

Transfer No. 75607

Receipt No. 5030908

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

1. Applicant Information JANET YATES
 1941 S 2450 E
 MALTA ID 83342
 (208)645-2438

RECEIVED

MAY 21 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

KIRTLAND YATES
 1941 S 2450 E
 MALTA ID 83342
 (208)645-2438

Will this transfer result in an ownership change? _____ Yes ☒ No

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2307	WR/Decreed	2.90	666.0	166.5	235.0	GROUND WATER
43-10593	WR/Decreed	0.84		68.5	235.0	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
43-2307	NO	NO	NO	YES	NO	NO
43-10593	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

New well is inadequate; so an existing well, used prior for these rights, will be used to make up the difference.

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
43-2307	2.90 cfs	166.5	235.0	666.0 af
43-10593	0.84 cfs	68.5	235.0	
TOTAL	2.90 cfs	235.0	235.0	666.0 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.

Kim Handley
Kim Handley

(Signature of Applicant)

Owner

(Title or Office)

Subscribed and sworn to before me this 21 day of May, 2009.

(Notary Public)

My commission expires _____

Transfer No. 75607

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

Current Water Right No. 43-2307

Priority Date: March 31, 1948

Origin: Water Right

Basis: Decreed

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	03/15 11/15	2.90 CFS	666.0 AFA	
	Total Diversion	2.90 CFS	666.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 33 Twp 13S Rge 27E CASSIA County

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
13S 27E 33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 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.
3. This right is limited to the irrigation of 166.5 acres within the place of use described above in a single irrigation season.
4. Rights 43-2307 and 43-10593 when combined shall not exceed a total diversion rate of 2.90 cfs, a total annual maximum diversion volume of 666 af at the field headgate, and the irrigation of 235 acres.
5. The following rights are diverted through point(s) of diversion described above: 43-10593, 43-2307.
6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

Documentation of Ownership of the Current Place of Use

Tax Notice, Deed, IDWR Records

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

N/A

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. 75607
 Receipt No. _____

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

Current Water Right No. 43-10593

Priority Date: June 30, 1985
 Origin: Water Right
 Basis: Decreed
 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	03/15 11/15	0.84 CFS		
	Total Diversion	0.84 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 33 Twp 13S Rge 27E CASSIA County

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
13S 27E 33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. 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.
3. This right is limited to the irrigation of 68.5 acres within the place of use described above in a single irrigation season.

4. Rights 43-2307 and 43-10593 when combined shall not exceed a total diversion rate of 2.90 cfs, a total annual maximum diversion volume of 666 af at the field headgate, and the irrigation of 235 acres.
5. The following rights are diverted through point(s) of diversion described above: 43-10593, 43-2307.
6. The right holder shall accomplish the change authorized by this transfer within 1 year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

Documentation of Ownership of the Current Place of Use

Tax Notice, Deed, IDWR Records

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

N/A

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. 75607

Receipt No. _____

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

Proposed Water Right No. 43-2307

Priority Date: March 31, 1948

Origin: Water Right

Basis: Decreed

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	03/15 11/15	2.90 CFS	666.0 AFA	
	Total Diversion	2.90 CFS	666.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWSW Sec. 33 Twp 13S Rge 27E CASSIA County

GROUND WATER SWSW Sec. 33 Twp 13S Rge 27E CASSIA County

Describe the proposed diversion system

Will use existing 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
13S	27E	33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Transfer No. 75607

Receipt No. _____

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

Proposed Water Right No. 43-10593

Priority Date: June 30, 1985

Origin: Water Right

Basis: Decreed

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	03/15 11/15	0.84 CFS		
	Total Diversion	0.84 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWSW Sec. 33 Twp 13S Rge 27E CASSIA County

GROUND WATER SWSW Sec. 33 Twp 13S Rge 27E CASSIA County

Describe the proposed diversion system

Will use existing irrigation system

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			<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>
13S	27E	33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235



CASSIA COUNTY
RECORDED FOR:
PARSONS, SMITH AND STON
4:31:45 pm 07-10-2008
2008-004048
NO. PAGES: 3 FEE: \$9.00
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

QUITCLAIM DEED

FOR VALUE RECEIVED, TED K. ANDERSON and IDA ANDERSON, husband and wife, whose address is 2151 Sundown Circle, Riverton, Utah 84065 (hereinafter "Grantors"), do hereby convey, release, remise and forever quit claim unto KIRT AND JANET YATES, husband and wife, whose address is 1911 S 2450 E MALTA, ID 83342 (hereinafter "Grantees"), the following described property located in Cassia County, Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE

together with its appurtenances.

DATED this 3rd day of July, 2008.



TED ANDERSON



IDA ANDERSON

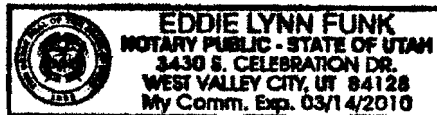
STATE OF UTAH)
 : ss
County of SALT LAKE)

On this 3rd day of JULY, 2008, before me the undersigned Notary Public in and for said State, personally appeared Ted Anderson and Ida Anderson, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they subscribed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Eddie Lynn Funk
NOTARY PUBLIC FOR UTAH
Residing at: Salt Lake County
My Commission expires: 3/14/10



Tax 4494A

CORRECTS Tax 4494.

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO, Section 33, Part of the S1/2SW1/4, more particularly described as follows;

Beginning at the Southwest corner of the SW1/4 of Section 33, said corner marked by a 5/8 inch rebar with a 3 inch aluminum cap on top; Thence North $00^{\circ}13'45''$ West (North $0^{\circ}15'$ West rec.) along the West section line of the SW1/4 for a distance of 1299.73 feet to the POINT OF BEGINNING;

Thence South $85^{\circ}41'11''$ East (South $85^{\circ}57'32''$ East rec.) for a distance of 2647.21 feet (2643.57 feet rec.) to a 1/2 inch rebar on the East section line of the SW1/4;

Thence North $00^{\circ}15'34''$ West (North rec.) for a distance of 211.90 feet to the Northeast corner of the S1/2SW1/4;

Thence North $89^{\circ}53'12''$ West (North $89^{\circ}50'$ West rec.) along the North section line of the S1/2SW1/4 for a distance of 2638.83 feet (2637.98 feet rec.) to a 1/2 inch rebar at the Northwest corner of the S1/2SW1/4 ;

Thence South $00^{\circ}13'45''$ East (South $0^{\circ}15'$ East rec.) along the West section line of the SW1/4 for a distance of 18.00 feet to the POINT OF BEGINNING. Contains 6.96 Acres.
Reference ROS304704. dr October 22, 2005.

THIS BLANK FURNISHED BY CASSIA COUNTY ABSTRACT COMPANY

113034

WARRANTY DEED

For Value Received Willard M. Yates and Katherine K. Yates

the grantor do hereby grant, bargain, sell and convey unto

Kirtland W. Yates and Janet Yates
Malta, Idaho 83342

the grantee, the following described premises, to-wit:

The Northwest $\frac{1}{4}$ of Section 33, and the North $\frac{1}{4}$
of the Southwest $\frac{1}{4}$ of Section 33, all in Township
13 South, Range 27 East of the Boise Meridian.
All in Cassia County, State of Idaho.

Together with all water rights thereunto appertaining.

Reserving unto the Grantors all of the natural gas and
mineral rights upon the said premises.

RECORDED & INDEXED
LAND TITLE & ESTATE

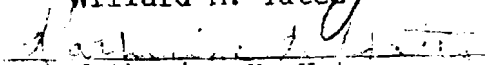
2007 JUN 3 PM 2 08

306 000 000
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313034

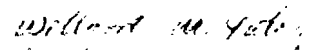
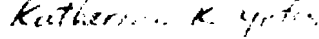
TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 29, 1981

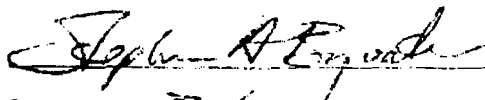

Willard M. Yates

Katherine K. Yates

STATE OF IDAHO, COUNTY OF CASSIA.

On this 29 day of June, 1981, before me, a notary public in and for said State, personally appeared

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Residing at Burley, Idaho Comm. Expires 12/12

REMINDER BURLEY 78

QUITCLAIM DEED

Escrow #1433

313035

For Value Received

Katherine K. Yates, the duly nominated and appointed trustee by will of the decedent Willard Moss Yates

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Kirtland W. Yates and Janet Yates, husband and wife
ADDRESS: 1941 South 2450 East, Malta Idaho 83342

Hereinafter called the grantee, the following described premises, in CASSIA County, Idaho to-wit:

The Northwest Quarter and the North half of the Southwest Quarter 1/4 of Section 33, Township 13 South, Range 27 East of the Boise Meridian

Together with all water rights thereunto appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: December 29, 2006

Katherine K. Yates

Katherine K. Yates, the duly nominated and appointed trustee by will of the decedent Willard Moss Yates

STATE OF IDAHO)
) ss.
 COUNTY OF CASSIA)

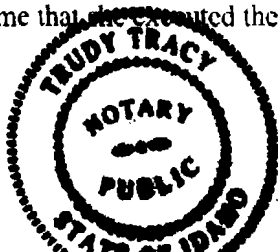
LAND TITLE & ESCROW

2006 JUN 3 PM 4:09

300

313035

On this 29 day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Katherine K. Yates, known or identified to me to be the person whose name is subscribed to the within instrument, as the duly nominated and appointed trustee of by will of the decedent Willard Moss Yates and acknowledged to me that she executed the same.



Judy Tracy
 Notary Public

Residing at: Malta Idaho
 My Commission expires:

11-13-2012

MARTELL C HOLLAND
CASSIA COUNTY ASSESSOR
203 EAST 15TH STREET
BURLEY, ID 83310

2006

ASSESSMENT NOTICE

THIS IS NOT A BILL
DO NOT PAY.

PARCEL DESCRIPTION:

NW1/4, N1/2SW LESS T 5.10
S 33 T 19 R 27
CONTIGUOUS WITH 13527E332400

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 878-0540

PARCEL ADDRESS:

YATES KATHERINE K. TRUSTEE
% YATES KIRTLAND W. ETAL
% YATES JANET H/W
1941 SOUTH 2450 EAST
MALTA ID 83142

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 26, 2006

Tax Code Area: 16-0000

Parcel Number: RP 13527E332400 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	1.00 120 AC	55,461	55,461
3 DRY AGR	73.000 AC	11,096	11,096
19 WASTE	1.300 AC		
SUBTOTAL:	237.420	66,557	66,557
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		66,557	66,557

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	LAST YEAR'S TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY		208-878-1004	09/05/2006
SCH DIST 151		208-878-6600	06/13/2006
RAFT RIVER HWY		208-645-2463	09/05/2006
VALLEY VU CEM		208-645-2628	08/31/2006
RAFT RIVER FIRE		208-645-2498	08/08/2006
FLOOD DIST 15		208-824-5598	No Response
SUBTOTAL:			
FEES:			
TOTAL PROPERTY TAXES & FEES:			

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

Page 1 OF 1