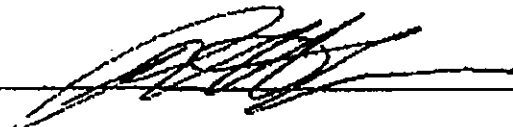
6100 Pierce Park Lane
Boise, Id. 83714


Alice Culver

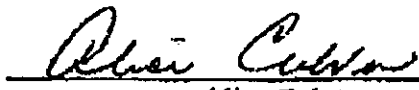
Mailing Addresses:

MEMBERS:

The Nexus Group, III, P.C.


By its President, Roger Hoffman

5726 W. 9970 North
Highland, Ut. 84003


Alice Culver

6100 Pierce Park Lane
Boise, Id. 83714

846168/01

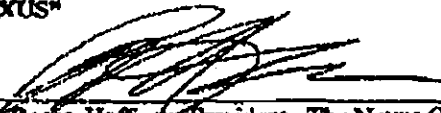
18. Execution:

18.1 This Agreement is executed by the undersigned on the date so inscribed by their respective signatures. This Agreement shall become effective on the latest date executed which shall serve as the "execution date" as provided under this Agreement.

"CULVER"


By: Alice Culver 11-29-05
Date

"NEXUS"


By: Roger Hoffman, President, The Nexus Group, P.C. 12-6-05
Date

RECEIVED

OCT 17 2007

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, on behalf of Boise Highland Development Co., hereby assign to Nevid LLC
of 1349 Galleria Dr., Suite 200, Henderson, NV 89014 (702) 433-9696
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 61-12090
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

N/A
The following described portion of my right, title, and interest in and to Application for Permit No. 61-12090 to appropriate the public waters of the State of Idaho. (See attached description of portion of the application for permit assigned, listing the number of acres in each 40-acre tract, point of diversion location, and amount of water in cubic feet per second.)

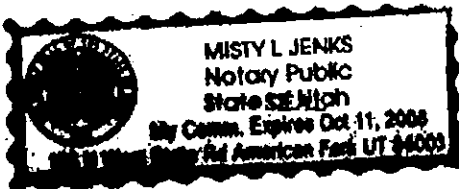
Made this 25TH day of SEPTEMBER, 2007.

RLT

Roger Hoffman
Applicant
MANAGER, Applicant
BOISE-HIGHLAND DEVELOPMENT CO., LLC

State of UTAH
County of UTAH

On this 25 day of September, 2007, personally appeared before me the signor(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.



[Signature]
Notary Public
Residing at 116 W. 1st St. Apt. 11184003

My commission expires Oct 11, 2008

✓ updated 10/19/07 DB

WITHDRAWN

Transfer No. 73767

RECEIVED

FEB 08 2007

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Boise-Highland Development Co. Phone (208) 853-1222Post Office address 6100 Pierce Park Ln., Boise, ID 83703

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 A portion of water right 61-7208 will be moved to provide water for the Sterling Sage Subdivision.

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>61-7208</u>	<u>11/18/1974</u>	<u>1.36 cfs/621 ac-ft</u>	<u>irrigation</u>	<u>3/15</u> to <u>11/15</u>
		<u>0.60 cfs/44 ac-ft</u>	<u>domestic</u>	<u>1/01</u> to <u>12/31</u>
		<u>0.04 cfs/10 ac-ft</u>	<u>commercial</u>	<u>1/01</u> to <u>12/31</u>
				to _____

2. Total amount of water being transferred 1.48 cubic feet per second and/or 675 acre-feet per annum.3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	11	01S	04E	Elmore	
		SE	SE	02	01S	04E	Elmore	
		NW	SE	11	01S	04E	Elmore	
		NE	NE	11	01S	04E	Elmore	

5. 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	
01S	04E	2													40		40	40	120
															D		D	D	
															C		C	C	
		11	40	40	37	40										16			173
			D	D	D	D										D			
			C	C	C	C										C			

Total Acres 138 acres within a 293 acre PPU

Bumberg No. 5208

EXHIBIT

B

PART 1**6. General Information:**

- a. Description of diversion system wells and electric pumps
- _____
- _____
- 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:
150 acres of the original place of use will no longer be irrigated.
- _____
- _____
- 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

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see attached copy of Partial Decree 61-7208)

1. Right as evidenced by:

- a. Decree No. _____ 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	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 None

PART 2

Transfer No. _____

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 1.36 cfs/621 ac-ft for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount 0.60 cfs/44 ac-ft for domestic purposes from 1/01 to 12/31
 (cfs/ac-ft)
 amount 0.04 cfs/10 ac-ft for commercial purposes from 1/01 to 12/31
 (cfs/ac-ft)

Total amount of water being transferred 1.48 cubic feet per second and/or 675 acre-feet per annum.

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	11	01S	04E	Elmore	
		SE	SE	02	01S	04E	Elmore	
		NW	SE	11	01S	04E	Elmore	
		NE	NE	11	01S	04E	Elmore	

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	
01S	04E	2													40		40	40	120
															D		D	D	
															C		C	C	
		11	40	40	37	40										16			173
			D	D	D	D										D			
			C	C	C	C										C			

Total Acres 138 acres within a 293 acre PPU**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.08 cfs/495 ac-ft for irrigation purposes from 3/15 to 11/15
 (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
		SW	NE	36	04S	05E	Elmore	

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	
04S	05E	36	40	40	40	40													160

Total Acres 110 acres within a 160 acre PPU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

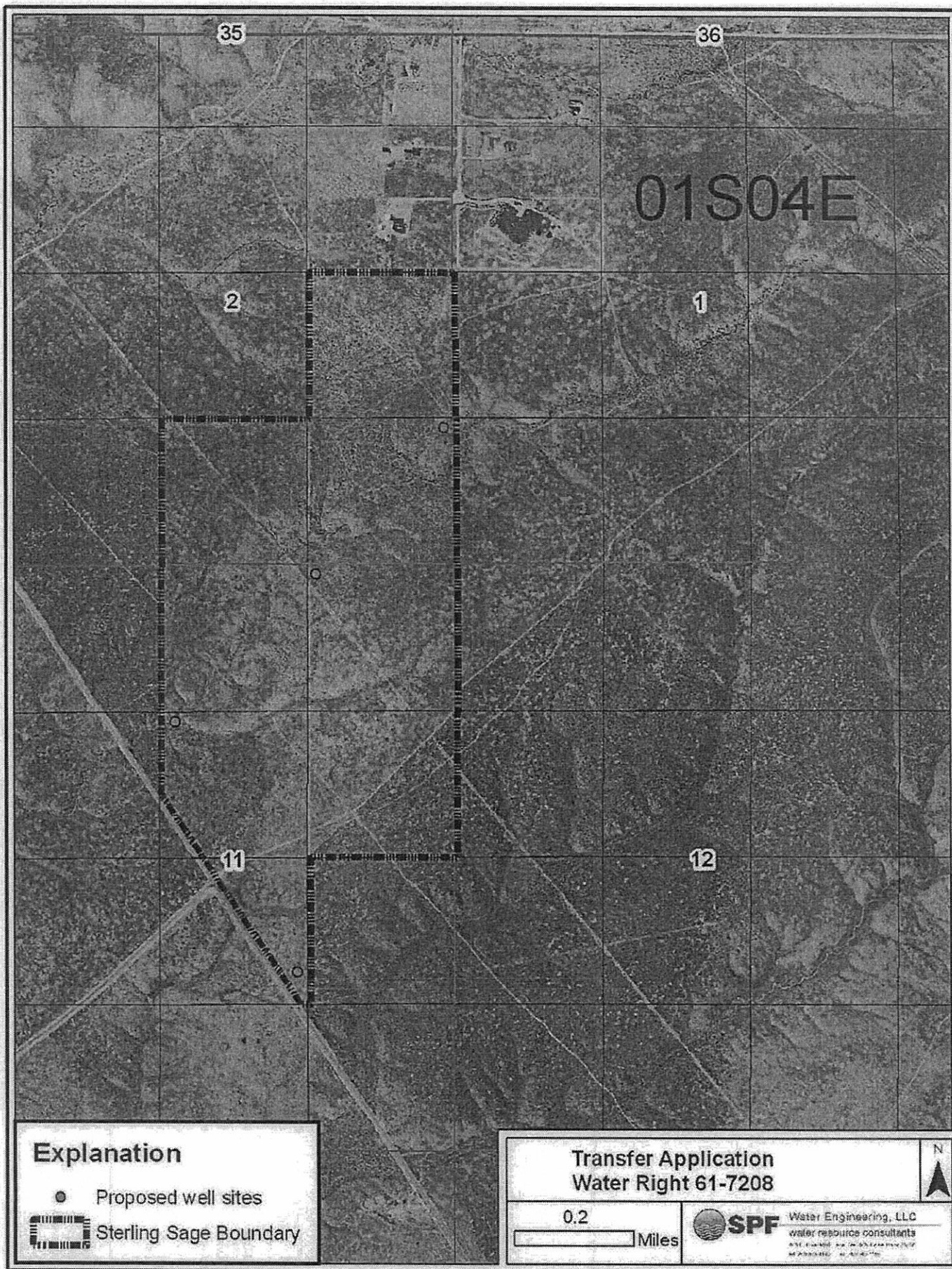
Transfer No. _____

**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.

A large grid for drawing a map, consisting of a 10x10 array of squares. Each square is further divided into a 3x3 sub-grid by dashed lines. In the center of the grid, there is a rectangular box containing the text "See attached map." The box is positioned over the intersection of the 5th and 6th columns and the 5th and 6th rows.

Scale: 2 inches equal 1 mile. Draw plan in ink.



PART 3

Transfer No. _____

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
	domestic	0.06* cfs/44 ac-ft	24 hrs/day, 365 days	1/01 to 12/31
	commercial	0.01* cfs/10 ac-ft	24 hrs/day, 365 days	1/01 to 12/31

* average diversion rate

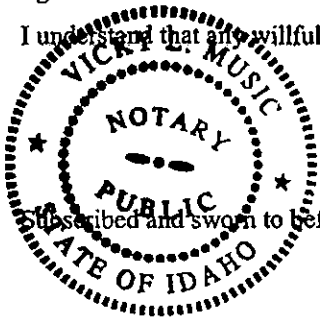
Quantity and quality of return flows and location of discharge: Effluent will be treated to local water quality standards.

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

Twelve acres of the original place of use will no longer be irrigated

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.



Alicia Ann Colton
(Signature of Applicant)

Subscribed and sworn to before me this

9th

day of

March, 2007

Vicki L. Music
(Notary Public)

My commission expires

1-21-2012

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 2-8-07

Protest filed by _____

Prelim. Check by _____ Fee \$290.00Received by *J. J. G.* Date Feb. 8, 07

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 _____



STERLING SAGE SUBDIVISION

6100 N. PIERCE PARK LANE
BOISE, IDAHO 83714
208.853.1222
FAX: 208.853.5232



RECEIVED

AUG 15 2007

WATER RESOURCES
WESTERN REGION

August 14, 2007

State of Idaho
Mr. Steve Lester
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

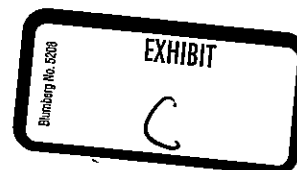
Dear Mr. Lester,

I would like to withdraw our Water Rights Transfer Application
#73767.

Please return my application money of \$290.00.

Thank you,

Alice Culver
Boise Highland Development Co., LLC.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 16, 2007

ALICE CULVER
PACKERS REALTY
6100 PIERCE PARK LN
BOISE ID 83703

Re: Withdrawal of Application for Transfer No. 73767
Boise-Highlands Development Co.

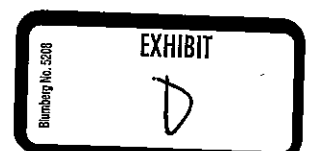
Dear Applicant:

Thank you for your recent withdrawal of the above referenced application. Please note that a refund request in the amount of \$290.00 has been submitted to our State Office for processing.

Please contact me at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Denise Buffington
Administrative Assistant



Page 1 of 2
RECEIVED
APR 03 2007
WATER RESOURCES
WESTERN REGION

Transfer No. 73789

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Name of Applicant Elk Creek Canyon LLC Phone (702) 433-9696
Mailing address 1349 Galleria Dr., Suite 200, Henderson, NV 89014
OR
Name of Applicant Cleveland Corder LLC Phone (208) 860-2559
Mailing Address 2248 VanOker St., Meridian, ID 83642

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 Elk Creek Canyon LLC has purchased land and water rights within the Cinder Cone Butte Critical Groundwater Area and wishes to move both the point of diversion and place of use to allow first-phase development of a planned community to be known as Elk Creek Canyon.

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>61-7204</u>	<u>01/05/1975</u>	<u>4.82 cfs/964.0 ac-ft</u>	<u>Municipal</u>	<u>01/01</u>	<u>to 12/31</u>
<u>61-7330</u>	<u>05/24/1977</u>	<u>2.64 cfs/720.0 ac-ft</u>	<u>Municipal</u>	<u>01/01</u>	<u>to 12/31</u>
<u>61-7206C</u>	<u>11/08/1974</u>	<u>0.80 cfs/180.0 ac-ft</u>	<u>Municipal</u>	<u>01/01</u>	<u>to 12/31</u>
<u>61-12015</u>	<u>09/10/1975</u>	<u>3.26 cfs/733.5 ac-ft</u>	<u>Municipal</u>	<u>01/01</u>	<u>to 12/31</u>
<u>61-12017</u>	<u>09/06/1974</u>	<u>6.4 cfs/1440 ac-ft</u>	<u>Municipal</u>	<u>01/01</u>	<u>to 12/31</u>
_____	_____	_____	_____	_____	<u>to _____</u>

2. Total amount of water being transferred 17.92 cubic feet per second and/or 4037.5 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	21	01N	05E	Elmore	
		NE	NE	30	01N	05E	Elmore	
		SE	NE	31	01N	05E	Elmore	
		NE	NE	33	01N	05E	Elmore	
		SW	SW	33	01N	05E	Elmore	
		SW	SW	5	01S	05E	Elmore	

Blumberg No. 5208
EXHIBIT
E

5. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	5E	10													M			M	
		11									M	M	M	M	M	M	M	M	
		14	M	M	M	M	M	M	M	M	M	M	M	M	M	M			
		15	M	M	M	M			M	M	M	M	M	M	M	M	M	M	
		19																M	
		20									M		M	M	M	M			
		21	M	M	M	M	M			M	M	M	M	M	M	M	M	M	
		22					M		M	M									
		23									M			M					
		26					M	M	M	M									
		27			M	M			M	M					M				
		28			M	M							M	M		M	M		
		29			M	M		M	M					M	M	M	M	M	
		30	M	M		M													
		31	M			M								M	M	M	M	M	
		32	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		33	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		34							M	M	M	M	M	M					
1S	5E	4	M L 1	M L 2			M L 3	M L 4	M	M									
		5	M L 1	M L 2	M	M	M L 3	M L 4	M	M	M	M	M	M	M	M	M	M	
		6	M L 1	M L 2	M	M													
		7	M	M	M	M													
		8	M	M	M	M	M	M	M	M									

PART 1

6. General Information:

a. Description of diversion system Up to six (6) wells and electric pumps to public water supply distribution system

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:

Place of use will no longer be irrigated.

Municipal use is for the first-phase development of the Elk Creek Canyon Planned Community. The community will have 29,400 homes, an 18-hole golf course, schools, churches and various commercial sites after full development. It is anticipated this development will take more than 10 years and water for the community will be supplied by a combination of the transfer of existing water rights, development of new groundwater rights, the use of treated wastewater for irrigation of open space (including the golf course). Full development may depend on a future regional water system supplying growth in this area.

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 copies of Partial Decrees in the SRBA and copy of License)

1. Right as evidenced by:

- a. Decree No. _____ 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	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 _____

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. MAP See Attachment B.

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>
Municipal _____	17.92 cfs/4037.5 ac-ft _____	24 hrs /365 days _____	01/01 _____ to 12/31 _____
_____	_____	_____	_____ to _____

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

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

Irrigation will no longer occur at the decreed place of use after 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.

[Signature], counsel for
Elk Creek Canyon, LLC

Subscribed and sworn to before me this 2nd day of April, 2007.

[Signature]
(Notary Public)

My commission expires _____



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.

Bres Cleveland C Corder

Cleveland Corder, LLC

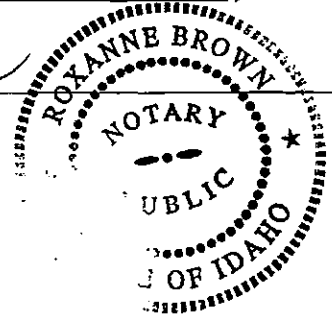
Subscribed and sworn to before me this 2 day of April, 2007.

Roxanne Brown

(Notary Public)

My commission expires

5/11/2008



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 4-3-07 Protest filed by _____

Prelim. Check by _____ Fee \$930- _____

Receipted by DB / W035216 Date 4-3-07 _____

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 _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07204

Priority: January 5, 1975

Maximum Diversion Rate: 4.82 CFS

Maximum Diversion Volume: 964.0 AF

This is to certify, that AHMAD PAKSIMA
EMILY PAKSIMA

5438 AVENIDA FIESTA
LA JOLLA CA 92037

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 6, 1974; and has submitted Proof of Beneficial Use on November 30, 1992. An examination indicates that the works have a diversion capacity of 8.490 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.82 CFS	964.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 20, Township 02S, Range 05E
NESW , Sec. 30, Township 02S, Range 05E
NWSE , Sec. 30, Township 02S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	05E	19	NENW 40	NWNW 40	SWNW 40	
			SENW 40	NESW 40	NWSW 40	
			SWSW 38	SESW 38		316

Total number of acres irrigated: 316

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

DEC 20 1995

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 61-07204

CONDITIONS OF APPROVAL AND REMARKS

5. One point of diversion is located on or near line between NWSE and NESW, S30, T02S, R05E.
6. This right is limited to the irrigation of 241 acres within the place of use described above in a single irrigation season.
7. This right when combined with Rights 61-07195A and 61-07210 is limited to a total combined diversion rate of 22.38 cfs and a total combined annual diversion volume of 4480 af.
8. This right when combined with the following rights is limited to a total combined diversion rate of 20.68 cfs and a total combined annual diversion volume of 4664 af. The combined rights include: 61-07306A, 61-07390 and 61-07424.
9. This right when combined with the following rights shall not exceed an annual diversion volume of 8180 af nor the irrigation of a combined total of 2045 acres in a single irrigation season. The combined rights include: 61-07195A, 61-07210, 61-07306A, 61-07390 and 61-07424.
10. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 13TH
day of NOVEMBER, 19 78.

Acting for

KARL J. DREHER, Director

DEC 20 1978

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

2003 MAR 3 AM 10 35

In Re SRBA } PARTIAL DECREE PURSUANT TO
Case No. 39576 } I.R.C.P. 54(b) FOR
Water Right 61-07206C

NAME AND ADDRESS: CARL F REYNOLDS AND SONS
CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 0.80 CFS
180.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER RIGHTS 61-7204, 61-7206C, 61-7330, 61-12015 AND 61-12017 SHALL NOT EXCEED 17.92 CFS. A TOTAL COMBINED ANNUAL VOLUME OF 4037.5 AF, AND THE IRRIGATION OF 924 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PRIORITY DATE: 11/08/1974

POINT OF DIVERSION: T02S R05E S19 SWNW Within Elmore County
R04E S35 SENE
T03S R05E S06 NESW

TWO POINTS OF DIVERSION LOCATED IN T03S, R05E, S06, NESW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS 180.00 AFY

PLACE OF USE:	Irrigation	Within Elmore County
T02S R04E S12	NENW 40.0	NENW 40.0
	SENW 40.0	SENW 40.0
	NESW 40.0	NESW 40.0
	SESW 40.0	SESW 40.0
S26	NENW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
S34	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
S35	NENE 40.0	NWNE 40.0
	SENE 40.0	SENE 40.0
	NENW 40.0	NWNW 40.0
	SENW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
R05E S19	NENW 40.0	NENW 40.0
	SENW 40.0	SENW 40.0
	NESW 40.0	NWSW 40.0
	SESW 40.0	SESW 40.0
T03S R04E S13	NENE 40.0	NWNE 40.0
	SENE 40.0	SENE 40.0
	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0

RECEIVED
MAR - 5 2003
Department of Water Resources

PLACE OF USE (continued)

ROSE S06	NESW 40.0	NWSW 40.0
	WSW 40.0	SESW 40.0
S07	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	LSWSW 40.0
	NWSE 40.0	WSSE 40.0
S18	NENW 40.0	NWNW 40.0
	SWNW 40.0	SENW 40.0
2640.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. _____ SOURCE NONE
NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. _____
SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR BY 9/3/03.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 MAR 3 PM 10 35

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-07330

NAME AND ADDRESS: CARL P REYNOLDS AND SONS
C/O CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

QUANTITY: 2.64 CFS
720.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 61-7204, 61-7206C, 61-7330, 61-12015 AND
61-12017 SHALL NOT EXCEED 17.92 CFS. A TOTAL COMBINED ANNUAL
VOLUME OF 4037.5 AF, AND THE IRRIGATION OF 924 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PRIORITY DATE: 05/24/1977

POINT OF DIVERSION: T02S R04E S35 SENE Within Elmore County
R05E S06 NESW
S19 SWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	2.64 CFS 720.00 AFY

PLACE OF USE:	Irrigation	Within Elmore County
T02S R04E S12	NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0	NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0
S26	NENW 40.0 NESW 40.0 SWSW 40.0	SENW 40.0 NWSW 40.0 SESW 40.0
S34	NESE 40.0 SWSE 40.0	NWSE 40.0 SESE 40.0
S35	NENE 40.0 SWNE 40.0 NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0 NWSW 40.0 SESE 40.0
R05E S19	NENW 40.0 SWNW 40.0 NESW 40.0 SWSW 40.0	NWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0
T03S R04E S13	NENE 40.0 SWNE 40.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 NWSE 40.0 SESE 40.0
R05E S06	NESW 40.0 SWSW 40.0	NWSW 40.0 SESW 40.0
S07	NENW 40.0	NWNW 40.0

PLACE OF USE (continued)

	SWNW 40.0	SESW 40.0
	NESW 40.0	SESW 40.0
	NWSE 40.0	SWSE 40.0
S18	NENW 40.0	NWNW 40.0
	SWNW 40.0	SESW 40.0

2640.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. _____ SOURCE NONE
NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. _____
SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR BY 9/3/03.

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. I.C. SECTION 42-1412(6).

RULE 54 (b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

FILED

2003 MAR 3 PM 10 35

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-12015

NAME AND ADDRESS: CARL F REYNOLDS & SONS
CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 3.26 CFS
733.50 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER RIGHTS 61-7204, 61-7206C, 61-7330, 61-12015 AND 61-12017 SHALL NOT EXCEED 17.92 CFS, A TOTAL COMBINED ANNUAL VOLUME OF 4037.5 AF, AND THE IRRIGATION OF 924 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PRIORITY DATE: 09/10/1975

POINT OF DIVERSION: T02S R04E S35 SENE Within Elmore County
R05E S19 SNNW
T03S R05E S06 NESW

TWO POINTS OF DIVERSION LOCATED IN T03S, R05E, S06, NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.26 CFS 733.50 AFY

PLACE OF USE:	Irrigation		Within Elmore County
	T02S R04E S12	NENW 40.0	NNW 40.0
		SNNW 40.0	SENN 40.0
		NESW 40.0	NNSW 40.0
		SNSW 40.0	SESN 40.0
	S26	NENW 40.0	SENN 40.0
		NESW 40.0	NNSW 40.0
		SNSW 40.0	SESN 40.0
	S34	NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S35	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NNW 40.0
		SNNW 40.0	SENN 40.0
		NESW 40.0	NNSW 40.0
		SNSW 40.0	SESN 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	R05E S19	NENW 40.0	NNW 40.0
		SNNW 40.0	SENN 40.0
		NESW 40.0	NNSW 40.0
		SNSW 40.0	SESN 40.0
	T03S R04E S13	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0

PLACE OF USE (continued)

ROSE S06	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
S07	NENW 40.0	NNNW 40.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	SESW 40.0
	NWSE 40.0	SWSE 40.0
S18	NENW 40.0	NNNW 40.0
	SWNW 40.0	SENW 40.0
2640.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 163 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. _____ SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. _____ SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR BY 9/3/03.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

2003 MAR 3 AM 10 36

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-12017

NAME AND ADDRESS: CARL F REYNOLDS & SONS
CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 6.40 CFS
1440.00 AFY

THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO
MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 4.5 AFA PER ACRE AT THE
FIELD HEADGATE FOR IRRIGATION OF THE LANDS ABOVE.

THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF
DIVERSION UNDER RIGHTS 61-7204, 61-7206C, 61-7330, 61-12015 AND
61-12017 SHALL NOT EXCEED 17.92 CFS, A TOTAL COMBINED ANNUAL
VOLUME OF 4037.5 AF, AND THE IRRIGATION OF 924 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHTS 61-12016 AND 61-012017 WHEN COMBINED SHALL NOT EXCEED
A TOTAL DIVERSION RATE OF 6.40 CFS.

PRIORITY DATE: 09/06/1974

POINT OF DIVERSION: T02S R04E S35 SENE Within Elmore County
R05E S19 SNNW
T03S R05E S06 NESW

TWO POINTS OF DIVERSION LOCATED IN T03S, R05E, S06, NESW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	6.40 CFS 1440.00 AFY

PLACE OF USE:	Irrigation	Within Elmore County
T02S R04E S12	NENW 40.0 SNNW 40.0 NESW 40.0 SWSW 40.0	NNNW 40.0 SENN 40.0 NNSW 40.0 SESW 40.0
S26	NENW 40.0 NESW 40.0 SWSW 40.0	SENN 40.0 NNSW 40.0 SESW 40.0
S34	NESE 40.0 SWSE 40.0	NWSE 40.0 SESE 40.0
S35	NENE 40.0 SWNE 40.0 NENW 40.0 SNNW 40.0 NESW 40.0 SWSW 40.0 NESE 40.0 SWSE 40.0	NWNE 40.0 SENE 40.0 NNNW 40.0 SENN 40.0 NNSW 40.0 SESW 40.0 NWSE 40.0 SESE 40.0
R05E S19	NENW 40.0 SNNW 40.0 NESW 40.0 SWSW 40.0	NNNW 40.0 SENN 40.0 NNSW 40.0 SESW 40.0
T03S R04E S13	NENE 40.0 SWNE 40.0	NWNE 40.0 SENE 40.0

PLACE OF USE (continued)

	NESE 40.0	NWSE 40.0
	SWSE 40.0	SESE 40.0
ROSE 506	NESW 40.0	NWSW 40.0
	SWSW 40.0	SESW 40.0
S07	NENW 40.0	NWNW 40.0
	SNWN 40.0	SENW 40.0
	NESW 40.0	SESW 40.0
	NWSE 40.0	SWSE 40.0
S18	NENW 40.0	NWNW 40.0
	SNWN 40.0	SENW 40.0
2640.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 163 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

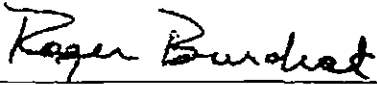
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. _____ SOURCE NONE
NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. _____
SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY THIS TRANSFER WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL OR BY 9/3/03.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



Grubb & Ellis.

Property Solutions Worldwide

Idaho
Commercial
Group

PURCHASE AND SALE AGREEMENT

Date: February 2, 2007

This Offer to Purchase sets forth certain material terms upon which Corder LLC ("Purchaser") would be willing to purchase from Carl F. Reynolds and Sons, a general partnership and Jason and Rachel Reynolds LLC (collectively the "Seller"), that certain property known as the Cindercone Property located in Mountain Home, Idaho, and legally described in Exhibit "A" (to be added after acceptance from both parties) together with all tangible and intangible personal property associated therewith or used in the operation thereof (collectively referred to as "Property").

It is understood that the Property is a 2,978.9 acres of land (including associated personalty) and is comprised of the below parcel numbers together with all appurtenant water rights. The full legal description for each parcel and water rights are included in Exhibit A attached hereto.

Parcel List:

County	Parcel #	Total Acres	Description
Elmore	RP02S04E122410A	320 Acres	Cunningham Property
Elmore	RP02S04E224810A	160 Acres	North Cindercone Butte
Elmore	RP02S04E350010A	160 Acres	Sacilotto/Weitz Property
Elmore	RP02S05E192420A	320 Acres	Paksima Property
Elmore	RP03S04E130020A	296.88 Acres	Wing Property
Elmore	RP03S04E010045A	60.84 Acres	Hickey Farm
Elmore	RP03S04E010630A	46.24 Acres	Hickey Farm
Elmore	RP03S04E011810A	53.3 Acres	Hickey Farm
Elmore	RP03S04E014810A	160 Acres	Hickey Farm
Elmore	RP03S04E020010A	171.41 Acres	Hickey Farm
Elmore	RP03S05E064810A	170.24 Acres	Wing Property
Elmore	RP03S05E072420A	330.25 Acres	Wing Property
Elmore	RP03S05E182410A	169.94 Acres	Wing Property
Ada	S2820100000	400 Acres	South Cinder Butte
Elmore	RP02S04E222410A	160 Acres	Cowger Property

1. **PRICE/TERMS:** Purchase price of the subject Property shall be the sum of Fifteen Million and No/100 Dollars (\$15,000,000) payable as follows:

- A) \$20,000 earnest money deposit paid into escrow upon execution of the Purchase and Sale Agreement - non-refundable after expiration of the Review Period;
- B) \$980,000 additional earnest money deposit paid into escrow on or prior to the expiration of the Review Period - non-refundable after the expiration of the Review Period;
- C) \$500,000 non-refundable paid one year after the expiration of the Review Period;
- D) \$7,000,000 paid at closing; wherein 4,037.5 acre feet of water for Paksima, Weitz, Cunningham and the 4 Wing Properties with 924 irrigated acres will be released to Purchaser;
- E) Remaining \$6,500,000 price for the remaining land and water will be paid out annually 1 year after closing over a 3 year period based on the combination of water rights listed as follows:
 - I. Payment One, April 3, 2010 - \$3,770,000
 - 1804 acre feet of water for South Cinder Butte, Cowger Property and North Cindercone Properties with 451 irrigated acres
 - II. Payment Two, April 3, 2011 - \$1,690,000
 - 1343 acre feet of water for the five Hickey Properties with 339 irrigated rights
 - III. Payment Three, April 3, 2012 - \$1,040,000

2. **REVIEW PERIOD:** Immediately upon acceptance, but in no event later than February 16, 2007, Seller shall deliver to Purchaser one (1) full set of all documents listed on Exhibit "B". The Purchaser shall have 60 days until and including April 3, 2007 ("Review Period") during which to review the documents and make detailed physical inspections of the subject Property. After date of acceptance of this Offer to Purchase by Seller, Purchaser, its employees, agents and consultants, shall be granted a right of entry to the property to inspect the physical condition thereof. Purchaser shall indemnify, defend and hold Seller harmless from

and against any and all claims, liens, liabilities, losses, damages, costs and expenses resulting from Purchaser's activities in, on or about the property pursuant to the right of entry granted herein; provided, however, that Purchaser shall not be responsible for any existing condition of the Property.

Purchaser's approval of the documents and Property shall be a condition of its obligations hereunder and if approved shall be evidenced in writing (the "Approval Notice") and delivered to the Seller within two (2) business days of the conclusion of the Review Period. In the event that Purchaser determines that the documents or the Property are unsatisfactory in any respect, or that the purchase is not feasible or desirable in any respect, Purchaser shall have no obligation to purchase the Property and Purchaser shall be relieved of all liability under this Offer to Purchase. Purchaser's failure to deliver the Approval Notice shall constitute sufficient notice to Seller of Purchaser's election not to go forward with the purchase of the Property and Purchaser's determination that Property is unsatisfactory in accordance with the preceding sentence.

3. **DISCLAIMER:** During the course of the transaction, it is anticipated that information will be provided by the Seller to the Purchaser. Some of this information may have been provided through Grubb & Ellis / ICG. Grubb & Ellis / ICG has not undertaken an obligation to independently verify all of such information. Grubb & Ellis / ICG believes that such information is reliable; however, ultimately, the Purchaser must look solely to the Seller as to the accuracy of such information and to the specific warranties and representations of the Seller as contained in the transaction documents.

4. **EARNEST MONEY DEPOSIT:** With the execution of the Purchase and Sale Agreement, Purchaser will deposit in an interest-bearing account at LandAmerica Transnation (the "Title Company") the amount of **\$20,000** as an earnest money deposit. On or prior to the expiration of the Review Period Purchaser will increase the earnest money deposit by the amount of **\$980,000**. The earnest money deposit (and interest accrued thereon) shall be used as part of the purchase price at closing. The earnest money will become non-refundable after the expiration of the Review Period. A second non-refundable payment of **\$500,000** will be made 12 months after the expiration of the Review Period as provided in Section 1(C) above. This deposit will also be used as a part of the purchase price at closing. In the event of default by Purchaser, the earnest money deposit (and interest accrued thereon) shall be retained by the Seller as liquidated damages, and as Seller's sole and exclusive remedy against Purchaser. If the PSA is terminated for any reason other than the default of Purchaser, the earnest money deposit and interest accrued thereon shall be refunded to Purchaser.

Purchaser and Seller hereby agree that the title company and escrow agent is holding the earnest money deposit as a mere stakeholder and shall have no liability hereunder other than for its willful misconduct or negligent action.

5. **REPRESENTATIONS AND WARRANTIES:** Seller warrants and will warrant at closing (among other customary warranties) that, to the best of Seller's knowledge:

- A) There are no substantial structural or mechanical defects in the subject Property.
- B) All information supplied by the Seller or to be supplied by the Seller or its agents is accurate and complete; financial statements will be certified by Seller as to accuracy.
- C) The individual(s) executing this Agreement warrant and represent that said individual(s) either own the Property or has/have full power and right to enter into this Agreement and to sell and convey the Property on behalf of the Seller and that to the best of said individual(s) knowledge the Property is in compliance with all applicable building and zoning regulations and with any applicable covenants and restrictions affecting the Property.
- D) There are no parties in possession of the Property, nor are there any parties with possessory or any other rights in the Property other than Seller.
- E) No agreements or contracts, whether written or oral, express or implied, for lease, mortgage or purchase of all or a portion of the Property, or other agreement, contract or mortgage affecting the Property exist as of the closing.
- F) Seller has received no notice of any violation of, nor is the Property in violation of any applicable law, ordinance, order or regulation (including, but not limited to environmental laws, zoning laws, building codes, health codes, and fire codes) of any governmental or quasi-governmental agency having jurisdiction over the Property or any portion thereof, and no proceedings of any type have been instituted or contemplated against the Property or any part thereof.
- G) To the best of Seller's knowledge, (i) no "Hazardous Material" is or has been transported to or from, or generated, placed, held, released, located, stored, or disposed of on, under, or at the Property; (ii) neither the Property nor any part of any improvements and equipment thereon contains any asbestos or polychlorinated biphenyls; (iii) Seller has not received any notice of any

action or proceeding relating to any Hazardous Material or notice of any release or threatened release thereof on, under or at the Property or any notice contrary to (i) and (ii) above; and (iv) no underground or above ground storage tanks are or have been located on the Property.

"Hazardous Material" means, without limitation, any substance or material defined as or included in the definition of "hazardous substances", "hazardous wastes", "hazardous materials", "extremely hazardous waste", "acutely hazardous waste", "restricted hazardous waste", "toxic substances" (including toxic mold) or "known to cause cancer or reproductive toxicity", (or words of similar import) petroleum products (including crude oil or any fraction thereof) or any other chemical, substance or material which is prohibited, limited or regulated under any federal, state or local law, ordinance, regulation, order, permit, license, decree, common law, or treaty regulating, relating to or imposing liability or standards concerning materials or substances known or suspected to be toxic or hazardous to health and safety, the environment, or natural resources. For purposes of this Section, Laws and regulations shall include, but not be limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §9601, *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C. §1901, *et seq.*; the Resource Conservation and Recovery Act, 42 U.S.C. §8901, *et seq.*; the Federal Water Pollution Control Act, 33 U.S.C. §1251, *et seq.*; the Clean Air Act, 42 U.S.C. §7401, *et seq.*; the Toxic Substances Control Act, 15 U.S.C. §2601, *et seq.*; the Oil Pollution Act of 1990, 33 U.S.C. §2701, *et seq.*; the Occupational Safety and Health Act, 29 U.S.C. §851, *et seq.*; the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §11001, *et seq.*; A.R.S. §§49-201(16), 49-901(3), and 49-921(5); and in the regulations adopted pursuant to such laws; and any substance or material which has been determined by a state, federal or local governmental authority with jurisdiction over the Property to be capable of posing a risk of injury to health or safety.

There are no pending proceedings for the imposition of any special assessment, or the formation of a special assessment district, which would affect in any manner any portion of the Property.

- H) No litigation, administrative or other proceeding, order or judgment is pending or outstanding, or to Seller's knowledge, threatened against or relating to any portion of the Property.
- I) The Property, and every portion thereof, is in full compliance with all building, environmental, land use, health, insurance and other applicable laws governing the use and operation thereof, nor does there exist any facts or circumstances which with notice or the passage of time would constitute such a violation.
- J) Except as expressly stated in this Agreement and related title report, there are no encroachments, easements, or rights-of-way on, over, under, or across the Property or any part of the Property; no part of the buildings or structures on the Property are encroaching on any other property and all improvements on the property are fully within the boundaries of the Property and violate no setback requirements; none of the improvements on the Property violate any ordinance, regulation or restriction on any governmental authority, or any restrictions, covenants, or agreements of any kind or nature.
- K) There are no material defects in or about the Property, improvements, or systems, or any parts thereof. The improvements on the Property are structurally sound in all material respects and are in good repair and Seller knows of no defects in such improvements which would render them unfit for their continued use in a manner consistent with the current use.
- L) All taxes required to be paid by the Seller with respect to the Property or operation of the Property by Seller, and which are or could become liens against the Property, have been or will be duly and timely paid.
- M) No labor has been performed, nor materials supplied for the Property which the Seller has not fully paid, or for which mechanic's lien or materialman's lien or other lien or liens may be claimed by any person or entity.
- N) There are no condemnation proceedings pending, or to Seller's knowledge, contemplated against the Property, or any part thereof, and the Seller has received no notice, oral or written, or the intent or desire of any public authority or public utility to take or use the Property or any part thereof.
- O) There are no proposed or pending special assessments, condemnation proceedings, change in zoning or roadway, water or sewer construction affecting any portion of the Property, nor of any special or unusual environmental condition affecting any portion of the Property.
- P) There are no violations of any rule, regulations, code, resolution, ordinance, statute, or law involving the use, maintenance, operation, or condition of the Property or improvements. To the best of Seller's knowledge or belief all installations and improvements on the Property fully and duly comply with all applicable resolutions, statutes, rules, regulations and codes of all

governmental agencies having jurisdiction over the Property, and the requirements of all Boards of Underwriters.

6. **TITLE AND EXISTING ENCUMBRANCES:** Title to the Property to be conveyed by Warranty Deed, unless otherwise provided herein, and is to be marketable and insurable except for rights reserved in federal patents, federal, state or railroad deeds, building or use restrictions, environmental, building and/or zoning regulations and ordinances of any governmental entity, and rights of way and easements established or of record.

The Seller agrees to provide good and marketable title to the Property at the time of closing. The Property is currently encumbered by the following liens: ☐ 1st Mortgage ☐ 2nd Mortgage

☐ Other: _____

7. **SPECIAL CONDITIONS PURCHASER:** Purchaser's obligation to purchase the Property shall be subject to the following additional conditions by closing, unless waived in writing by Purchaser:
- A. Purchaser will allow Seller to stay on "Property" for a minimum 2 year period lease free provided Seller continues to use the water rights to the full extent of the rights.
 - B. Seller will obtain a legal description of the Property during the first 10 days of the Review Period and, upon Purchaser's approval, the same will be attached hereto as Exhibit A.
 - C. Receipt and approval by Purchaser prior to end of Review Period of all existing wells and equipment with documentation proving the wells are being utilized.
 - D. Receipt and approval by Purchaser prior to end of Review Period of documentation providing Seller's ownership for 7,184.5 acre feet of water for Property.
 - E. Purchaser's receipt prior to Closing of Assignment & Assumption Agreement for all leases of record.
8. **SPECIAL CONDITIONS SELLER:** Seller's obligation to sell the Property shall be subject to the following additional conditions to be performed by closing, unless waived in writing by Seller: Purchaser will provide Seller with a statement of financial viability for purchase of the Property by Corder LLC or assignee.
9. **CLOSING:** Closing of the purchase of the Property shall occur at the office of the Title Company on or before April 3, 2009, or at such other time as the parties shall mutually agree. It is specifically agreed that a delay is acceptable to both parties up to thirty (30) days, to accommodate a delay in the satisfaction of the conditions referenced in Paragraph 8 above. All normal closing costs shall be shared by the parties on a 50/50 basis except the costs of ALTA Standard Coverage Title Insurance, including an ALTA survey completed to Purchaser's specifications, and brokerage commissions, which shall be the sole responsibility of the Seller. Each party shall be responsible for its own expense of legal and tax counsels review. Rents, taxes, utility charges, security deposits, and other operating expenses shall be prorated between Purchaser and Seller at closing. All leasing commissions and tenant improvements costs incurred prior to closing shall be the responsibility of Seller.
10. **[INTENTIONALLY DELETED]**
11. **TIME PERIOD EXTENSIONS:** In the event that Exhibit "B" documents are not received by Purchaser on or before _____, then all time periods shall be extended by the same number of days that the receipt of said documents are delayed.
12. **REPRESENTATION CONFIRMATION:**

Check one (1) box in Section 1 below and one (1) box in Section 2 below to confirm that in this transaction, the brokerage(s) involved had the following relationship(s) with the PURCHASER(S) and SELLER(S).

Section 1:

- A. ☐ There is no broker working with the PURCHASER(S).

Section 2:

- A. ☐ The broker working with the SELLER(S) is acting as an AGENT for the SELLER(S).
B. ☐ The broker working with the SELLER(S) is acting as a LIMITED DUAL AGENT for the SELLER(S), without an ASSIGNED AGENT.

- C. ☐ The broker working with the SELLER(S) is acting as a LIMITED ~~REAL~~ AGENT for the SELLER(S), and has an ASSIGNED AGENT acting solely on behalf of the SELLER(S).
- D. ☐ The broker working with the SELLER(S) is acting as a NONAGENT for the SELLER(S).

Each party signing this document confirms that he or she has received read and understood the Agency Disclosure Brochure and has elected the relationship confirmed above. In addition, each party confirms that the broker's agency office policy was made available for inspection and review. EACH PARTY UNDERSTANDS THAT HE/SHE IS A "CUSTOMER" AND IS NOT REPRESENTED BY A BROKER UNLESS THERE IS A SIGNED WRITTEN AGREEMENT FOR AGENCY REPRESENTATION.

13. **COMMISSIONS:** Seller is responsible for the payment of a commission resulting from this transaction, in the amount of Two percent (2%) of the purchase price, payable in full at closing to Grubb & Ellis Idaho Commercial Group, LLC.
14. **FACSIMILE SIGNATURES:** Facsimile transaction of any signed original document and re-transmission of any signed facsimile transmission shall be the same as delivery of an original. At the request of either party or the closing agent, the parties will confirm facsimile-transmitted signatures by signing an original document.
15. **GENERAL PROVISIONS:** In the event either party shall initiate any suit or action or appeal on any matter relating to this Agreement, the defaulting party shall pay the prevailing party all damages and expenses resulting from the default, including all reasonable attorneys' fees and all court costs and other expenses incurred by the prevailing party. This Agreement is made in accordance with and it shall be interpreted and governed by the laws of the State of Idaho. All rights and obligations of the parties hereunder shall be binding upon and inure to the benefits of their heirs, personal representatives, successors and assigns.
16. **ASSIGNMENT:** Purchaser shall have the right to assign its rights under this Purchase and Sale Agreement to any entity. Upon such assignment, the Assignee shall assume all of the original Purchaser's rights, duties and obligations hereunder pursuant to a written assumption agreement in the form and substance reasonably satisfactory to Seller, and the original Purchaser shall be released from its obligations under this Agreement.
17. **SELLER PERFORMANCE:** Provided Purchaser has satisfied all of its obligations herein, in the event Seller fails to timely close as provided in this agreement, Purchaser shall have recourse to all legal remedies provided by Idaho law, including, but not limited to specific performance by Seller.
18. **MEMORANDUM OF PURCHASE AND SALE AGREEMENT:** Simultaneously with the execution of this Purchase and Sale Agreement the Purchaser and Seller will have executed (and caused to be acknowledged) and delivered to the other party a memorandum of this Purchase and Sale Agreement ("Memorandum of Agreement") in a form prepared by Purchaser and similar to that of Exhibit "C" attached hereto and made a part hereof. Purchaser shall have the right at its sole cost and expense to have the Memorandum of Agreement to be recorded against the Property in the land records of Elmore and Ada counties in the state of Idaho.

OFFER DURATION: This Agreement must be accepted by Seller on or before 5:00 p.m. [MST], February 2, 2007, or at Purchaser's option will become null and void.

SELLER:	<u>Carl F. Reynolds and Sons</u>	PURCHASER:	<u>Corder LLC</u>
Signature:	<u></u>	Signature:	<u></u>
Print Name:	<u></u>	Print Name:	<u></u>
Address:	<u></u>	Address:	<u></u>
City, State, Zip	<u></u>	City, State, Zip	<u></u>
Telephone:	<u></u>	Telephone:	<u></u>
Date:	<u></u>	Date:	<u></u>

SELLER: Jason and Rachel Reynolds

Signature:

Print Name:

Address:

City, State, Zip

Telephone:

Date:

EXHIBIT A

EXHIBIT B

1. ALTA Surveys and any other surveys of the property.
2. List of set backs and easements on property with supporting documentation.
3. Any irrigation district easements or information available.
4. An itemized list of all personal property to be included in the sale.
5. Copies of any existing tenant leases and amendments or rental agreements. Statement of all current rents, deposits, advance fees, and delinquencies pertaining to the Property (Rent Roll).
6. Summary of insurance cost and coverage.
7. Copy of any warranties, maintenance, service, supply, management or other agreements presently in effect, or which may come into effect, of whatsoever nature affecting the Property.
8. Copy of real estate tax bills and assessments for the last year and current year.
9. Current commitment for title insurance from the Title Company, together with the copies of all documents referred to therein and all documents giving rise to exceptions to title.
10. Copy of existing loan documents including notes, loan agreements, assignments, and deeds of trust.
11. Any and all environmental studies: Soils, asbestos, hazardous waste, and Level 1 environmental assessment reports.
12. Licenses, permits, and certificates of occupancy.
13. Any topographical maps of the property to aerial photos.
14. Copy of all recent appraisals.

EXHIBIT C

Parcel #'s: RP02S04E122410A
RP02S04E224810A
RP02S04E350010A
RP02S05E192420A
RP03S04E130020A
RP03S04E010045A
RP03S04E010630A
RP03S04E011810A
RP03S04E014810A
RP03S04E020010A
RP03S05E064810A
RP03S05E072420A
RP03S05E182410A
S2820100000
RP02S04E222410A

WHEN RECORDED, PLEASE MAIL TO:

Woods Erickson Whitaker Miles & Maurice
1349 Galleria Drive, #200
Henderson, NV 89014
Attn: John Erickson
Telephone: 702-433-9696

MEMORANDUM OF PURCHASE AND SALE AGREEMENT

by and among

Carl F. Reynolds and Sons, a general partnership
and
Jason and Rachel Reynolds LLC, collectively as "Seller"
and
Corder LLC, as "Purchaser"

Dated as of February __, 2007

MEMORANDUM OF PURCHASE AND SALE AGREEMENT

THIS MEMORANDUM OF PURCHASE AND SALE AGREEMENT (this "*Memorandum*") is made as of the ____ day of February, 2007 between Seller and Purchaser.

WITNESSETH:

WHEREAS, Seller is the owner of the fee title interest in those certain parcels of land located in Elmore and Ada County, State of Idaho, as the same is more particularly described on Exhibit A annexed hereto and made a part hereof (the "**Property**").

WHEREAS, pursuant to that certain Purchase and Sale Agreement of Sale of even date herewith (the "**Sale Agreement**"), Seller has agreed to sell its interest in the Property and the other property which is set forth in the Sale Agreement to Purchaser, and Purchaser has agreed to purchase the Property from Seller, subject to, and in accordance with, all of the terms and provisions of the Sale Agreement.

NOW, THEREFORE, Seller and Purchaser hereby state the following for recording:

1. Capitalized terms used herein which are not otherwise defined herein shall have the meanings ascribed to such terms in the Sale Agreement.
2. Seller has agreed to sell to Purchaser the Property in accordance with the terms of the Sale Agreement.
3. The closing of the transactions contemplated by the Sale Agreement is scheduled to occur no later than April 3, 2009; provided, however, that under certain circumstances more particularly set forth in the Sale Agreement, the closing may occur on or prior to the above referenced date.
4. This Memorandum is not a complete summary of the Sale Agreement. Provisions of this Memorandum shall not be used in interpreting the provisions of this Sale Agreement. In the event of a conflict between this Memorandum and the unrecorded Sale Agreement, the terms of the unrecorded Sale Agreement shall control.

IN WITNESS WHEREOF, Seller and Purchaser have executed and delivered this Memorandum as of the date and year first above written.

SELLER:

Carl F. Reynolds and Sons

By: David Reynolds

By: Steve Reynolds

By: Opal Reynolds

By: Carl F. Reynolds Partner
Jason and Rachel Reynolds LLC

By: Jason Reynolds

By: Rachel Reynolds

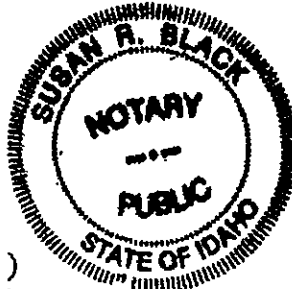
PURCHASER:

Corder LLC

By: Charles Corder

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

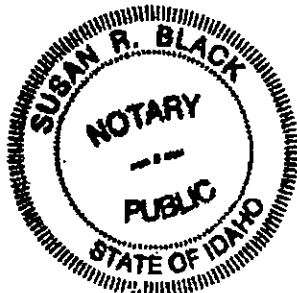
This instrument was acknowledged before me on Feb. 9, 2007 by CARL F. REYNOLDS in his or her capacity as PARTNER of CFR&S, as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

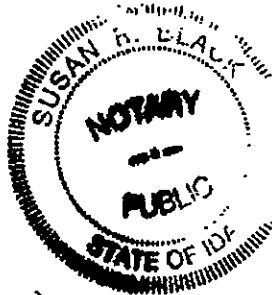
This instrument was acknowledged before me on Feb. 9, 2007 by Randy Reynolds in his or her capacity as PARTNER of CFR&S, as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

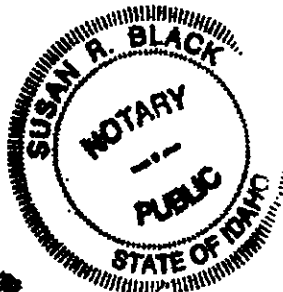
This instrument was acknowledged before me on Feb. 9, 2007 by Steve Reynolds in his or her capacity as PARTNER of CFR+S, as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

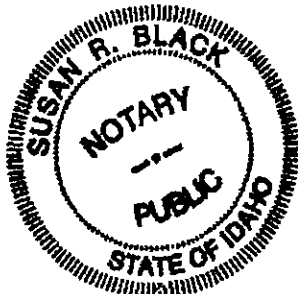
This instrument was acknowledged before me on Feb. 9, 2007 by DAVID Reynolds in his or her capacity as PARTNER of CFR+S, as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

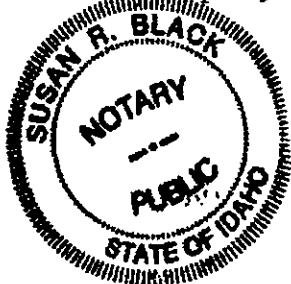
This instrument was acknowledged before me on Feb. 9, 2007 by Jason Reynolds in his or her capacity as Managing Member of Jason & Rachel Reynolds as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF IDAHO)
) ss.
COUNTY OF ELMORE)

This instrument was acknowledged before me on Feb. 9, 2007 by Rachel Reynolds in his or her capacity as Managing Member of Jensen & Rachel Reynolds as Seller.



Susan R. Black
NOTARY PUBLIC

STATE OF Idaho)
) ss.
COUNTY OF Ada)

This instrument was acknowledged before me on Feb. 2, 2007 by Cleveland Corder in his or her capacity as Managing Member of Corder, LLC, as Purchaser.



Gloria J. Freeman
NOTARY PUBLIC

ADDENDUM TO PURCHASE AND SALE AGREEMENT

The undersigned parties hereby agree to the following addendum to modify that certain Purchase and Sale Agreement dated February 2, 2007 (hereinafter referred to as "Agreement"). The Agreement is hereby modified as follows which are hereby incorporated as terms of the Agreement:

A. Section 1 entitled "PRICE/TERMS" of the Agreement is eliminated and hereby replaced as follows:

1. PRICE/TERMS: Purchase price of the subject property shall be the sum of fifteen million and no/100 dollars (\$15,000,000.00) payable as follows:

"A) \$20,000.00 shall be paid into escrow upon execution of the Agreement. This sum of twenty thousand dollars (\$20,000.00) shall become nonrefundable and shall be released from escrow and paid to the Seller on April 10, 2007 in accordance with section 4 of the Agreement.

B) \$980,000.00 shall be paid to Seller by Purchaser on April 10, 2007 as additional nonrefundable earnest money in accordance with section 4 of the Agreement.

C) \$500,000.00 shall be paid to Seller by Purchaser on April 10, 2008 as additional nonrefundable earnest money.

Purchase acknowledges that Seller is agreeing to sell the subject Property to Purchase in a closing that will not occur until April 10, 2009. Seller is thereby refraining from pursuing numerous other opportunities concerning the subject Property including but not limited to the construction of a feed lot on the subject Property. The foregoing sums in subsections A), B) and C) shall be paid to Seller to compensate it for its lost opportunities on the subject Property. At closing Purchaser shall receive credit against the purchase price for the payments made in A), B) and C).

D) \$7,000,000.00 paid by Purchaser at closing, which shall be on or before April 10, 2009. Upon closing Seller shall release the following water rights: 4,037.50 acre feet and 924 irrigated acres of water related to the Paksima, Wietz, Cunningham and the 4 Wing Properties.

E) The remaining balance of six million five hundred thousand dollars (\$6,500,000.00) shall be paid by Purchaser to Seller as follows:

I. Payments shall be made by Purchase as follows:

a. The principal sum of three million seven hundred and seventy thousand dollars (\$3,770,000.00) shall be paid on or before April 10, 2010. Upon payment of this sum Seller shall release the following water rights: 1804 acre feet

and 451 irrigated acres of water related to the South Cinder Butte Property, North Cinderone Properties and the Cowger Property.

b. The principal sum of one million six hundred and ninety thousand dollars (\$1,690,000.00) shall be paid on or before April 10, 2011. Upon payment of this sum, Seller shall release from its lien the following water rights: 1343 acre feet and 339 irrigated acres of water related to the five Hickey Properties. In addition in the event Seller has identified additional water rights as described in Section 1A below, and if Purchaser has paid for these rights as therein described, then seller shall release those additional water rights.

c. The principal sum of one million forty thousand dollars (\$1,040,000.00) shall be paid on or before April 10, 2012. Upon payment of this sum, Seller shall execute appropriate satisfactions of any remaining water rights, which were not previously released under subsection a or b above."

B. A new section 1.A. is added to the Agreement which state as follows:

"1.A. ADDITIONAL WATER RIGHT PURCHASES: In addition to the water rights being purchased consisting of 7,184.50 acre feet of water, Seller agrees to sell and Purchaser agrees to purchase those additional water rights referenced below if it is determined that they are connected to the subject Property. At the current time the Idaho Department of Water Resources is review its records as Seller has advised it there is an error and that Seller may own an additional approximate 405 acre feet of water. In the event on or before April 10, 2011, the Seller can provide proof through the Department of Water Resources records that it is the owner of an additional up to 405 acre feet of water rights then Purchaser agrees that it shall purchase those additional identified water rights based on a purchase price of one thousand two hundred dollars (\$1,200.00) per acre foot. This purchase price shall be paid by Purchaser on or before April 10, 2011 and those water rights shall be transferred to Purchaser free of Seller's lien or interest upon receipt of the full purchase price for these additional water rights. Broker is entitled to a commission paid by Seller as described in subsection 13 of this addendum payable from the Seller when the purchase price is paid."

C. Section 2, entitled "REVIEW PERIOD" shall be modified as follows:

(1) Add the following sentence to the end of the first paragraph of that section: "While exercising its right of entry on the subject Property, Purchaser shall not interfere with Seller's use of the Subject Property".

(2) Add the following sentence to the end of the second paragraph of Section 2: "Once the Approval Notice is given, the sum of one million dollars (\$1,000,000.00) shall become nonrefundable and shall be released from the escrow and delivered to Seller and Purchaser shall pay the remaining balance of the \$1,000,000.00 due to Seller that is not released from the escrow.

(3) Replace the following language at the beginning of the second sentence, "The Purchase shall have 60 days until and including April 3, 2007" with "The Purchaser shall have 60 days from February 9, 2007, until and including April 10, 2007."

(4) The date February 16, 2007 in the first sentence shall be replaced with February 23, 2007.

D. Section 4 is deleted and replaced with the following:

"4 EARNEST MONEY DEPOSIT: With the execution of the Agreement, Purchaser will deposit in an interest-bearing account at LandAmerica Transnation (the "Title Company") the amount of twenty thousand dollars (\$20,000.00) as an earnest money deposit. The earnest money deposit (and interest accrued thereon) shall be used as part of the purchase price at closing. The earnest money will become non-refundable after the Approval Notice is delivered in accordance with section 2 of the Agreement, and upon delivery of that Approval Notice, the sum of one million dollars (\$1,000,000.00) shall be paid by the release of \$20,000.00 from escrow by the Title Company to Seller and by Purchaser paying the Seller the balance of nine hundred and eighty thousand dollars (\$980,000.00). Further the Purchaser, as additional earnest money, shall be required to pay the Seller the sum of five hundred thousand dollars (\$500,000.00) on or before April 10, 2008. In the event the Purchaser defaults under this Agreement, the total of one million five hundred thousand dollars (1,500,000.00) (and interest accrued thereon) whether held by Seller or the Title Company shall be retained by the Seller as liquidated damages, and as Seller's sole and exclusive remedy against Purchaser. If the Agreement is terminated for any reason other than the default of Purchaser, the earnest money and interest accrued thereon shall be refunded to Purchaser.

Purchaser and Seller hereby agree that the Title Company and escrow agent is holding the earnest money deposit as a mere stakeholder and shall have no liability hereunder other than for its willful misconduct or negligent action."

E. Section 5 entitled "REPRESENTATIONS AND WARRANTIES" shall be modified as follows:

(1) Subsection B) as deleted and replaced with:

"B) All information supplied by the Seller or to be supplied by the Seller or its agents is accurate and complete, unless noted in writing by the Seller".

(2) Subsection E) is modified to add the following sentence to the end of the existing language: "Seller shall obtain releases or satisfactions of all mortgage liens existing against the subject Property on or before closing."

(3) Subsection G) is modified to add the following sentences to the end of the first paragraph: "Seller has informed Purchaser and does hereby inform Purchaser that Seller has used above ground fuel petroleum storage tanks on the subject Property in its business operations on the subject Property. Seller shall show Purchaser the location of those above ground storage tanks and shall remove them on or before closing."

F. Section 6 of the Agreement entitled "TITLE AND EXISTING ENCUMBRANCES" is modified to replace the second paragraph of section 6 with the following:

"The Seller agrees to provide good and marketable title to the Property at the time of Closing. The Property is currently encumbered by liens held by Seller's lenders, which shall be paid or released on or before closing."

G. Section 7 of the Agreement entitled "SPECIAL CONDITIONS PURCHASER" is modified as follows:

Subsection A. is replaced with: "A. Seller shall have the uninterrupted use of the Subject Property until closing. Seller shall, during the two years before closing, continue to utilize its water rights to the full extent possible permitted under Idaho law."

Omit Subsection E of section 7 of the Agreement.

H. Section 8 of the Agreement entitled "SPECIAL CONDITIONS SELLER" is deleted and replaced with the following:

"8. SPECIAL CONDITIONS SELLER: Seller's obligation to sell the subject Property shall be subject to the following additional conditions to be performed by closing, unless waived in writing by Seller: Purchaser will provide Seller with a statement of financial viability for purchase of the subject Property and the performance by Purchaser under this Agreement."

I. Section 9 of the Agreement entitled "CLOSING" is modified to delete any requirement of the Seller to provide an ALTA survey or to require Seller to provide or pay for any title insurance policy other than an ALTA standard Coverage Title Insurance policy. Nothing herein should be construed as limiting Purchaser from purchasing an ALTA survey or extended ALTA title insurance policy, however, Purchaser shall pay for the costs of these additional items. The date in the first sentence of the paragraph shall be changed from "April 3, 2009" to April 10, 2009."

J. The date in Section II entitled "TIME PERIOD EXTENSIONS" shall be "February 23, 2007".

K. Section 13 of the Agreement entitled "COMMISSIONS" shall be modified to provide that Seller shall pay a 1% commission. Further Seller shall pay a 1% commission to Grubb & Ellis Idaho Commercial Group, LLC on the gross purchase price

of the Additional Water Rights at the time it receives payment from Purchaser for the Additional Water Rights described in Section 1A of this Agreement.

L. Section 16 of the Agreement entitled "ASSIGNMENT" shall be modified to delete the last clause of the section. The following language is deleted: "and the original Purchaser shall be released from its obligations under this Agreement" and replaced with: "Seller shall consider a request to release the original Purchaser from its obligations under this Agreement, which request shall not be unreasonably refused, so long as the assignee is able to demonstrate it is in as good a position financially as the original Purchaser to complete the terms and conditions of this Agreement."

M. Section 18 entitled "MEMORANDUM OF PURCHASE AND SALE AGREEMENT" is modified to provide that the Memorandum shall be executed and may be recorded in the respective county only upon the receipt by Seller of the Approval Notice described in section 2 and the payment to Seller of the sum of one million dollars (\$1,000,000.00) as described in section 4 of this Agreement.

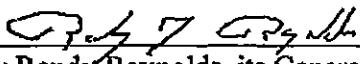
N. Exhibit "B" of the Agreement is hereby replaced with the Exhibit B attached hereto.

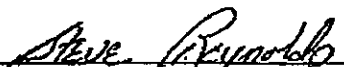
O. "OFFER DURATION" is deleted and replaced with the following:

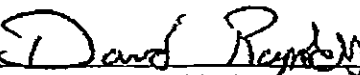
"COUNTEROFFER DURATION: The Counteroffer contained in this Agreement must be accepted by Purchaser on or before 5:00 p.m. (M.S.T.) February 9, 2007, or at Seller's option will become null and void.

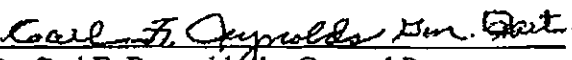
DATED AND SIGNED This 7 day of February 2007

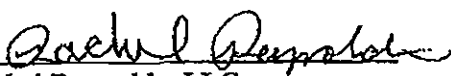
CARL F. REYNOLDS and SONS.


By Randy Reynolds, its General Partner

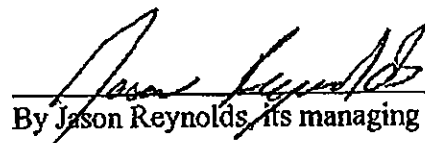

By Steve Reynolds, its General Partner


By David Reynolds, its General Partner


By Carl F. Reynolds, its General Partner



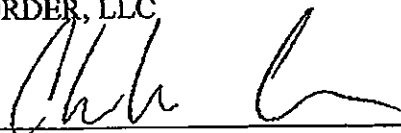
Jason and Rachel Reynolds, LLC



By Jason Reynolds, its managing member

DATED AND SIGNED This 9 day of February 2007

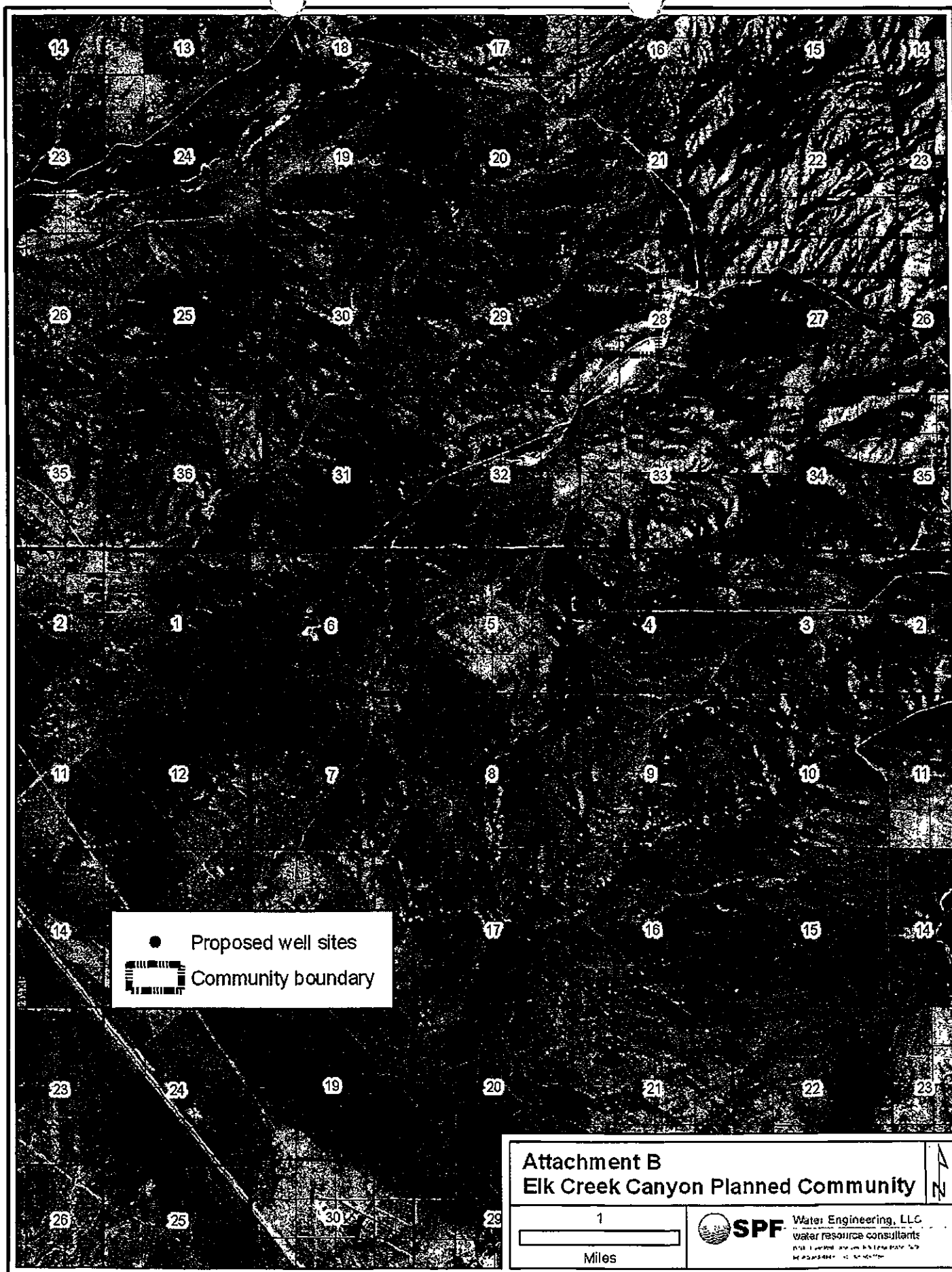
CORDER, LLC



By its Member

EXHIBIT "B"
Replacement to Original Exhibit "B"

1. Seller possesses no ALTA Surveys or any other surveys of the subject property.
2. List of set backs and easements on property with supporting documentation-these shall be provided as part of the preliminary title policy to be provided by Seller.
3. Any irrigation district easements or information available. The subject Property is not in an irrigation district.
4. The following is the personal property that shall be sold to Purchaser. All other personal property shall be removed including all irrigation pivots, pipes, wheel lines and handlines. The personal property to be delivered to Purchaser are the following:
 - a. Two shop buildings;
 - b. All wells, well casings pumps and motors and electrical panels connected thereto and the pumphouse;
 - c. The home and garage located on the Hickey property;
 - d. All buried irrigation mainline; and
 - e. Three 1 5,000 bushel grain bins.
5. Seller shall have one year after closing to remove all personal property retained by it from the subject Property.
6. Seller is not leasing the subject property to any third parties.
7. Seller shall provide a summary of insurance cost and coverage on the subject Property.
8. Seller has no existing warranties, maintenance, service, supply management or other similar agreements concerning the subject Property.
9. Seller shall provide copies of real estate tax bills and assessments for 2006 and 2007.
10. Seller shall provide a current commitment for title insurance from the Title Company together with the copies of all documents referenced therein that are requested by Purchaser.
11. Seller shall provide a copy of all liens recorded against the subject Property.
12. Seller possesses no copies of any environmental studies, soils, asbestos, hazardous waste, and Level 1 environmental assessment reports.
13. Seller will provide copies of any licenses, permits and certificates of occupancy requested by Purchaser.
14. Seller has no topographical maps of the subject Property or aerial photos of the subject Property.
15. Seller has no copies of any appraisal on the subject Property.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72660

This is to certify that: CORP PRES BISHOP LDS CHURCH
REAL ESTATE DIVISION/NRS
50 E NORTH TEMPLE ST
12 TH FLOOR
SALT LAKE CITY UT 84150-6320
(801)240-4656

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-7265	WR/Decreed	04/12/1976	2.98 cfs	596 af	N/A	149.0	GROUND WATER
61-12010	WR/Decreed	09/06/1974	13.38 cfs	2680 af	670.0	1,168.0	GROUND WATER
61-12079	WR/License	12/08/1980	0.92 cfs	252 af	63.0	925.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

61-7210	WR/Decreed	12/19/1974	6.56 cfs	1312 af	328.0	1,168.0	GROUND WATER
61-7306C	WR/Decreed	05/19/1987	0.49 cfs	N/A	29.0	925.0	GROUND WATER
61-7390	WR/Decreed	05/19/1987	8.90 cfs	1580 af	395.0	925.0	GROUND WATER
61-12011	WR/Decreed	09/06/1974	3.40 cfs	680 af	170.0	925.0	GROUND WATER
61-12013	WR/License	12/08/1980	2.48 cfs	680 af	170.0	1,168.0	GROUND WATER
61-12078	WR/License	12/08/1980	3.60 cfs	988 af	247.0	925.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-7265	NO	NO	YES	NO	NO	NO
61-12010	YES	YES	YES	NO	NO	NO
61-12079	NO	YES	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 61-7265

Blumberg No. 5208

EXHIBIT

F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72660

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7265	61-7265	0.72 cfs	351.3 af	87.8	320.0		N/A	N/A	N/A	N/A
61-12010	61-12081	1.99 cfs	398.8 af	99.7	320.0	61-12080	11.39	2281.2 af	570.3	1,168.0
61-12079	61-12079	0.92 cfs	252.0 af	63.0	320.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.63 cfs	1002.1 af	250.5	320.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 19th day of June, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7265
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-7265 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 REAL ESTATE DIVISION/NRS
 50 E NORTH TEMPLE ST
 12 TH FLOOR
 SALT LAKE CITY UT 84150-6320

Priority Date: April 12, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	0.72 CFS	351.3 AF
		0.72 CFS	351.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESW Sec. 6 Twp 03S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
03S	05E	6	40.0	40.0	40.0	40.0												320.0	
			L1	L2															

Total Acres: 320

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
5. This right is limited to the irrigation of 87.8 acres within the place of use described above in a single irrigation season.

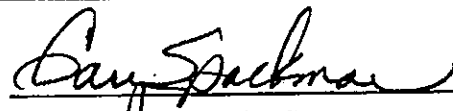
WATER RIGHT NO. 61-7265
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2004.
7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 61-12079 and 61-12081 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12079
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12079 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 REAL ESTATE DIVISION/NRS
 50 E NORTH TEMPLE ST
 12 TH FLOOR
 SALT LAKE CITY UT 84150-6320

Priority Date: December 08, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.92 CFS	252.0 AF
			0.92 CFS	252.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESW Sec. 6 Twp 03S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
03S	05E	6	40.0	40.0	40.0	40.0												320.0	
			L1	L2															

Total Acres: 320

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
5. This right is limited to the irrigation of 63 acres within the place of use described above in a single irrigation season.

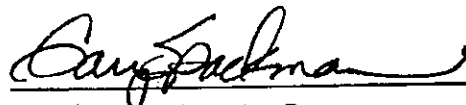
WATER RIGHT NO. 61-12079
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2004.
7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 61-7265 and 61-12081 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12080**As Modified by Transfer No. 72660**

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12080 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 REAL ESTATE DIVISION/NRS
 50 E NORTH TEMPLE ST
 12 TH FLOOR
 SALT LAKE CITY UT 84150-6320

Priority Date: September 06, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	11.39 CFS	2,281.2 AF
			11.39 CFS	2,281.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec. 30 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 25									36.0	36.0	36.0	37.0					145.0
02S 04E 36	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0					36.0	37.0	36.0	36.0	434.0
02S 05E 29									3.0	3.0							6.0
02S 05E 30					37.0	37.0	37.0	37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0	437.0
02S 05E 31					37.0	37.0	36.0	36.0									146.0

Total Acres: 1168

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- Rights 61-7210, 61-12013 and 61-12080 when combined shall not exceed a total diversion rate of 15.74 cfs, a total annual maximum diversion volume of 4273.2 af at the field headgate and the irrigation of 1068.3 acres within the place of use described above in a single irrigation season.
- This right is limited to the irrigation of 570.3 acres within the place of use described above in a single irrigation season.

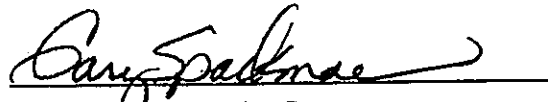
WATER RIGHT NO. 61-12080
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2004.
5. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 20 06


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12081
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12081 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 REAL ESTATE DIVISION/NRS
 50 E NORTH TEMPLE ST
 12 TH FLOOR
 SALT LAKE CITY UT 84150-6320

Priority Date: September 06, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.99 CFS	398.8 AF
			1.99 CFS	398.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESW Sec. 6 Twp 03S Rge 05E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	05E	6	40.0	40.0	40.0	40.0													320.0
			L1	L2															

Total Acres: 320

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device 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.
5. This right is limited to the irrigation of 99.7 acres within the place of use described above in a single irrigation season.

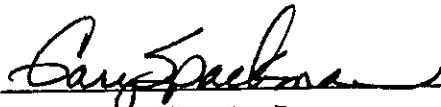
WATER RIGHT NO. 61-12081
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2004.
7. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 61-7265 and 61-12079 are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7306C
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-7306C is now described as follows.

Right Holder: CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: May 19, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.49 CFS	
			0.49 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- This right does not grant any right-of-way or easement across the land of another.
- Rights 61-7306C, 61-7390, 61-12011 and 61-12078 when combined shall not exceed a total diversion rate of 16.39 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-7306C
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than October 26, 2000.
5. This right is limited to the irrigation of 29 acres within the place of use described above in a single irrigation season.
6. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7390
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-7390 is now described as follows.

Right Holder: NORTH CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: May 19, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	8.90 CFS	1,580.0 AF
			8.90 CFS	1,580.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- This right is limited to the irrigation of 395 acres within the place of use described above in a single irrigation season.
- All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 61-7390
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than October 26, 2000.
6. Rights 61-7306C, 61-7390, 61-12011 and 61-12078 when combined shall not exceed a total diversion rate of 16.39 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12011
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12011 is now described as follows.

Right Holder: NORTH CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: September 06, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.40 CFS	680.0 AF
			3.40 CFS	680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	05E	16									2.0	18.0	40.0	35.0					95.0
02S	05E	17					10.0			39.0	39.0			39.0					127.0
02S	05E	19	32.0	32.0	32.0	31.0													127.0
02S	05E	20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S	05E	21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

1. 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. Rights 61-7306C, 61-7390, 61-12011 and 61-12078 when combined shall not exceed a total diversion rate of 16.39 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres within the place of use described above in a single irrigation season.
3. 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.

WATER RIGHT NO. 61-12011
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
5. The total instantaneous diversion of water from all points of diversion under Right 61-12011 shall not exceed 3.40 cfs, nor total combined annual volume of 680 af.
6. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
7. This right does not grant any right-of-way or easement across the land of another.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/25/2004.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12078
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12078 is now described as follows.

Right Holder: NORTH CINDER CONE BUTTE FARM LLC
 5001 FIFESHIRE PL N
 BOISE ID 83713

Priority Date: December 08, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.60 CFS	988.0 AF
			3.60 CFS	988.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESW	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SWSE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County
GROUND WATER	SESE	Sec. 20 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 05E 16									2.0	18.0	40.0	35.0					95.0
02S 05E 17					10.0			39.0	39.0			39.0					127.0
02S 05E 19	32.0	32.0	32.0	31.0													127.0
02S 05E 20	34.0	34.0	38.0	34.0					37.0	37.0	37.0	40.0	36.0	40.0	40.0	36.0	443.0
02S 05E 21					33.0	33.0	34.0	33.0									133.0

Total Acres: 925

CONDITIONS OF APPROVAL

- Approval of this transfer does not confirm the validity of this water right.
- Rights 61-7306C, 61-7390, 61-12011 and 61-12078 when combined shall not exceed a total diversion rate of 16.39 cfs, a total annual maximum diversion volume of 3248 af at the field headgate, and the irrigation of 812 acres within the place of use described above in a single irrigation season.
- This right does not grant any right-of-way or easement across the land of another.

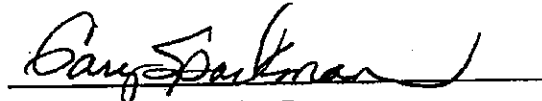
WATER RIGHT NO. 61-12078
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right is limited to the irrigation of 247 acres within the place of use described above in a single irrigation season.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006


Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7210
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-7210 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 NATURAL RESOURCE SERVICES
 50 E NORTH TEMPLE ST FL 12
 SALT LAKE CITY UT 84150-6321

Priority Date: December 19, 1974

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	to 10/31	6.56 CFS	1,312.0 AF
			6.56 CFS	1,312.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec. 30 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 25									36.0	36.0	36.0	37.0					145.0
02S 04E 36	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0					36.0	37.0	36.0	36.0	434.0
02S 05E 29									3.0	3.0							6.0
02S 05E 30					37.0	37.0	37.0	37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0	437.0
02S 05E 31					37.0	37.0	36.0	36.0									146.0

Total Acres: 1168

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- Rights 61-7210, 61-12013 and 61-12080 when combined shall not exceed a total diversion rate of 15.74 cfs, a total annual maximum volume of 4273.2 af at the field headgate, and the irrigation of 1068.3 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-7210
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 328 acres within the place of use described above in a single irrigation season.
5. All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 61-12013
As Modified by Transfer No. 72660

In accordance with the approval of Transfer No. 72660, Water Right No. 61-12013 is now described as follows.

Right Holder: CORP PRES BISHOP LDS CHURCH
 NATURAL RESOURCE SERVICES
 50 E NORTH TEMPLE ST FL 12
 SALT LAKE CITY UT 84150-6321

Priority Date: December 08, 1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.48 CFS	680.0 AF
			2.48 CFS	680.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	SWSE	Sec. 36 Twp 02S	Rge 04E	ELMORE County
GROUND WATER	NWSE	Sec. 30 Twp 02S	Rge 05E	ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 25									36.0	36.0	36.0	37.0					145.0
02S 04E 36	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0					36.0	37.0	36.0	36.0	434.0
02S 05E 29									3.0	3.0							6.0
02S 05E 30					37.0	37.0	37.0	37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	36.0	437.0
02S 05E 31					37.0	37.0	36.0	36.0									146.0

Total Acres: 1168

CONDITIONS OF APPROVAL

- The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- Rights 61-7210, 61-12013 and 61-12080 when combined shall not exceed a total diversion rate of 15.74 cfs, a total annual maximum volume of 4273.2 af at the field headgate, and the irrigation of 1068.3 acres within the place of use described above in a single irrigation season.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

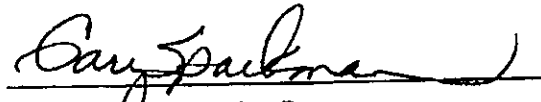
WATER RIGHT NO. 61-12013
As Modified by Transfer No. 72660

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 170 acres within the place of use described above in a single irrigation season.
5. 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.
6. The total instantaneous diversion of water from all points of diversion under Right 61-12013 shall not exceed 2.48 cfs, nor total combined annual volume of 680 af.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of June, 2006


Chief, Water Allocation Bureau

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

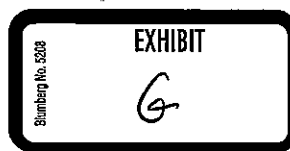
1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s).	Adjudication Claim No(s).	Split(s)	Water Right No(s).	Adjudication Claim No(s).	Split(s)
61-7210	61-7210		61-7442		
61-12013			61-7298	61-7298	
61-12080	61-12010		61-7265	61-7265	
61-7197	61-7197		61-7195B	61-7195B	
61-7239	61-7239		61-12079		
61-7321	61-7321		61-12081	61-12010	

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Farmland Reserve, Inc.
139 East South Temple, Salt Lake City, UT 84111-1175
4. New Owner/Claimant(s) Daniel S. and Kimberly S. Van Grouw
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 5655 South Black Cat Road
 City, State and ZIP Code Meridian, Idaho 83642
 New Telephone Number (208) 887-9259



RECEIVED
SEP 18 2007
 WATER RESOURCES
 WESTERN REGION

5. Date you acquired the property

September 25, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

David M. Hagan
Kimberly Van Grouw (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
 Mrs. Kimberly S. Van Grouw
 5655 South Black Cat Road
 Meridian, Idaho 83642

With a Copy To:

Kirton & McConkie
 Attn: Wallace Felsted
 60 East South Temple Suite 1800
 Salt Lake City UT 84145-0120

Instrument # 374858
 Elmore County, Idaho
 01:51pm Apr. 05, 2006
 For: FIRST AMERICAN TITLE COMPAN
 No. of Pages: 4 Fee: \$12.00
 GAIL L. BEST, Recorder
 Deputy: DLE

Space above this line for Recorder's Use

SPECIAL WARRANTY DEED

FARMLAND RESERVE, INC., a Utah nonprofit corporation ("Grantor"), for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), all right, title and interest in and to the following described real property located in the County of Ada and the County of Elmore, State of Idaho, reserving and excepting such mineral rights therein now owned by Grantor, to-wit:

See Exhibit A attached hereto and incorporated by reference herein (the "Property").

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property including, without limitation, all easements appurtenant thereto, and all appurtenant water rights and all right, title and interest of Grantor, in and to all wells, pumps, pipelines, irrigation equipment and other improvements affixed and/or appurtenant to the Property and also TOGETHER WITH all right, title and interest of Grantor in Grantor's well, pump, pipeline and associated improvements in the W1/2 of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

SUBJECT TO current taxes and assessments, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record.

The reservation and exception of mineral rights does not include any rock, gravel, sand and road building materials. Grantor's reservation and exception of mineral rights does not permit Grantor to use the surface of the Property to prospect for, mine, or extract minerals or other substances from the Property, nor does Grantor's reservation and exception of mineral rights permit Grantor to use or access the surface of the Property in connection with the rights

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
 Mrs. Kimberly S. Van Grouw
 5655 South Black Cat Road
 Meridian, Idaho 83642

With a Copy To:

Kirton & McConkie
 Attn: Bruce Findlay
 60 East South Temple Suite 1800
 Salt Lake City UT 84145-0120

Instrument # 374859
 Elmore County, Idaho
 01:52pm Apr. 05, 2006
 For: FIRST AMERICAN TITLE COMPAN
 No. of Pages: 4 Fee: \$12.00
 GAIL L. BEST, Recorder
 Deputy: BLE

(Space above for Recorder's use only)

QUITCLAIM DEED CONVEYING WATER RIGHTS**(Water Rights Only)**

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, FARMLAND RESERVE, INC., a Utah nonprofit corporation ("Grantor"), hereby remises, releases and forever quitclaims to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), and to Grantee's heirs, successors and assigns, all right title and interest in and to Water Right Number 61-7298 and the following portion of Water Right Number 61-12012 situated in Elmore County, State of Idaho, and described with particularity as:

That Portion of Water Right Number 61-12012, as renumbered as Water Right Number 61-12079

Pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources, the above-mentioned Water Rights' places of use will be transferred to a portion of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference.

[signature and acknowledgment on following page]

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
 Mrs. Kimberly S. Van Grouw
 5655 South Black Cat Road
 Meridian, Idaho 83642

With a Copy To:

Kirton & McConkie
 Attn: Bruce Findlay
 60 East South Temple Suite 1800
 Salt Lake City UT 84145-0120

Instrument # 374860
 Elmore County, Idaho
 01:52pm Apr. 05, 2006
 For: FIRST AMERICAN TITLE COMPAN
 No. of Pages: 4 Fee: \$12.00
 GAIL L. BEST, Recorder
 Deputy: DLE

(Space above for Recorder's use only)

QUITCLAIM DEED CONVEYING WATER RIGHTS**(Water Rights Only)**

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole ("Grantor"), hereby remises, releases and quitclaims to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), and Grantee's heirs, successors and assigns, all right title and interest in and to any and all water rights appurtenant to the real property described in Exhibit A, attached hereto and incorporated by this reference, and the following Water Rights situated in Ada County and Elmore County, State of Idaho, and described with particularity as:

Water Right Numbers: 61-7210, 61-12013, 61-12010, 61-7197, 61-7239,
 61-7321, 61-7442, 61-7298, 61-7265, 61-7195B, and a portion of 61-12012, as
 renumbered as Water Right Number 61-12079.

The above specifically mentioned Water Rights' places of use are located on portions of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference, or will be located on said property pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources.

[signature and acknowledgment on following page]

15
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/05/06 04:41 PM
DEPUTY Neena Honey
RECORDED-REQUEST OF
First American

AMOUNT 12.00 4



106032326

FA-14356
NCS-217060-BOI

4

ASSIGNMENT OF TRANSFER NO. 72660

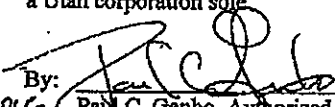
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and FARMLAND RESERVE, INC., a Utah nonprofit corporation (collectively, "Assignor"), both have an interest and rights in that certain Transfer Application No. 72660, filed with the Idaho Department of Water Resources, for changes in water rights located in Elmore and/or Ada Counties, Idaho. Concurrently with this Assignment, Assignor has conveyed title to real property affected by Transfer Application No. 72660, located in Ada County and Elmore County, and more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"), to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702, (phone) (208) 887-9259 ("Assignee").

Concurrent with the conveyance of the Property, Assignor hereby assigns to Assignee all of Assignor's rights, title, and interest in Transfer Application No. 72660, and delegates to Assignee all of Assignor's duties and obligations under Transfer Application No. 72660.

MADE THIS 31 DAY OF MARCH, 2006.

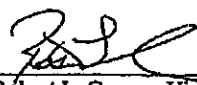
ASSIGNOR:

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS,
a Utah corporation sole

By: 
DLE Paul C. Genbo, Authorized Agent

Instrument # 374861
Elmore County, Idaho
01:52pm Apr. 05, 2006
For: FIRST AMERICAN TITLE COMPAN
No. of Pages: 4 Fee: \$12.00
GAIL L. BEST, Recorder
Deputy: DLE

FARMLAND RESERVE, INC.,
a Utah nonprofit corporation

By: 
Robert L. Cowan, Vice President

[acknowledgments on following page]

After Recording Return to:

Farm Credit Services - Nampa
16034 Equine Drive
PO Box 3010
Nampa, ID 83653-3010

Customer/Note No: 52715 - 141

Line Of Credit

Instrument # 374862
Elmore County, Idaho
01:52pm Apr. 05, 2006
For: FIRST AMERICAN TITLE COMPANY
No. of Pages: 5 Fee: \$15.00
GAIL L. BEST, Recorder
Deputy: BLE

Mortgage

(Open End)
and
Fixture Filing

On April 3, 2006, TitleOne Exchange Company, a corporation, hereinafter called Mortgagors, whose address is

1101 W River Street Suite 201
Boise, ID 83702

grant, convey, warrant, transfer and assign to Northwest Farm Credit Services, PCA, a corporation organized under the Farm Credit Act of 1971, as amended, hereinafter called Mortgagee, whose address is 1700 South Assembly Street, P.O. Box 2515, Spokane, Washington 99220-2515, a mortgage and security interest in property in Elmore, Ada County(ies), State of Idaho, more particularly described as follows:

The Northeast Quarter and the Southeast Quarter of Section 28, Township 2 South, Range 4 East, Boise Meridian, Ada County, Idaho.

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW1/4

Section 27: S1/2N1/2, NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4, SW1/4SE1/4 and SE1/4SW1/4

Section 34: N1/2NE1/4, SE1/4NE1/4, NE1/4NW1/4, SW1/4NE1/4, SE1/4NW1/4

Section 36: SE1/4, NE1/4, NW1/4

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W1/2SW1/4 SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW1/4SW1/4; thence West 350 feet along the North boundary of the SW1/4SW1/4; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW1/4, SW1/4, SE1/4

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 31: NW1/4

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE1/4NE1/4, NE1/4SE1/4, S1/2SE1/4, U.S. Government Lots 1 and 2, SW1/4NE1/4 and NW1/4SE1/4

16

NCS-217060-BOI 4

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
Mrs. Kimberly S. Van Grouw
5655 South Black Cat Road
Meridian, Idaho 83642

With a Copy To:

Kirton & McConkie
Attn: Wallace Felsted
60 East South Temple Suite 1800
Salt Lake City UT 84145-0120

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 84706/05 04:41 PM
DEPUTY Naeve Haney
RECORDED - REQUEST OF
First American

AMOUNT 12.00 4



106052323

SPECIAL WARRANTY DEED

Space above this line for Recorder's Use

FARMLAND RESERVE, INC., a Utah nonprofit corporation ("Grantor"), for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), all right, title and interest in and to the following described real property located in the County of Ada and the County of Elmore, State of Idaho, reserving and excepting such mineral rights therein now owned by Grantor, to-wit:

See Exhibit A attached hereto and incorporated by reference herein (the "Property").

TOGETHER WITH all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining to the Property including, without limitation, all easements appurtenant thereto, and all appurtenant water rights and all right, title and interest of Grantor, in and to all wells, pumps, pipelines, irrigation equipment and other improvements affixed and/or appurtenant to the Property and also TOGETHER WITH all right, title and interest of Grantor in Grantor's well, pump, pipeline and associated improvements in the W1/2 of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

SUBJECT TO current taxes and assessments, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record.

The reservation and exception of mineral rights does not include any rock, gravel, sand and road building materials. Grantor's reservation and exception of mineral rights does not permit Grantor to use the surface of the Property to prospect for, mine, or extract minerals or other substances from the Property, nor does Grantor's reservation and exception of mineral rights permit Grantor to use or access the surface of the Property in connection with the rights

15

NCS-217060-BOI

4

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
Mrs. Kimberly S. Van Grouw
5655 South Black Cat Road
Meridian, Idaho 83642

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 12.00
BOISE IDAHO 04/06/08 04:41 PM
DEPUTY Nann Honey
RECORDED - REQUEST OF
First American
106052324



With a Copy To:

Kirton & McConkie
Attn: Bruce Findlay
60 East South Temple Suite 1800
Salt Lake City UT 84145-0120

(Space above for Recorder's use only)
QUITCLAIM DEED CONVEYING WATER RIGHTS

(Water Rights Only)

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation, sole ("Grantor"), hereby remises, releases and quitclaims to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), and Grantee's heirs, successors and assigns, all right title and interest in and to any and all water rights appurtenant to the real property described in Exhibit A, attached hereto and incorporated by this reference, and the following Water Rights situated in Ada County and Elmore County, State of Idaho, and described with particularity as:

Water Right Numbers: 61-7210, 61-12013, 61-12010, 61-7197, 61-7239, 61-7321, 61-7442, 61-7298, 61-7265, 61-7195B, and a portion of 61-12012, as renumbered as Water Right Number 61-12079.

The above specifically mentioned Water Rights' places of use are located on portions of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference, or will be located on said property pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources.

[signature and acknowledgment on following page]

NCS-217060-BOI

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/05/06 04:41 PM
DEPUTY Neave Haney
RECORDED - REQUEST OF
First American

AMOUNT 12.00

106052325

When Recorded, Mail To:

Mr. Daniel S. Van Grouw and
Mrs. Kimberly S. Van Grouw
5655 South Black Cat Road
Meridian, Idaho 83642

With a Copy To:

Kirton & McConkie
Attn: Bruce Findlay
60 East South Temple Suite 1800
Salt Lake City UT 84145-0120

(Space above for Recorder's use only)

QUITCLAIM DEED CONVEYING WATER RIGHTS

(Water Rights Only)

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, FARMLAND RESERVE, INC., a Utah nonprofit corporation ("Grantor"), hereby remises, releases and forever quitclaims to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702 ("Grantee"), and to Grantee's heirs, successors and assigns, all right title and interest in and to Water Right Number 61-7298 and the following portion of Water Right Number 61-12012 situated in Elmore County, State of Idaho, and described with particularity as:

That Portion of Water Right Number 61-12012, as renumbered as Water Right Number 61-12079

Pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources, the above-mentioned Water Rights' places of use will be transferred to a portion of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference.

[signature and acknowledgment on following page]

15
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 04/05/06 04:41 PM
DEPUTY Neave Hamey
RECORDED - REQUEST OF
First American

AMOUNT 12.00 4

186832326

FA-14356
NCS-217060-BOI 4

ASSIGNMENT OF TRANSFER NO. 72660

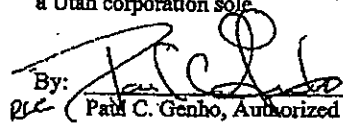
CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and FARMLAND RESERVE, INC., a Utah nonprofit corporation (collectively, "Assignor"), both have an interest and rights in that certain Transfer Application No. 72660, filed with the Idaho Department of Water Resources, for changes in water rights located in Elmore and/or Ada Counties, Idaho. Concurrently with this Assignment, Assignor has conveyed title to real property affected by Transfer Application No. 72660, located in Ada County and Elmore County, and more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"), to TITLEONE EXCHANGE COMPANY, an Idaho corporation, of 1101 West River Street, Suite #201, Boise, Idaho 83702, (phone) (208) 887-9259 ("Assignee").

Concurrent with the conveyance of the Property, Assignor hereby assigns to Assignee all of Assignor's rights, title, and interest in Transfer Application No. 72660, and delegates to Assignee all of Assignor's duties and obligations under Transfer Application No. 72660.

MADE THIS 31 DAY OF MARCH, 2006.

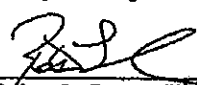
ASSIGNOR:

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS,
a Utah corporation sole

By: 
Paul C. Genho, Authorized Agent

Instrument # 374861
Elmore County, Idaho
01:52pm Apr. 05, 2006
For: FIRST AMERICAN TITLE COMPAN
No. of Pages: 4 Fee: \$12.00
GAIL L. BEST, Recorder
Deputy: DLE

FARMLAND RESERVE, INC.,
a Utah nonprofit corporation

By: 
Robert L. Cowan, Vice President

[acknowledgments on following page]

WARRANTY DEED

Instrument # 380655
 Elmore County, Idaho
 04:19pm Oct. 02, 2006
 For FIRST AMERICAN TITLE COMPANY
 No. of Pages: 3 Fee: \$9.00
 MERRILEE HILER, Recorder
 Deputy: DLE

FOR VALUE RECEIVED,

TitleOne Exchange Company, an Idaho corporation

The Grantor, does hereby grant, bargain sell and convey unto

Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife)

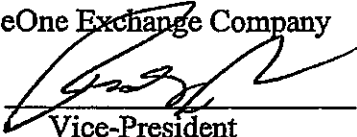
the Grantee, whose address is 5655 South Black Cat Road, Meridian, Idaho 83642, the following described premises, in Ada and Elmore County, Idaho, TO WIT:

See Exhibit "A" for legal Description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does 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 EXCEPT: Subject to all existing patent reservations, mineral right reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: September 25, 2006

TitleOne Exchange Company

By: 

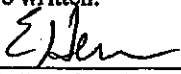
Vice-President

STATE OF IDAHO)

County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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


NOTARY PUBLIC for Idaho

Residing at: _____

My Commission Expires: _____

Residing at Boise, Idaho
 Commission Expires: 5/18/12

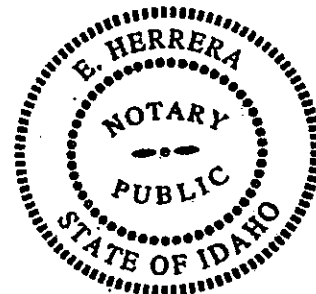


Exhibit A

(Parcel to Be Conveyed To Grantee)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 34: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

The South 30 feet and the West 30 feet of the South Half and the North 30 feet of the NE¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
884061/07 and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.

Instrument # 380656
 Elmore County, Idaho
 04:19pm Oct. 02, 2006
 For: FIRST AMERICAN TITLE COMPANY
 No. of Pages: 3 Fee: \$9.00
 MERRILEE HILER, Recorder
 Deputy: DLE

**QUITCLAIM DEED CONVEYING WATER RIGHTS
 (Water Rights Only)**

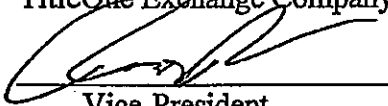
FOR VALUE RECEIVED, TitleOne Exchange Company, an Idaho Corporation, does hereby convey, release, remise and forever quit claim unto Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife) whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642, all right title and interest in and to Water Right Number 61-7298 and the following portion of Water Right Number 61-12012 situated in Elmore County, State of Idaho, and described with particularity as:

That Portion of Water Right Number 61-12012, as renumbered as Water Right Number 61-12079

Pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources, the above-mentioned Water Rights' places of use will be transferred to a portion of real property more particularly described on Exhibit A, attached hereto and incorporated by this reference.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

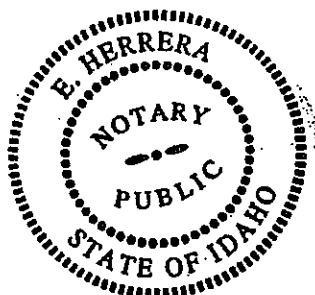
Date: September 25, 2006

By: TitleOne Exchange Company

 Vice-President

State of Idaho)
) S.S.
 County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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



E. Herrera
 Notary Public
 My Commission Expires on _____

Residing at Boise, Idaho
 Commission Expires: 5/18/12

EXHIBIT A

(legal description of Water Right's place of use)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 31: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

The South 30 feet and the West 30 feet of the South Half and the North 30 feet of the NE¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.

883457/04

Instrument # 380657
 Elmore County, Idaho
 04:19pm Oct. 02, 2006
 For: FIRST AMERICAN TITLE COMPANY
 No. of Pages: 3 Fee: \$9.00
 MERRILEE HILER, Recorder
 Deputy: DLE

**QUITCLAIM DEED CONVEYING WATER RIGHTS
 (Water Rights Only)**

FOR VALUE RECEIVED, TitleOne Exchange Company, an Idaho Corporation, does hereby convey, release, remise and forever quit claim unto Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife) whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642, all right title and interest in and to any and all water rights appurtenant to the real property described in Exhibit A, attached hereto and incorporated by this reference, and the following Water Rights situated in Ada County and Elmore County, State of Idaho, and described with particularity as:

Water Right Numbers: 61-7210, 61-12013, 61-12010, 61-7197, 61-7239, 61-7321, 61-7442, 61-7298, 61-7265, 61-7195B, and a portion of 61-12012, as renumbered as Water Right Number 61-12079

The above specifically mentioned Water Rights' places of use are located on portions of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference, or will be located on said property pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: September 25, 2006

TitleOne Exchange Company

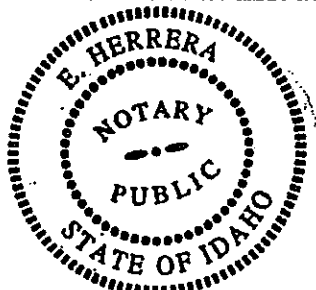
By: _____

Vice-President

State of Idaho)
) S.S.
 County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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



 Notary Public

My Commission Expires on _____

Residing at Boise, Idaho
 Commission Expires: 5/18/12

EXHIBIT A

(legal description of Water Right's place of use)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

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Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 34: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

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AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

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AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006, as Instrument No. 374813, records of Elmore County, Idaho and corrected April 4, 2006, as Instrument No. 10651408, records of Ada County, Idaho.

883256/04

Instrument 380658
 Elmore County, Idaho
 04:19pm Oct. 02, 2006
 For: FIRST AMERICAN TITLE COMPANY
 No. of Pages: 3 Fee: \$9.00
 MERRILEE HILER, Recorder
 Deputy: DLE

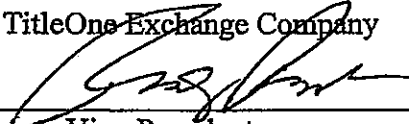
ASSIGNMENT OF TRANSFER NO. 72660

TITLEONE EXCHANGE COMPANY, an Idaho Corporation (Assignor), having an interest and rights in that certain Transfer Application No. 72660, filed with the Idaho Department of Water Resources, for changes in water rights located in Elmore and /or Ada Counties, Idaho. Concurrently with this Assignment, Assignor has conveyed title to real property affected by Transfer Application No. 72660, located in Ada County and Elmore County, and more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"), to DANIEL S. VAN GROUW and KIMBERLY S. VAN GROUW (HUSBAND AND WIFE), whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642 (Assignee).

Concurrent with the conveyance of the Property, Assignor hereby assigns to Assignee all of Assignor's rights, title and interest in Transfer Application No. 72660, and delegates to Assignees all of Assignor's duties and obligations under Transfer Application No. 72660.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

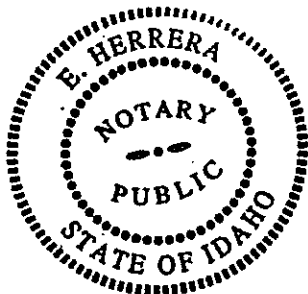
Date: September 25, 2006

By: TitleOne Exchange Company

 Vice-President

State of Idaho)
) S.S.
 County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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



E. Herrera
 Notary Public
 My Commission Expires on _____

Residing at Boise, Idaho
 Commission Expires: 5/18/12

EXHIBIT A

to Assignment of Transfer No. 72660

(Legal Description of the Property)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

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Section 34: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$; U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

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The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

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Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
883423/03 and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.



WARRANTY DEED

FOR VALUE RECEIVED,

TitleOne Exchange Company, an Idaho corporation

The Grantor, does hereby grant, bargain sell and convey unto

Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife)

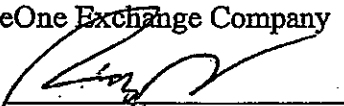
the Grantee, whose address is 5655 South Black Cat Road, Meridian, Idaho 83642, the following described premises, in Ada and Elmore County, Idaho, TO WIT:

See Exhibit "A" for legal Description

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does 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 EXCEPT: Subject to all existing patent reservations, mineral right reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: September 25, 2006

TitleOne Exchange Company

By: 

Vice-President

STATE OF IDAHO)

County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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


NOTARY PUBLIC for Idaho

Residing at: _____

My Commission Expires: _____

Residing at Boise, Idaho
Commission Expires: 5/18/12



Exhibit A

(Parcel to Be Conveyed To Grantee)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{2}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{2}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 31: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montlerth and Darlene R. Montlerth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

The South 30 feet and the West 30 feet of the South Half and the North 30 feet of the NE¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montlerth and Darlene R. Montlerth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montlerth and Darlene R. Montlerth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montlerth and Darlene R. Montlerth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
884061/07 and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.

2A

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/02/06 12:12 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Title One

AMOUNT 9.00 3



**QUITCLAIM DEED CONVEYING WATER RIGHTS
(Water Rights Only)**

FOR VALUE RECEIVED, TitleOne Exchange Company, an Idaho Corporation, does hereby convey, release, remise and forever quit claim unto Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife) whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642, all right title and interest in and to Water Right Number 61-7298 and the following portion of Water Right Number 61-12012 situated in Elmore County, State of Idaho, and described with particularity as:

That Portion of Water Right Number 61-12012, as renumbered as Water Right Number 61-12079

Pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources, the above-mentioned Water Rights' places of use will be transferred to a portion of real property more particularly described on Exhibit A, attached hereto and incorporated by this reference.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: September 25, 2006

TitleOne Exchange Company

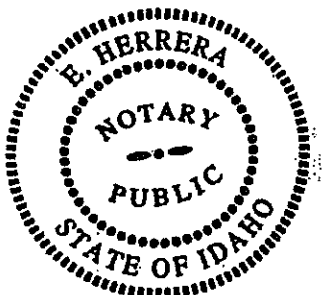
By:


Vice-President

State of Idaho)
) S.S.
County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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




Notary Public
My Commission Expires on _____

Residing at Boise, Idaho
Commission Expires: 5/18/12

EXHIBIT A

(legal description of Water Right's place of use)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 34: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

The South 30 feet and the West 30 feet of the South Half and the North 30 feet of the NE¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.

883457/04

3A
ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/02/06 12:12 PM
DEPUTY Bonnie Oberbillig
RECORDED-REQUEST OF
Title One

AMOUNT 9.00 3



**QUITCLAIM DEED CONVEYING WATER RIGHTS
(Water Rights Only)**

FOR VALUE RECEIVED, TitleOne Exchange Company, an Idaho Corporation, does hereby convey, release, remise and forever quit claim unto Daniel S. Van Grouw and Kimberly S. Van Grouw (Husband and Wife) whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642, all right title and interest in and to any and all water rights appurtenant to the real property described in Exhibit A, attached hereto and incorporated by this reference, and the following Water Rights situated in Ada County and Elmore County, State of Idaho, and described with particularity as:

Water Right Numbers: 61-7210, 61-12013, 61-12010, 61-7197, 61-7239, 61-7321, 61-7442, 61-7298, 61-7265, 61-7195B, and a portion of 61-12012, as renumbered as Water Right Number 61-12079

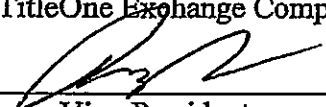
The above specifically mentioned Water Rights' places of use are located on portions of the real property more particularly described on Exhibit A, attached hereto and incorporated by this reference, or will be located on said property pursuant to Transfer Application No. 72660 filed with the Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: September 25, 2006

TitleOne Exchange Company

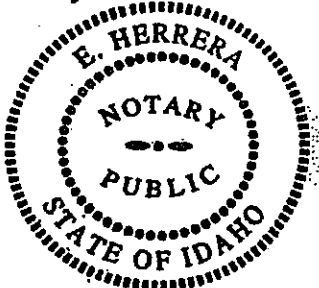
By:


Vice-President

State of Idaho)
) S.S.
County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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




Notary Public

My Commission Expires on _____

Residing at Boise, Idaho
Commission Expires: 5/18/12

EXHIBIT A

(legal description of Water Right's place of use)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO

Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 31: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

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AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006, as Instrument No. 374813, records of Elmore County, Idaho and corrected April 4, 2006, as Instrument No. 10651408, records of Ada County, Idaho.

883256/04



ASSIGNMENT OF TRANSFER NO. 72660

TITLEONE EXCHANGE COMPANY, an Idaho Corporation (Assignor), having an interest and rights in that certain Transfer Application No. 72660, filed with the Idaho Department of Water Resources, for changes in water rights located in Elmore and /or Ada Counties, Idaho. Concurrently with this Assignment, Assignor has conveyed title to real property affected by Transfer Application No. 72660, located in Ada County and Elmore County, and more particularly described in Exhibit A attached hereto and incorporated by this reference (the "Property"), to DANIEL S. VAN GROUW and KIMBERLY S. VAN GROUW (HUSBAND AND WIFE), whose current address is: 5655 South Black Cat Road, Meridian, Idaho 83642 (Assignee).

Concurrent with the conveyance of the Property, Assignor hereby assigns to Assignee all of Assignor's rights, title and interest in Transfer Application No. 72660, and delegates to Assignees all of Assignor's duties and obligations under Transfer Application No. 72660.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: September 25, 2006

TitleOne Exchange Company

By:

Vice-President

State of Idaho)
) S.S.
County of Ada)

On this 25th day of September, 2006, before me, the undersigned, a Notary Public in and for said State of Idaho, personally appeared Randy Rabehl, known or identified to me to be the Vice-President of the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation and that such corporation executed it.

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



Notary Public
My Commission Expires on _____

Residing at Boise, Idaho
Commission Expires: 5/18/12

EXHIBIT A

to Assignment of Transfer No. 72660

(Legal Description of the Property)

The real property situated in the County of Ada and the County of Elmore, State of Idaho, specifically described as:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO
Section 28: NE $\frac{1}{4}$; SE $\frac{1}{4}$

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 25: SW $\frac{1}{4}$

Section 27: S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 36: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 2 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$ SAVE AND EXCEPT:

A portion of the Southwest Quarter of the Southwest Quarter of Section 29, T.2S., R.5E., B.M., more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence East 970 feet along the South boundary of Section 29 to the Point of Beginning; thence continuing East 350 feet along the South boundary of Section 29; thence North 1320 feet along the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence West 350 feet along the North boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1320 feet to the Point of Beginning.

ALSO Save and Except:

That portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed recorded September 9, 1976 as Instrument No. 170152, and in Right-of-Way Deed recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho

Section 30: NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$

SAVE AND EXCEPT that portion of the above described property deeded to the Mountain Home Highway District, a quasi-municipal corporation, as disclosed in Right-of-Way Deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

Section 31: NW $\frac{1}{4}$

Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho

Section 6: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, U.S. Government Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$

SAVE AND EXCEPT that portion deeded to the Mountain Home Highway District, a quasi municipal corporation, by Right-of-Way deed, recorded August 17, 1982 as Instrument No. 210057, records of Elmore County, Idaho.

TOGETHER With the following described road easements:

Road Easement granted to Connecticut General Life Insurance Company, a Connecticut corporation, its successors and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181073, records of Elmore County, Idaho, described as follows:

The South 30 feet of Section 30, T.2S., R.5E., B.M., Elmore County, Idaho AND
The North 30 feet and the West 30 feet of the NW¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho
AND
The East 30 feet of Section 36, T.2S., R.4E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181074, records of Elmore County, Idaho, described as follows:

The South 30 feet and the West 30 feet of the South Half and the North 30 feet of the NE¼ of Section 31, T.2S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181075, records of Elmore County, Idaho, described as follows:

The West 30 feet of the NE¼ and the West 30 feet of the NW¼ of the SE¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181076, records of Elmore County, Idaho, described as follows:

The North 30 feet and the East 30 feet of the Northwest Quarter of Section 6, Township 3 South, Range 5 East, Boise Meridian, Elmore County, Idaho.

AND

Road Easement granted to Herbert Montierth and Darlene R. Montierth, and their successors in interest and assigns, as disclosed in Instrument recorded May 22, 1978 as Instrument No. 181077, records of Elmore County, Idaho, described as follows:

The East 30 feet of the SW¼ of Section 6, T.3S., R.5E., B.M., Elmore County, Idaho.

AND

Easement for well and associated improvements granted to Farmland Reserve, Inc., a Utah nonprofit corporation, and its successors and assigns, as disclosed in Instrument recorded March 30, 2006, as Instrument No. 374637, records of Elmore County, Idaho; and recorded March 20, 2006 as Instrument No. 106042417, records of Ada County, Idaho.

Rerecorded and corrected April 4, 2006 as Instrument No. 374813, records of Elmore County, Idaho
883423/03 and rerecorded and corrected April 4, 2006 as Instrument No. 106051408, records of Ada County, Idaho.

Dana L. Hofstetter, ISB No. 3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
Telephone: (208) 424-7800
Facsimile: (208) 424-8774

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

**Subcase Nos. 61-7210, 61-12013,
61-12010, 61-7197, 61-7239,
61-7321, 61-7442, 61-7298,
61-7265, 61-7195B and 61-12079**

NOTICE OF APPEARANCE

Dana L. Hofstetter of Hofstetter Law Office, LLC enters an appearance as attorney of record for Daniel S. and Kimberly S. Van Grouw, in the above-referenced subcases, and requests that copies of all documents be served upon Ms. Hofstetter at the address above.

DATED this 21nd day of August, 2007.

HOFSTETTER LAW OFFICE, LLC

By

Dana L. Hofstetter

IN THE MATTER OF THE

CINDER CONE BUTTE CRITICAL

GROUNDWATER AREA

ORDER ESTABLISHING
CRITICAL GROUNDWATER AREA

WHEREAS, the Idaho Department of Water Resources has conducted a study of the groundwater resources of the Cinder Cone Butte Area; and,

WHEREAS, information gathered during the study indicates that the available resource is limited and that with present development localized water level declines are occurring within the aquifer system; and,

WHEREAS, the records of the department indicate potential withdrawal and use of groundwater pursuant to the outstanding permits total more than 1.5 times the calculated recharge and would exceed the reasonably safe supply; and

WHEREAS, Section 42-233a, Idaho Code, requires the Director of the Department of Water Resources to designate areas as "critical groundwater areas" in all situations where there is not sufficient groundwater to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the current rate of withdrawal or rates of withdrawal projected by consideration of valid and outstanding applications and permits:

NOW, THEREFORE, IT IS HEREBY ORDERED, that the following described area be included within and designated as the "Cinder Cone Butte Critical Groundwater Area," pursuant to Section 42-233a, Idaho Code:

From the point of beginning at the southwest corner of Sec. 15, T. 3S, R. 4E, east to the southeast corner of Sec. 16, T. 3S, R. 5E, thence north to the southwest corner of Sec. 10, T. 3S, R. 5E, thence east to the southeast corner of Sec. 10, T. 3S, R. 5E, thence north to the southwest corner of Sec. 2, T. 3S, R. 5E, thence east to the southeast corner of Sec. 2, T. 3S, R. 5E, thence north to the northwest corner of Sec. 1, T. 3S, R. 5E, thence east to the southeast corner of Sec. 36, T. 2S, R. 5E, thence north to the southwest corner of Sec. 30, T. 2S, R. 6E, thence east to the southeast corner of Sec. 30, T. 2S, R. 6E, thence north to the southwest corner of Sec. 20, T. 2S, R. 6E, thence east to the



southeast corner of Sec. 20, T. 2S, R. 6E,
thence north to the southwest corner of
Sec. 16, T. 2S, R. 6E, thence east to the
southeast corner of Sec. 16, T. 2S, R. 6E,
thence north to the southwest corner of
Sec. 10, T. 2S, R. 6E, thence east to the
southeast corner of Sec. 10, T. 2S, R. 6E,
thence north to the northeast corner of
Sec. 34, T. 1S, R. 6E, thence west to the
northwest corner of Sec. 34, T. 1S, R. 6E,
thence north to the northeast corner of
Sec. 21, T. 1S, R. 6E, thence west to the
northwest corner of Sec. 21, T. 1S, R. 6E,
thence north to the northeast corner of
Sec. 17, T. 1S, R. 6E, thence west to the
northwest corner of Sec. 17, T. 1S, R. 6E,
thence north to the northeast corner of
Sec. 7, T. 1S, R. 6E, thence west to the
northwest corner of Sec. 7, T. 1S, R. 6E,
thence north to the northeast corner of
Sec. 1, T. 1S, R. 5E, thence west to the
northwest corner of Sec. 2, T. 1S, R. 5E,
thence south to the southeast corner of Sec.
3, T. 1S, R. 5E, thence west to the south-
west corner of Sec. 3, T. 1S, R. 5E, thence
south to the southeast corner of Sec. 9,
T. 1S, R. 5E, thence west to the southwest
corner of Sec. 9, T. 1S, R. 5E, thence
south to the southeast corner of Sec. 17,
T. 1S, R. 5E, thence west to the southwest
corner of Sec. 17, T. 1S, R. 5E, thence south
to the southeast corner of Sec. 19, T. 1S,
R. 5E, thence west to the southwest corner
of Sec. 19, T. 1S, R. 5E, thence south to
the southeast corner of Sec. 36, T. 1S, R. 4E,
thence west to the northwest corner of Sec.
3, T. 2S, R. 4E, thence south to the point
of beginning.

Dated this 7th day of May, 1981. *1350 o'clock*


A. KENNETH DUNN
Director

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

IN THE MATTER OF THE
MOUNTAIN HOME GROUND
WATER MANAGEMENT AREA

ORDER ESTABLISHING
GROUND WATER
MANAGEMENT AREA

WHEREAS, THE Idaho Department of Water Resources has conducted a study to determine the use and recharge of ground water within an area surrounding Mountain Home that has been defined as the Mountain Home Study Area; and,

WHEREAS, the results of the study indicate that the anticipated recharge of ground water to the area is exceeded by anticipated ground water discharge; and,

WHEREAS, conditions of a Critical Ground Water Area are approached within the Mountain Home Study Area although there appear to be some sub-areas within the area where additional ground water could be appropriated without injuring existing water rights; and,

WHEREAS, Section 42-233b, Idaho Code, authorizes the director of the department to establish a Ground Water Management Area in any ground water basin or designated part thereof where a determination is made that conditions of a Critical Ground Water Area are approached:

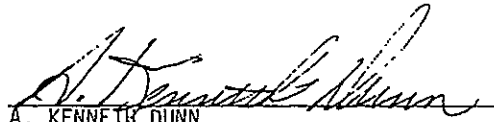
NOW, THEREFORE, IT IS HEREBY ORDERED, that the following area be included within and designated as the Mountain Home Ground Water Management Area, pursuant to Section 42-233b, Idaho Code:

From the point of beginning at the intersection of the north rim of the Snake River canyon, and a line common to Sections 35 and 36, Twp. 5S, Rge. 7E; thence northwesterly along the north rim of the Snake River canyon, approximately 41.0 miles to the intersection of the canyon rim and the administrative boundary between Basin 61 and Basin 63 (administrative boundary), located directly south of the southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, Twp. 4S, Rge. 2E; thence northeasterly along the administrative boundary approximately 6.8 miles to a road junction within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Twp. 3S, Rge. 3E; thence northwesterly along the administrative boundary approximately 10.2 miles to the east quarter corner of Section 13, Twp. 2S, Rge. 2E; thence northeasterly along the administrative boundary approximately 6.0 miles to the center of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Twp. 1S, Rge. 3E; thence southeasterly along the administrative boundary approximately 1.5 miles to



the center of Section 21, Twp. 1S, Rge. 3E; thence northeasterly along the administrative boundary approximately 6.5 miles to the center of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Twp. 1N, Rge. 4E; thence easterly along the administrative boundary approximately 14.4 miles to the high point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, Twp. 1N, Rge. 6E; thence southeasterly along the topographical divide approximately 3.5 miles to Bench Mark 5086 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Twp. 1N, Rge. 6E; thence northeast along the topographical divide approximately 5.4 miles to Danskin Peak in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Twp. 1N, Rge. 7E; thence southeasterly along the topographical divide approximately 13.9 miles to the intersection within the line common to Sections 26 and 27, Twp. 1S, Rge. 8E; thence south approximately 1.3 miles to the southeast corner of Section 34, Twp. 1S, Rge. 8E; thence west 3.0 miles to the southeast corner of Section 31, Twp. 1S, Rge. 8E; thence south 8.0 miles to the southwest corner of Section 8, Twp. 3S, Rge. 8E; thence west 2.0 miles to the northwest corner of Section 13, Twp. 3S, Rge. 7E; thence south approximately 15.7 miles to the point of beginning.

Dated this 9th day of November, 1982.


A. KENNETH DUNN
Director

OPEN-FILE REPORT

GROUND WATER MANAGEMENT AREAS IN IDAHO:
OVERVIEW AS OF 1998

By
Helen Harrington
Shane Bendixsen

Idaho Department of Water Resources
Boise, Idaho

December 1999



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INTRODUCTION

Introduction

The purpose of this report is to provide a summary of the current areas designated as Ground Water Management Areas (GWMA) and Critical Ground Water Management areas (CGWA). At present, there are 17 areas: eight CGWA and nine GWMA (Table 1 and Figure 2). This report is intended to provide a compilation of the current status of administrative actions and ground water level trends. Additionally, each section summarizes the general hydrogeology, current ground water level monitoring frequency, and a list of the primary reports and documents related to the area whether or not they are cited in the text.

This report is the first phase of a project to review, update and analyze data and develop recommendations for administration options for each management area. As you will note in the summaries, each area has unique characteristics, history, and impacts. Because of this uniqueness, data collection and management of each area must consider the localized aspects and develop individualized plans tailored to address the problems and issues of the area. These summaries will provide a foundation from which to build these plans.

The next phase will evaluate the technical aspects and activities within each area to determine the needs for additional data and follow up with updating or acquiring data. Water rights, land use changes, and other impacts will be analyzed. Water budgets and conceptual models will be developed for the most critical areas. The final phase of the project will develop recommendations for administrative and technical actions to alleviate ground water declines.

Statutory Authority

The authority for designating areas for regulating ground water withdrawals from aquifers subject to insufficient supplies was first granted in 1953 through amendments to Idaho's Ground Water Act. However, it was not until 1962 that the first CGWAs were designated in the Oakley Fan area. Amendments to the Act in 1982 granted authority for designating ground water management areas. The Grandview-Bruneau area, designated in 1982, was the first GWMA.

The Director of Idaho Department of Water Resources (IDWR) is granted the authority to designate "critical ground water areas" and "ground water management areas" under Idaho Code Title 42, Chapter 233a and 233b, respectively. These sections codify the definitions and bases for designating these special management areas.

A CGMA is all or part of a ground water basin that does not have sufficient ground water to provide a reasonably safe supply for irrigation or other uses at the current or projected rates of withdrawal. The Director of IDWR can deny an application for a proposed use if the point of diversion lies within the designated area and may require water users to report diversions or other information.

A GWMA is all or part of a ground water basin that may be approaching the conditions of a CGMA. Applications for new water appropriations may be approved only after it is

determined that sufficient supply is available and other prior water rights will not be injured. The director may require reporting of water use by water users within the area.

The Order designating the Southeast Boise GWMA in 1994 was the first time an advisory committee was required as a part of the initial formation of a GWMA. Since that time, orders requiring the formation of advisory committees have been issued subsequent to the initial formation of the management areas. These committees are to assist in the management of ground water resources through development of management plans, establishing processes for dispute resolution and acting as a forum for discussion and communication.

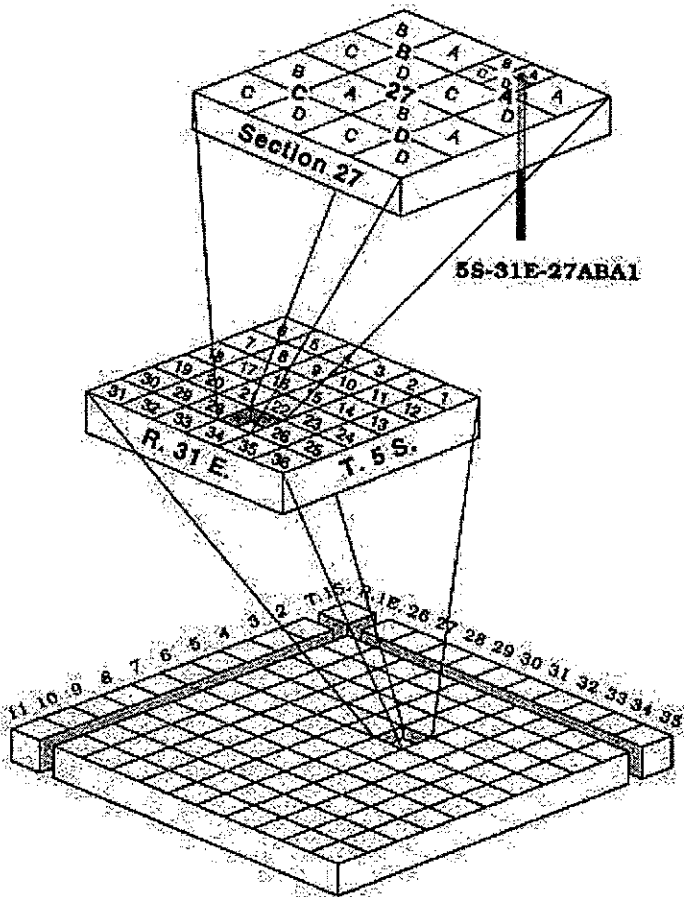


Figure 1: Well Numbering System

IDWR uses this well numbering system to indicate the location of wells within the Public Land Survey, as shown in the example above. The first two segments designate the township and range, the third section indicates the section. Quarter sections are designated by letters A,B,C, and D in counterclockwise order from the northeast quarter. Forty-acre and 10-acre tracts within each quarter section are lettered in the same manner. Well 5S-31E-27ABA1, for example, is in the NE1/4NW1/4NE1/4, section 27, Township 5 South, Range 31 East.

Management Area	Date Designated
<i>CRITICAL GROUND WATER AREAS (CGWA)</i>	
Blue Gulch	12/9/1970
Cinder Cone Butte	5/7/1981
Curlew Valley	3/15/1976
Oakley Fan	
Artesian City	1/16/1962
Cottonwood	1/16/1962
Oakley-Kenyon	1/16/1962
West Oakley Fan	1/19/1982
Raft River	7/23/1963
<i>GROUND WATER MANAGEMENT AREAS (GWMA)</i>	
Banbury Hot Springs	4/12/1983
Bancroft Lund	10/21/1991
Big Wood River	6/28/1991
Boise Front	6/15/1987
Grandview-Bruneau	10/29/1982
Lindsay Creek	3/5/1992
Mountain Home	11/9/1982
Southeast Boise	10/14/1994
Twin Falls	7/24/1987

Table 1: List of Critical and Ground Water Management Areas

State of Idaho

Scale 1:9,606,599

40 0 40 80 Miles

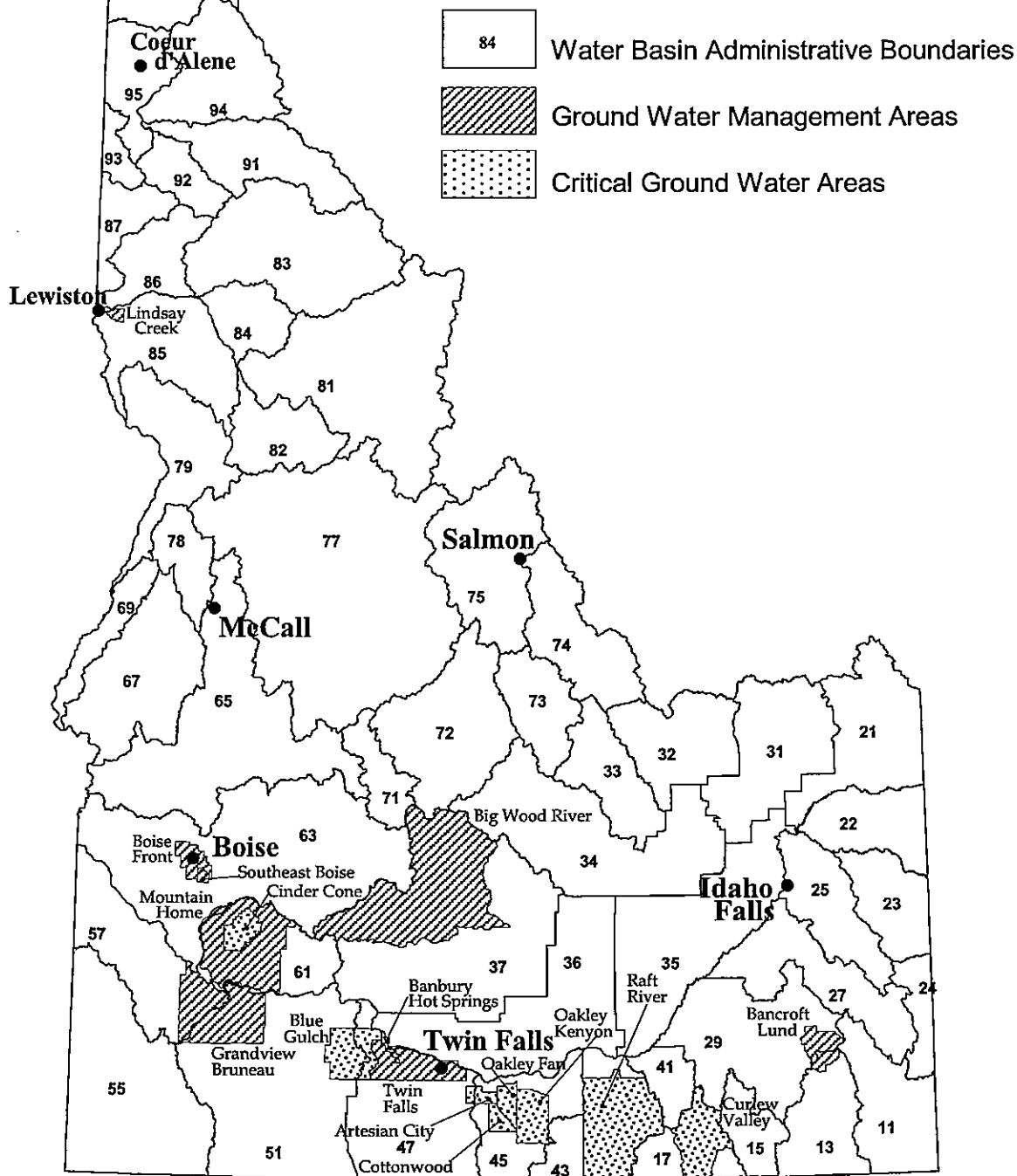


Figure 2

stategwm.apr - SBT - 10/99

BANBURY HOT SPRINGS GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Banbury Hot Springs Ground Water Management Area (GWMA) is located in Twin Falls County in southern Idaho (Figure 3). The GWMA was established on April 12, 1983. The resource was declared a GWMA because of declining artesian pressures and concern that over-utilization was being approached.

On December 4, 1985, an order was issued staying the approval of pending water right applications and suspending further development under existing permits. This action essentially established a moratorium on further development. New water appropriations are allowed for domestic uses only.

In April, 1998, a public meeting was held to discuss the status of the GWMA, ground water conditions, and the possible creation of an advisory committee. In November 1998, an advisory committee was formally established with the appointment of 11 people. The objectives of the Advisory Committee are (1) to serve as a forum for collecting and reviewing data; (2) serve as a forum for mediating water related issues within the GWMA; and, (3) develop a ground water management plan for the GWMA.

Hydrogeology

The geothermal aquifer occurs in the Idavada Volcanics and Banbury Basalt. It is a confined system with shut-in pressures ranging from 14 to 250 pounds per square inch or equivalent to 32 to 575 feet above land surface (Street and DeTar, 1987). The recharge area is probably the Cassia Mountains southeast of the area (Street and DeTar, 1987).

A conceptual model developed by Street and DeTar (1987) concluded that the Banbury geothermal system and the Twin Falls geothermal system to the east were hydrologically connected. This opinion was based on well test and monitoring data, water chemistry, and lack of barriers to thermal ground water flow. However, this conceptual model has not been confirmed through data collection or additional modeling. Further analysis of hydrographs is needed to confirm similarity of trends and degree of connection. Barriers to ground water flow occur as northwest-trending faults in the southwest part of the area (Lewis and Young, 1980).

Current Ground Water Conditions

Hydrographs of ground water levels in wells in the Banbury GWMA are shown in Figure 4. Although similar long-term trends are not apparent among all wells, some general observations can be made. From the late 1970s to mid-1980s, declines in water levels were significant (greater than or equal to 10 feet per year). From mid-1980 to mid-1990, most wells indicated stable water level trends, except for well 09S14E-14BDB1, showed a significant decline during this period (approximately 10 feet per year). From

mid-1990s to current, wells in the northwest portion depict declining trends while wells in the southeast portions appear to be relatively stable.

Six wells are monitored within the GWMA. IDWR monitors three wells on a quarterly basis. USGS monitors two wells bi-monthly and one well on a monthly basis. The oldest monitoring data is from about 1980. An additional well outside of the GWMA, known as the Filer Test well (09S16E-20ADD1), is also monitored as an indicator of the geothermal trends in the Banbury and Twin Falls areas.

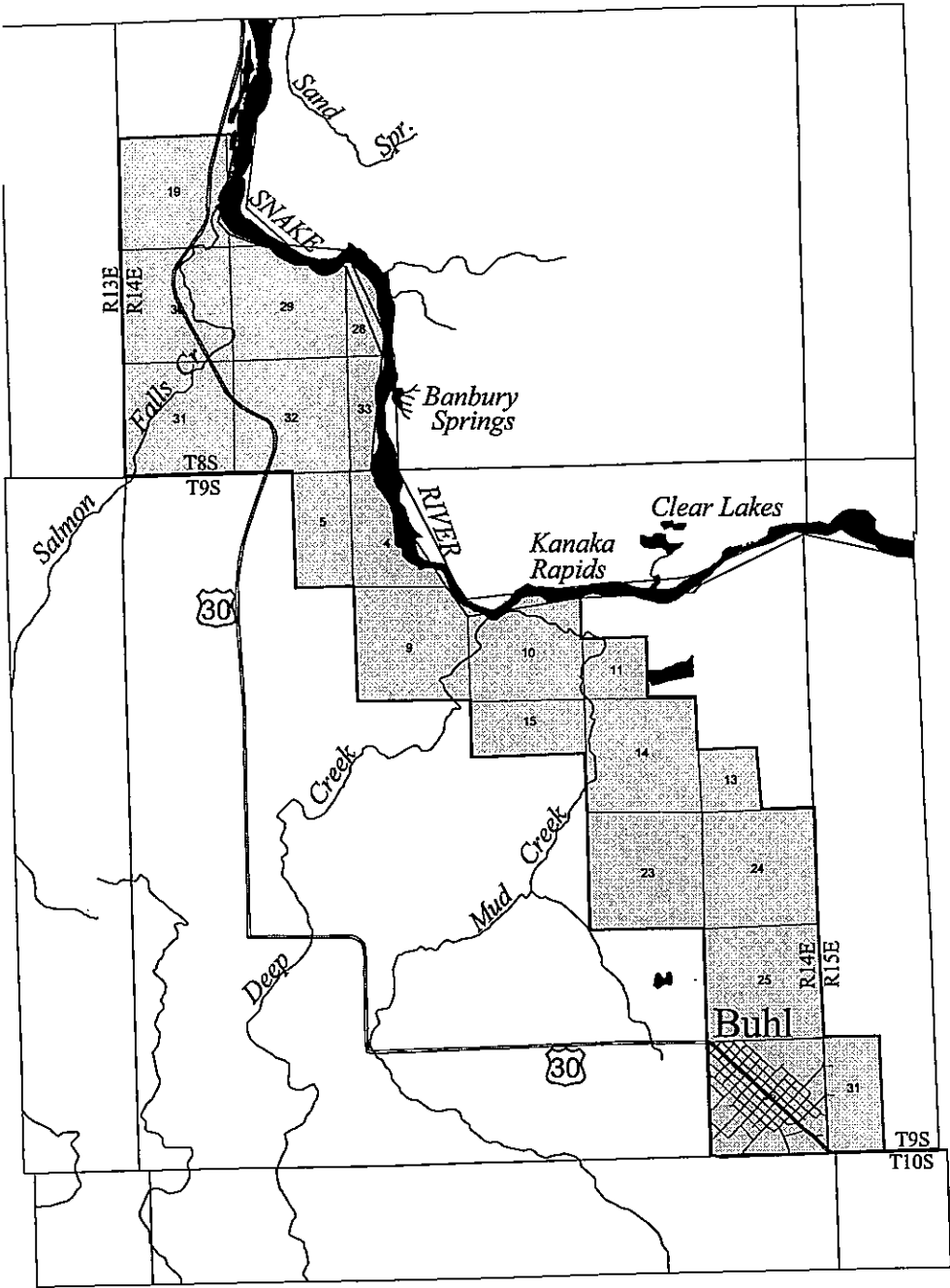
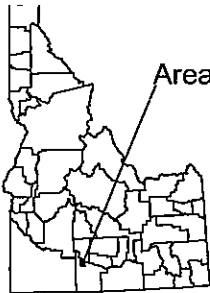
REFERENCES

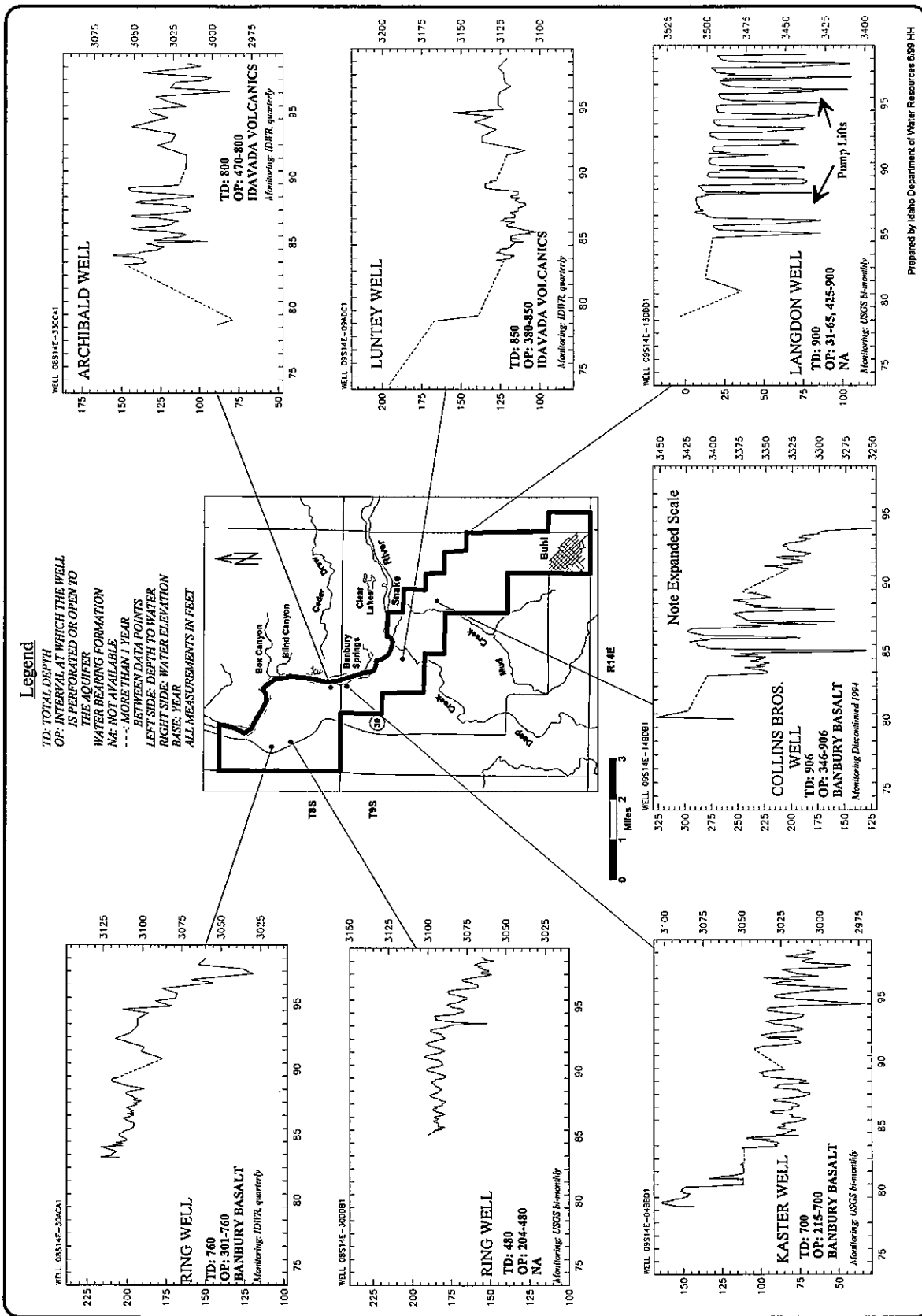
- Lewis, R. E., and H. W. Young, 1980, Geothermal Resources in the Banbury Hot Springs Area, Twin Falls County, Idaho, USGS Water-Resources Investigations Open File Report 80-563, 35 pages.
- Street, Leah V., and Robert E. DeTar, 1987, Geothermal Resource Analysis in Twin Falls County, Idaho, IDWR Water Information Bulletin No. 30, Part 15, 46 pages.

Banbury Hot Springs

Ground Water Management Area

Scale 1:183,624





BANBURY HOT SPRINGS GROUND WATER MANAGEMENT AREA
 Ground Water Hydrographs
FIGURE 4

BANCROFT-LUND GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Bancroft-Lund Ground Water Management Area is located in southeastern Idaho in Caribou County (see Figure 5). The area was declared a GWMA on October 21, 1991. The basis for the declaration was the interrelationship between ground water and spring flow into the Bear River at Black Canyon (Bendixsen, 1994) and concern that proposed ground water development would deplete spring flows. There were also public concerns of well interference problems.

Several applications for permit to appropriate additional ground water were pending at the time the area was declared a GWMA. There were not enough data available to determine if ground water supply was adequate to fill the proposed uses. The order stated that proposals for new consumptive uses required the applicant to demonstrate that there would be no injury or depletions would be mitigated.

On October 17, 1995, an order was issued by IDWR creating Water District 13T in the Bancroft-Lund GWMA. The water district includes all water uses for irrigation from ground water within the boundaries of the Bancroft-Lund GWMA. Creation of the district allows for regulation of ground water rights. A management plan has not been adopted; however, an advisory committee has been established through Water District 13T.

Hydrogeology

Geology in the Gem Valley consists of lake sediments, stream deposits, and basalts from cones and fissures. Basalt flows in the basin caused damming of historic Lake Thatcher and changes in surface drainages during the last 30,000 years. Sand and gravel deposits occur along basin margins and mouths of streams (Bright, 1963 and Norton, 1981).

Ground water flow in the Bancroft-Lund area are unconfined except where saturated porous basalts are encountered beneath clay layers of lake bed deposits (Norton, 1981). A ground water divide occurs near the center of the area. Ground water north of the divide flows toward the Portneuf River to the northwest; ground water south of the divide flows south into the Bear River drainage. Springs in Black Canyon on the Bear River discharge as much as 22 cubic feet per second (cfs). The most productive wells in the area are completed in basalts while wells completed in the lake bed sediments are poorer producers (Norton, 1981).

Recharge occurs from precipitation on the valley floor and surface runoff from the surrounding mountains. Ground water flow through Ten Mile Pass and through the gap at Soda Point also provides recharge. Further recharge occurs from irrigation canals and infiltration from excess irrigation (Norton, 1981). There is limited natural surface flow across the valley floor.

Current Ground Water Conditions

Hydrographs (Figure 6) for the area indicate a generally stable ground water table with fluctuations attributed mainly to climatic wet and dry cycles. Above normal precipitation in the mid 1980s and mid 1990s and the declines in wells during the late 1970s and early 1980s and drought of 1987 to 1992 are depicted with corresponding rises and declines on hydrographs. No overall downward trends are apparent.

Current ground water level monitoring is conducted by the USGS at five wells on a quarterly basis. Data dates back to the 1960's with the exception of one well which has data dating back to 1928. Beginning in 1996, two wells have been measured by the IDWR Water Distribution Section on a yearly basis.

REFERENCES

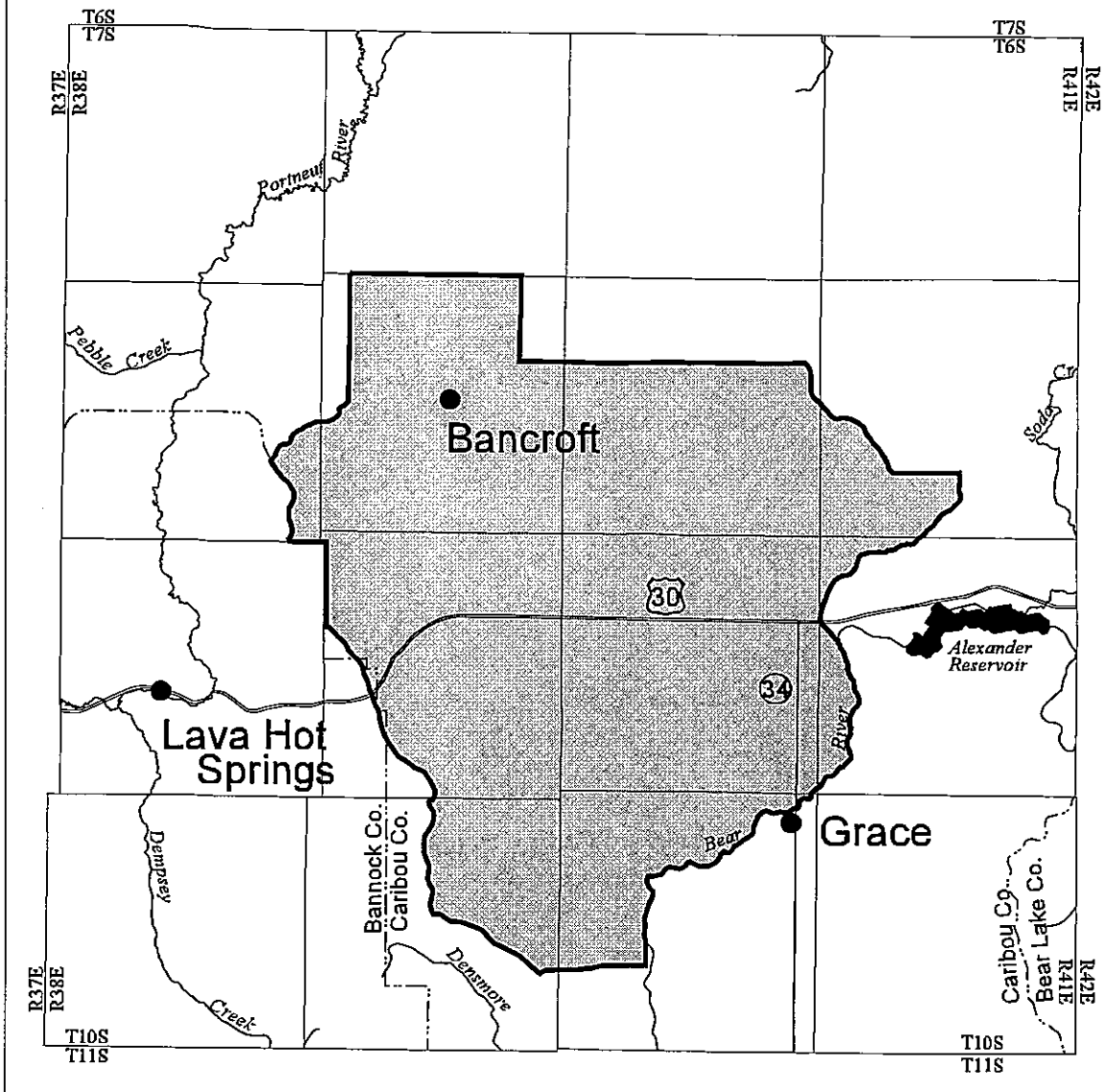
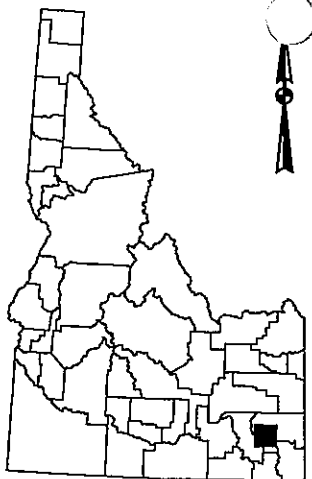
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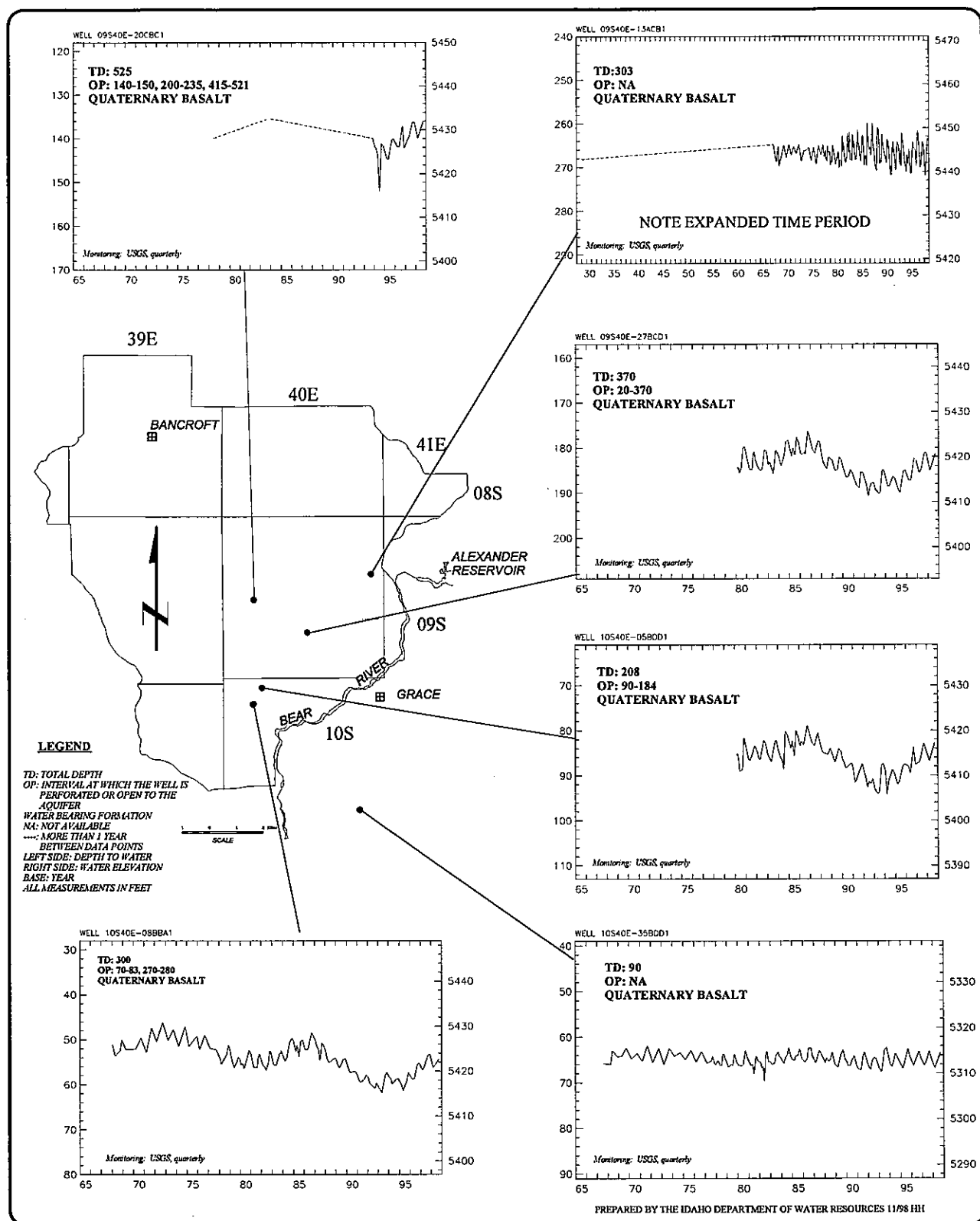
Bancroft Lund

Critical Ground Water Area

Scale 1:314,643

1 0 1 2 3 4 5 Miles





BANCROFT-LUND GROUND WATER MANAGEMENT AREA
Ground Water Hydrographs
FIGURE 6

BIG WOOD RIVER GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Big Wood River GWMA is located in southcentral Idaho in Blaine, Camas, Elmore, and Gooding counties (Figure 7). The Big Wood River GWMA was designated by Order of the Director on June 28, 1991. The area was designated to address the connection between ground and surface water within the Camas Creek, Silver Creek, and Upper Big Wood River drainages above Magic Reservoir. IDWR determined that junior ground water diversions were depleting senior surface water flows in the Big Wood River and Silver Creek.

The Silver Creek and Big Wood River drainages had previously been designated as a CGWA on June 21, 1961; however, the designation was rescinded on January 26, 1966, at the request of local water users.

The management policy associated with the current designation allows for the consideration of new ground water diversions; however, applicants are required to demonstrate there will be no injury or can provide acceptable mitigation to prior rights. An advisory committee has not been established.

Currently, a ground water model is being developed by the University of Idaho, Agricultural Research Service, and The Nature Conservancy. The model will encompass the basin from Hailey to Stanton Crossing, east to the area around Picabo. The final report is expected by September, 1999.

Hydrogeology

The aquifers of the Upper Big Wood River, Silver Creek, and Camas Creek area consist of valley and lake sediments underlain by basalts and bedrock. Sediments were deposited within the valley when the Big Wood River and Camas Creek were blocked by lava flows which occurred intermittently near Picabo in the southeast corner of the basin and near Stanton Crossing in the center portion of the basin. Lake deposits consist of discontinuous layers of fine-grained sediments intermixed with coarse sands and gravels. The fine-grained layers become more continuous in the southern part of the basin (Moreland, 1977).

Water occurs unconfined in the northern portion of the basin where only one aquifer is identifiable. In the southern part of the basin, there are extensive silt and clay layers forming confining layers and producing artesian conditions. Springs and seeps which discharge to Silver Creek and other tributaries occur where shallow ground water overrides discontinuous fine-grained layers (Moreland, 1977). The direction of ground water flow is from north to south.

Ground water in the Camas Creek basin mainly occurs under confined conditions. However, water table conditions occur in some of the shallow alluvial deposits. Many wells flow at the land surface, but the flow is usually less than 1 gallon per minute.

Ground water flow direction is generally eastward with discharge occurring into Camas Creek and Magic Reservoir (Walton, 1962).

Current Ground Water Conditions

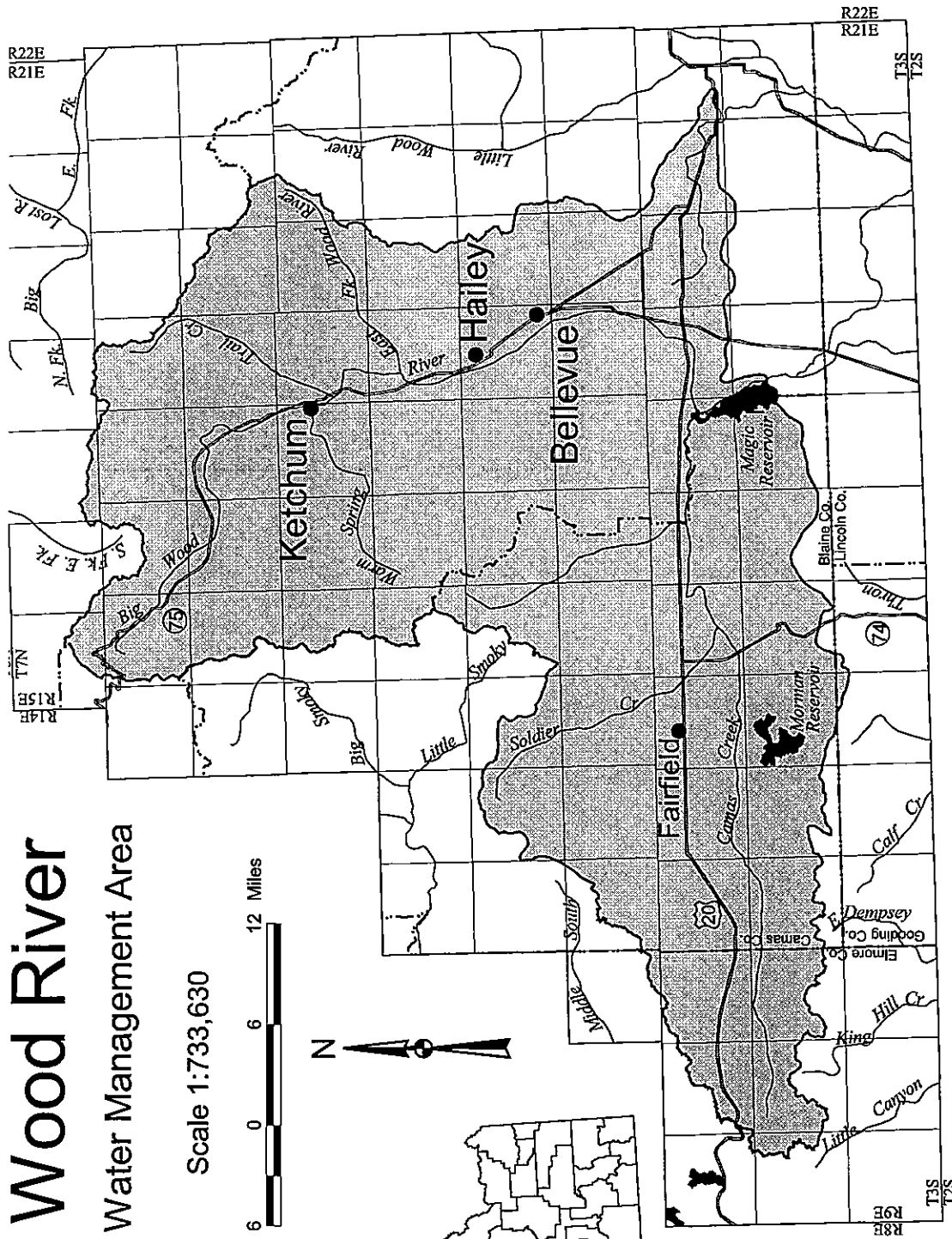
Figure 8 shows ground water hydrographs. Seasonal fluctuations can vary from a few feet to as much as 40 feet per year. Long-term fluctuations appear to mirror wet and dry climatic cycles, as evidenced by rise in water levels in mid 1980s and mid 1990s. Declines during the 1987-1992 drought are apparent in the hydrographs. No overall downward trend is apparent.

Ten wells are currently monitored by the USGS: two on a bi-monthly basis; four on a quarterly basis; and four on a semi-annual basis. The data in the Bellevue-Hailey area date back to the 1950's. Data in the Camas Creek-Fairfield area date back to the 1970's, with the exception of one well where the data date back to 1944.

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Ground Water Management Area



BLUE GULCH CRITICAL GROUND WATER AREA

Overview of Current Management Status

The Blue Gulch area, located in eastern Owyhee and western Twin Falls counties, was declared a CGWA on December 9, 1970 (Figure 9). This declaration was based on a report by Chapman and Ralston (1970) which stated that discharge was exceeding recharge.

At the time, the area was being considered for increased agricultural development through the federal Desert Land Entry program. This would have increased ground water diversions for irrigation. Outstanding water appropriation permits at the time were anticipated to divert over four times the usage. Designation as a CGWA stopped the processing of new applications while allowing the development of existing permits. A management plan has not been developed nor has an advisory committee been formed.

Hydrogeology

Two aquifers provide ground water in the Blue Gulch area. The Idavada Volcanics form the primary aquifer. The Idavada Volcanics composed mainly of silicic, welded ash flows and predominates the surface geology in the southern half of the area. The Banbury Basalt, consisting of three members, occurs in the area. The middle and upper members are important sources of ground water (Chapman and Ralston, 1970).

Depth to ground water varies from approximately 50 to 450 feet. Ground water flows from southeast to northwest with a gradient of approximately 11 feet per mile (Bendixsen, 1993). Ground water discharge occurs to the Salmon Falls Creek and Snake River. Recharge is from precipitation on uplands and the Jarbidge Mountains to the south.

Current Ground Water Conditions

Hydrographs of most wells in the area (Figure 10) depict the effects of agricultural development that began in 1960s. Ground water levels declined in the Blue Gulch area as agricultural development continued through the 1970's. Government programs in the early 1980's encouraged land to be taken out of production. These programs resulted in a decrease of more than 80% of previously irrigated acreage. Ground water levels began recovering in 1986 with the implementation of the Conservation Recovery Program (CRP). These lands were contracted to be out of production for 10 years. Lands are now being put back into production; it is unknown how much land will be returned to production and if current changes will impact ground water levels.

Water levels in the northwest portion of the area remained unchanged. Shallow wells near Magic Water Canal (08S13E-23CCD1) appear stable. Probably due to its shallow depth, it receives recharge directly from the canal.

Ground water levels are monitored in ten wells. USGS monitors six wells: two on a bi-monthly basis, and four on a semi-annual basis. Prior to 1998, IDWR monitored wells on a semi-annual basis. Beginning in 1998, IDWR began monitoring on a quarterly basis. Data for most wells date back to the late 1960's.

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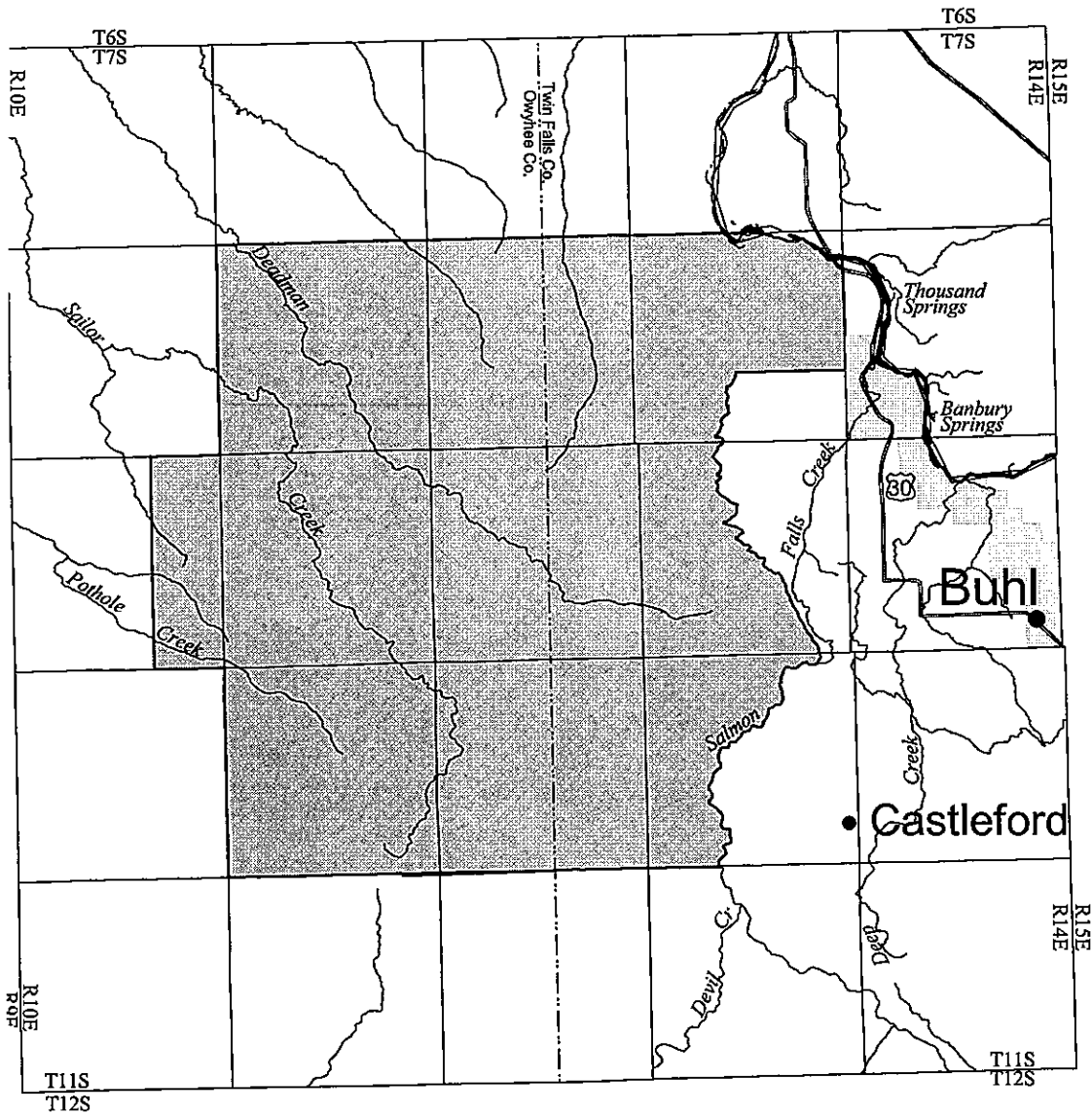
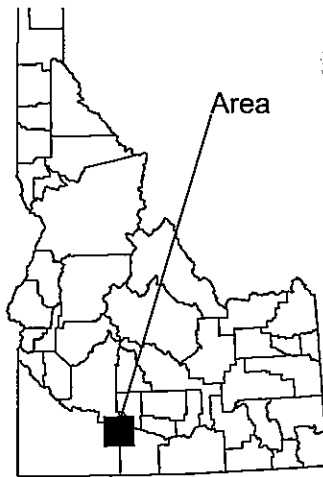
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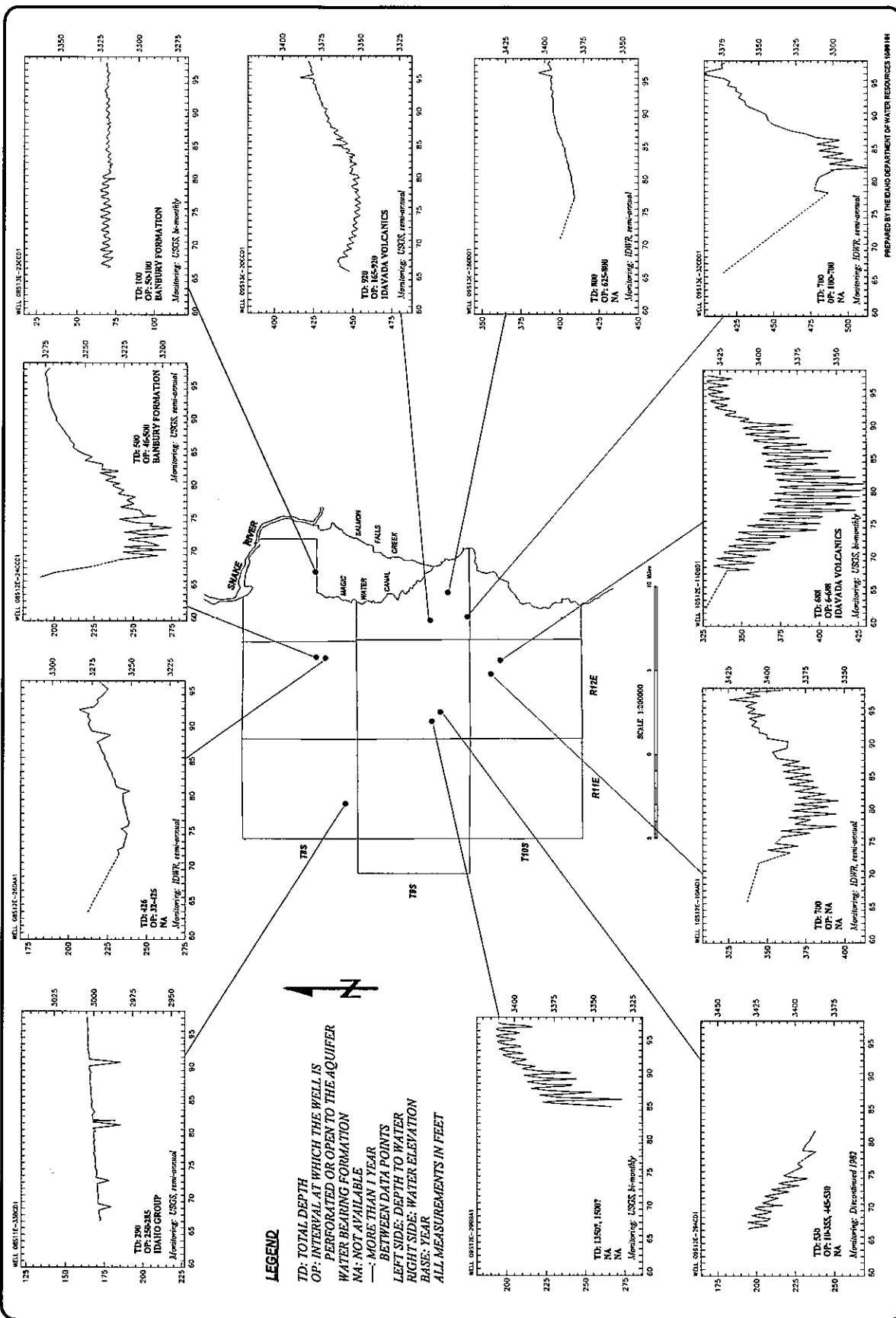
Blue Gulch

Critical Ground Water Area

Scale 1:469,203

3 0 3 Miles





BLUE GULCH CRITICAL GROUND WATER AREAS

Ground Water Hydrographs

FIGURE 10

BOISE FRONT LOW TEMPERATURE GEOTHERMAL RESOURCE GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Boise Front Low Temperature Geothermal Resource (BF GWMA) is located in Boise City and Ada County in southwestern Idaho (see Figure 11). The area was designated on June 15, 1987. The order identified the resource of concern to be ground water from a depth greater than 300 feet and/or a temperature greater than 85° fahrenheit (F).

The geothermal resource has been used for heating for over 100 years. However, increased development during the mid-1980's more than doubled the diversion volume from pre-1983 levels (Neely, 1998). Water level declines of up to 30 feet from 1983 to 1987 have been documented in some of the geothermal wells.

The Director signed a Management Policy for the Boise Front Ground Water Management Area on June 3, 1988. The policy identified specific goals and actions. The goals are (1) Protect the existing users; (2) Allow full use of the geothermal resource; (3) Provide clear management policies; and, (4) Stabilize depletions. An advisory committee has not been formed. IDWR works closely with the major geothermal users within the area and regularly reviewed ground water data.

An order establishing a five-year moratorium, an action identified in the Management Policy, was issued on June 11, 1988 preventing new development or increased use of the resource. The moratorium was extended in 1993 and 1998; it is currently in place until September 1, 2003.

Hydrogeology

The Boise area is underlain by three aquifer systems: a shallow cold water system, an intermediate cold water artesian system, and a deep low temperature geothermal artesian system. Not all aquifers exist in all areas. (Higginson, 1988). The BF GWMA applies only to the deep geothermal aquifer.

It is generally believed that the Boise Front Fault zone brings the thermal water to shallow depth, where it is confined in the horizontally layered volcanic rocks and sediments hydraulically connected to the fault zone (Castelin, 1987). It is also believed that the system is "compartmented by cross-cutting faults, creating a highly complex flow system" (Castelin, 1987).

Current Ground Water Conditions

Ground water hydrographs are shown in Figure 12. Ground water levels in the northern portion of the area show significant recovery as depicted in 04N02E-29ACDB1. A review of the geothermal ground water conditions was recently conducted by Neely (1998), to determine if the moratorium should be extended, modified or cancelled. The

report determined that the system appears to have reached equilibrium, although the reasons are not fully understood (Neely, 1998).

Production, wellhead pressures and temperatures are monitored by the major producers and data are submitted to IDWR regularly. These users are: Idaho Department of Administration, Division of Public Works; Boise Warm Springs Water District; City of Boise; and Veterans Administration Medical Center.

The City of Boise drilled an injection well in Spring, 1998, for use as the primary disposal site for spent geothermal water from its heating system. The injection well went into service in February 1999 (Kent Johnson, City of Boise, personal communication).

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Boise Front

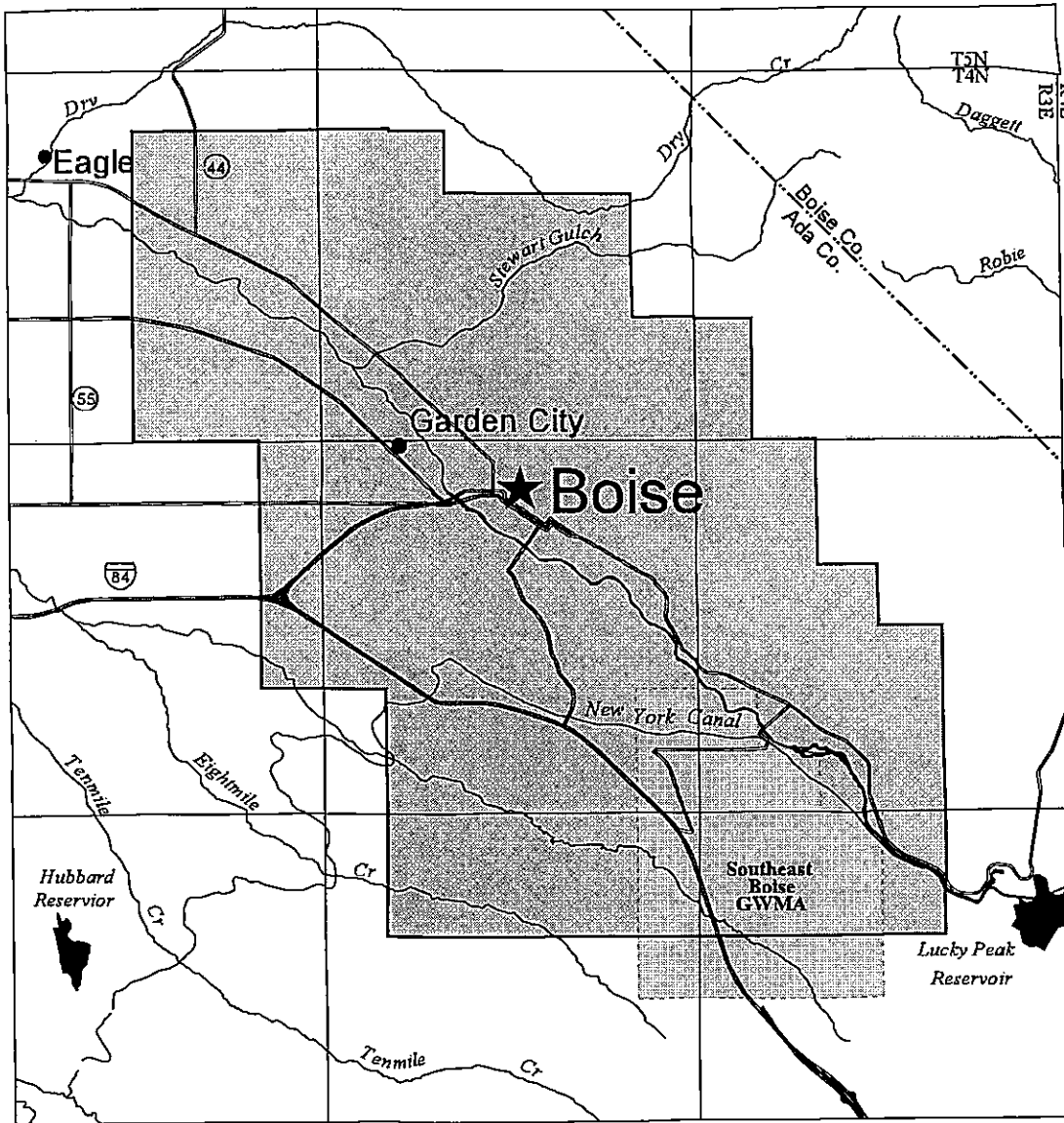
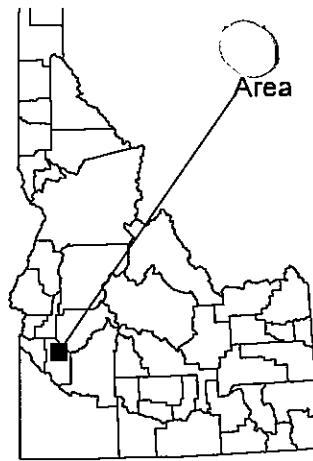
Ground Water Management Area

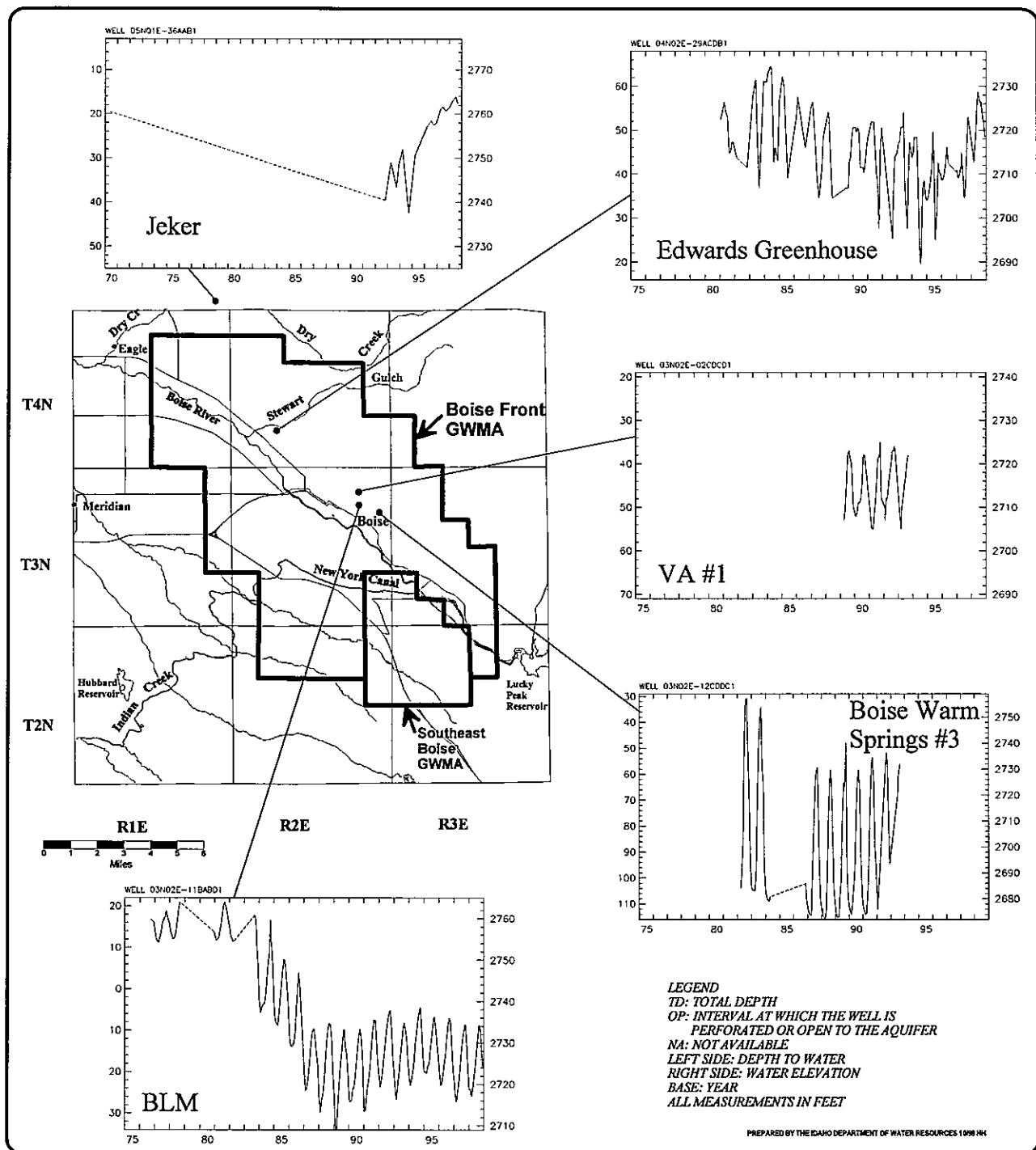
and Southeast Boise

Ground Water Management Area

Scale 1:270,150

2 0 2 Miles





BOISE FRONT GROUND WATER MANAGEMENT AREA
Ground Water Hydrographs
FIGURE 12

CURLEW VALLEY CRITICAL GROUND WATER AREA

Overview of Current Management Status

Curlew Valley is located in southeastern Idaho in Oneida and Power counties and extends south into Utah (Figure 13). The Curlew Valley CGWA was designated on March 15, 1976. Designation was based on concern that there was not sufficient ground water supply for existing irrigation uses or to fulfill pending applications and permits.

The geographic and hydrogeologic boundaries extend into Utah. In the southern part of the basin, Locomotive Springs is an area of discharge for the aquifer and a Utah state wildlife management area. The State of Utah expressed concern that increased ground water withdrawals in Idaho were impacting the spring flows.

No further studies have been conducted since designation of the CGWA to determine adequacy of supply or impacts on spring flows. A management plan has not been developed for the area nor has an advisory committee been formed.

Hydrogeology

Aquifers in the Curlew Valley area consist primarily of unconsolidated sediments of alluvium and lakeshore deposits that may be as much as 5,000 feet thick. Minor amounts of ground water are found in consolidated Paleozoic rocks that form the surrounding hills and mountains (Chapman and Young, 1972). Ground water discharge from basalt flows in the basin which have been suggested as the source for Holbrook Springs, a large spring which contributes to the base flow of Deep Creek (Baker, 1974).

Ground water flow is primarily from north to south with unconfined conditions in the northern part and semi-confined conditions toward the south (Baker, 1974). Recharge is from precipitation in the valley and surrounding mountains (Chapman and Young, 1972).

Current Ground Water Conditions

Hydrographs (Figure 14) of the three monitoring wells appear to reflect climatic wet and dry cycles. During the drought periods of the late 1970s-early 1980s and late 1980s, a water level declines. During the above normal precipitation periods in the mid-1980s, water levels rose. However, since the early 1990s, precipitation has been at or above normal, but the water levels indicate stable or declining trends.

Three wells are currently monitored by the USGS, Utah Office on a semi-annual basis. Data dates back to 1970. Two additional wells within the hydrogeologic basin are located in Utah and are monitored on an annual basis by the USGS. Data from these wells are useful in evaluating basin-wide trends.

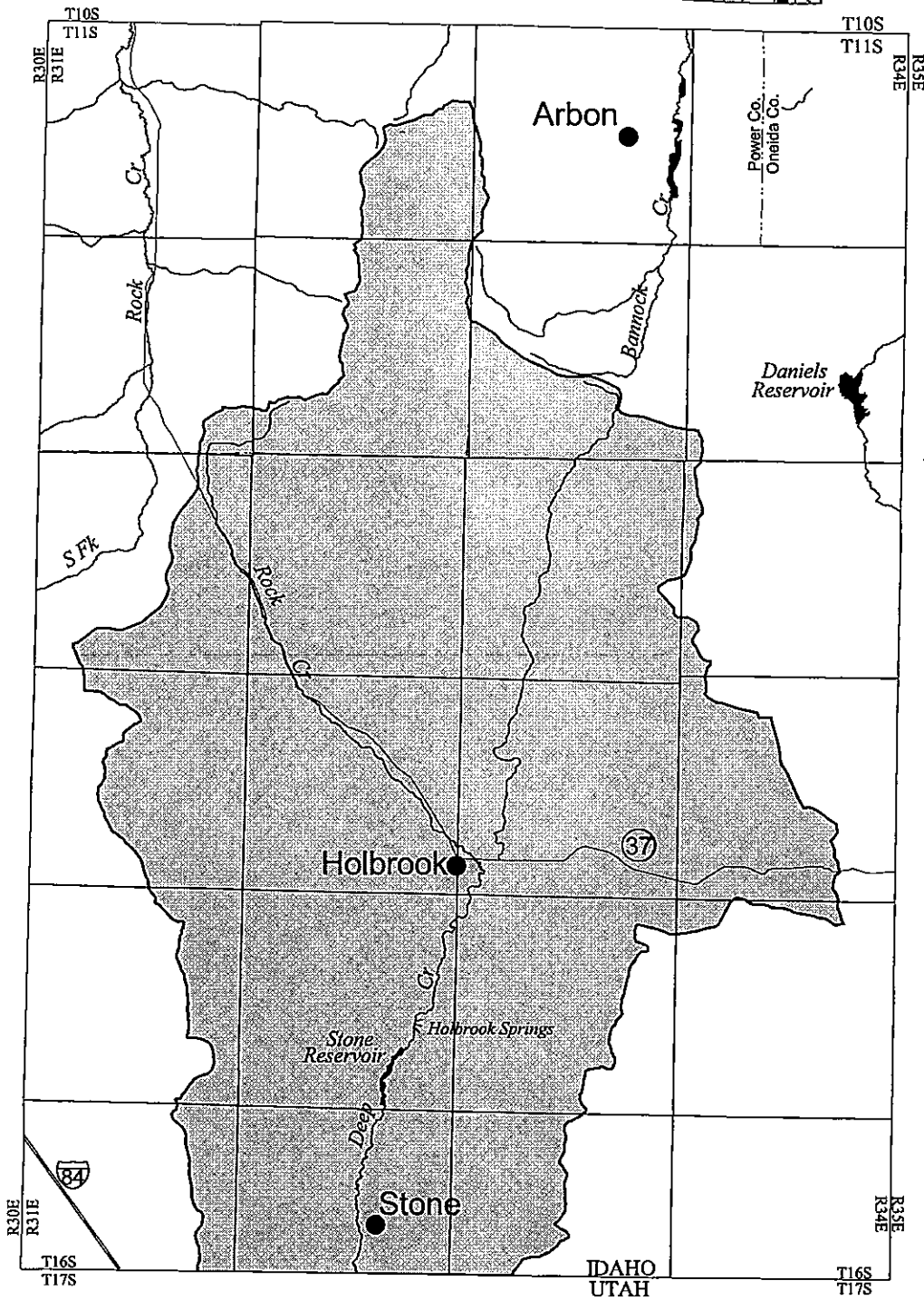
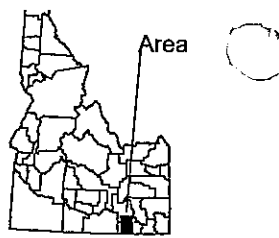
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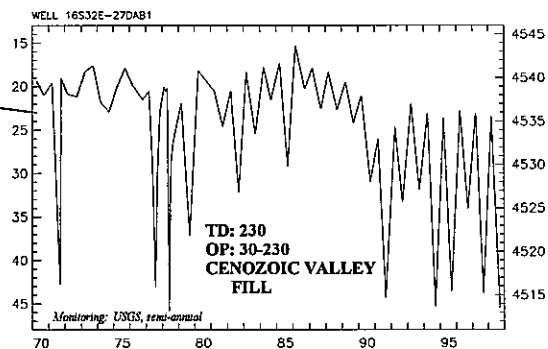
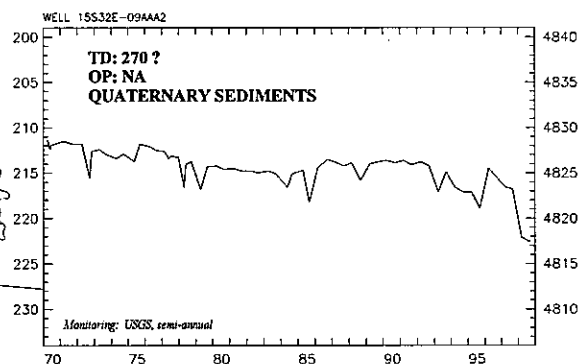
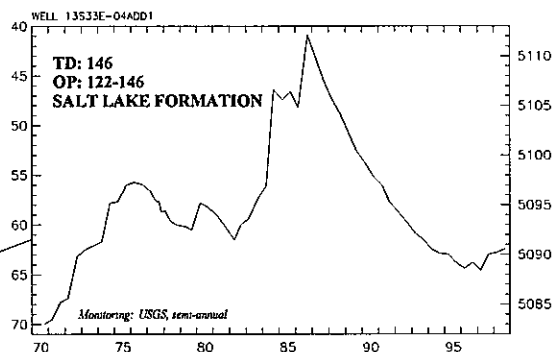
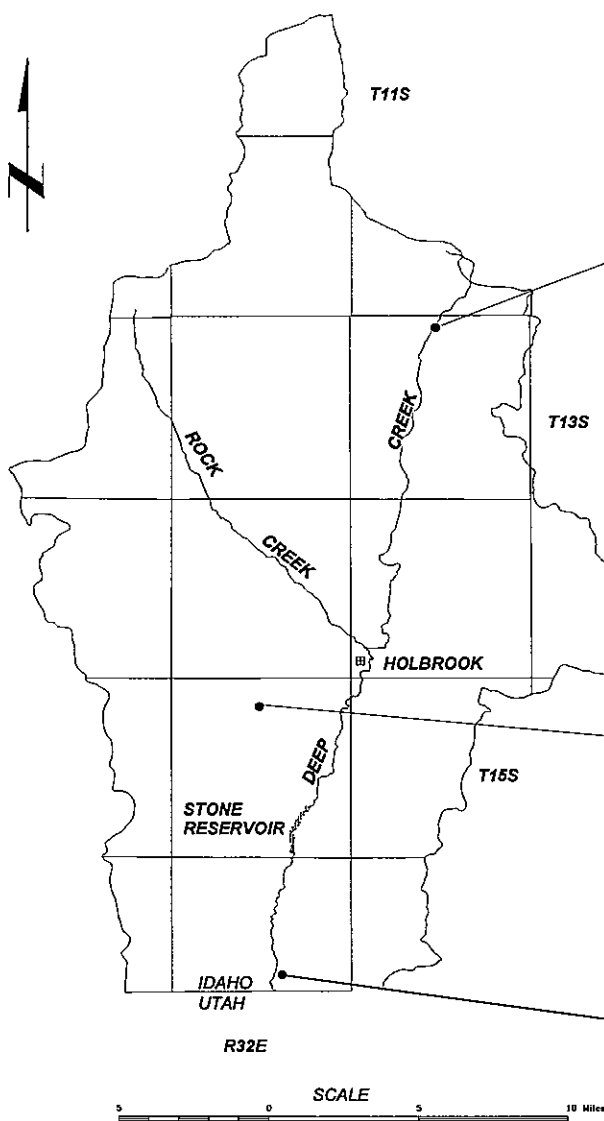
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Curlew Valley Critical Ground Water

Scale 393,503

4 0 4 Miles





LEGEND
 TD: TOTAL DEPTH
 OP: INTERVAL AT WHICH THE WELL
 IS PERFORATED OR OPEN TO
 THE AQUIFER
 WATER BEARING FORMATION
 NA: NOT AVAILABLE
 ---: MORE THAN 1 YEAR
 BETWEEN DATA POINTS
 LEFT SIDE: DEPTH TO WATER
 RIGHT SIDE: WATER ELEVATION
 BASE: YEAR
 ALL MEASUREMENTS IN FEET

PREPARED BY THE IDAHO DEPARTMENT OF WATER RESOURCES, HH 11/98

CURLEW VALLEY CRITICAL GROUND WATER AREA
Ground Water Hydrographs
FIGURE 14

GRANDVIEW-BRUNEAU GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Grandview-Bruneau GWMA is located in north-central Owyhee County, south of the Snake River (see Figure 15). The management area was designated on October 29, 1982, due to increased and projected increases in ground water withdrawal and declines in spring flows from the geothermal aquifer system.

Since designation, the only new ground water diversions have been for domestic use and a Desert Land Entry development that had been pending. The Department has also worked with well owners to eliminate leakage or unrestricted flow (State of Idaho, 1998). A management plan has not been developed nor has an advisory committee been formed.

The impact of ground water development on spring flows has been studied by various researchers as a result of the listing of the Bruneau Hot Springs snail as an Endangered Species in 1993. The snail's dependency on hot springs for its habitat has resulted in studies to evaluate the impact of ground water pumping on spring discharges.

Hydrogeology

Several aquifers are found in the area. The major aquifers are found in the Tertiary silicic volcanics, Poison Creek Formation, Banbury Basalt, and the sedimentary Glenns Ferry Formation. The Banbury Basalt is the most productive aquifer with yields of greater than 2,000 gpm (Ralston and Chapman, 1969). These aquifers are warm to hot, ranging from 80 to 176 degrees F. Shallow cold water alluvial aquifers are found along streams. These aquifers have limited areal extent (Berenbrock, 1993). Aquifer properties vary considerably because of the heterogeneous nature of the rocks and sediments.

Recharge is from precipitation on the Owyhee Mountains (Ralston and Chapman, 1969). The deep volcanics are believed to recharge the shallower geothermal aquifers (Banbury Basalt and Glenns Ferry Formation) through upward ground water movement. Ground water flow is generally south to north. The direction of water movement has been modified, however, by ground water pumping (Berenbrock, 1993).

Current Ground Water Conditions

Figures 16 and 17 show hydrographs of ground water levels in the Grandview-Bruneau GWMA. Figure 16 shows ground water levels in the eastern portion of the management area around Hot Creek. These data reflect recent trends with most of the historic data dating back only to the late 1980's. Water levels appear to be stable.

Figure 17 shows hydrographs for the western portion and also include wells with long term data in the eastern portion. Well 06S03E-14BCB1 in the northwest area shows significant declines of almost 40 feet since the 1950s but appears to be relatively stable

since the 1970s. Declines ranging from a few feet to as much as 30 feet have also occurred. Currently, the overall system appears relatively stable.

Currently, USGS monitors 20 wells within the GWMA. Four are through the IDWR-USGS Cooperative Program. The remainder is funded through the US Fish and Wildlife Service. Six wells have continuous recorders, ten wells are monitored monthly, three wells are monitored bi-monthly, and one well is monitored semi-annually. Data dates as far back as early 1950s for some wells. Nine new wells were drilled in 1990 by the USGS as a part of the Bruneau Hot Springs Snail studies. Continuous recorders were installed in six wells and three are measured on a monthly basis.

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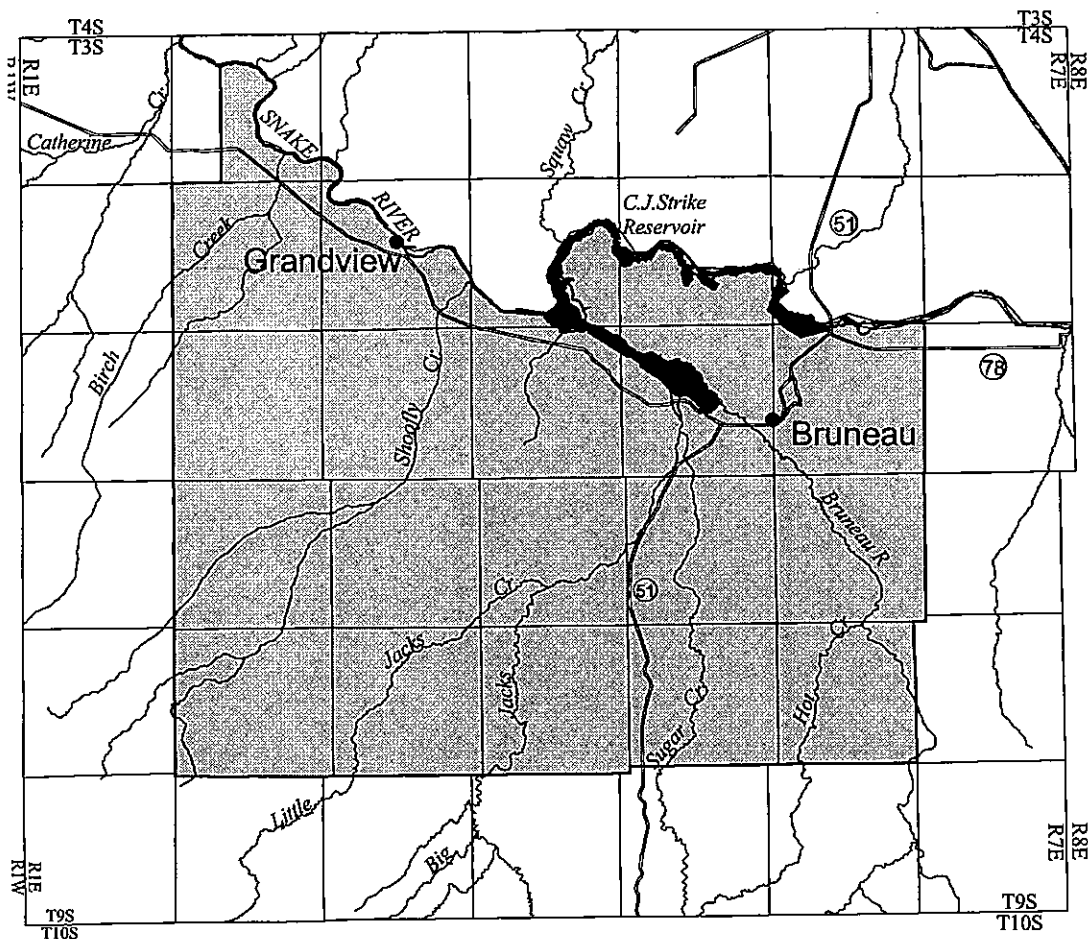
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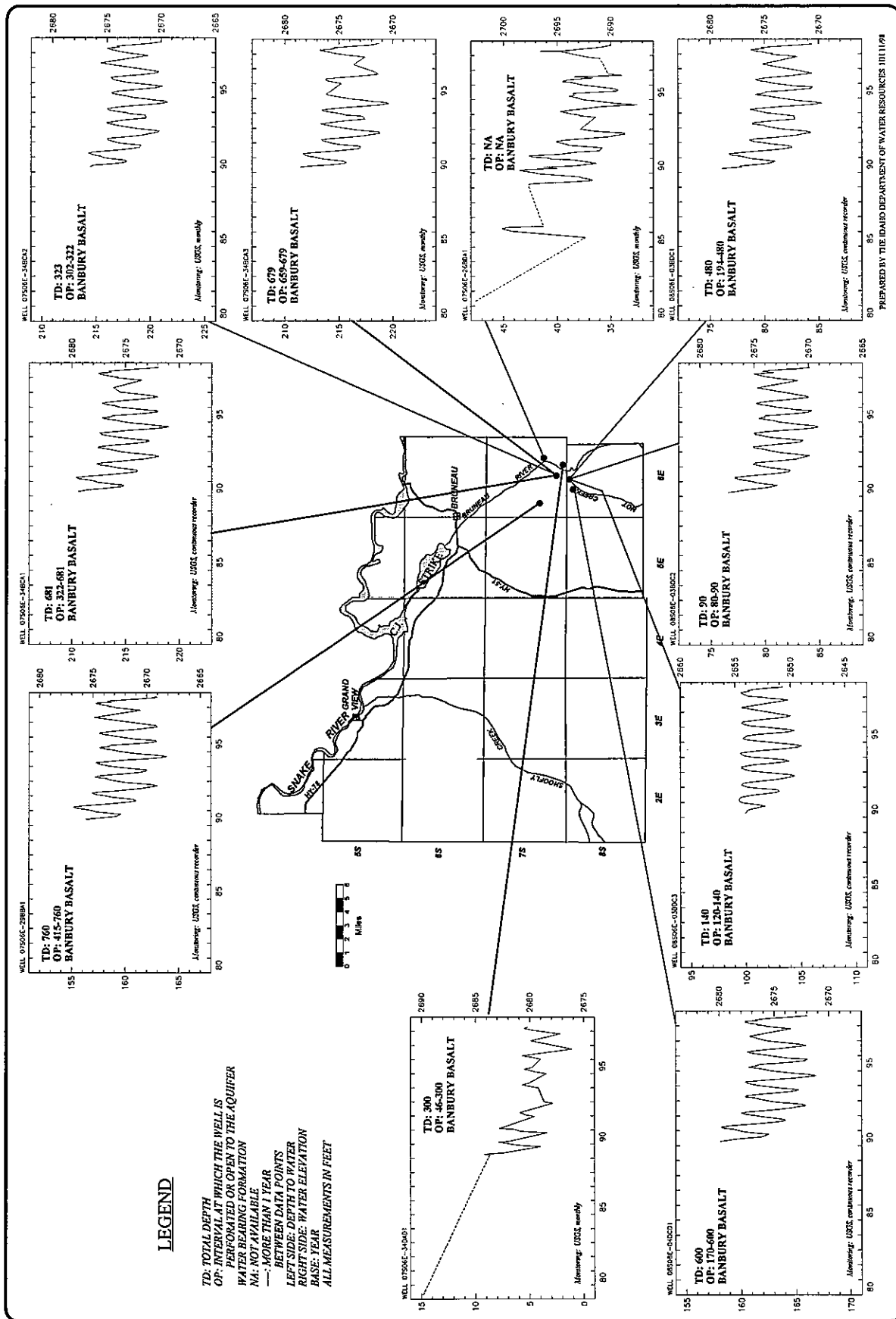
Grandview-Bruneau

Ground Water Management Area

Scale 1:591,633

4 0 4 Miles

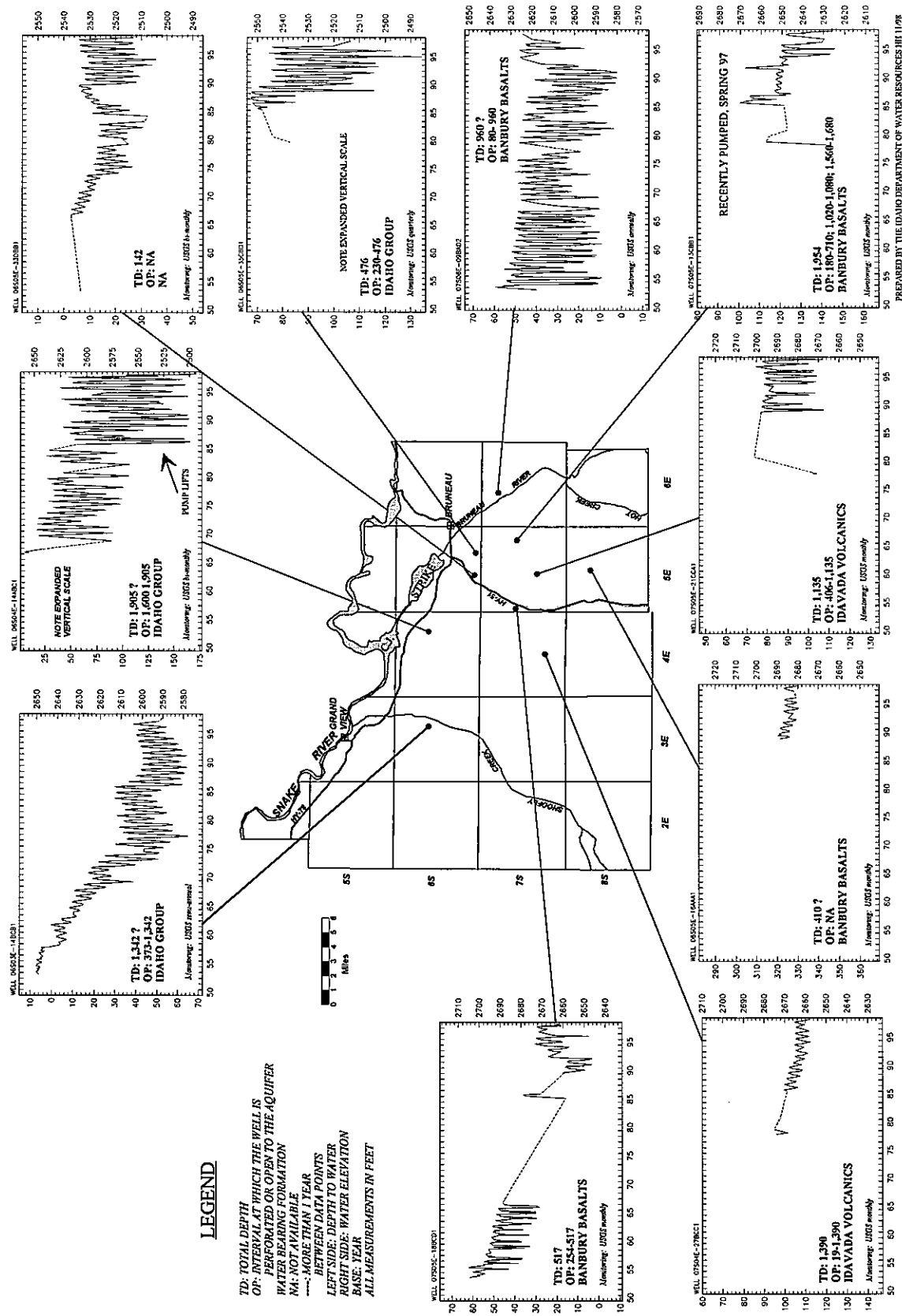




GRANDVIEW-BRUNEAU GROUND WATER MANAGEMENT AREA

Ground Water Hydrographs - East Area

FIGURE 16



GRANDVIEW-BRUNEAU GROUND WATER MANAGEMENT AREA
 Ground Water Hydrographs - West Area
FIGURE 17

LINDSAY CREEK GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Lindsay Creek GWMA is located in Nez Perce County, south of the Clearwater River and east of Lewiston, Idaho (see Figure 18). The Idaho Department of Water Resources designated the Lindsay Creek GWMA on March 5, 1992. The designation was made based on the limited recharge and potential increased use of a portion of the shallow upper aquifer. Most domestic wells are completed in the shallow portion of the upper aquifer.

The designation of the Lindsay Creek GWMA does not preclude the approval of new ground water diversions. However, new proposed uses are required to use the deeper aquifer. If the shallow aquifer is desired, the applicant is required to demonstrate that other rights will not be injured or provide acceptable mitigation to prior rights. A Management Policy was developed and issued with the Order designating the GWMA. The policy sets out the criteria for processing pending and future applications for permit for water rights. A management plan has not been developed nor has an advisory committee been formed.

Hydrogeology

Multiple aquifers underlie the Lewiston Orchards area and occur within basalt flows of the Columbia River Group. Lacustrine and fluvial sediments of the Latah Formation are interbedded between the basalt flows. Ground water beneath the Lindsay Creek GWMA occurs in three aquifers: Upper, Intermediate, and Lower (Ralston and Bond, 1978).

The Upper Aquifer is associated with water bearing zones and sediments to a depth of approximately 700 feet below land surface. Primary source of recharge appears to be underflow that enters from the east (Baker, 1991). The Intermediate Aquifer occurs at a depth from 700 to 1100 feet below ground surface. Recharge is through outcrops of the basalt interflow zones in the channel and flood plain area of the Snake River, Clearwater River, Lapwai Creek, and through ancestral channels buried by Upper Yakima Valley filling flows. The Lower Aquifer occurs below a depth of 1100 feet. Recharge occurs mostly from the Clearwater River, Snake River and Lapwai Creek (Ralston and Bond, 1978).

The top of the shallow aquifer occurs at approximately 120 to 150 feet below land surface. The base of the shallow aquifer is encountered at approximately 250 feet. Basalt is the major rock type. Yields from wells are usually less than 25 gallons per minute. Aerial extent is limited (Baker, 1991). Ground water flow is mostly westward with a slight northwest component and follows the slope of the land.

Current Ground Water Status

Figure 19 shows two ground water hydrographs of water levels in wells located within the Lindsay Creek GWMA and one for a well located southwest of the management area. Historic ground water monitoring data within the area dates back only to 1992. Though no overall downward decline is indicated, seasonal fluctuations can exceed 20 feet.

Ground water monitoring is limited to two wells measured by USGS on a monthly basis since 1991. One additional well, located southwest of the GWMA, is also measured on a monthly basis dating back to 1970.

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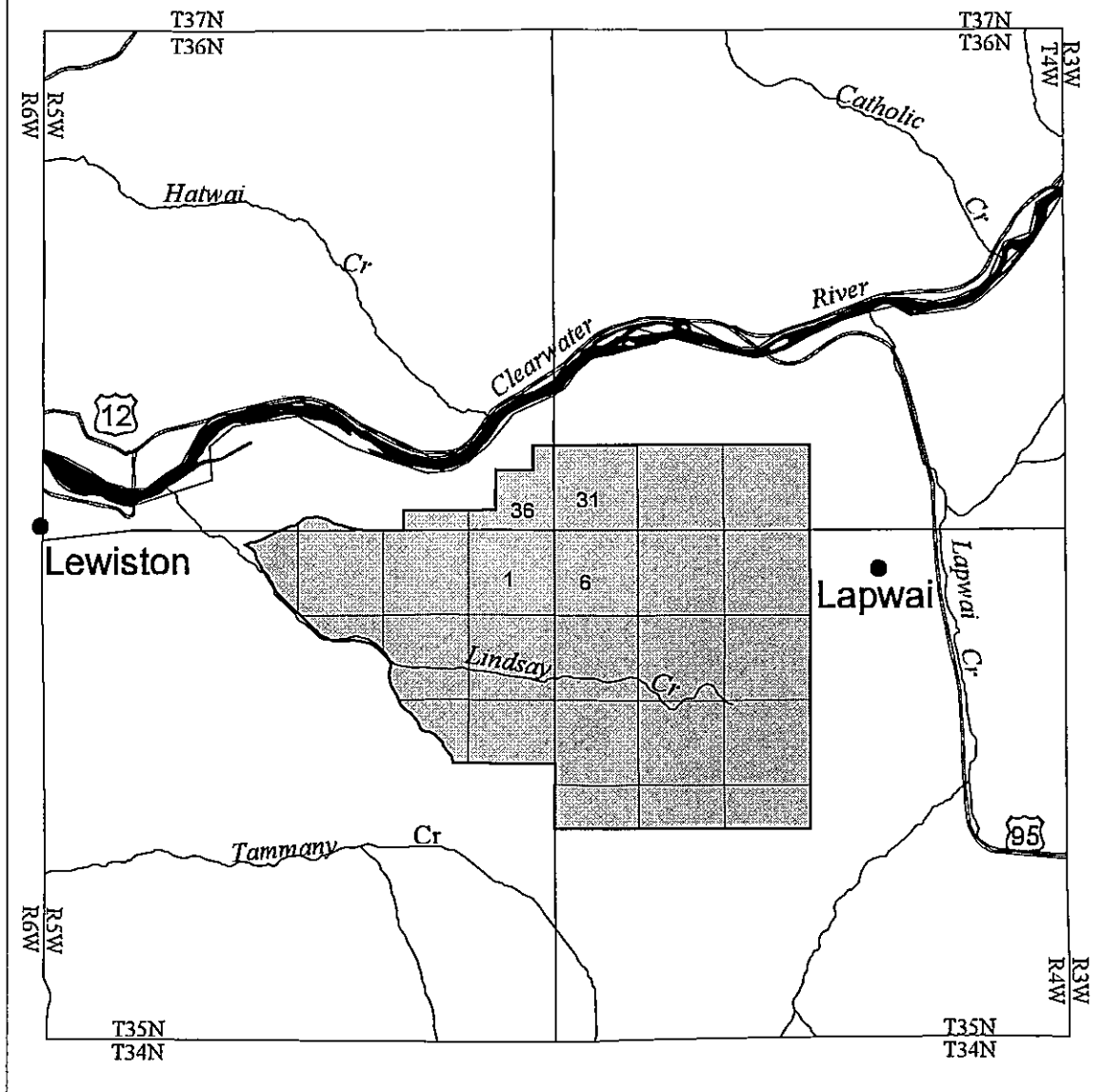
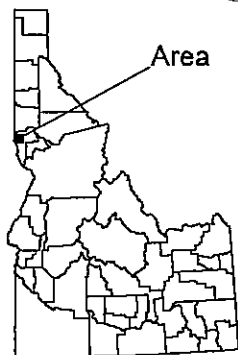
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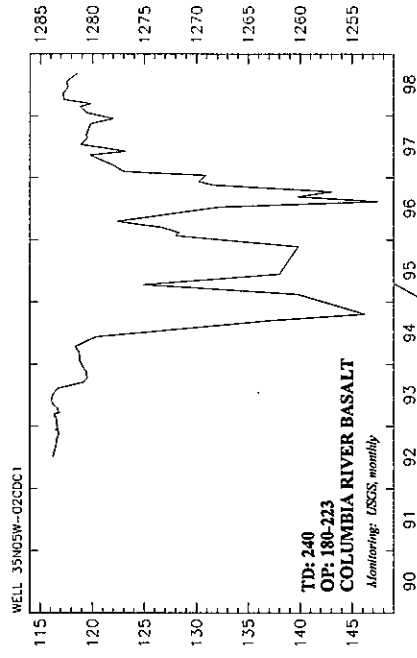
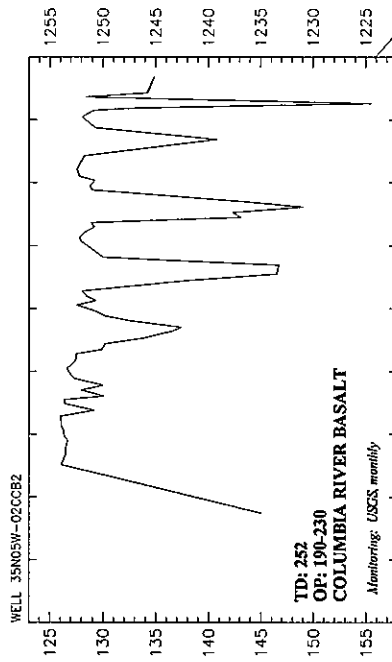
Lindsay Creek

Ground Water Management Area

Scale 1:190,180

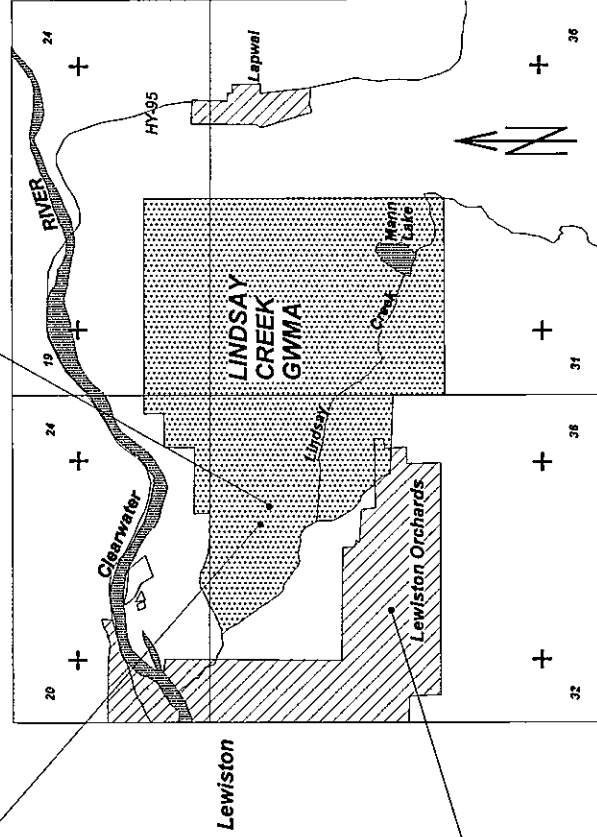
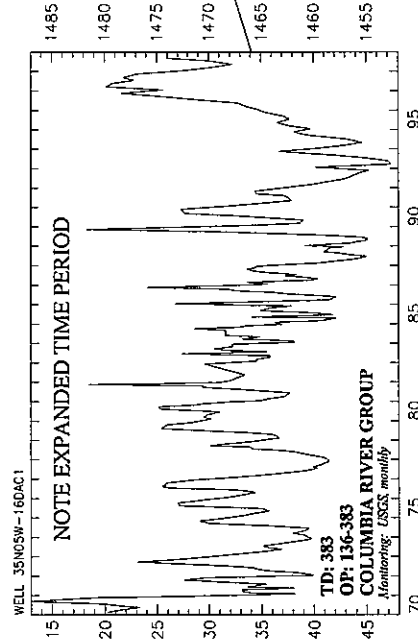
1 0 1 Miles





LEGEND

TD: TOTAL DEPTH
OP: INTERVAL AT WHICH THE WELL IS
PERFORATED OR OPEN TO THE AQUIFER
WATER BEARING FORMATION
NA: NOT AVAILABLE
---: MORE THAN 1 YEAR
BETWEEN DATA POINTS
LEFT SIDE: DEPTH TO WATER
RIGHT SIDE: WATER ELEVATION
BASE: YEAR
ALL MEASUREMENTS IN FEET



PREPARED BY THE IDAHO DEPARTMENT OF WATER RESOURCES, 12/98 HH

LINDSAY CREEK GROUND WATER MANAGEMENT AREA
Ground Water Hydrographs
FIGURE 19

Mountain Home Ground Water Management Area and Cinder Cone Butte Critical Ground Water Area

Overview of Current Management Status

The Cinder Cone Butte area, located in Elmore County, was declared a CGWA on May 7, 1981 (Figure 20). Following the declaration, a study was conducted to evaluate the entire Mountain Home area. As a result of that study by Norton and others (1982), the Mountain Home GWMA, which surrounds the Cinder Cone Butte area, was designated on November 9, 1982. The Mountain Home GWMA is located in Elmore and western Ada counties. The areas were designated due to declining ground water levels.

New ground water appropriations are not allowed in the Cinder Cone Butte CGWA. The order declaring the Mountain Home area a GWMA states that the area is approaching critical, "although there appear to be subareas where new appropriations could be authorized without injuring existing water rights."

A management policy was not included in the designation of either area. On June 6, 1996, the Director issued an order establishing an advisory committee. The Committee has the following objectives:

- a. Collect and review data;
- b. Mediate water related issues involving water users;
- c. Develop draft ground water management plan;
- d. Develop and propose implementation of a ground water recharge program;
- e. Serve as a forum for communication of water related issues.

The composition of the Committee is specified in the order. The Committee does not have any formal enforcement authority.

Hydrogeology

The Mountain Home area contains a regional aquifer system that flows west-southwest. Depth to water in the regional system is usually in excess of 300 feet. Two perched aquifer systems are found in the area: one system in the area in and around the City of Mountain Home, and another system northwest of Mountain Home in Township 2 South, Range 5 East (Young, 1977). Water in the perched areas range from a few feet to several hundred. Ground water flow direction is south to southwest.

Major geologic units in the area are, from youngest to oldest: 1) alluvium and terrace gravels; 2) Snake River Group; 3) Idaho Group; 4) Idavada Volcanics, and 5) Idaho Batholith. The regional aquifer is found primarily in the Bruneau Formation, a unit in the Idaho Group that consists of fluvial-lake deposits, layers of ash, and basaltic lava flows (Ralston and Chapman, 1968). Two northwest trending faults pass through the northeast part of the area (Bond, 1978). The perched aquifers occur primarily in the alluvium and terraces.

Recharge to the perched system in the Mountain Home area is from Rattlesnake and Canyon creeks, local irrigation, and leakage from Mountain Home Reservoir. Recharge to the perched system northwest of Mountain Home is from percolation from intermittent streams. Recharge to the regional system occurs mainly from downward flow from the perched system, precipitation from the uplands and underflow from the north. It has been suggested that the regional system is quite old based on isotope composition (Young, 1977).

Current Conditions

Ground water levels in the regional system in the southern and eastern portions of the area near the Mountain Home Air Force Base show declines of more than 50 feet since 1968 (Figures 21 and 22). Steep declines occurred during the late 1960s and early 1970s. Water levels appeared to stabilize in several wells during the mid-1970s and early 1980s. However, declines began again in the mid to late 1980s and have continued to present. In the northcentral part of the Cinder Cone Butte CGWA, water levels have declined as much as 60 feet since 1976. In the north and northwest parts of the area, ground water levels appear to be stable and have increased by as much as 3 to 4 feet since 1966.

The perched system in and surrounding Mountain Home fluctuates in response to seasonal and climatic cycles. Fluctuations can be as much as 50 feet. Overall water levels appear to be relatively stable based on data collected since 1975.

The IDWR monitors 15 wells on a monthly basis. Prior to June 1998, these wells were monitored on a semi-annual basis. USGS monitors 9 wells, two semi-annually and seven bi-monthly. In November 1997, IDWR contracted for seven additional wells to be monitored on a monthly basis by a private consultant.

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Mountain Home

Ground Water Management Area

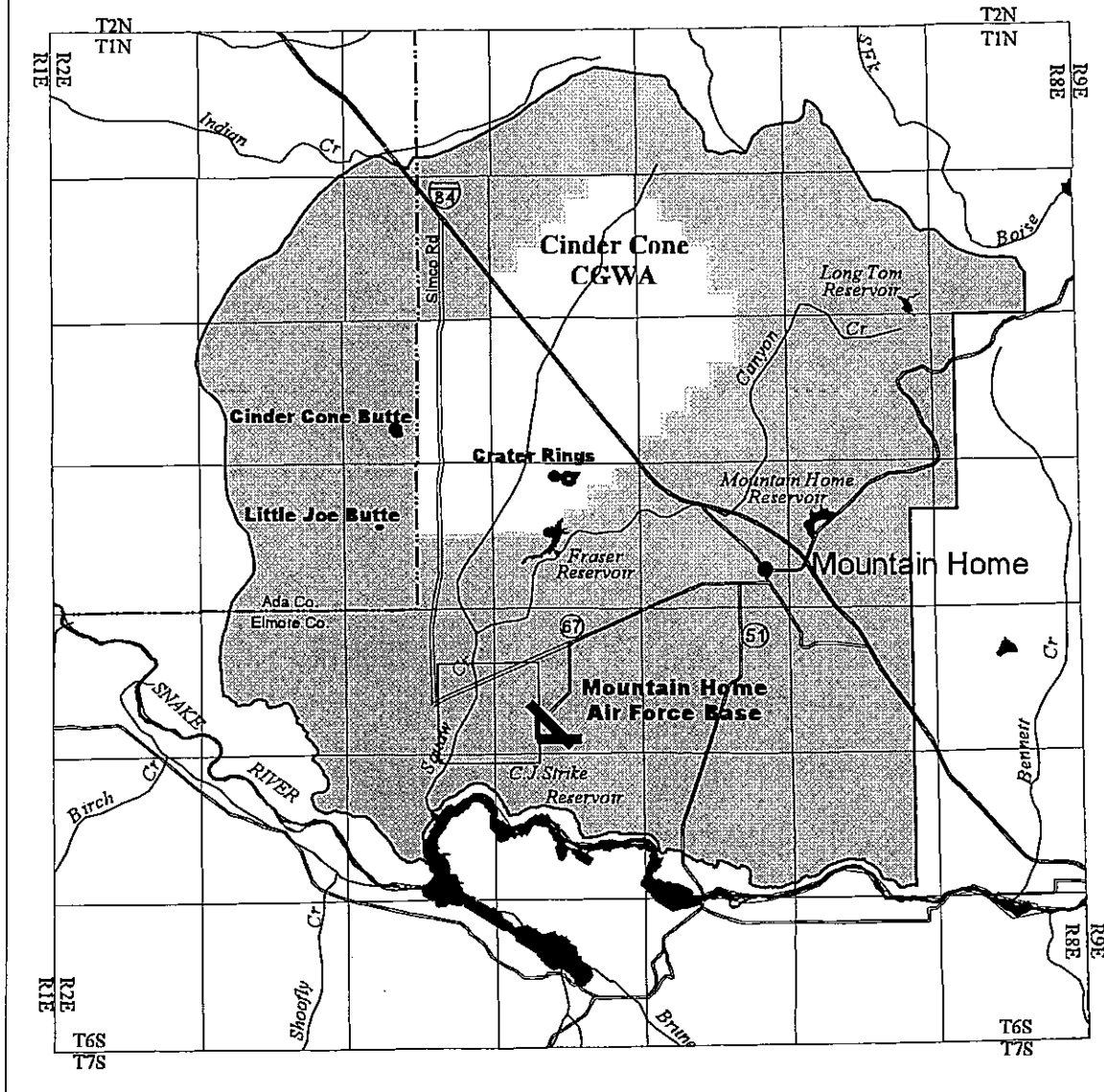
and Cinder Cone Butte

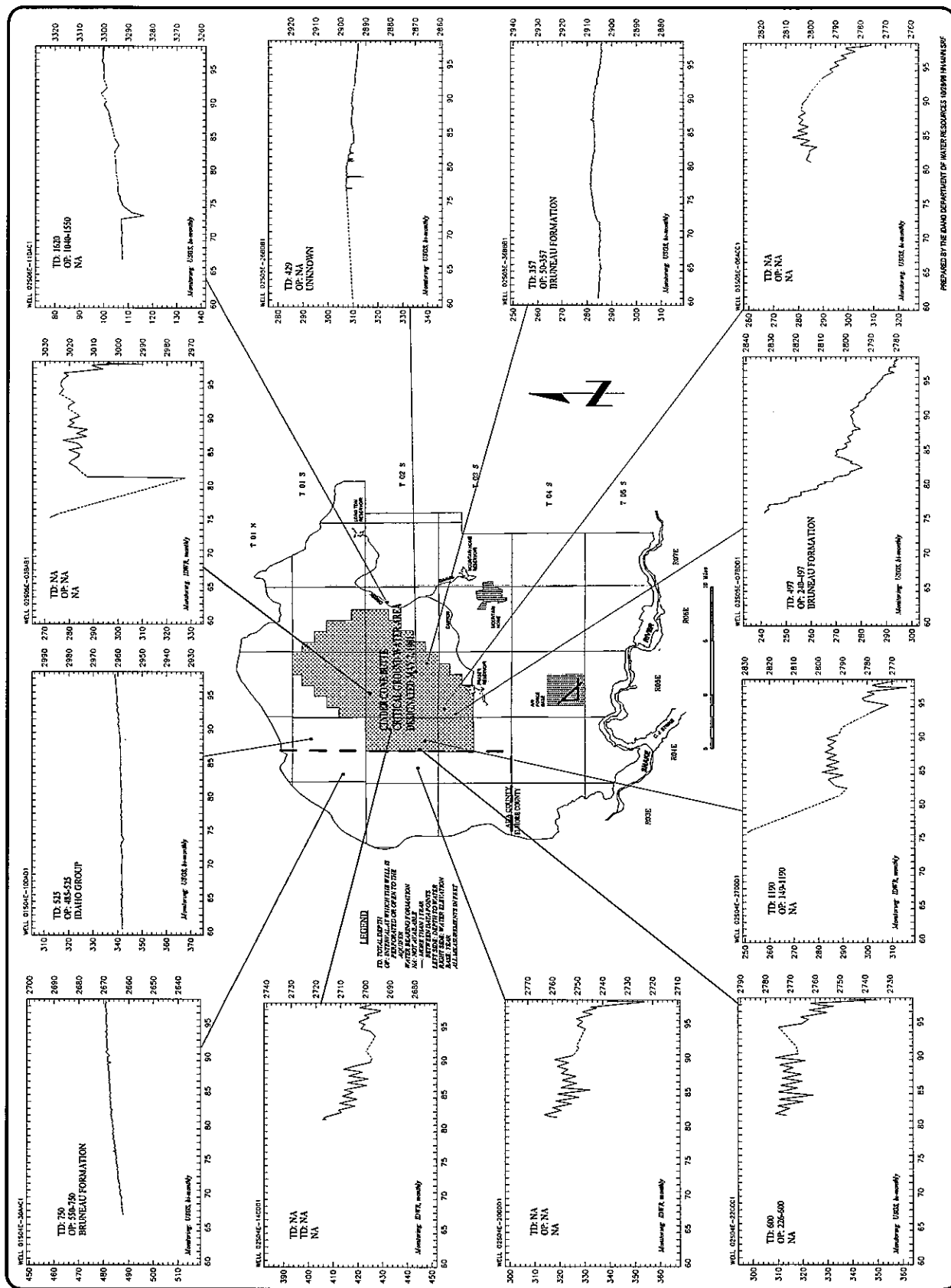
Critical Ground Water Area



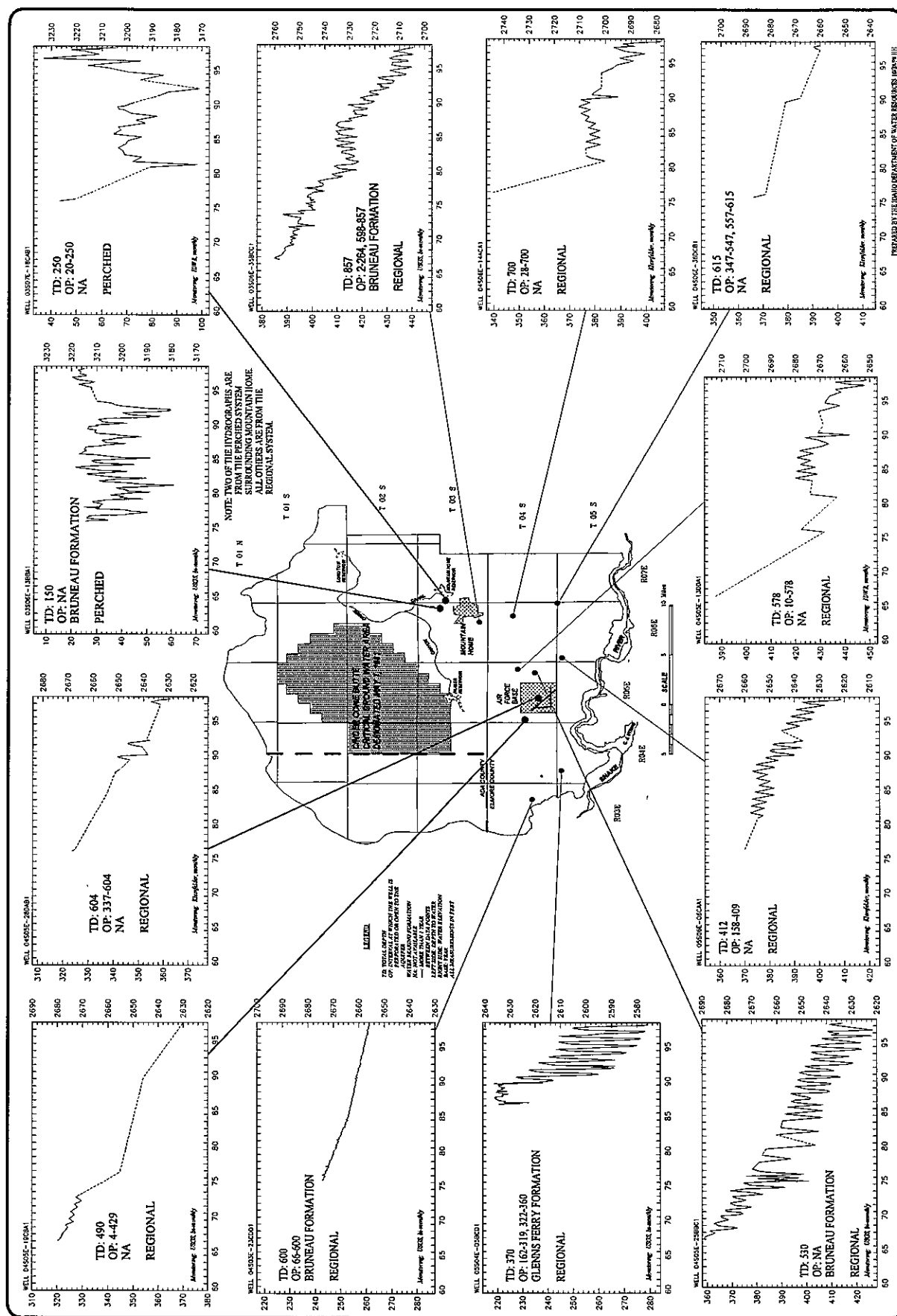
Scale 1:493,190

4 0 4 Miles





GROUND WATER HYDROGRAPHS - NORTH AREA



MOUNTAIN HOME GROUND WATER MANAGEMENT AREA AND THE CINDER CONE BUTTE CRITICAL GROUND WATER AREA

Ground Water Hydrographs - South Area

OAKLEY FAN CRITICAL GROUND WATER AREAS

Overview of Current Management Status

The Oakley Fan is located in northeastern Twin Falls and western Cassia Counties (see Figure 23). Originally declared as the Goose Creek-Rock Creek CGWA on January 16, 1962, the boundaries were modified on September 6, 1967, creating three separate CGWAs: Artesian City, Cottonwood, and Oakley-Kenyon. On January 19, 1982, the West Oakley Fan CGWA was established. The four areas create a contiguous tract and have been managed as a single unit.

The order modifying the boundaries and establishing the initial three areas stated “there does not appear to be available unappropriated ground water within the boundaries of the three designated areas. Therefore, new appropriations of water shall not be allowed.” The West Oakley Fan order did not specifically prohibit new diversions; however, the order stated that a study had indicated that the available ground water was limited. A management plan has not been developed nor has an advisory committee been formed.

A ground water recharge demonstration project has been ongoing in the region since the early 1990’s; however, only limited volumes have been recharged.

Hydrogeology

There are four main aquifers in the Oakley Fan area: limestone, rhyolite, basalt and alluvium (Bendixsen, 1994). The limestone aquifer is confined and yields large supplies. The rhyolite aquifer is confined with yields of small to moderate amounts. Small to large quantities of ground water are supplied from the unconfined basalt aquifer. The unconfined alluvial aquifer yields small to moderate supplies of ground water (Crostwaite, 1969). There are several perched aquifers that are probably the result of surface runoff, storage facilities and surface irrigation.

Faults and surface water bodies affect the ground water flow direction. Ground water flow direction between two northwest trending faults is north to northwest with probable flow restrictions across the faults (Bendixsen, 1994). Murtaugh Lake gains or loses water apparently related to ground water pumpage. The area is bounded on the north by the Snake River. However, river elevations and ground water levels indicate that flow passes under the Snake River to join the Eastern Snake Plain Aquifer at some point between Milner Dam and a point north of Murtaugh Lake (Bendixsen, 1994).

Recharge to the Oakley Fan comes from runoff from streams flowing from the south, surface irrigation, and the Snake River.

Current Ground Water Conditions

Figures 24 through 27 present ground water hydrographs for the four areas. The overall trend in ground water levels throughout the Oakley Fan is downward. However, individual wells reflect different degrees of responsiveness to climatic fluctuations relating to dry and wet periods.

Water levels in most wells in the Oakley-Kenyon area reflect the wet period in early-mid 1980s. Declines are evident during the drought of 1987-1992. Water levels in this area have stabilized or slightly increased during the recent wet period from 1995 to present.

Water levels in the Artesian City are less responsive to wet and dry periods than water levels in other areas. Most levels in the southern and eastern parts of the area reflect steep declines, while most levels in the north and west parts are more stable.

Water levels in the West Oakley are less sensitive to climatic changes, but are still evident on a smaller scale.

Steep declines in water levels in the Cottonwood area during the 1960s stabilized in the 1970s. However, declines began again in the 1980s and have continued at a less severe rate coinciding with the drought of the late 1980s and early 1990s.

While declines are not as significant as in other areas, water levels in the West Oakley area reflect wet (early-mid 1980s and 1995 to present) and dry cycles (1987-1992).

IDWR monitors 20 wells on a quarterly basis. USGS monitors 14 wells: two wells monthly, nine wells bi-monthly, and three wells semi-annually.

REFERENCES

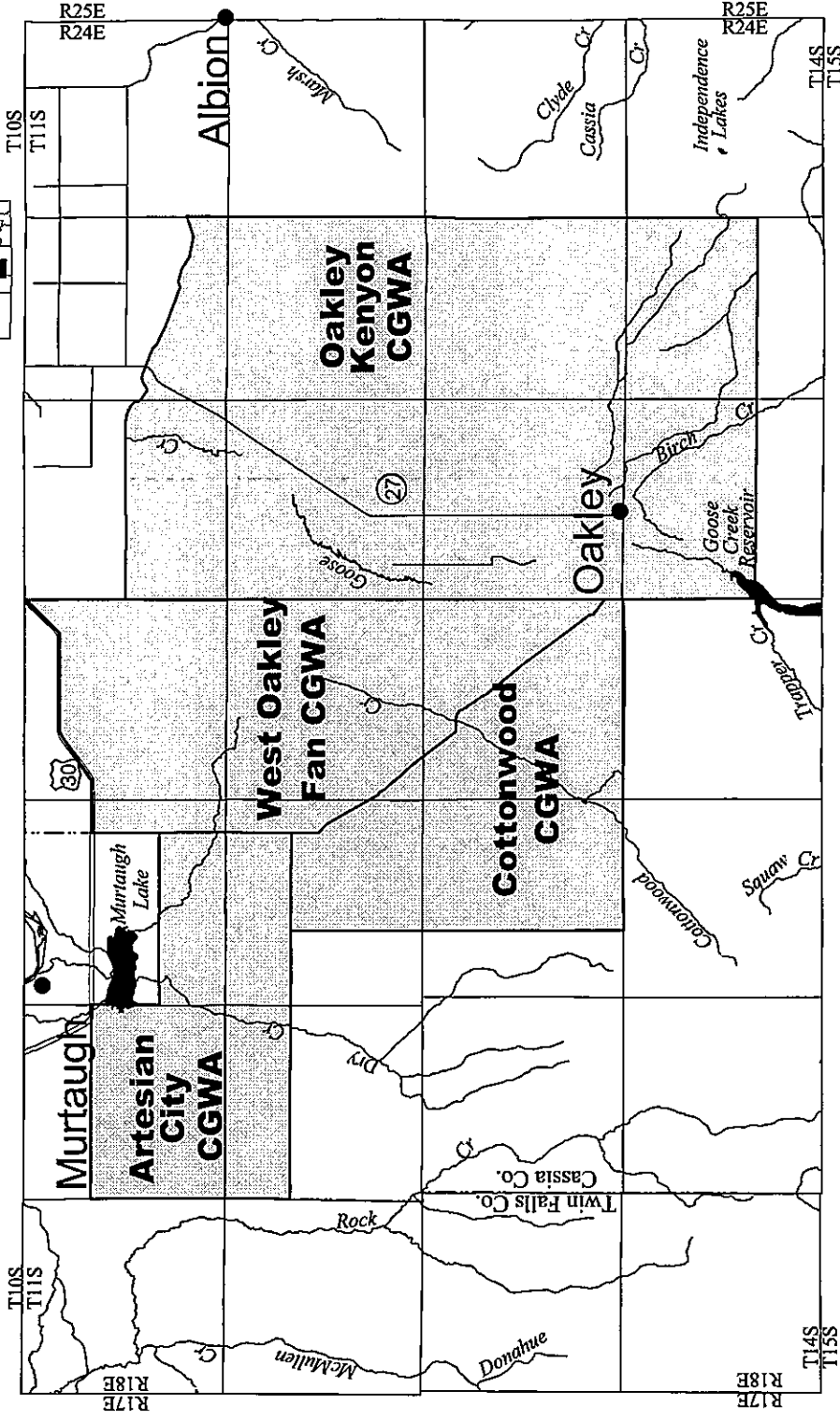
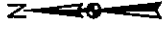
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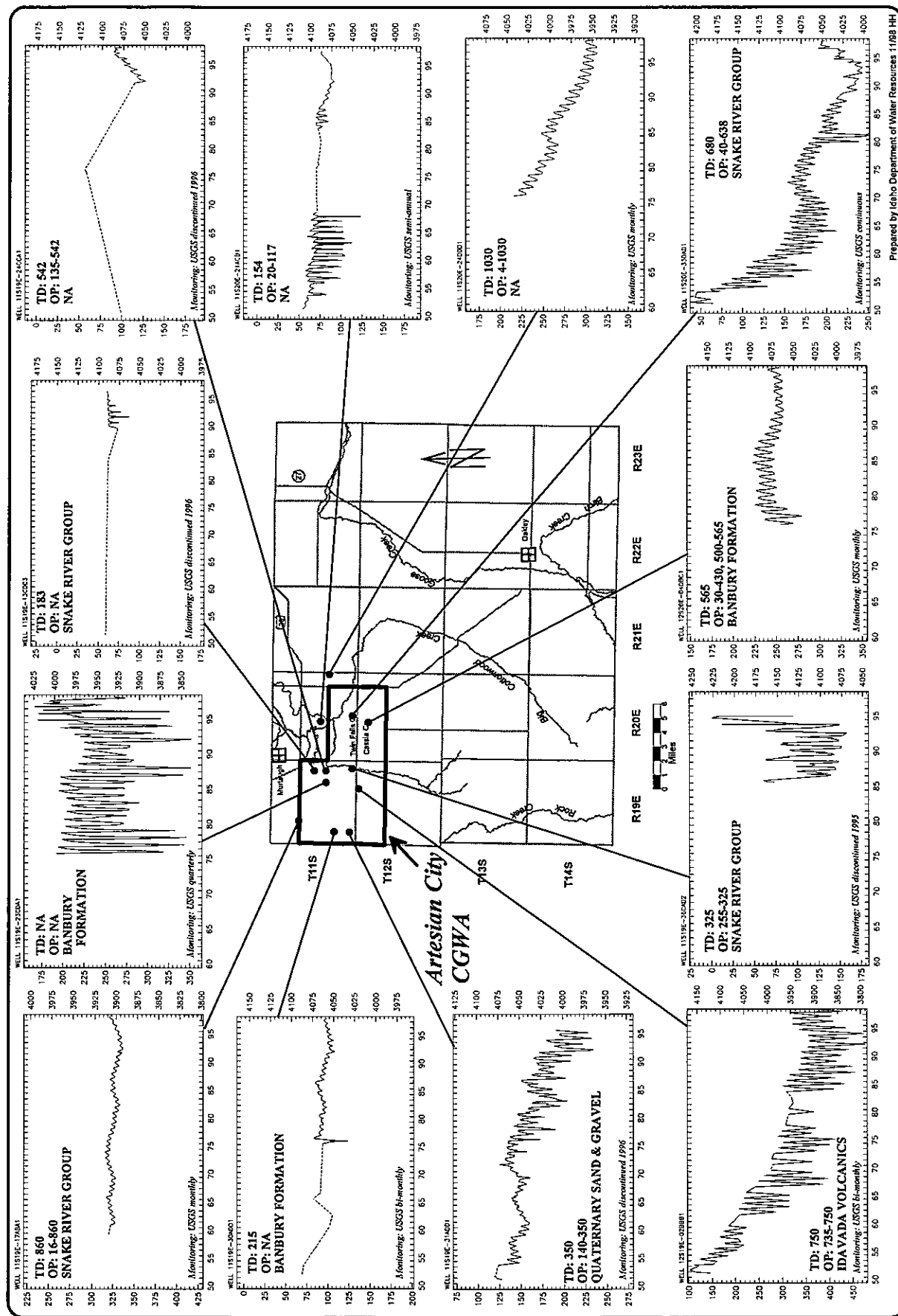
Oakley Fan

Critical Ground Water Areas (CGWA)

Scale 1:436,689

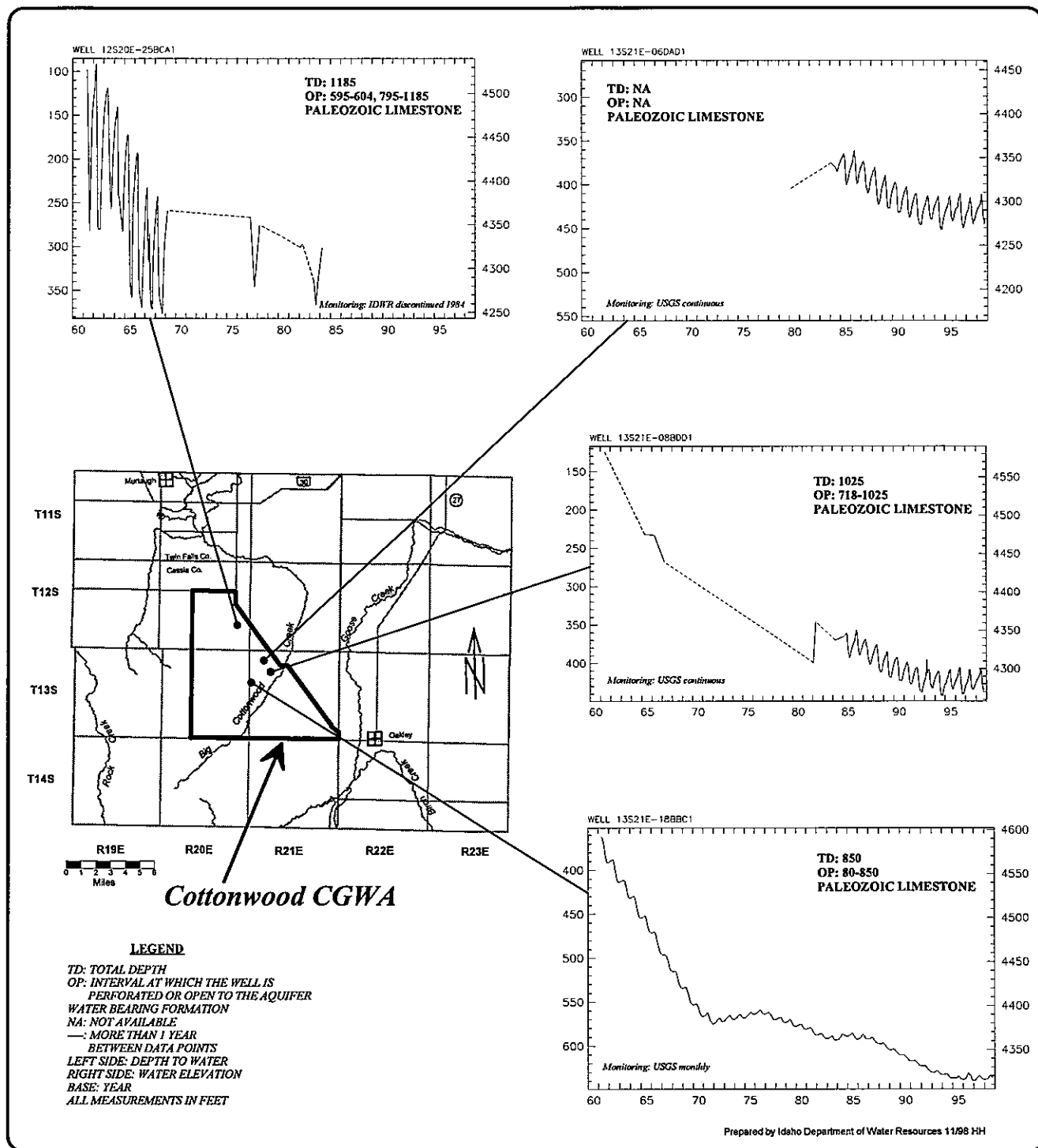
6 Miles





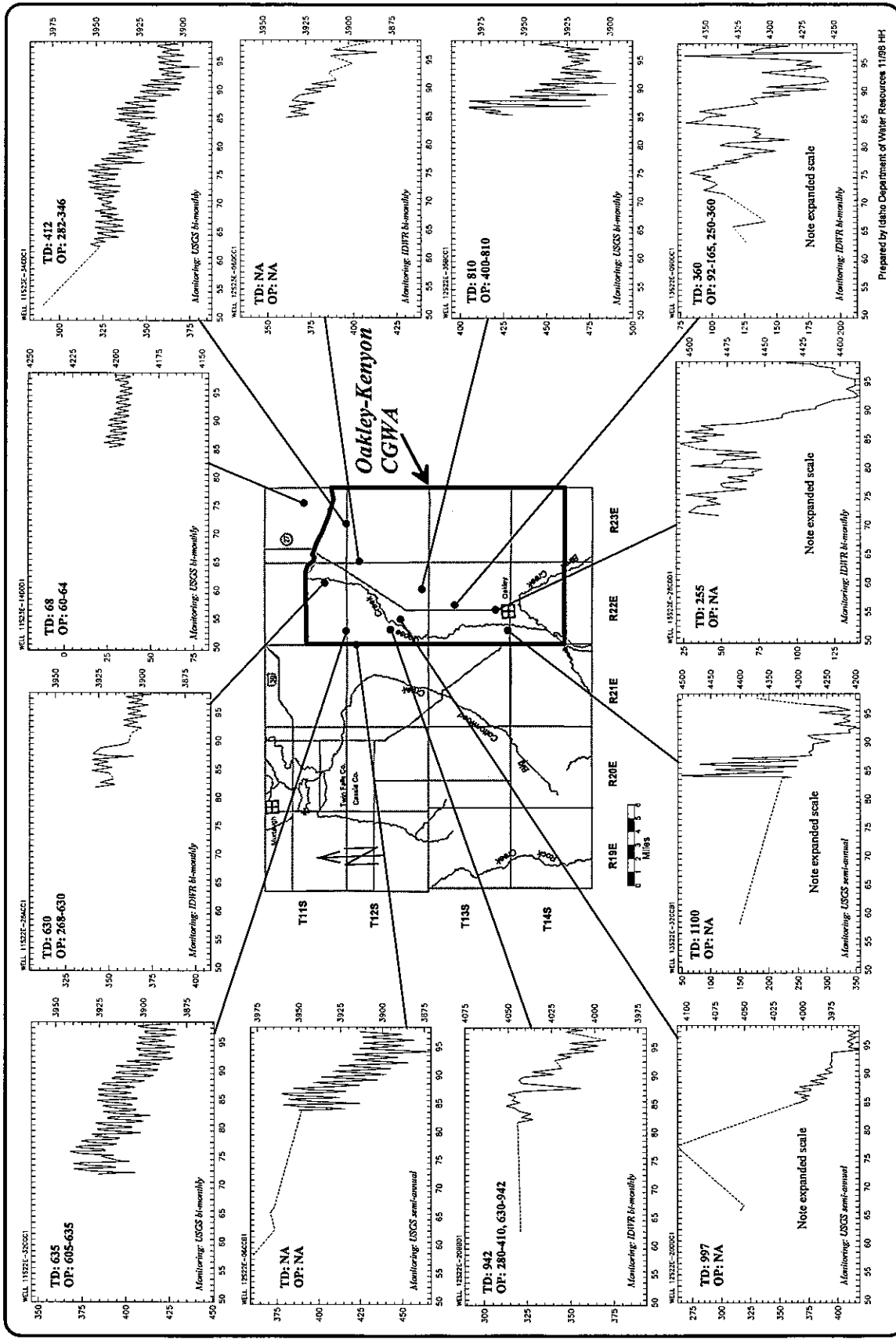
OAKLEY FAN CRITICAL GROUND WATER AREAS
Artesian City Critical Ground Water Area
Ground Water Hydrographs

FIGURE 24



OAKLEY FAN CRITICAL GROUND WATER AREAS **Cottonwood Critical Ground Water Area** **Ground Water Hydrographs**

FIGURE 25



LEGEND

TD: TOTAL DEPTH
 OP: INTERVAL AT WHICH THE WELL IS
 PERFORMED OR OPEN TO THE AQUIFER
 WATER BEARING FORMATION
 NA: NOT AVAILABLE
 ---: OBSERVATION YEAR
 ...: BETWEEN DATA POINTS
 LEFT SIDE: DEPTH TO WATER
 RIGHT SIDE: WATER ELEVATION
 BASE: YEAR
 ALL MEASUREMENTS IN FEET

OAKLEY FAN CRITICAL GROUND WATER AREAS
Oakley-Kenyon Critical Ground Water Area
Ground Water Hydrographs

FIGURE 27

Prepared by Idaho Department of Water Resources 11/99 HH

RAFT RIVER CRITICAL GROUND WATER AREA

Overview of Current Management Status

The Raft River Critical Ground Water Area (CGWA) is located in southern Idaho in Cassia County (Figure 28). The area was originally designated a CGWA on July 23, 1963. Subsequent orders modified the boundaries, eliminating an area on the extreme northern boundary (August 2, 1965), the Albion basin (September 19, 1966), and the area north of the Yale-Cotteral Road (November 3, 1970).

Large-scale ground water pumping in the Raft River valley began in 1950 and increased through the 1950s. USGS documented declining water levels and decreased stream flow in the Raft River from 1956 through 1960 (Mundorff and Sisco, 1963). By 1963, concern over the potential effects of new and increased ground water use caused the designation as a CGWA. Creation of the management area did not include formation of advisory committee or development of a management plan.

Hydrogeology

Aquifers in the Raft River Basin consist of lake and volcanic deposits, alluvial deposits, and basalt. Ground water occurs in both water table and artesian conditions. Interbedded lenses and tongues of silt and clay support localized perched zones (Nace, 1961).

Ground water flows south to north toward the Snake River, generally following the direction of surface water flow. Recharge occurs principally from precipitation, infiltration from streams, and irrigation water (Nace, 1961).

Current Ground Water Conditions

Figure 29 presents ground water hydrographs for the areas. Most hydrographs reflect the following similar trends, although the trends are more subdued in the southern part of the valley. Declining trends are evident during the period of development, beginning in the 1950s until the late 1970s. Water levels were stable or rising during the wet period of the early-mid 1980s. Declines have continued from the late 1980s to present.

Currently, 23 wells are monitored within the Raft River basin. USGS monitors four wells: two wells are monitored bi-monthly and two wells are monitored quarterly. The remaining 19 wells are monitored by IDWR on a quarterly to semi-annual basis. Data dates back to the early 1950s.

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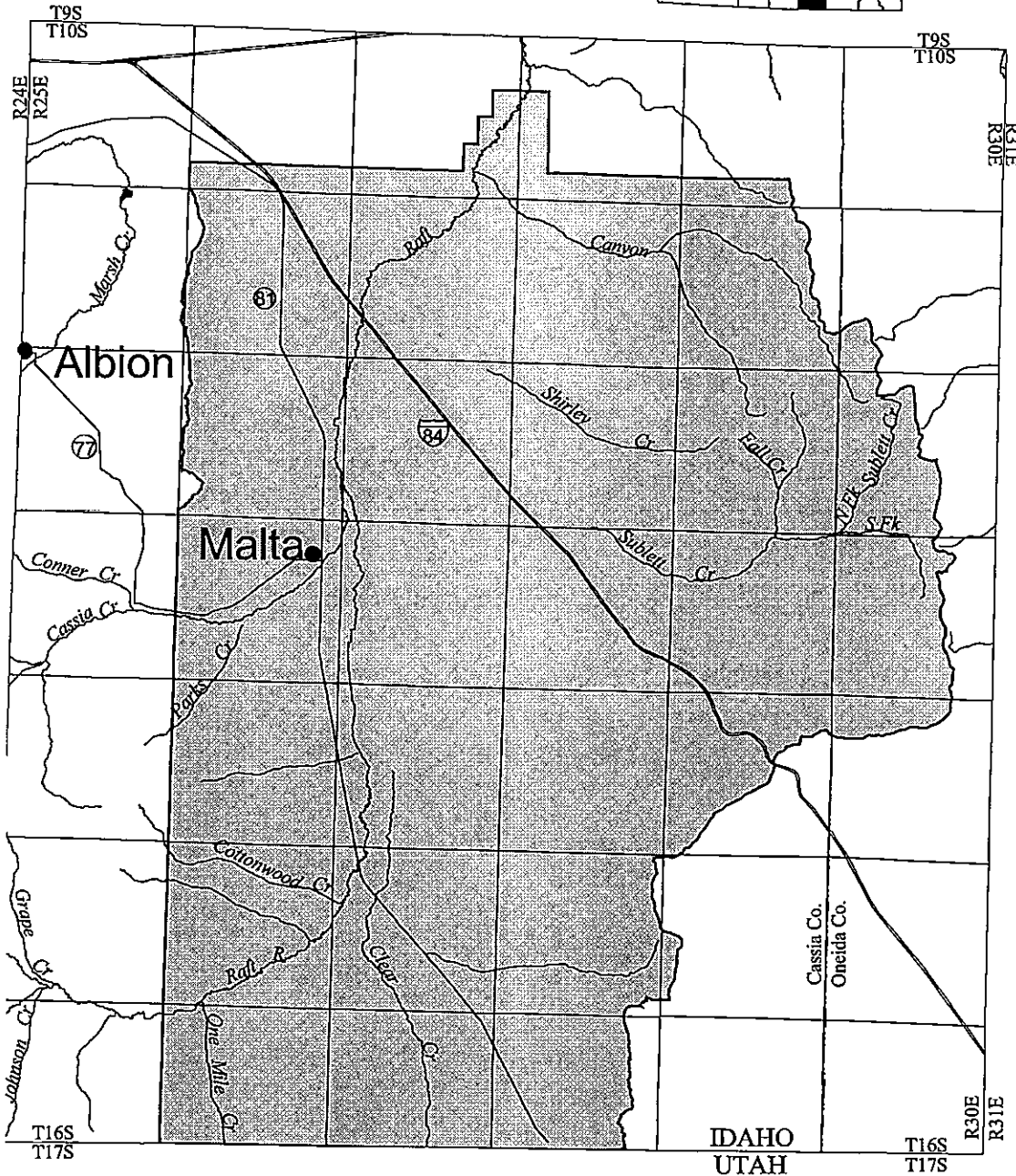
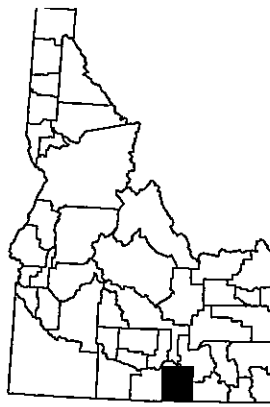
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Raft River

Critical Ground Water Area

Scale 1:524,784

2 0 2 4 6 Miles





Ground Water Hydrographs

FIGURE 29

SOUTHEAST BOISE GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Southeast Boise GWMA, located in Ada County, was established by the Director, IDWR, on October 14, 1994 (Figure 30). The Order establishing the management area and included the requirement for the formation of an advisory committee. This precedent-setting requirement delineated the responsibilities and membership for the advisory committee. The advisory committee is required to develop a management policy and work toward informally resolving ground water disputes.

The Order also required that all ground water users diverting more than 0.20 cubic feet per second (cfs) submit annual reports of water use to IDWR. A separate Order requiring measuring devices, signed on April 4, 1995, was issued to 17 ground water users holding a total of 28 water rights diverting more than 0.20 cfs.

The Southeast Boise GWMA is the second ground water management area in the Treasure Valley. The Boise Front Geothermal GWMA was designated in 1987. The boundaries partially overlap, however, the Boise Front Geothermal GWMA is designated for ground water with temperatures greater than 85 degrees F. The Southeast Boise GWMA designates a specific cold water aquifer unit, commonly described as the Boise-Fan aquifer (Squires, 1992).

IDWR Western Region has been working with the advisory committee since its formation. The Committee has resolved a dispute within the management area, and has developed a dispute resolution process. The advisory committee is also directed to develop a water budget and determine reasonable pumping lift.

Hydrogeology

Rocks underlying the Southeast Boise GWMA consist of Boise fan sediments (Squires, 1992). They are considered to represent a buried alluvial fan-fan delta system. The fan deposits are rarely exposed and overlain by Pleistocene gravels that have interfingering basalt flows (Dion, 1972). A deep geothermal system can be encountered with water temperatures above 85 degrees F at depths 900 to 1100 feet below land surface (Squires, 1993).

Ground water flows to the south and southwest and depth to water ranges from a few feet in the northern part of the management area to over 400 feet in the southern part. Ground water is usually under water table conditions. South of the management area, no data are available. To the east, the area is bounded by siliceous volcanics that extend southward beyond the management area boundary. To the north, the area is bounded by the Boise River. Recharge is believed to be primarily from the Boise River and leakage from the New York Canal.

Current Ground Water Conditions

Figure 31 presents ground water hydrographs for the area. Ground water level declines have been in excess of 70 to 80 feet since 1975 based on data from the KOA well (Figure 31). Other wells in the area show declines during the same time period ranging generally from 50 to 70 feet, but up to 100 feet in one well (02N02E-12AAC1). Water levels in wells west of the management area do not show similar declines.

Ground water levels are monitored with continuous recorders in two wells by United Water. The USGS monitors six wells: five wells are monitored monthly, and one well is monitored intermittently.

REFERENCES

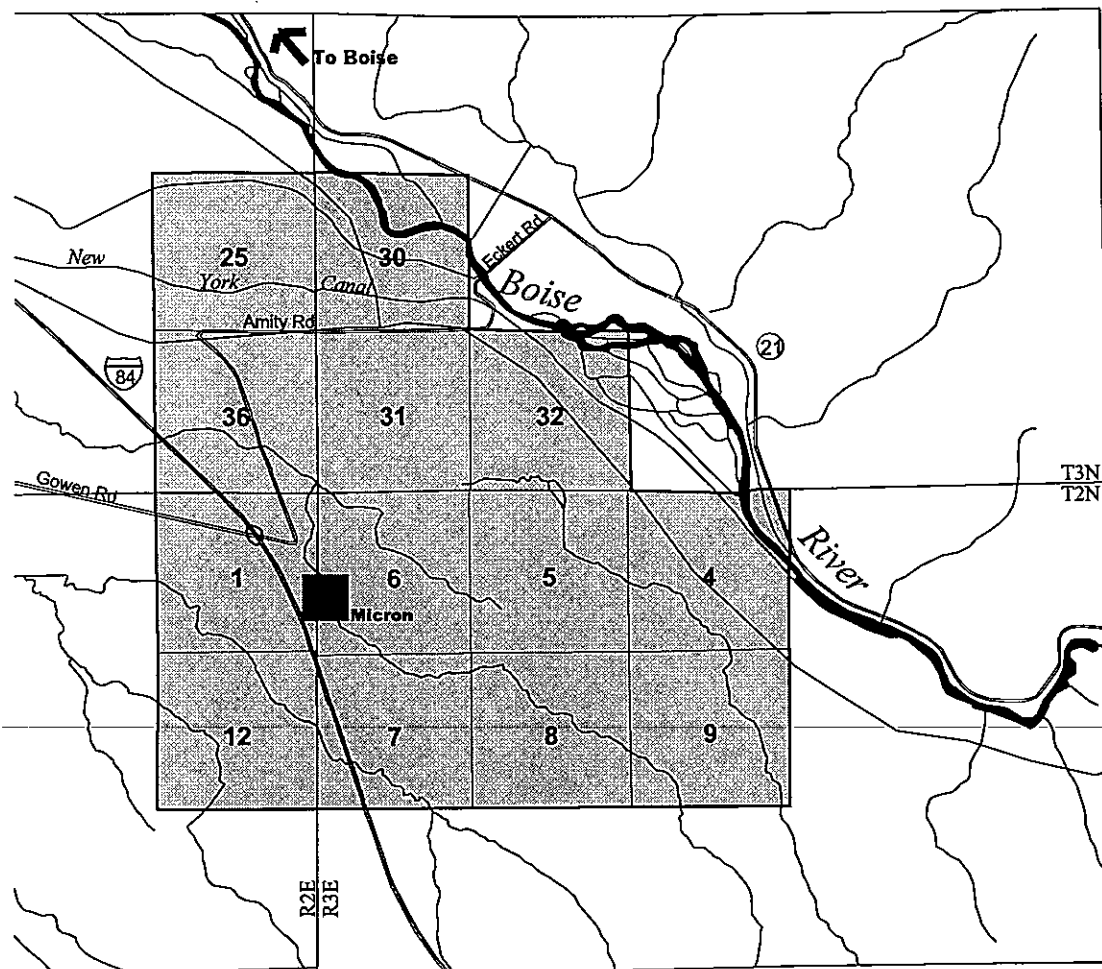
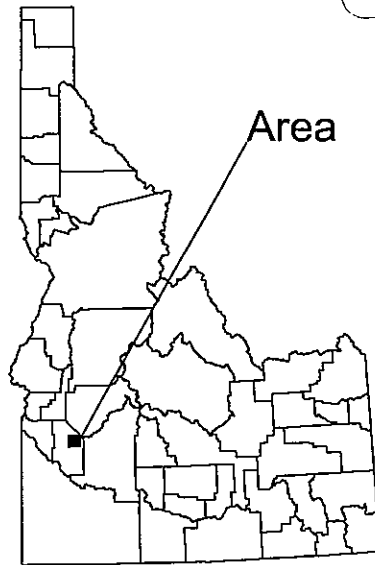
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Southwest Boise

Ground Water Management Area



Scale 1:113,619



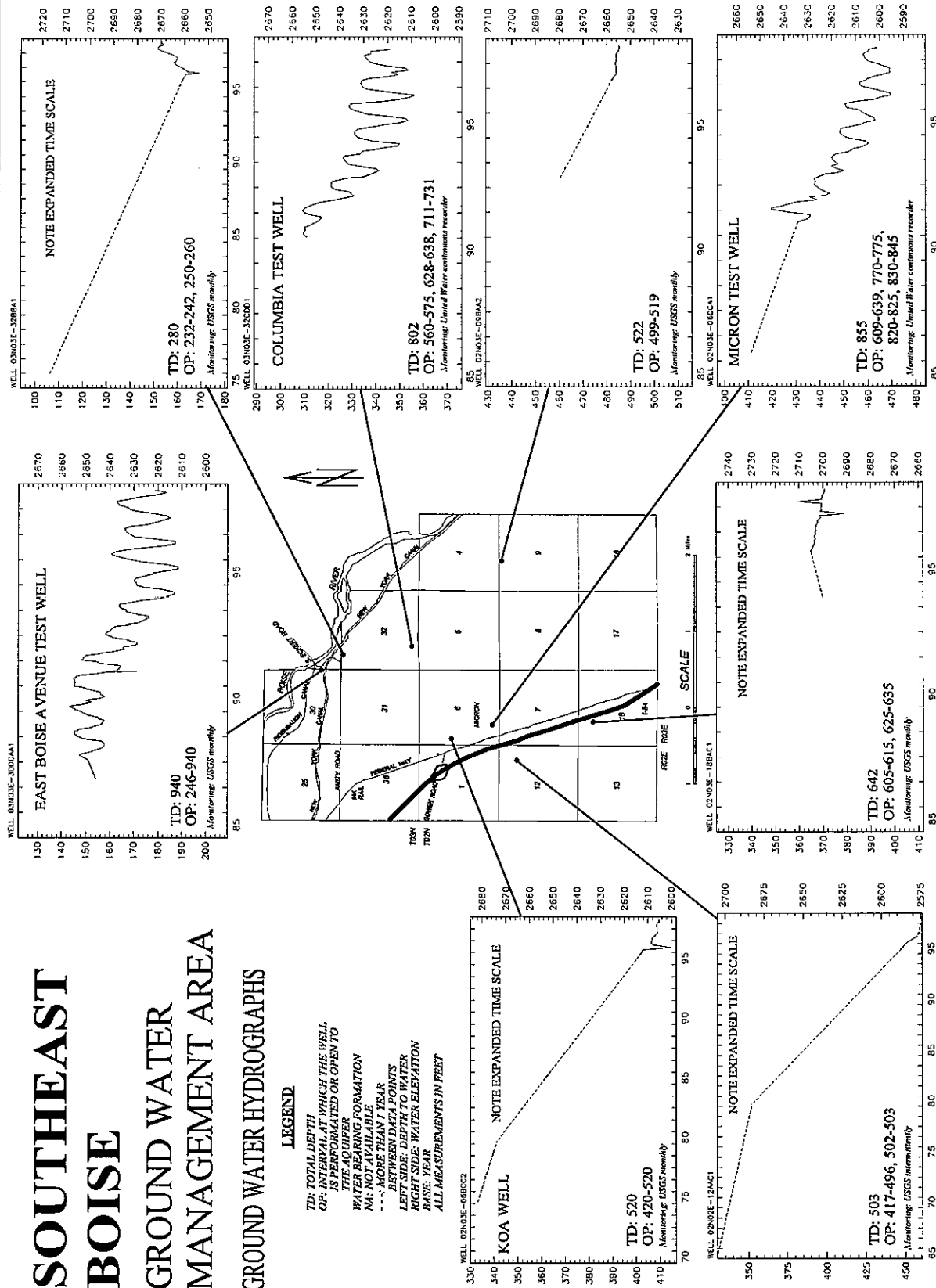
SOUTHEAST BOISE

GROUND WATER MANAGEMENT AREA

GROUND WATER HYDROGRAPHS

LEGEND

TD: TOTAL DEPTH
OP: INTERVAL AT WHICH THE WELL
IS OPERATED OR OPEN TO
THE AQUIFER
NA: NOT AVAILABLE
---: MORE THAN 1 YEAR
BETWEEN DATA POINTS
LEFT SIDE: DEPTH TO WATER
RIGHT SIDE: WATER ELEVATION
BASE: YEAR
ALL MEASUREMENTS IN FEET



PREPARED BY THE IDAHO DEPARTMENT OF WATER RESOURCES 10/20/95 HH

FIGURE 31

TWIN FALLS GROUND WATER MANAGEMENT AREA

Overview of Current Management Status

The Twin Falls GWMA is located in Twin Falls County in southern Idaho (Figure 32). The Twin Falls GWMA was established on January 11, 1984, based on concern that the thermal system was approaching a critical condition evident by declining pressures and well interference may occur. The order specifically excluded the Banbury Hot Springs GWMA.

A moratorium on new geothermal development was established on July 24, 1987, for a limited area within the GWMA. The moratorium was extended in 1992 and again in 1997 because equilibrium had not been established in the geothermal system. A management plan has not been developed nor has an advisory committee been formed.

Hydrogeology

Both cold and geothermal aquifers occur in the area; however, the Twin Falls GWMA covers only the geothermal aquifer. The geothermal aquifer occurs in the Idavada Volcanics with upward ground water movement into the overlying Banbury Basalt. Water temperatures range from 68 to 111 F° (Lewis and Young, 1989).

Ground water flow direction is northwest (Lewis and Young 1989). Recharge is believed to come from the mountains to the south. A conceptual model of the geothermal aquifer developed by Street and DeTar (1987) described a hydrologic connection with the Banbury geothermal aquifer, although it appears to be poorly understood.

Current Ground Water Conditions

Figure 33 presents ground water hydrographs for the areas. In 1990, Baker and Castelin concluded that an equilibrium has occurred between recharge and discharge in the geothermal system. However, water level declines occurred in most wells in the early 1990s, the result of increased pumpage. The USGS Filer Test well (09S16E-20ADD1) is used as an indicator of conditions in the Twin Falls and Banbury geothermal system. Major declines in shut-in pressures in the Filer Test well in the early 1990s have ceased (Neely, 1998). Annual production by geothermal users appears to have stabilized. However, it is not conclusive whether water conditions have stabilized.

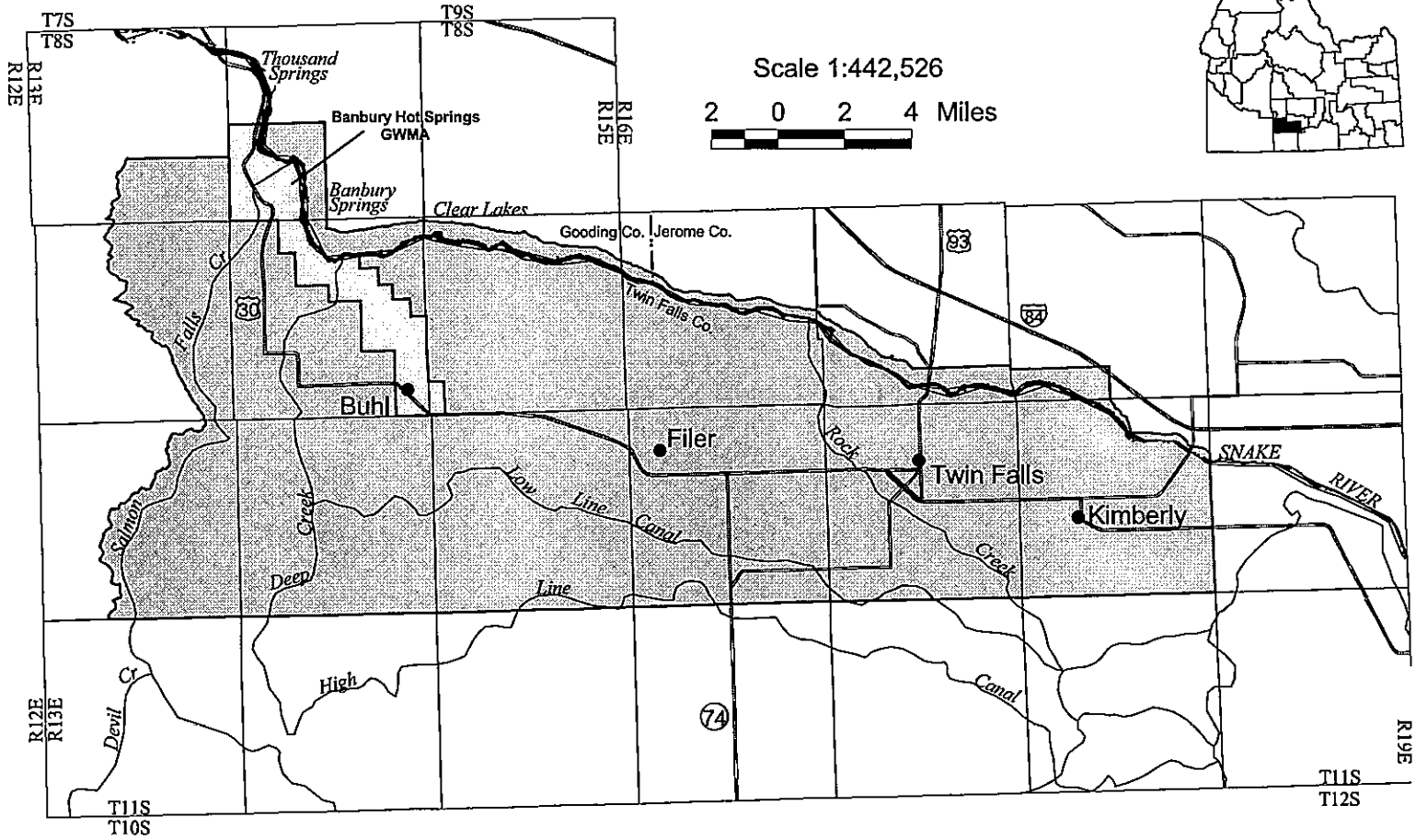
A monitoring program was developed when the Twin Falls GWMA was established. USGS, IDWR, and users have collected data since 1984. USGS monitoring was discontinued in 1994. IDWR-Southern Region has been collecting monthly data since 1994 at three wells. The College of Southern Idaho submits monthly monitoring data to IDWR for its two geothermal production wells.

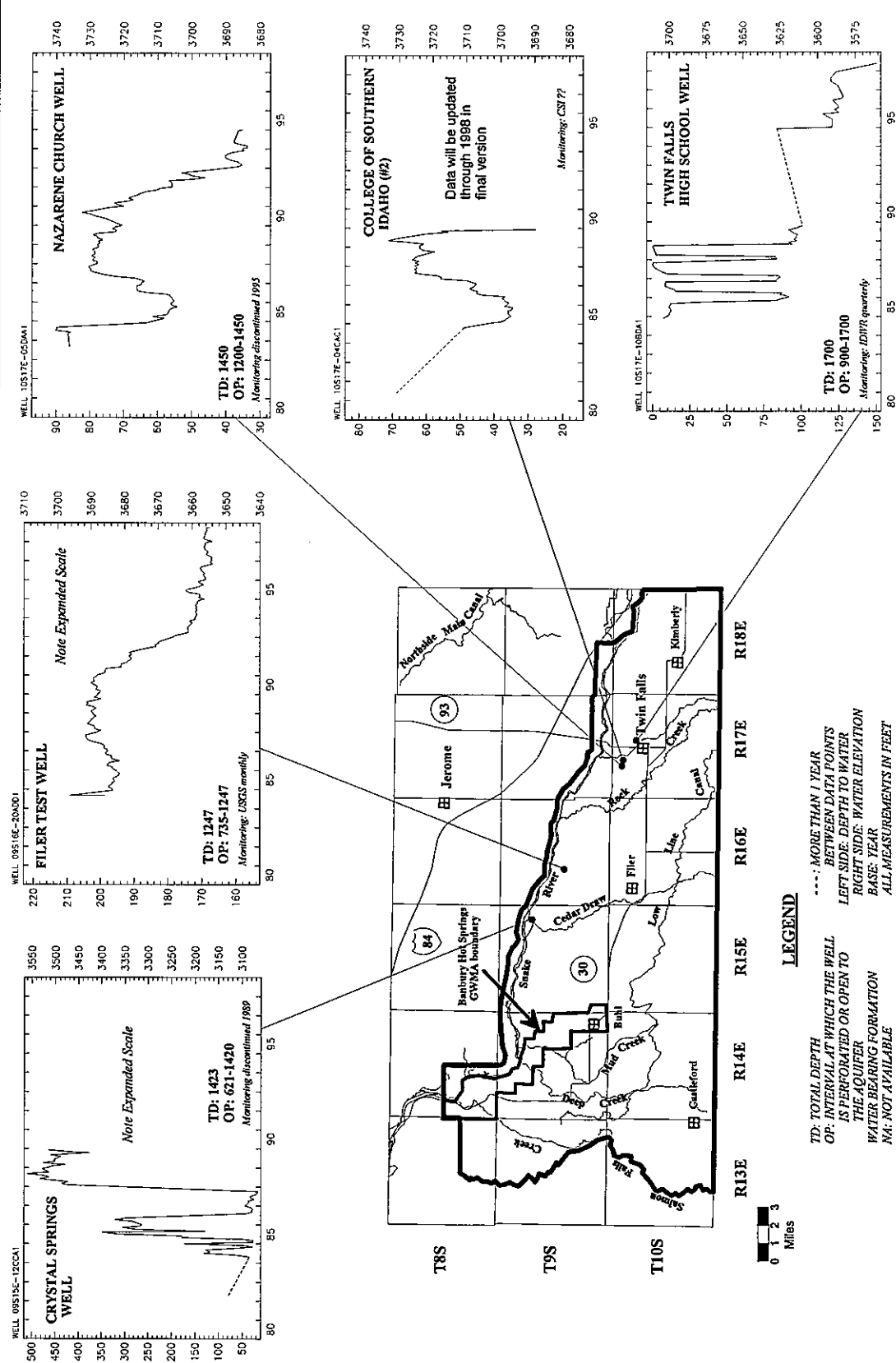
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Twin Falls

Ground Water Management Area





Prepared by Idaho Department of Water Resources 1993 HH

TWIN FALLS GROUND WATER MANAGEMENT AREA
Ground Water Hydrographs
FIGURE 33

PLANNED COMMUNITY APPLICATIONS I-84 Corridor/Elmore County

GENERALLY

- Application for Permit for new right, see "wr number" in table
- Application for Transfer to change older rights, see "transfer" in table
- ~~Highlight~~ - ~~appls now in processing~~

APPROVED

<u>NAME</u>	<u>WR NUMBER</u>	<u>DATE FILED</u>	<u>CFS</u>	<u>SITE</u>	<u>COUNTY</u>
Intermtn Sewer & Water "Mayfield Springs" – also see entry #9 below	63-32225	9/16/05	10	I84 Stage Stop	Ada

PENDING

1) Mayfield Townsite PROTEST	63-32499	7/28/06	10	I84 Simco Rd	Ada
Transfers (2)		11/19/07	5.06		
Total applications			15.0		
2) Nevada LLC PROTEST Sterling Sage	61-12090	9/28/06	5	I84 Simco Rd	Elmore
3) Bonneville Properties PROTEST Bryan's Run	63-32535	10/12/06	16	I84 Blacks Ck	Ada
4) Southern Crossroads	63-32605	2/23/07	10	Kuna-Mora Rd	Ada
5) Elk Creek Canyon	61-12095	4/3/07	5	I84 Simco Rd	Elmore
	61-12096	4/3/07	35		
Transfer		4/3/07	17.92		
Total applications			57.92		
6) Orchard Ranch	63-32703	6/21/07	9.6	I84 Simco Rd	Ada
Transfer		6/21/07	11.36		



Planned Communities Continued

7) Cloverleaf Properties	61-12162	12/28/07	1/2/08	2	I84 Simco Rd	Elmore
8) Cloverleaf Properties		61-12168	1/2/08	4.5	I84 Bowns Ck.	Elmore
9) Intermtn Sewer & Water expands "Mayfield Springs" ¹ – maybe bs 61 & 63 per well sites?		63-32973	1/17/08	13.76	I84 Stage Stop	Elmore
10) Dennis Rider		61-12173	3/21/08	4.5	I84 Mayfield	Elmore
		61-12174	3/21/08	4.5		
11) Pacific West Land LLC		63-33036	4/15/08	18.2	I84 Simco Rd	Elmore

Total

172. CFS

¹ See approved 63-32225 from beginning of this list.

MEMO

State of Idaho

Department of Water Resources

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

Phone: (208) 287-4800 Fax: (208) 287-6700

Date: February 24, 2009

To: Gary Spackman

From: ^{CT}Craig Tesch and ^{SV}Sean Vincent

cc: Steve Lester
Rick Raymondi
John Westra

Subject: Evaluation of aquifer recharge in areas of planned community applications along the I-84 corridor from Boise to Mountain Home

Per your request, we have conducted a preliminary evaluation of water availability in the vicinity of proposed housing developments along the I-84 corridor between Boise and Mountain Home. The basis of our evaluation is a review of the aquifer water budget presented in the USGS Professional Paper 1408-G entitled "*Geohydrology of the Regional Aquifer System, Western Snake River Plain, Southwestern Idaho*" (Newton, 1991).

As of October 9, 2008, there are a total of 11 pending water right applications for planned communities along the I-84 corridor with a total combined appropriation of 172 cfs. Many of the proposed developments overlap the Mountain Home Ground Water Management Area (GWMA). Additionally, several of the developments are within five miles of the northern boundary of the Cinder Cone Critical Ground Water Area (CGWA), which has experienced significant water level declines since 1976 (Figure 1).

As discussed in our review of the water supply evaluation report accompanying the Mayfield Townsite water right application (Attachment 1), there is considerable uncertainty in the amount of water available for appropriation in the area of proposed development. Although there is uncertainty, it can be concluded based on available data that aquifer recharge is limited in the surrounding area, as evidenced by two nearby GWMA's and one CGWA; aquifer mining is a possibility if proposed development proceeds. Our previous review confirmed the finding that "*The ultimate ground-water supply in the Mayfield area is limited*" (SPF, 2007, p. 28).

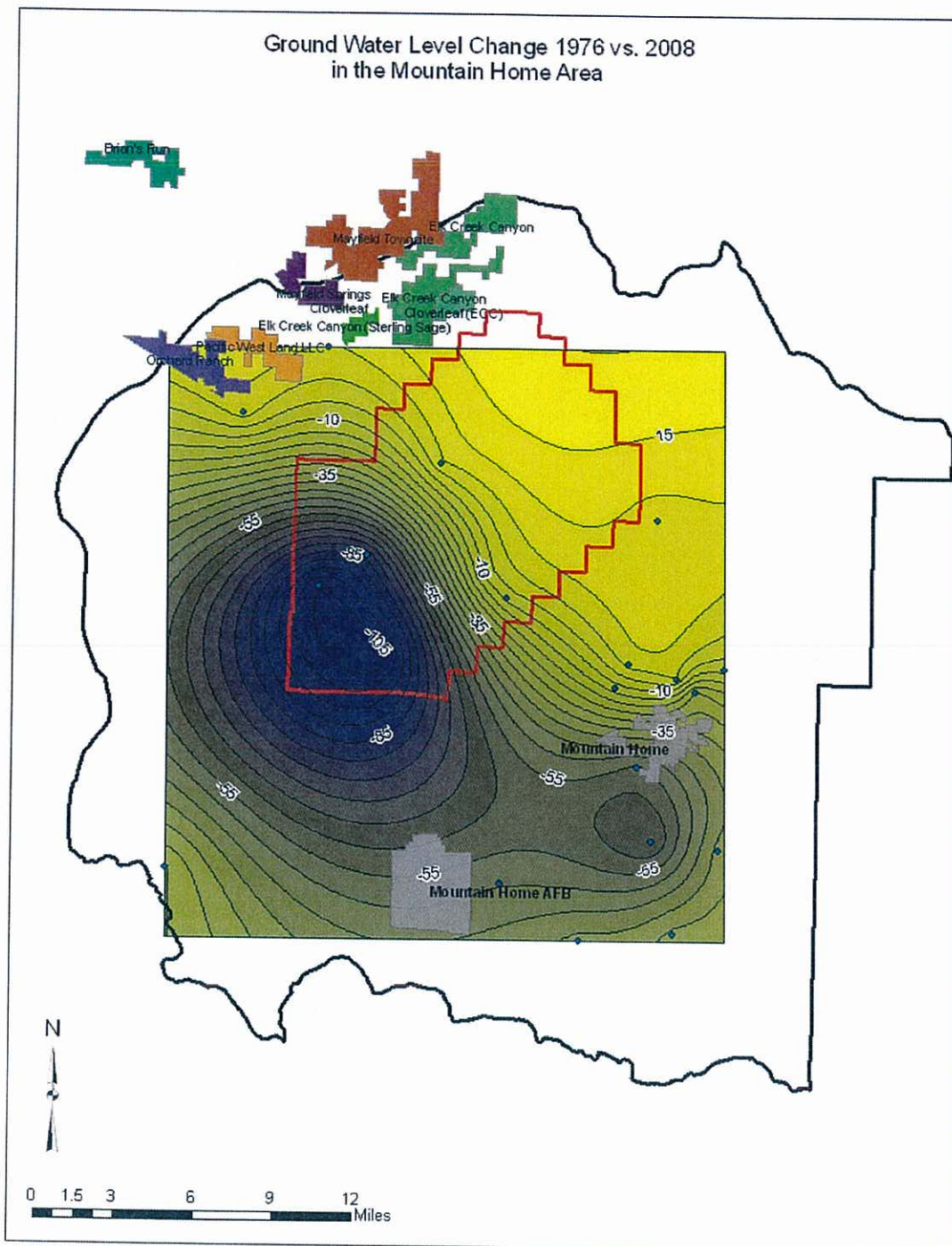


Figure 1. Ground water level change in the area of proposed development along the I-84 corridor. The Cinder Cone CGWA is outlined in red and the Mountain Home GWMA is outlined in black. Water levels are kriged with a contour interval of five feet.

To provide an evaluation of aquifer recharge on a larger scale, this memo presents components of a ground water budget that was developed by the USGS for a three-dimensional ground water flow model of the western Snake River Plain (Newton, 1991). The modeling domain was divided into a network of cells, each two miles on a side, with the entire model grid broken up into 11 subareas based on geologic and hydrologic characteristics (Figure 2). Subareas four and eight are the focus of this evaluation, contain the bulk of the proposed developments along the I-84 corridor, and cover an area of approximately 400,000 acres.

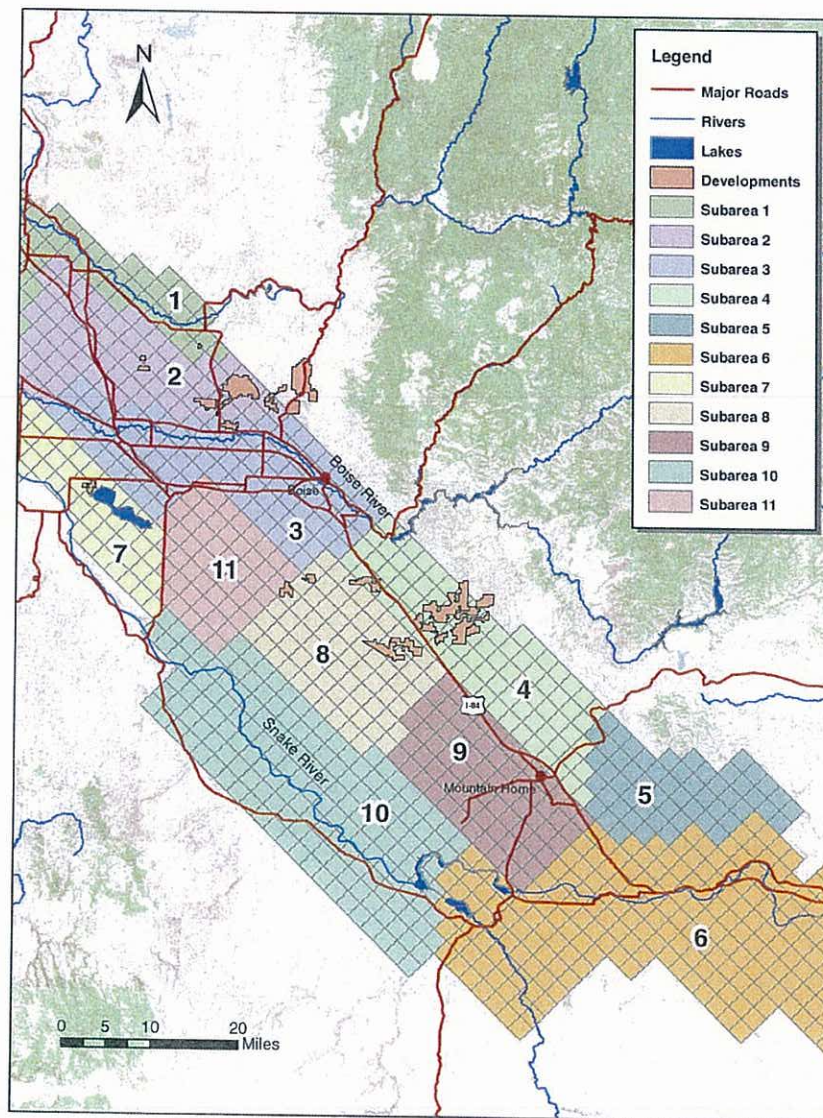


Figure 2. USGS western Snake River Plain model subareas and proposed community developments.

Evaluation of 1980 Water Budget

The USGS prepared a water budget using 1980 data for a three-layer model of the western Snake River Plain aquifer system (Newton, 1991). Identified recharge sources include infiltration from surface water irrigation, tributary underflow from surrounding aquifers, and recharge from precipitation. Primary discharge components are discharge to rivers and drains, and consumptive use from ground water pumping. Some budget estimates have a range of uncertainty and are not well defined due to a lack of hydrologic data, particularly tributary underflow, which was simulated in the model using constant flux boundaries. It is unknown what effect this and other water budget uncertainties will have on determining the amount of water available for appropriation.

Recharge

The three major recharge components of the USGS water budget for the western Snake Plain Aquifer are:

- Recharge from precipitation
- Infiltration from surface water irrigation
- Tributary underflow

Tables of estimated ground water recharge from precipitation and surface water irrigation were provided in the USGS report and are presented for subareas four and eight in Table 1 below.

Average recharge from precipitation on the plain was estimated by the USGS to be two percent of the annual precipitation. The total estimated recharge from precipitation for model subareas four and eight during 1980 was 7,200 acre-feet (10.0 cfs).

The USGS estimated 13.8 ft³/sec (cfs) of surface water irrigation recharge for subareas four and eight combined. Some of the major sources of surface water irrigation include Indian Creek, Slater Creek, Dry Creek, Ditto Creek, and Rattlesnake Creek.

Table 1. Western Snake River Plain Aquifer recharge and discharge estimates for 1980 in USGS model subareas four and eight.

Model Subarea	Total Area (acres)	(1) Recharge from Precipitation (cfs)	(2) Recharge from Surface Water Irrigation (cfs)	(3) Net Pumpage (Consumptive Use) (cfs)	Net Recharge without Tributary Underflow [(1)+(2)-(3)]
4	207,360	7.5	13.8	9.8	11.5
8	184,320	2.5	0	3.9	-1.4
Total	391,680	10.0	13.8	13.7	10.1

The USGS model utilized 1980 Landsat imagery from a previous study (Lindholm and Goodall, 1986) to estimate irrigated acres within each subarea. Estimated recharge to the aquifer from irrigation was then calculated using U.S. Bureau of Reclamation recharge rates.

Analysis of satellite imagery suggests that in 2000 there were approximately 8,000 fewer surface water irrigated acres in the model subareas than there were in 1980 (Table 2). Assuming a proportional reduction in the recharge from surface water irrigation, the surface water irrigation recharge estimate is reduced from 13.8 cfs for 1980 to 1.4 cfs for 2000 (Table 3).

Potential explanations for the apparent reduction in irrigated acres from 1980 to 2000 include: (1) implementation of Crop Reduction Programs (CRP) in 1985, (2) conversion of acres from irrigated agriculture to dry-land farming, and (3) removal of irrigated land from production.

Table 2. Irrigated acres in subareas four and eight for 1980 and 2000.

Model Subarea	1980 Irrigated Acres			2000 Irrigated Acres		
	Ground Water	Surface Water	Total	Ground Water	Surface Water	Total
4	2,800	8,700	11,500	248	770	1,018
8	2,900	100	3,000	3,574	123	3,697
Total	5,700	8,800	14,500	3,822	893	4,715

The tributary underflow component of the water budget has a large range of uncertainty and is not well defined due to a lack of hydrologic data. In fact, the USGS report states that underflow was estimated from the water budget because *“almost no data are available to estimate underflow”* (p. G-15).

Based on our literature review, data for quantifying underflow into the western Snake River Plain Aquifer with confidence are still lacking. A report documenting a model of groundwater flow in the Treasure Valley (Petrich, 2004), for example, concludes *“The rate and spatial and vertical distribution of underflow into the valley and into the model domain is highly uncertain”* (p. 107). Although relevant, the water budget from the more recent modeling effort was not used for this analysis because the model domain includes only a portion of the area of interest.

In qualitative terms, it is considered unlikely that granitic rocks of the Idaho batholith, which typically are relatively impermeable, provide significant underflow to the aquifer system represented by model subareas four and eight. This conclusion is supported by the fact that the water supply evaluation report accompanying the Mayfield Townsite water

right application considers underflow from the Idaho batholith negligible and does not include it as a component of their water budget (SPF, 2007, p. 27).

Volcanic rocks are mapped adjacent to the granite pluton along the valley margin south and east of Mayfield, however. These formations generally are more permeable than granite and, as such, are considered more likely to be a significant source of underflow to the area of interest.

The occurrence of both granitic and volcanic rocks adjacent to model subarea four is not unique; the same geologic units are mapped adjacent to subareas seven and ten, which are located on the opposite side of the western Snake Plain (see Plate 1 and Figures 16 and 17 in Newton, 1991). Constant flux boundaries were also used to represent underflow into these two subareas.

In the absence of better information, Petrich (2004) assumed that underflow was uniformly distributed along the valley margin. Adopting the same approach, an underflow estimate for the area of interest was derived from the USGS model budget by multiplying the total underflow across model boundaries during 1980 (310,000 acre-feet) by the ratio of the number of constant flux cells in subarea four divided by the total number of constant flux cells in the model. The resulting rate (55.4 cfs) is approximately 13% of the total and conceptually includes underflow from granitic and volcanic rocks along the valley margin as well as surface water recharge from the Danskin Mountains.

Note that this recharge estimate (55.4 cfs) includes underflow not only to the shallow aquifer system (layer 1 in the USGS model) but also underflow to sedimentary and volcanic rocks simulated with model layers 2 and 3, which extend to a total depth of more than 10,000 feet. Limited vertical hydraulic communication between the shallow and deep aquifer systems would tend to make the underflow estimate based on the USGS water budget high in the context of evaluating hydrologic impacts resulting from withdrawals in the shallow aquifer system.

As identified in Table 3 below, total recharge from precipitation and surface water irrigation [(1) + (2)] into subareas four and eight is 11.4 cfs. Total recharge including underflow [(1) + (2) + (5)] is 66.8 cfs.

Discharge

The two major discharge components of the regional USGS water budget for the western Snake Plain aquifer are:

- Discharge to rivers and drains
- Consumptive use from ground water pumping

Ground water discharge to rivers and drains was a major component of analysis within the entire Western Snake Plain model domain; however, there are no return flows in the project area of this memo.

Using power consumption records for individual wells, the USGS estimated 13.7 cfs of net ground water pumpage (consumptive use) for subareas four and eight for 1980 (Table 1). An updated estimate of consumptive use (16.7 cfs) was developed by IDWR GIS staff by analysis of METRIC (Mapping Evapotranspiration at high Resolution and with Internalized Calibration) data that was collected in 2000 (Table 3).

At a more localized scale, the rate of groundwater flow exiting the two subareas is unknown and cannot be accurately quantified without running the model.

Table 3. Western Snake River Plain recharge and discharge estimates for 2000 in subareas four and eight using METRIC analysis.

Model Subarea	Total Area (acres)	(1) Recharge from Precipitation (cfs)	(2) Recharge from Surface Water Irrigation (cfs)	(3) METRIC ET estimate (cfs)	(4) Net Recharge without Underflow [(1)+(2)-(3)]	(5) Underflow (cfs)	(6) Net Recharge with Underflow [(4)+(5)]
4	207,360	7.5	1.2	2.9	5.8	55.4	61.2
8	184,320	2.5	0.2	13.8	-11.1	-	-11.1
Total	391,680	10.0	1.4	16.7	-5.3	55.4	50.1

Net Recharge

Ignoring tributary underflow, a net recharge of negative 5.3 cfs is calculated for 2000 by subtracting aquifer withdrawals (16.7 cfs) from total recharge from precipitation and surface water irrigation (11.4 cfs). If underflow (55.4 cfs) is considered, the net recharge into the model subareas is 50.1 cfs. Either way, groundwater outflow from the subareas is ignored and the total appropriation amount for the 11 pending water right applications (172 cfs) greatly exceeds the estimated net recharge for 2000. Assuming similar conditions in future years, the total appropriation amount also greatly exceeds the "*reasonably anticipated rate of future natural recharge*" (Idaho Code §42-237a.g.), which according to IDAPA 37.03.11 includes precipitation, underflow from tributary sources, stream losses, and incidental recharge of water used for irrigation and other purposes.

Conclusions

The following conclusions are based upon our review of the 1980 water budget for a model of the western Snake River Plain Aquifer presented in the USGS Professional Paper 1408-G and an updated 2000 METRIC analysis:

1. The USGS water budget was published in 1991 using data collected in 1980. There is uncertainty in individual water budget components and how changes in land and water use practices have changed the water budget since 1980. The collection of new data in an upcoming hydrogeologic characterization program will help refine the water budget for the area of proposed development.
2. USGS estimates of recharge from surface water irrigation and consumptive use were updated herein through an analysis of satellite imagery and METRIC evapotranspiration data for 2000. The other water budget components (i.e., recharge from precipitation and inflow from the Danskin Mountains) are as originally estimated using 1980 data.

Based on National Weather Service precipitation data from the Boise Airport weather station, 1980 was an above average water year (15.2 inches total precipitation versus the average of 12.2 inches) and 2000 was an average water year (12.0 inches precipitation). NRCS Snow Course data for Mores Creek Summit shows an above average snow pack on April 1, 1980 (39.6 inches versus the average of 34.6 inches) and a below average snow pack on April 1, 2000 (30.7 inches). The impact of using an above average year (1980) for determining recharge from precipitation and inflow from the Danskin Mountains is to overestimate recharge relative to what might be expected in an average year.

3. Ignoring underflow, the net recharge for subareas four and eight is negative 5.3 cfs. If underflow is considered, net recharge increases to 50.1 cfs for the subareas. Both estimates ignore groundwater outflow from the subareas as this rate is unknown and it is not a component of the "*reasonably anticipated rate of future natural recharge*" (Idaho Code §42-237a.g.). The negative 5.3 cfs estimate arguably is more meaningful for evaluating impacts to the resource if the rate of ground water outflow approaches the modeled rate of underflow (55.4 cfs).
4. The total combined appropriation for the 11 pending water right applications for planned communities along the I-84 corridor (172 cfs) greatly exceeds the range of estimates for net recharge in 2000 (5.3 to 50.1 cfs). Assuming similar conditions in future years, the total appropriation amount also greatly exceeds the "*reasonably anticipated rate of future natural recharge*".
5. Several of the proposed developments are within five miles of the Cinder Cone CGWA, which has experienced significant water level declines since 1976. The analysis in the attached IDWR memo suggests that the proposed ground water development could exacerbate conditions in the Cinder Cone CGWA and Mountain Home GWMA and cause significant declines locally.

References

- Lindholm, G.F., and Goodell, S.A., 1986. Irrigated acreage and other land uses on the Snake River Plain, Idaho and eastern Oregon: U.S. Geological Survey Hydrologic Investigations Atlas HA-691, scale 1:500,000.
- Newton, G.D., 1991. Geohydrology of the Regional Aquifer System, Western Snake River Plain, Southwestern Idaho. U.S. Geological Survey Professional Paper 1408-G.
- Petrich, C.R., 2004. Simulation of Ground Water Flow in the Lower Boise River Basin. Idaho Water Resources Research Institute Research Report IWRRI-2004-02. 130 pp.
- SPF Water Engineering, 2007. Ground-Water Supply Evaluation for the Mayfield Townsite Property. November 1. 30 pp.

Attachment

February 10, 2009 IDWR Memo from
D. Owsley and S. Vincent to S. Lester

MEMO

State of Idaho

Department of Water Resources

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

Phone: (208) 287-4800 Fax: (208) 287-6700

Date: February 10, 2009

To: Steve Lester, Western Regional Office

From: Dennis Dwsley and Sean Vincent, Hydrology Section, State Office

cc: Rick Raymondi and John Westra

Subject: Evaluation of SPF Report entitled *Ground-Water Supply Evaluation for the Mayfield Townsite Property*

Introduction

Per your request, we have reviewed the subject report in order to evaluate potential impacts to the aquifer from Water Right Application 63-32499 for the appropriation of 10 cfs of ground water from up to eight wells in the Mayfield, Idaho Area. The proposed Mayfield Townsite development comprises approximately 8,000 homes within a 6,363 acre area (SPF, 2007). The property overlaps the northern edge of the Mountain Home Ground Water Management Area (GWMA) and is approximately 3.5 miles northwest of the Cinder Cone Critical Ground Water Area (CGWA).

Total projected water use is 4,860 acre-feet, 2,240 acre-feet for domestic purposes and 2,620 acre feet for irrigation (SPF, 2007, p. ii). Assuming 1,120 acre-feet of domestic effluent will be treated and re-used for irrigation, the net annual consumptive use is approximately 3,960 acre-feet, which is equivalent to an average annual rate of 5.5 cfs. The maximum demand for the 8,000-home development is estimated to be 21.1 cfs. This demand would be met by combining the maximum rate of diversion for water right 63-32499 (10 cfs) with 4 cfs ground water under water right 63-123447, 5 cfs of reclaimed domestic wastewater, and, when available, up to 2.57 cfs of surface water under water right 63-2046.

According to the SPF report, the proposed wells would extend to depths ranging from 600 to over 800 feet, with static water levels ranging from approximately 300 to 600 feet below ground surface (p. v). SPF describes the aquifers that underlay the Mayfield Townsite as "*layers of unconsolidated sediments and volcanic materials*" (p. iii). The hydrogeology of the area is poorly characterized at present but it is targeted for study as part of the recently authorized Aquifer Planning and Management program.

In accordance with your request, we attempt to address the following questions at the conclusion of our review:

- 1) Does the study describe possible impacts this water right will have on the aquifer? If so, are those impacts significant?
- 2) Does the study describe possible impacts this water right and water right 63-32225 will have on the aquifer? If so, are those impacts significant?
- 3) What is the probability of the 10 cfs diversion rate from this right causing the borders of the Mountain Home Ground Water Management Area to migrate and/or change?
- 4) What is the probability of the 10 cfs diversion rate from this right and the 10 cfs diversion rate from 63-32225 causing the borders of the Mountain Home Ground Water Management Area to migrate and/or change?
- 5) Does this study show that mining of the aquifer will not occur and that there is sufficient proof of the long-term sustainability of the water supply for this project?

IDWR Review of SPF Report

The SPF report includes a water budget for the “*contributing basins*” and an evaluation of historic water level data. Selected aspects of the SPF report are described in the following sections in order to provide a framework for our assessment of potential impacts to the aquifer.

Contributing Basins

SPF uses the term “*contributing basins*” to refer to the portion of the Indian Creek watershed that may provide recharge to “*aquifers in the project area*” (p. 19). The area that defines the contributing basin for ground water (also referred to by SPF as the “*ground water capture area*”) was arbitrarily selected. The need for SPF to identify a potential recharge area stems from the fact that a recharge area must be defined in order to calculate the annual volume of recharge entering the aquifer. In other words, an aquifer water budget cannot be prepared without first defining the extent of the aquifer.

There are multiple aquifers/aquifer layers in the project area and they are of unknown thickness and lateral extent. This hydrogeologic uncertainty makes it difficult for SPF (and IDWR) to quantify the “*reasonably anticipated average rate of future natural recharge*” (Idaho Code, Section 42237a.g.).

In the absence of a well-developed hydrogeologic conceptual model, the contributing basin was arbitrarily assumed by SPF as a two-mile buffer from each of the proposed wells. The area is truncated by the geologic contact between the granitic uplands and the basin geologic units (Figure 1). SPF’s resulting capture area encompasses approximately

27,500 acres (SPF, 2007, p. 19). Even though arbitrary, the 2-mile capture area presented by SPF is one estimate of the recharge area for the aquifer of interest.

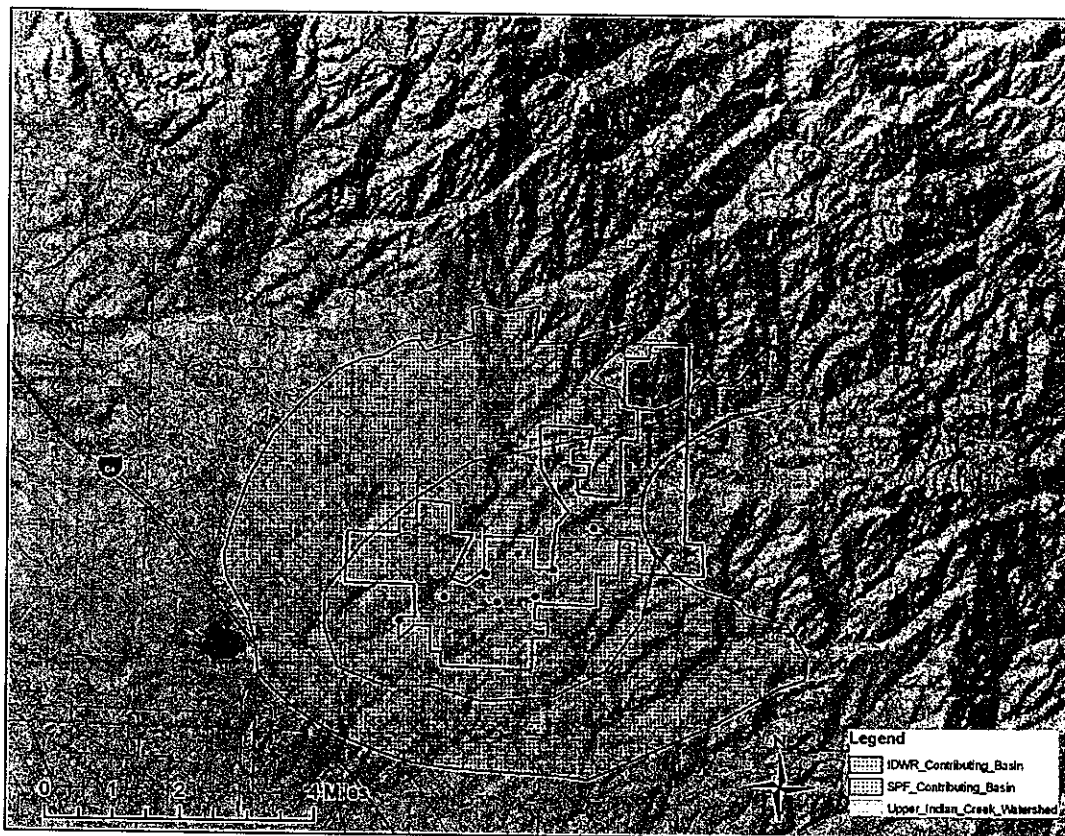


Figure 1. SPF and IDWR areas of interest. The proposed Mayfield Townsite development is outlined in black.

For purposes of comparison, we delineated the geometry of the hydraulic capture zone for the proposed well field using the analytic element model WhAEM (EPA, 2007). We assumed a hydraulic conductivity of 17 ft/day (5.9×10^{-3} cm/sec) and an aquifer thickness of 200 feet based on a transmissivity estimate of 25,000 gpd/ft, which is presented in the SPF report based on a well test performed on the ARK irrigation well (p. 13). The ARK well is located centrally within the Mayfield Townsite and is completed in the aquifer that is proposed for development in this water right application. The ARK well is 622 feet deep and has open intervals from 432 to 462, 468 to 478, and 542 to 552 feet below ground surface. Other required model input includes the rate of areal recharge, and the steady-state production rate for the production wells. Based on the USGS modeling effort for the western Snake River Plain (Newton, 1991), a uniform areal recharge rate of 0.5 in/yr was used, which is equivalent to 3% of the approximate average annual precipitation over the project area (16.5 in/yr) as determined by PRISM data (IDWR, 2008). Lastly, a steady-state production rate of 308 gpm was used at each of the eight diversion locations that are identified on the SPF figure that accompanies the permit application. This production rate is equivalent to SPF's estimate of the average

consumptive use for the development (5.5 cfs, p. ii), equally distributed among each of the eight proposed wells.

As shown in Figure 1, the resulting 10-year hydraulic capture zone is considerably smaller (18,000 acres) than the "*contributing basin for aquifers in the project area*" (p. 19) that was assumed in the SPF analysis (27,500 acres). The area delineated by IDWR is similar to the area assumed by SPF in the fact that the 10-year travel time was selected arbitrarily. Although actual pumping rates and aquifer properties were used in defining the area, hydraulic gradients and aquifer boundary conditions were not included in the modeling process. Therefore, the resultant area represents the theoretical area in which the production wells would withdrawal water from a flat, infinite aquifer in a 10-year timeframe.

However, the drawdown values that were predicted through the IDWR delineation of the recharge area are not arbitrary. The drawdown values were calculated using the presented transmissivity and estimated pumping values and the ground water gradient and storage coefficient do not influence the predicted drawdown under steady state conditions. The maximum model-predicted drawdown is 130 feet and the drawdown at the northwest boundary of the Cinder Cone CGWA is 81 feet.

It's worth mentioning that hydraulic communication between the Mayfield Townsite sedimentary aquifer system and the basalt aquifer in the Cinder Cone CGWA possibly is limited by a fault system that runs along I-84 (Figure 2). The fault system may act as a barrier to flow based upon our preliminary evaluation of available water level data. Assuming that the fault system serves as a partial or complete barrier to flow, the WhAEM-based drawdown estimates are too low for the portions of the management areas that are north of the highway and too high for areas that are south of the highway.

Upper Indian Creek Watershed

Although not part of the "*contributing basin*" for ground water, precipitation on the upper Indian Creek Basin is an aquifer inflow term for the water budget that SPF developed in order to evaluate the amount of water available for appropriation. The underlying assumption is that, if not evapotranspired, all precipitation on the granitic uplands ends up recharging the aquifer that is proposed for development. The contributing area of the Upper Indian Creek watershed is approximately 15,630 acres.

Average Rate of Future Natural Recharge

SPF's report presents estimates of the average future natural recharge and compares these volumes to existing and proposed aquifer withdrawal amounts in order to evaluate whether total withdrawals, including the proposed new water right, would exceed the "*reasonably anticipated rate of future natural recharge*" (Section 42-237a.g., Idaho Code). SPF acknowledges that "*the ultimate carrying capacity of aquifers in the Mayfield Townsite area is unknown*" (p. 28) and presents a range of recharge estimates to account for this uncertainty. SPF's recharge estimates are described below.

High Estimate

The “*high estimate*” of average future aquifer recharge was calculated by subtracting the annual average evapotranspiration (ET) from the average annual precipitation for the combined area that includes the ground water capture area and the granitic uplands within the upper Indian Creek watershed. All of the precipitation that is not evapotranspired is assumed to recharge the aquifer, either as infiltration or surface water seepage. In this case, the distinction between infiltration and surface water seepage is of no consequence as both water budget components contribute to the amount of water that is available for appropriation.

Evapotranspiration (ET)

SPF assumed that a preliminary SEBAL (Surface Energy Balance Algorithm for Land) estimate of the ET during the 2000 growing season (March 15, 2000 to October 15, 2000) for rangeland in the Boise River Valley (9.5 inches; Morse et al., 2003) applies to the Indian Creek watershed. SPF's estimate of ET for the combined area that includes the ground water capture area and the upper Indian Creek watershed is 34,140 acre-feet.

SEBAL is geared toward estimating ET on irrigated lands. (Morse et al., 2003, p. 2). Not surprisingly, the coefficient of variation (i.e., the standard deviation divided by the mean) for this satellite-based ET estimation technique is much higher for rangeland than for agricultural lands. In other words, there is more uncertainty associated with a SEBAL-derived estimate for rangeland as compared to a SEBAL-derived estimate for irrigated cropland. In addition, the SPF estimate only includes ET rates for the growing season (April through October). ET that occurs during the non-growing season would tend to make the SPF estimate too low.

Based on consideration of the above and a discussion with one of the authors of the SEBAL ET study (Kramber, 2008), our estimate of ET for the Indian Creek watershed is based on ET Idaho data. Using ET Idaho data for the years 1904 to 2004, the annual ET for the IDWR area of interest is 34,656 acre-feet. On a per area basis, the ET Idaho-based estimate is higher than the SEBAL-derived value. The discrepancy between these ET rates suggests that there is considerable uncertainty in the ET estimates.

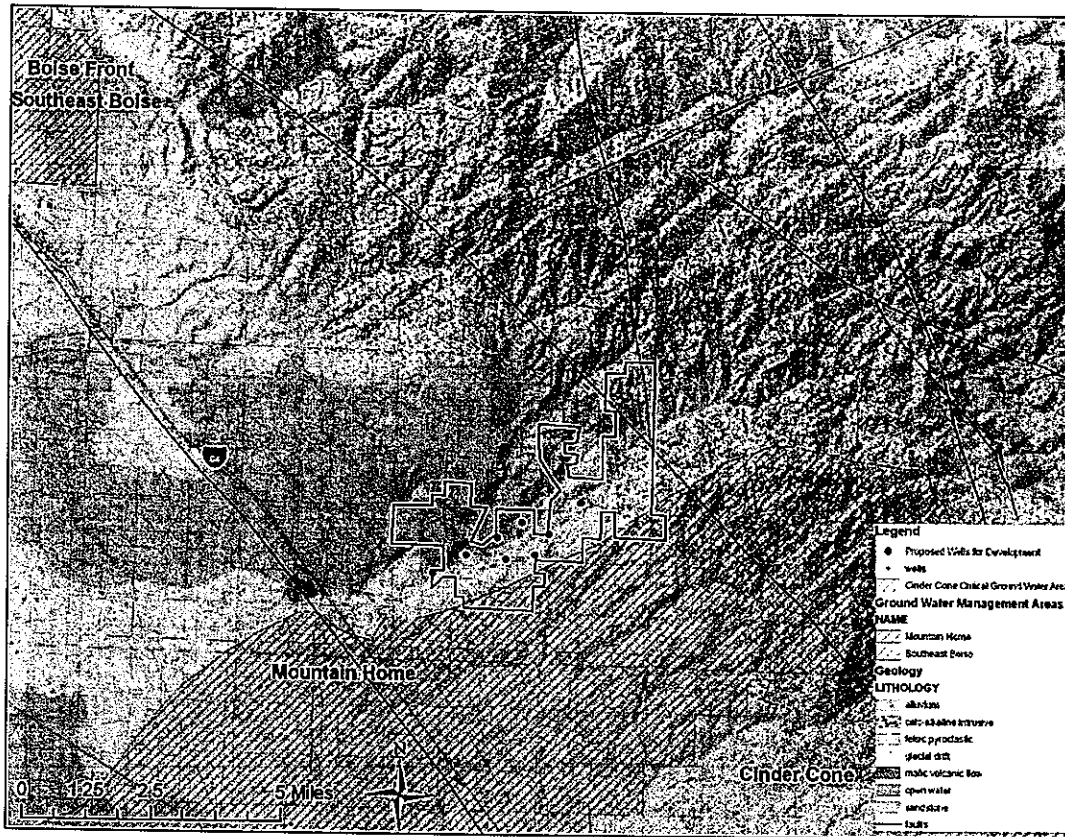


Figure 2. Map showing the location of the proposed project site (black outlined area) in relation to ground water management areas.

SPF's high estimate of annual recharge is 31,590 acre-feet. The corresponding IDWR estimate is 12,761 acre-feet (Table 1). As discussed previously, the ET rates on a per area basis also are different but the difference in the high recharge estimates is primarily attributable to the difference in size of the contributing areas.

In developing the high estimate, SPF assumed that all precipitation in the combined area that does not infiltrate or is not lost to ET becomes surface runoff and all surface runoff ends up recharging the aquifer system that is proposed for development. Although we make the same assumption for comparison purposes, we are concerned that this simplifying assumption would tend to overestimate recharge to the relatively deep aquifer layers that are targeted for production. Recharge would be overestimated, for example, if not all of the surface runoff seeped into the ground within the capture area or if some of the infiltration was to overlying water bearing zones with limited hydraulic communication to the target layers.

Table 1. Comparison of High Aquifer Recharge Estimates

Water Budget Component	Annual Volume (acre-feet) SPF	Annual Volume (acre-feet) IDWR	Comments
Precipitation in combined area (upper Indian Creek watershed + ground water contributing basin)	65,730	47,417	Differences due primarily to differences in size of the combined areas (Figure 1). For the SPF estimate, Sheep Creek and Caldwell Creek watershed precipitation is included.
Evapotranspiration in combined area	34,140	34,656	SPF used SEBAL estimates of ET. IDWR estimate is based on ET Idaho data. The values are similar, but the area calculated for the IDWR estimate is significantly smaller than the area SPF estimated.
High aquifer recharge estimate	31,590	12,761	Precipitation minus ET in combined area.

Low Estimate

The so-called "low estimate" of average aquifer recharge is a more conservative and, in our opinion, more defensible number as it relies upon field observations and measurements of flow in order to quantify surface channel seepage into the aquifer instead of just assuming that it's the difference between precipitation and the estimate of ET. The method for estimating each recharge component is described below.

Infiltration

Five percent of the precipitation that falls within the ground water contributing basin was assumed by SPF to recharge the aquifer as infiltration. This arbitrary percentage is higher, however, than the only known published estimate for recharge in this area, 3%, which was used by the USGS as input for their model of western Snake Plain Aquifer (Newton, 1991).

Surface Channel Seepage

Seepage from Indian Creek is, in fact, a significant and known source of recharge to the aquifer as all flow infiltrates between the Mayfield area and Interstate 84 under non-flood conditions. The volume of water that is contributed to the aquifer from the Indian Creek watershed was assumed by SPF to be the total annual flow in Indian Creek.

There are very few historical flow data available for Indian Creek. The USGS measured flows of 1.66 and 0.6 cfs in February and June of 1954, respectively. A site visit in March of 2005 by SPF provided an opportunity to observe flows in Indian Creek. Based on field observations during the March of 2005 site visit, a flow of 8 to 10 cfs was estimated. SPF suggests that the observed flow was less than typical for this time of year, owing to cool basin temperatures (p. 24). An average flow of 20 cfs was presented by SPF as an estimate of the runoff rate in Indian Creek.

The SPF report calculated the volume of water that recharges the aquifer from Indian Creek as follows: 20 cfs was assumed as the average runoff rate for a three-month spring runoff period (3,689 acre-feet). In addition, a temporary 3-day flow of 100 cfs (595 acre-feet) was included in the water budget to account for rain-on-snow events in the Indian

Creek watershed. The flow in Indian Creek was considered negligible for the remainder of the year. The total seepage from Indian Creek was estimated by SPF at 4,200 acre-feet. Note that the 20 cfs average runoff and the 100 cfs peak flow were not based on field measurements.

Due to the lack of data, IDWR measured the flow in Indian Creek with a FlowTracker® Handheld ADV® (Acoustic Doppler Velocimeter) eight times over the course of a 16-week period (3/08-6/08) at the Mayfield bridge. The flow measurements are presented in Table 2.

Table 2. Indian Creek ADCP Measurements.

Date	Flow (cfs)
3/12/2008	7.4
3/27/2008	11.8
4/03/2008	6.6
4/18/2008	9.0
4/23/2008	7.7
5/05/2008	3.9
5/27/2008	1.9
6/13/2008	0.4

With average to above average snow pack conditions in the Indian Creek watershed this year (2008), we consider the measured flow rates in Indian Creek to be representative of a typical runoff season. However, based on the hydrograph for Cottonwood Creek (USGS Station 13204640), a creek north of Boise that drains a basin of similar physical characteristics (elevation, vegetation, slope, aspect, weather conditions), the runoff season is considerably longer than 3 months. A continuous record of flow in Cottonwood Creek was available for the same period (March-June) as our field measurements. The flow rates are remarkably similar for the period of overlapping measurements (Figure 3). As such, and because the Cottonwood Creek drainage experiences similar weather and has similar physical characteristics, the early season Cottonwood Creek flow data were used to extrapolate the flow data for Indian Creek. The resulting estimated runoff volume for Indian Creek is 2,065 acre-feet for a runoff season that lasts 7 months (Table 3). This is a considerably longer runoff season than the 3-month season that was assumed by SPF.

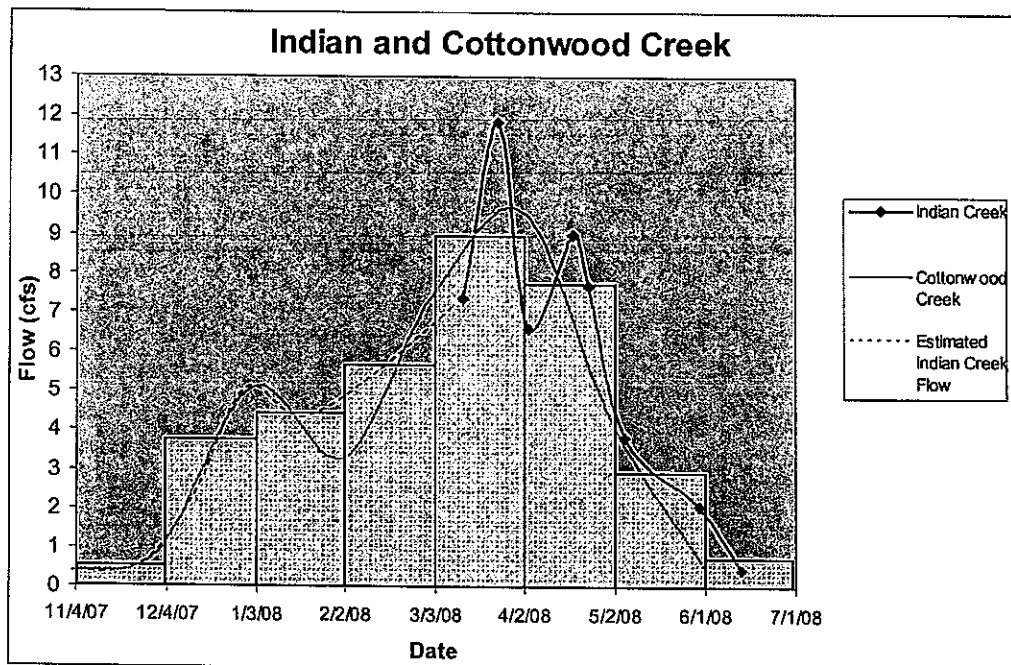


Figure 3. Hydrographs of Indian Creek and Cottonwood Creek. The runoff volume in Indian Creek was estimated by summing the areas of the shaded rectangles. Cottonwood Creek hydrograph was downloaded from <http://waterdata.usgs.gov/nwis/sw>.

Based on field observations, the three day temporary flow rate of 100 cfs that SPF included in the water budget was excluded from the IDWR estimate. Coarse sand deposits can be observed along the entire length of the channel down to Indian Creek Reservoir, indicating that not all of the surface flow seeps into the aquifer within the capture area during high flow events.

Table 3. Comparison of Low Aquifer Recharge Estimates

Water Budget Component	Annual volume (acre-feet) SPF	Annual volume (acre-feet) IDWR	Comments
Precipitation in ground water contributing basin	37,180	14,633	SPF assumed arbitrary 2-mile buffer for the ground water contributing basin. IDWR contributing basin was delineated with analytic element model.
Areal infiltration in assumed ground water contributing basin	1,860	439	SPF estimated infiltration as 5% of the precipitation in the SPF ground water contributing basin. Based on USGS model, IDWR estimated infiltration as 3% of the precipitation in the IDWR ground water contributing basin.
Indian Creek seepage	4,200	2,065	SPF estimate based on a single field observation of flow during 2008 runoff season and estimate of additional flow volume from rain-on-snow events. IDWR estimate based on eight flow measurements during 2008 run-off season and extrapolation of data using hydrograph for a similar, nearby watershed.
Low aquifer recharge estimate	6,060	2,504	Indian Creek seepage plus areal infiltration.

Aquifer Outflow

SPF identifies two aquifer outflow components: 1) withdrawal by wells, and 2) underflow to the Snake River (p. 26). They estimate that the annual discharge to currently permitted wells, including 1,815 acre-feet for wells under permit 63-32225, is approximately 2,627 acre-feet. The SPF report does not include an estimate for underflow to the Snake River, however, and this aquifer outflow component is not considered in the water budget that is used to determine the amount of water that is available for appropriation. Although this approach is consistent with statutory guidelines which specifically requires consideration only of the "*reasonably anticipated rate of future natural recharge*" (Idaho Code, Section 42-237a.g.), failing to consider all aquifer outflow components makes the so-called "*water budget*" incomplete and effectively precludes evaluation of the potential for water level declines.

Prior to February of 2007, the annual discharge rate from ground water wells for the "*contributing basin for aquifers in the project area*" was 812 acre-feet. In February of 2007, water right 63-32225 was approved that authorized an additional 1,815 acre-feet to be withdrawn annually. The inclusion of water right 63-32225 increased the annual withdrawal from the area by more than 300%. The points of diversion for water right 63-32225 are for a proposed development that is within one mile of the borders for the subject property for this application. Assuming an average annual project demand of 3,956 acre-feet (SPF, 2007, p. 6), the approval of application 63-32499 would result in a total annual withdrawal within the capture area of 6,583 acre-feet, which, in combination with water right 63-3225, represents an increase of over 800%.

Summary

The results of the SPF and IWDR analyses indicate the annual average recharge volume for the capture area ranges from 2,504 to 31,590 acre-feet. SPF's range of aquifer recharge estimates is higher than the corresponding IDWR range of estimates. Differences in the estimates are due to differences in the underlying assumptions. The most significant differences are as follows:

- 1) The method of estimating the area of ground water capture. The SPF water budget is based on the assumption of an arbitrary two-mile capture area for each of the production wells. This approach significantly increases the area in which recharge is assumed to be available for the production wells, resulting in a higher recharge volume. The corresponding IDWR water budget is based upon delineation of the 10-year capture area using data that was provided by SPF concerning the hydrogeology in the area, the rates of withdrawal, and the geometry of the proposed well field. The more conservative IDWR approach substantially reduces the size of the aquifer recharge area, resulting in a lower volume.
- 2) The method for estimating ET (affects only the high estimate of aquifer recharge). SPF assumed that a preliminary SEBAL-derived estimate for rangeland in the Boise River Valley during the 2000 growing season also applies to the Indian Creek watershed. Because SEBAL is better suited for estimating ET on irrigated

cropland and because a preliminary, partial season ET for a different basin is unlikely to be representative of the average annual value in the Indian Creek watershed, IDWR used the average ET for the Indian Creek watershed based on ET Idaho data for the years 1904 through 2004.

- 3) The rate of infiltration. SPF used a 5% infiltration rate that is not supported by any documentation. The IDWR estimate is based on the assumption that infiltration is 3% of total precipitation, which is the same assumption that was made by the USGS for the project area in their model of the western Snake River Plain aquifer (Newton, 1991).
- 4) The average annual volume of Indian Creek seepage (only affects the low estimate of aquifer recharge). The SPF low average annual recharge estimate is based on a visual estimate of runoff and an assumed peak flow with no supporting flow measurements. The IDWR estimates are based on eight flow measurements during a relatively normal water year (2008), and extrapolation of the flow at other times based on the runoff pattern in a nearby drainage of similar elevation.

Because of uncertainty in the magnitude of aquifer recharge, there also is considerable uncertainty in the amount of water that's available for appropriation. Estimates of the available amount ranges from slightly negative to a large multiple of the estimated project demand. The slightly negative value indicates the aquifer has already been fully appropriated and suggests that additional ground water development could cause significant water level declines. On the other hand, a positive value implies that the recharge rate for the area exceeds the current rate of withdrawal and that there is water available for appropriation. Both possibilities are considered plausible given our current, albeit limited, knowledge about the hydrogeologic setting.

As previously discussed, SPF's high estimate of annual average aquifer recharge (31,590 acre-feet) is not supported by field measurements and, because it relies upon a preliminary, relatively uncertain estimate of ET for a partial year in a different basin, potentially grossly overestimates the amount of water available for appropriation. Our estimates using more conservative assumptions indicate the amount of water currently available for appropriation ranges from -123 to 10,134 acre-feet per year (Table 4).

Table 4. Comparison of Water Budget Estimates

Water Budget Component	Annual Volume (acre-feet) SPF	Annual Volume (acre-feet) IDWR	Comments
High recharge estimate	31,590	12,761	Areal infiltration seepage plus the estimated infiltration in ground water contributing basin.
Low recharge estimate	6,060	2,504	Indian Creek seepage plus estimated infiltration in ground water contributing basin.
Current discharge to wells	2,627	2,627	Sum of historical diversions (812 acre-feet) and 1,815 acre-feet associated with W.R. 63-32225.
High estimate of water available for appropriation	28,963	10,134	High recharge estimate minus current discharge to wells.
Low estimate of water available for appropriation	3,433	-123	Low recharge minus current discharge to wells.
Mayfield Townsite Project demand	3,956	3,956	Average annual consumptive use.

Summary of Water Levels

SPF indicates that most water levels in the Mayfield area are either stable or slightly rising (SPF, 2007, pgs. ii, v, and 13). This conclusion is based on IDWR monitoring well data for 16 wells within a 10 mile radius of the development. However, only three of these wells have monitoring data through 2007. Of these three wells, two appear to have increasing trends and the third well appears to be experiencing a declining trend (Figure 4).

It is agreed that the general water level conditions in the Mayfield area are stable or slightly increasing. However, the significance of this trend should not be overemphasized, as it has been shown that the aquifer in this area has historically not experienced significant withdrawal volumes. A significant increase in ground water use in the area has the potential to create declining water levels, similar to those experienced in the Cinder Cone Critical Ground Water Area.

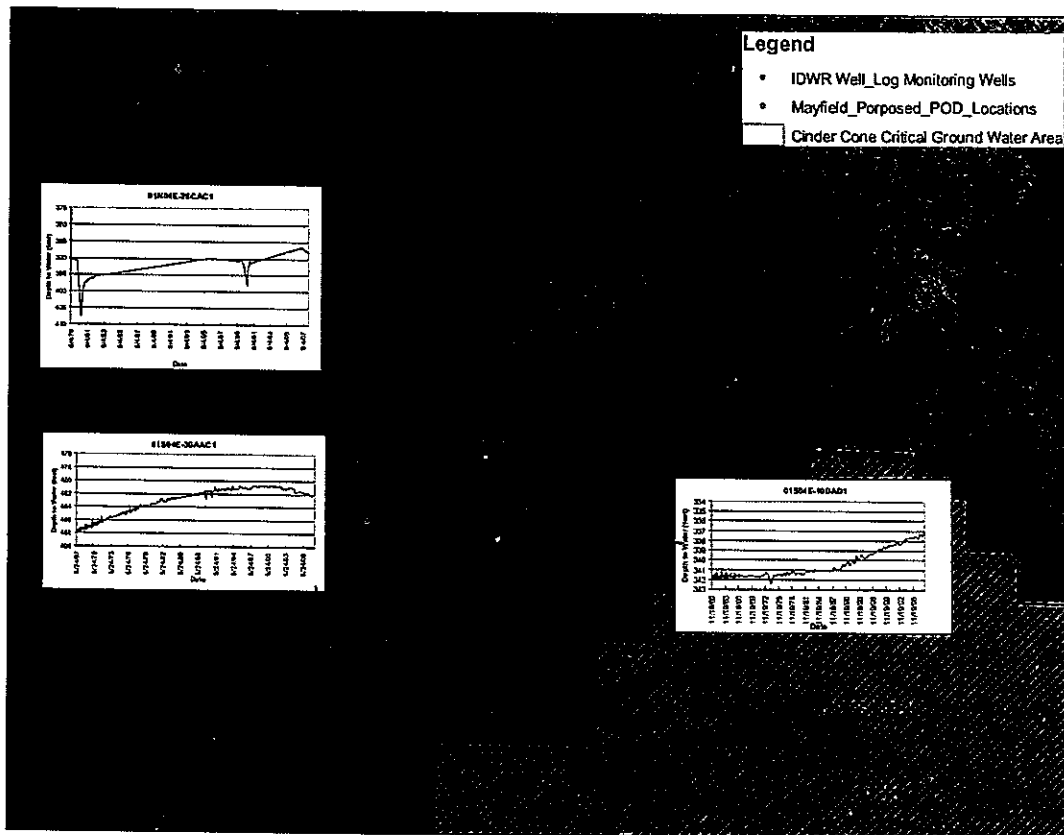


Figure 4. Water levels in three wells near the Mayfield area with current monitoring data.

Response to Questions

- 1) *Does the study describe possible impacts this water right will have on the aquifer? If so, are those impacts significant?*

The SPF report asserts that the aquifer can most likely support an additional withdrawal of approximately 3,960 acre-feet per year without significantly impacting the aquifer. However, our analysis indicates that this assertion is not warranted given the magnitude of the proposed aquifer withdrawal increase (>800% since February 2007) and the current level of uncertainty in the water budget. In addition to uncertainty regarding quantification of individual water budget components, there exists considerable uncertainty regarding the hydrogeologic conceptual model. Additional aquifer characterization is required in order to evaluate potential impacts and to assess their significance.

Although there is considerable uncertainty, it can be concluded that aquifer recharge is limited in the surrounding area, as evidenced by the existence of two nearby GWMA's and one CGWMA, and caution is warranted in approving water rights based both upon SPF and IDWR calculations of recharge. These calculations indicate that the proposed

water right possibly would result in total withdrawals exceeding the average rate of recharge to the aquifer. In addition, the stream flow data that IDWR collected suggests that the low estimate of aquifer recharge presented by SPF is unrealistically high assuming that all other assumptions are correct. Lastly, SPF's high estimate of annual average aquifer recharge is not supported by field measurements and, because it relies upon a preliminary, relatively uncertain estimate of ET for a partial year in a different basin, potentially grossly overestimates the amount of water available for appropriation

- 2) *Does the study describe possible impacts this water right and water right 63-32225 will have on the aquifer? If so, are those impacts significant?*

The SPF report does not specifically address the possible impacts that water right 63-32225 will have on the aquifer other than including the withdrawal volume in their calculation of the amount of water that's available for appropriation. According to SPF, no significant impacts are anticipated from either water right. However, our analysis suggests that the approval of water right 63-32225 quite possibly caused the water resource to be fully allocated. Moreover, our ability to predict the impacts from additional aquifer withdrawals is poor because of hydrogeologic uncertainty and it can only be accomplished after the fact based on evaluation of long-term water level monitoring data.

- 3) *What is the probability of the 10 cfs diversion rate from this right causing the borders of the Mountain Home Ground Water Management Area to migrate and/or change?*

The project site is located along the western edge of the Mountain Home Ground Water Management Area, approximately 3.5 miles northwest of the Cinder Cone CGWA, and approximately 8.5 miles from the Southeast Boise Ground Water Management Area (Figure 2). Detailed information concerning the hydrogeologic setting in the Mayfield Townsite area is not presented in the SPF report, but the climate and geology in these management areas are similar to the climate and geology within the project area. In the absence of evidence to the contrary, the aquifer proposed for development is assumed to be in hydraulic communication with the aquifers in the management areas. Moreover, our modeling indicates significant water level drawdown at the boundaries of both the Mountain Home GWMA (~130 ft) and the Cinder Cone CGWA (~80 ft). Although there is uncertainty in these predictions, drawdown values of this magnitude suggest that the boundaries of both management areas possibly would need to be expanded as the result of a large ground water diversion at the Mayfield Townsite.

- 4) *What is the probability of the 10 cfs diversion rate from this right and the 10 cfs diversion rate from 63-32225 causing the borders of the Mountain Home Ground Water Management Area to migrate and/or change?*

Currently, water levels in the area appear stable, but the anticipated total average annual withdrawal that would result from approval of both 63-32225 and 63-32499 (~6,580 acre-feet) represents an approximate 800% increase in the amount of water being

withdrawn from aquifers in project area since February of 2007. There is insufficient data at the present time to support the assumption that these new stresses on the aquifer will not negatively impact the management area. Additional monitoring of the water table under the increased use from 63-32225 needs to be completed before a final assessment of the impacts can be made. If monitoring indicates that water level declines are significant, then it may be justified to expand the boundaries of the management area to include the study area.

- 5) *Does this study show that mining of the aquifer will not occur and that there is sufficient proof of the long-term sustainability of the water supply for this project?*

Based on their calculations of aquifer recharge, SPF concludes that there is additional water available for appropriation in the Mayfield Townsite area. However, our calculations using the same methodology with different assumptions suggest that the aquifer possibly has been fully appropriated already and that additional withdrawals could cause mining of the aquifer (i.e., more or less permanent declines in aquifer water levels). Both conclusions are premised on numerous assumptions and involve considerable uncertainty, however. Failing to account for aquifer outflow in the water budget is a potentially significant omission which precludes our ability to evaluate the long-term sustainability of the water supply.

Due to hydrogeologic uncertainty, the estimated aquifer recharge was presented as a range. The estimated average annual project demand (3,956 acre-feet) exceeds the lower end of the recharge range as estimated both by SPF and IDWR. Currently, data does not exist in this area to be able to determine with confidence whether the aquifer can handle the additional withdrawals being proposed.

On-going monitoring needs to be completed and water levels need to be analyzed in order to assess the impacts from pumping under water right 63-32225. Additional allocations may be warranted if water levels remain stable or if additional information is developed which indicates that aquifer withdrawals will not exceed the reasonably anticipated future rate of natural recharge. Collection of hydrogeologic data which would help to make this determination will be the focus of an upcoming hydrogeologic characterization program.

Conclusions

SPF has done an admirable job of attempting to quantify and compare current and proposed future aquifer withdrawals to aquifer recharge in the project area. They describe and attempt to quantify most, but not all, components of the water budget in the "ground water capture area". They acknowledge that "*The ultimate ground-water supply in the Mayfield area is limited*" (p. 28). They also acknowledge that there is uncertainty in their estimates of aquifer recharge and, accordingly, they present a range of aquifer recharge estimates. Because of hydrogeologic uncertainty, the boundaries of the ground water capture area were arbitrarily assumed, however, and SPF's range of estimated aquifer recharge varies by a factor of five. Moreover, our Indian Creek flow measurements

suggest that SPF's low estimate of recharge is unrealistically high assuming all other assumptions are correct.

The *Ground-Water Supply Evaluation* shows that there is a potential for mining of the aquifer to occur if aquifer development proceeds and the actual recharge rates are in the lower part of the range of recharge estimates. Given the large amount of uncertainty, the probability of this occurring is unknown and it seems prudent for the department to monitor the impacts of recently approved water right 63-32225 prior to allowing an additional increase of nearly 200% in the annual withdrawal rate within the SPF capture area. Sequentially approving applications for several large water rights without first collecting and evaluating monitoring data to evaluate the impacts of the first water right on aquifer water levels is inadvisable given the existence of two GWMA's and once CGWMA in the surrounding area and uncertainty that exists concerning the long-term sustainability of the resource.

As recommended by SPF, monitoring of aquifer water levels should be ongoing prior to and during water resource development and the data should be incorporated into IDWR's upcoming aquifer characterization study. SPF opines that "*As with many aquifers, the best way for determining ultimate ground-water availability is to begin development while carefully monitoring ground-water level responses*" (p. 28). This, in fact, is what IDWR has done in authorizing and beginning to monitor the impacts of permit 63-32225. Approval at this time of another large ground water appropriation would not, in our opinion, allow for "*carefully monitoring ground-water level responses*".

In addition, well-to-well impacts have not yet been evaluated. Multiple domestic wells exist in the area of the proposed development with the potential to be impacted by large-scale production wells. Specific details regarding aquifer characteristics, well completion, and aquifer withdrawals need to be provided by the applicant in order to assess the potential impacts to existing wells in the area.

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