

Transfer No. 75916

Receipt No. E035310

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information WESTERN HERITAGE HOMES INC
21316 WEST OLD HWY 37
HOLBROOK ID 83423
(208)698-3000

Will this transfer result in an ownership change? X Yes No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
17-7063	WR/License	1.62	443.4		360.0	GROUND WATER
17-7165	WR/License	0.03	13.0		9.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
17-7063	YES	YES	YES	NO	NO	NO
17-7165	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Change the Point of Diversion and Place of use to all of water right 17-7165 and to a portion of 17-7063. Applicant purchased 2.6 acres of land pertinent to water right 17-7063 and proposes to do an ownership change. Also, the applicant proposes to move the point of diversion to all of water right 17-7165 and to a portion of 17-7063 to his property. The place of use will also be change to a permissible place of use of 11.6 acres.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

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

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
17-7167	0.01 cfs	2.6	11.6	2.7 af
17-7165	0.03 cfs	9.0	11.6	13.0 af
TOTAL	0.04 cfs	11.6	11.6	15.7 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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 of Applicant)

V. Pres

(Title or Office)

8/04/2009

(Date)

Transfer No. 75916

Receipt No. _____

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

Current Water Right No. 17-7063

Priority Date: September 12, 1975

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 9/15	1.62 CFS	443.4 AFA	
Total Diversion		1.62 CFS	443.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW Sec. 25 Twp 14S Rge 32E ONEIDA 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		
14S	32E	25									40.0	40.0	40.0	40.0	40.0			40.0	40.0	280.0
14S	32E	26																40.0	40.0	80.0

Total Acres: 360

Conditions/Remarks:

1. THIS RT. WHEN COMBINED WITH ALL OTHER RTS. SHALL PROVIDE NO MORE THAN 3.5 AFA FOR THE LANDS ABOVE.
2. See remarks for additional conditions of approval.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No change

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75916

Receipt No. _____

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

Current Water Right No. 17-7165

Priority Date: April 15, 1966

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.03 CFS	13.0 AFA	
	Total Diversion	0.03 CFS	13.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW Sec. 25 Twp 14S Rge 32E ONEIDA County

PLACE OF USE: IRRIGATION

<u>Twp</u> <u>Rge</u> <u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
14S 32E 25			9.0														9.0

Total Acres: 9

Conditions/Remarks:

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

No change

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 75916

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 17-7167

Priority Date: September 12, 1975

Origin:

Basis: License

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 09/15	0.01 CFS	2.7 AFA	
	Total Diversion	0.01 CFS	2.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 25 Twp 14S Rge 32E ONEIDA County

Describe the proposed diversion system

Point of Diversion # 1 Pump to irrigation system

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S 32E 25			9.0											2.6			11.6

Total Acres: 11.6

Transfer No. 75916

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 17-7165

Priority Date: April 15, 1966

Origin: Water Right

Basis: License

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	0.03 CFS	13.0 AFA	
Total Diversion		0.03 CFS	13.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNE Sec. 25 Twp 14S Rge 32E ONEIDA County

Describe the proposed diversion system

Point of Diversion # 1 Pump to irrigation system.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S 32E 25			9.0											2.6			11.6

Total Acres: 11.6

75916

Transfer No. 75916

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3B**

PORTION OF RIGHT No. 17-7063 OWNERSHIP CHANGE AND PORTION BEING CHANGED

Priority Date: September 12, 1975

Origin:

Basis: License

Status: Pending
Transfer

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 09/15	0.01 CFS	2.7 AFA	
	Total Diversion	0.01 CFS	2.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW Sec. 25 Twp 14S Rge 32E ONEIDA County

PLACE OF USE: IRRIGATION

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
14S 32E 25															2.6		2.6

Total Acres: 2.6

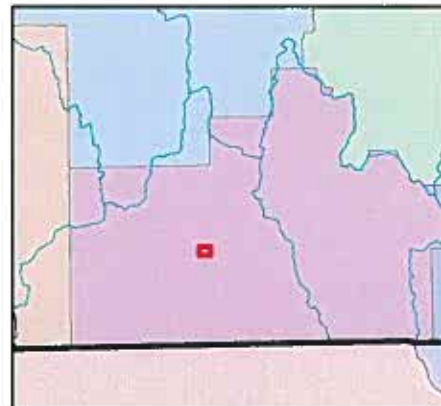


Idaho Department of Water Resources

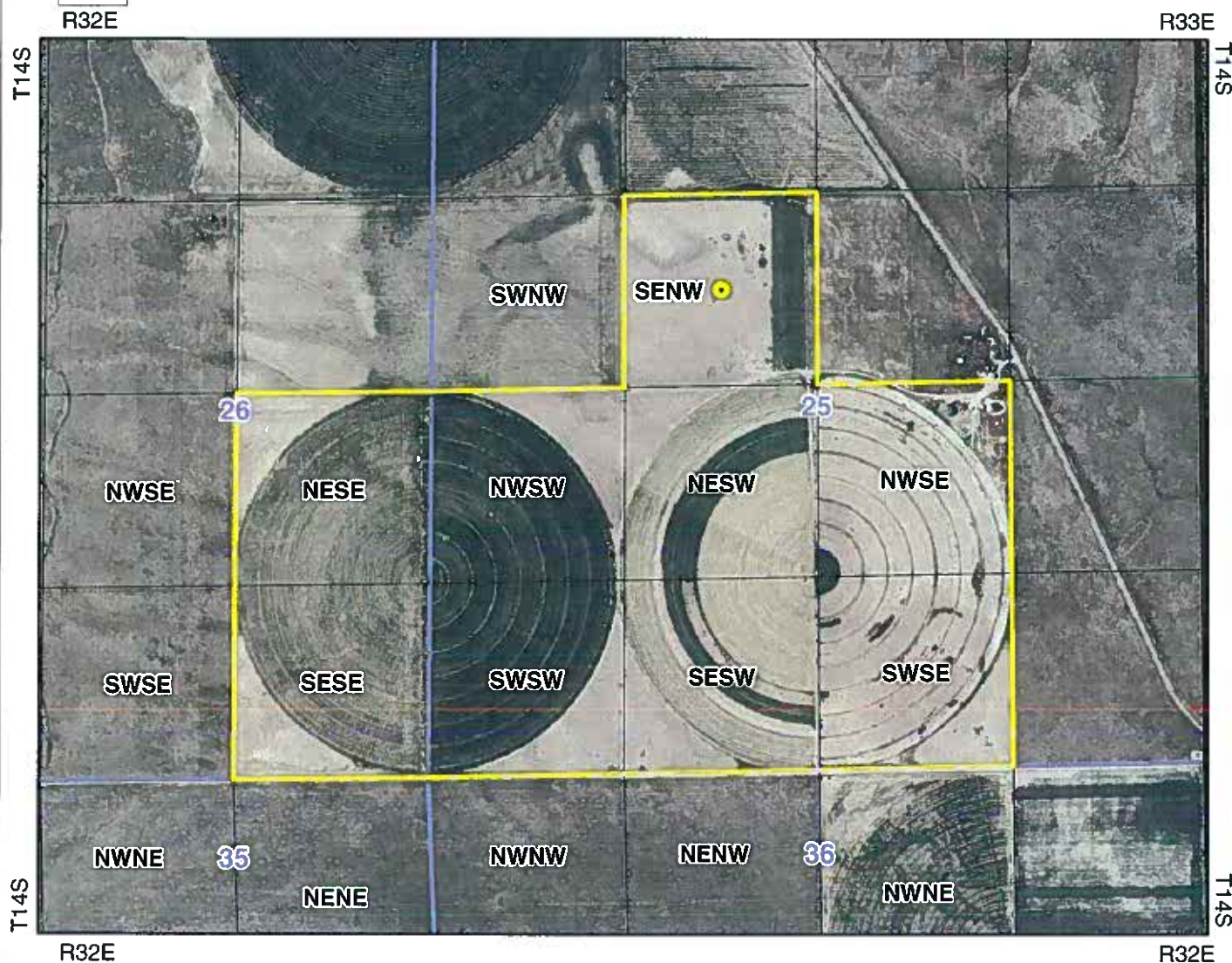
Before Transfer
Water Right
17-7063
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Oneida County
IDWR Basin 17



Prepared by Blake Jordan
On September 08, 2009
2006 Aerial Photography

0 0.2 0.4 0.8 Miles

75916

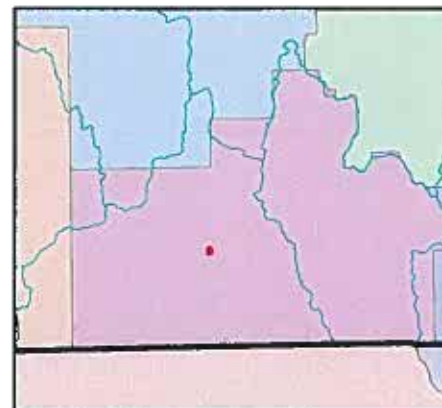


Idaho Department of Water Resources

Proposed
Water Right
17-7167
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Oneida County
IDWR Basin 17

R32E



Prepared by Blake Jordan
On September 08, 2009
2006 Aerial Photography

0 0.1 0.2 0.4 Miles

75916



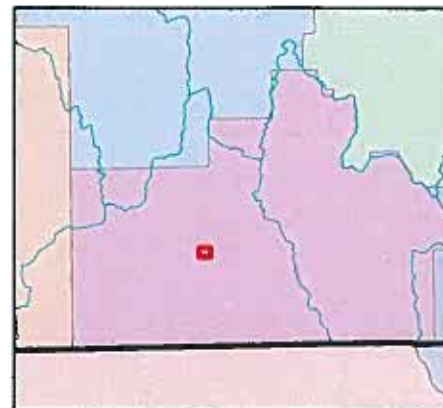
Idaho Department of Water Resources

*Remaining Portion
After Transfer*

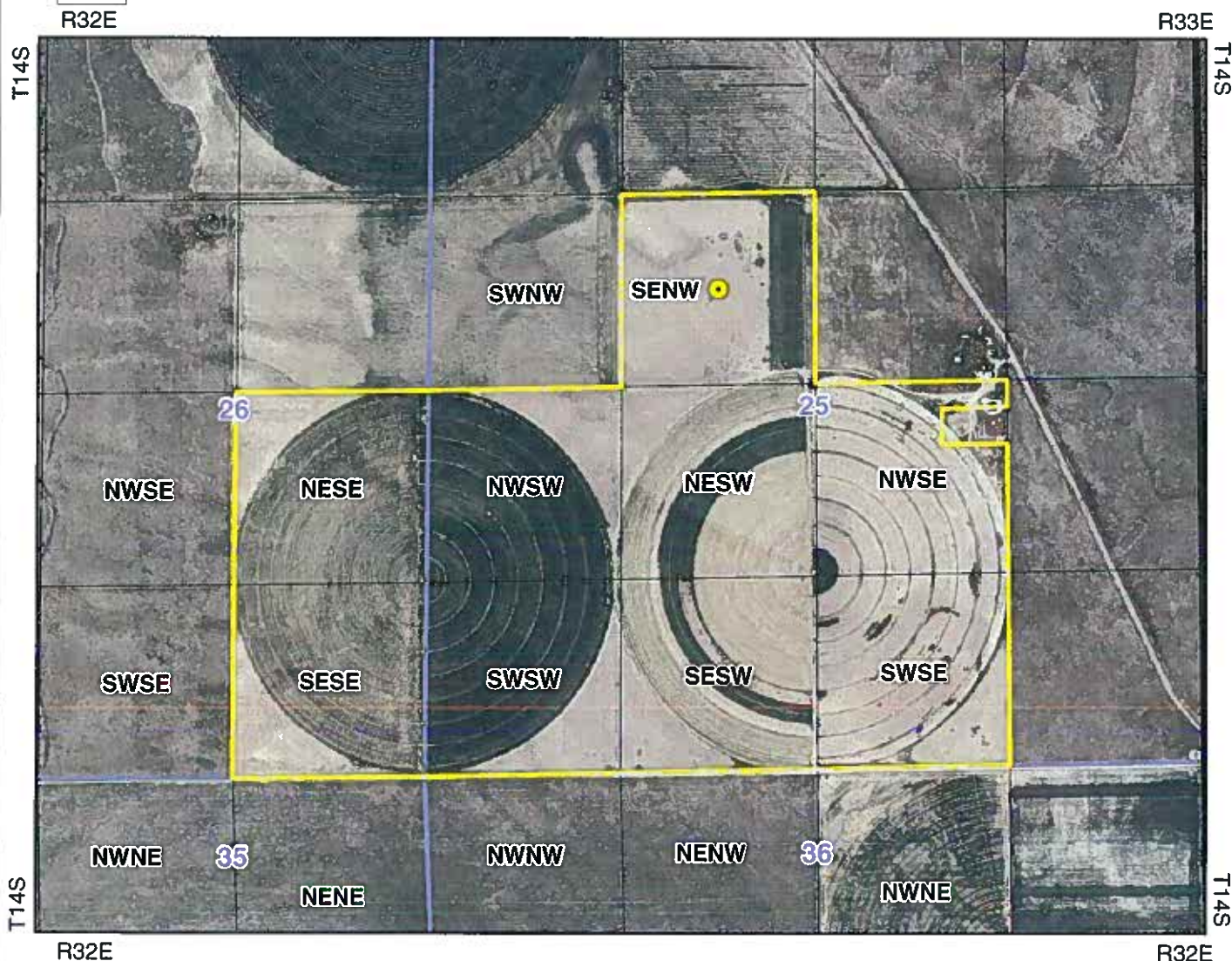
Water Right
17-7166
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Oneida County
IDWR Basin 17



Prepared by Blake Jordan
On September 08, 2009
2006 Aerial Photography

0 0.2 0.4 0.8 Miles

75916



Idaho Department of Water Resources

Before transfer.

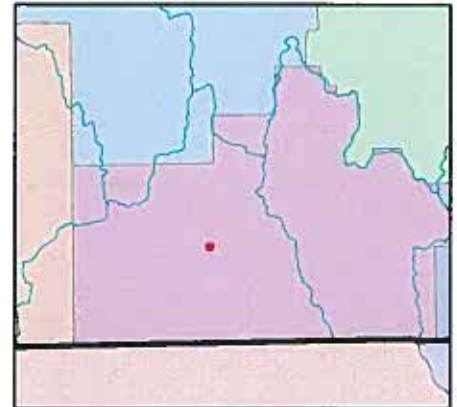
Water Right

17-7165

(IRRIGATION)

Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Oneida County
IDWR Basin 17

R32E



Prepared by Blake Jordan
On September 08, 2009
2006 Aerial Photography

0 0.05 0.1 0.2 Miles

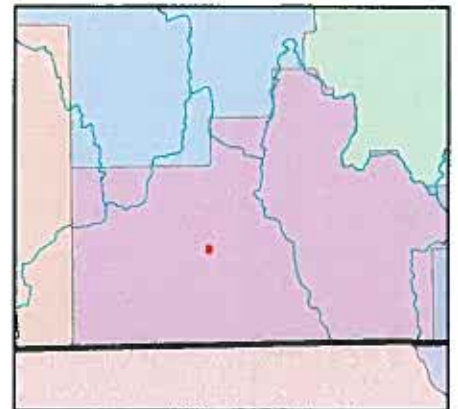


Idaho Department of Water Resources

Proposed
Water Right
17-7165
(IRRIGATION)

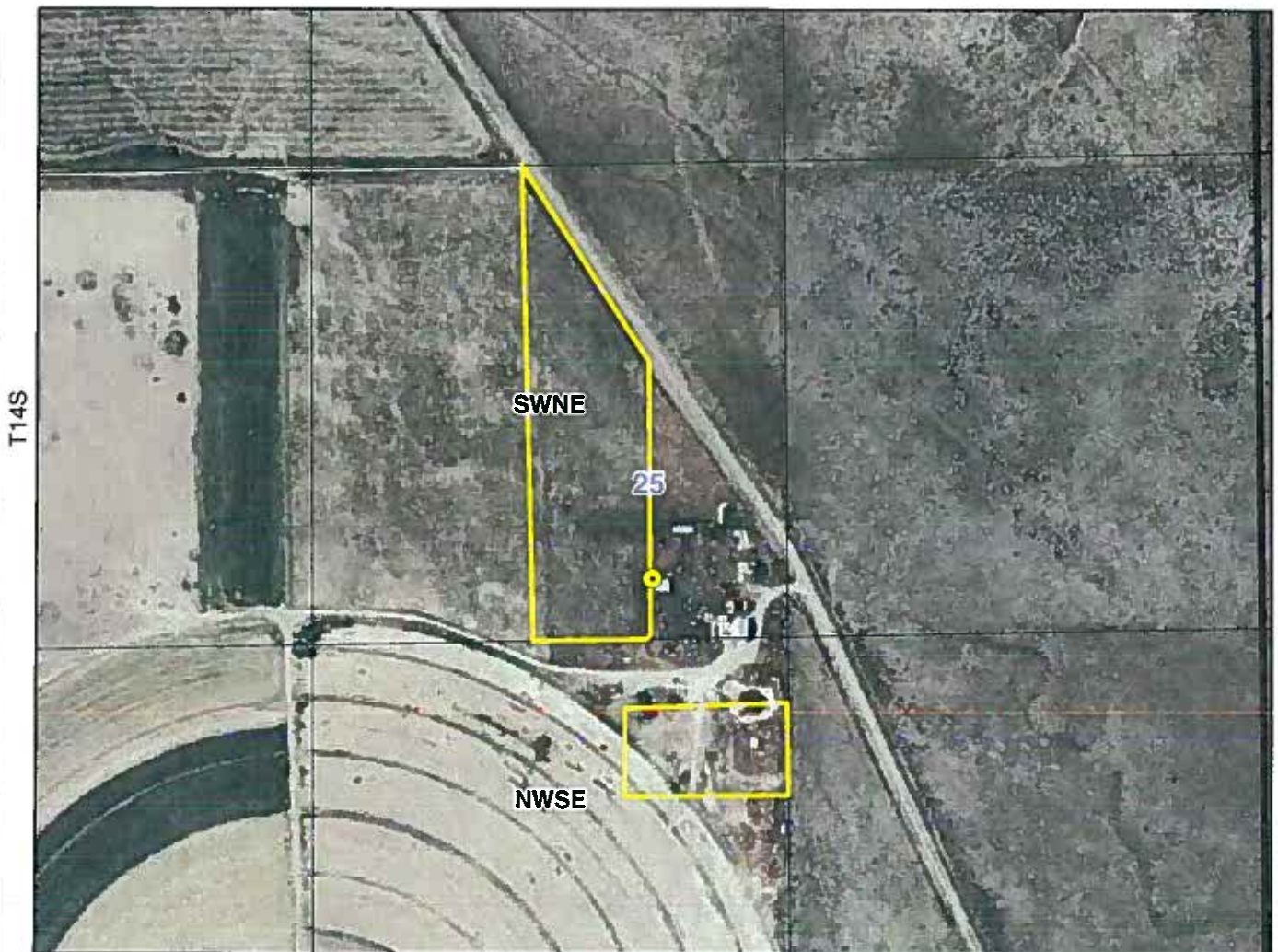
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Oneida County
IDWR Basin 17

R32E



Prepared by Blake Jordan
On September 08, 2009
2006 Aerial Photography

0 0.1 0.2 0.4 Miles

75916

WESTERN HERITAGE HOMES, INC.
CURTIS BAUM
1200 OVERLAND AVE.
BURLEY, ID 83318

Microfilm No. **143884**
23 Day January 2009
At 1.05 Boise
Deanna Hudson
County Clerk
Fee \$ 3.00 Deputy
Recorded at Request of
Northwest Title Company

WARRANTY DEED

BLUE HILLS LAND & LIVESTOCK, L.L.C., Grantor(s) of TREMONTON, County of BOX ELDER, State of UTAH, hereby **CONVEY AND WARRANT** to WESTERN HERITAGE HOMES, INC., Grantee(s) of BURLEY, County of CASSIA, State of IDAHO, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in ONEIDA County, State of Idaho:

ALL PARCEL OF LAND LYING WEST OF HIGHWAY 37 IN THE EAST
HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BOISE
MERIDIAN, ONEIDA COUNTY, IDAHO,

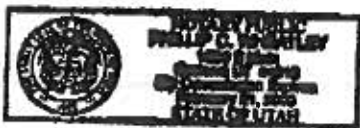
Subject to easements, restrictions and rights of way of record, and taxes for the year 2008 and thereafter.

Witness, the hand(s) of said Grantor(s), this OCTOBER 7th, 2008 .

Randall B. Marble
BLUE HILLS LAND & LIVESTOCK, L.L.C.
By: RANDALL B. MARBLE
MANAGER

State of Utah
County of Box Elder)

On October - 7th, 2008, personally appeared before me RANDALL B. MARBLE, who, being by me duly sworn, did say that he is the Manager of BLUE HILLS LAND & LIVESTOCK, L.L.C., and that the said instrument was signed in behalf of said Limited Liability Company by the authority of its Articles of Organization and Operating Agreement, and the aforesaid individual acknowledged to me that said Company executed the same.



Phillip Wheatley
Notary Public:
Residing: Garland
Expires: 2/21/2009

NTO-2471
WESTERN HERITAGE HOMES, INC
1200 OVERLAND AVE
BURLEY, ID 83318

143655
18 November 2008
At 11:30
Natalie Murphy
6:00
Notary Public
Recorded at Request of
Nathan Title Co.

WARRANTY DEED

BLUE HILLS LAND & LIVESTOCK, L.L.C., Grantor(s) of TREMONTON, County of BOX ELDER, State of UTAH, hereby **CONVEY AND WARRANT** to WESTERN HERITAGE HOMES, INC, Grantee(s) of HOLBROOK, County of ONEIDA, State of IDAHO, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in ONEIDA County, State of Idaho:

SEE ATTACHED "EXHIBIT A"

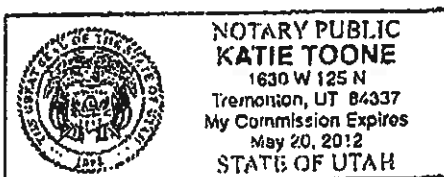
Subject to easements, restrictions and rights of way of record, and taxes for the year 2008 and thereafter.

Witness, the hand(s) of said Grantor(s), this NOVEMBER 17th, 2008 .

Randall B. Marble
BLUE HILLS LAND AND LIVESTOCK, L.L.C.
By: RANDALL B. MARBLE
MANAGER

State of Utah)
County of Box Elder)

On November 17, 2008, personally appeared before me RANDALL B. MARBLE, who, being by me duly sworn, did say that he is the Manager of BLUE HILLS LAND AND LIVESTOCK, L.L.C., and that the said instrument was signed in behalf of said Limited Liability Company by the authority of its Articles of Organization and Operating Agreement, and the aforesaid individual acknowledged to me that said Company executed the same.



Katie Toone
Notary Public
Residing: 1620 W. 125 N. Tremonton, UT 84337
Expires: May 20, 2012

"EXHIBIT A"

BEGINNING AT A POINT 1320 FEET WEST AND 180 FEET SOUTH OF THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, ONEIDA COUNTY, IDAHO, AND RUNNING THENCE WEST 450 FEET; THENCE SOUTH 250 FEET; THENCE EAST 450 FEET; THENCE NORTH 250 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS LYING 60 FEET WEST OF THE FOLLOWING:
BEGINNING AT A POINT 1320 FEET WEST AND 180 FEET SOUTH OF THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, ONEIDA COUNTY, IDAHO, AND RUNNING IN A LINE THENCE 240 FEET NORTH, MORE OR LESS, TO THE SOUTH LINE OF THE STATE HIGHWAY.

NTO-2471
 WESTERN HERITAGE HOMES, INC
 1200 OVERLAND AVE
 BURLEY, ID 83318

143655
 Map No. 18 Day November 2008
 At 11:30 Office A
 Notary Public
 6:00
 Recorded at Request of
 Northern Title Co

WARRANTY DEED

BLUE HILLS LAND & LIVESTOCK, L.L.C., Grantor(s) of TREMONTON, County of BOX ELDER, State of UTAH, hereby **CONVEY AND WARRANT** to WESTERN HERITAGE HOMES, INC, Grantee(s) of HOLBROOK, County of ONEIDA, State of IDAHO, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in ONEIDA County, State of Idaho:

SEE ATTACHED "EXHIBIT A"

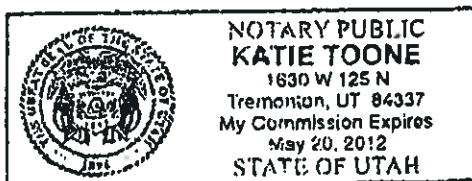
Subject to easements, restrictions and rights of way of record, and taxes for the year 2008 and thereafter.

Witness, the hand(s) of said Grantor(s), this NOVEMBER 17th, 2008 .

Randall B. Marble
 BLUE HILLS LAND AND LIVESTOCK, L.L.C.
 By: RANDALL B. MARBLE
 MANAGER

State of Utah)
 County of Box Elder)

On November 17, 2008, personally appeared before me RANDALL B. MARBLE, who, being by me duly sworn, did say that he is the Manager of BLUE HILLS LAND AND LIVESTOCK, L.L.C., and that the said instrument was signed in behalf of said Limited Liability Company by the authority of its Articles of Organization and Operating Agreement, and the aforesaid individual acknowledged to me that said Company executed the same.



Katie Toone
 Notary Public
 Residing: 1620 W. 125 N: Tremonton, UT 84337
 Expires: May 20, 2012

143655**"EXHIBIT A"**

BEGINNING AT A POINT 1320 FEET WEST AND 180 FEET SOUTH OF THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, ONEIDA COUNTY, IDAHO, AND RUNNING THENCE WEST 450 FEET; THENCE SOUTH 250 FEET; THENCE EAST 450 FEET; THENCE NORTH 250 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS LYING 60 FEET WEST OF THE FOLLOWING:

BEGINNING AT A POINT 1320 FEET WEST AND 180 FEET SOUTH OF THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 14 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, ONEIDA COUNTY, IDAHO, AND RUNNING IN A LINE THENCE 240 FEET NORTH, MORE OR LESS, TO THE SOUTH LINE OF THE STATE HIGHWAY.

Sec 25



NWSE

Title:		Date: 09-02-2009
Scale: 1 inch = 1000 feet	File: WesternHeritage.des	
Tract 1: 2.583 Acres: 112500 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1400 Feet		
001=/se,ne,25,14s,32e	004=n90.0000w 450.00	007=n00.0000e 250.00
002=/n90.0000w 1320.00	005=s00.0000e 250.00	
003=/s00.0000e 180.00	006=n90.0000e 450.00	