

Transfer No. 75406
Receipt No. S030683

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

1. Applicant Information LOWELL B CURTIS
1930 2040 E 2200 N
TWIN FALLS ID 83301
(208) 655-4134

And

JULINA CURTIS
1930 2040 E 2200 N
TWIN FALLS ID 83301
(208) 655-4134

RECEIVED

FEB 11 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? Yes

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
47-17254	AJC/License	0.26	127.6	58.0	152.0	GROUND WATER
47-17255	AJC/License	0.85	410.8	122.0	487.0	GROUND WATER
47-17256	AJC/License	1.89	922.0	58.0	152.0	GROUND WATER
47-17257	AJC/License	1.44	702.7	187.0	487.0	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
47-17254	NO	NO	YES	NO	NO	NO
47-17255	NO	NO	YES	NO	NO	NO
47-17256	NO	NO	YES	NO	NO	NO
47-17257	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

We bought all the water rights from these two wells, but only a portion of the land. The corporation deed conveying the land did not mention water, so the rights were split incorrectly at the time of sale in 2005. But the Agreement of Sale clearly states that all the water belongs to us, so we now wish to remove it from the recommended place of use that we did not buy. That land has been turned into gravel pits, and is no longer irrigated. The proposed place of use is also watered from Deep Creek and Salmon Falls Reservoir (700 shares).

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

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

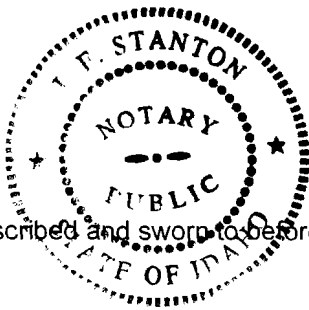
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
47-17254	0.26 cfs	58.0	512.0	127.6 af
47-17255	0.85 cfs	122.0	512.0	410.8 af
47-17256	1.89 cfs	58.0	512.0	922.0 af
47-17257	1.44 cfs	187.0	512.0	702.7 af
TOTAL	3.00 cfs	405.0	512.0	1,461.0 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.



Lowell B. Curtis
(Signature of Applicant)

Julina L. Curtis
(Title or Office)

Subscribed and sworn to before me this 11th day of February, 2009.

J P Stanton
(Notary Public)

My commission expires 1-12-2013

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

Current Water Right No. 47-17254

Priority Date: January 26, 1970
Origin: Adjudication Recommendation
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	03/01 11/01	0.26 CFS	127.6 AFA	
Total Diversion		0.26 CFS	127.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
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	
12S	15E	25					32.0				32.0	39.0			36.0		7.0	6.0	152.0

Total Acres: 152

Conditions/Remarks:

1. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. The period of use for the irrigation described in this approval may be extended to 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 after 11/1 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.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

4. This right is a split from former right 47-7088 .
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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.
9. The total instantaneous diversion of water from all points of diversion under Rights 47-17254, 47-17255, 47-17256 and 47-17257 shall not exceed 3.00 cfs, nor total combined annual volume of 1461.0 af.
10. 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.
11. This right is limited to the irrigation of 38 acres within the place of use described above in a single irrigation season.
12. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
13. Right Nos. 47-17254 and 47-17256 are limited to a total combined diversion rate of 0.71 cfs and to a total combined annual diversion volume of 346.6 AF.

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

We bought some of the land these rights are appurtenant to, but received all of the water.

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. 75406
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 47-17255

Priority Date: January 26, 1970
Origin: Adjudication Recommendation
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	03/01	11/01	0.85 CFS	410.8 AFA	
	Total Diversion		0.85 CFS	410.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
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	
12S	15E	25						32.0	32.0			21.0	18.0						103.0
12S	15E	35													31.0	33.0	32.0	32.0	128.0
13S	15E	1					31.0	31.0	32.0	34.0									128.0
							L 3	L 4											
13S	15E	2	32.0	32.0	32.0	32.0													128.0
			L 1	L 2															

Total Acres: 487

Conditions/Remarks:

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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right is a split from former right 47-7088 .
6. 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.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right is limited to the irrigation of 122 acres within the place of use described above in a single irrigation season.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. The total instantaneous diversion of water from all points of diversion under Rights 47-17254, 47-17255, 47-17256 and 47-17257 shall not exceed 3.00 cfs, nor total combined annual volume of 1461.0 af.
11. 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.
12. The period of use for the irrigation described in this approval may be extended to 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 after 11/1 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.
13. Right Nos. 47-17255 and 47-17257 are limited to a total combined diversion rate of 2.29 cfs and to a total combined annual diversion volume of 1113.5 AF.
14. Right Nos. 47-17255 and 47-17257 are limited to the irrigation of a combined total of 309 acres in a single irrigation season.

Page 8

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

Transfer creates ppu on the land we own, but with all of the water from the two existing wells.

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. 75406
Receipt No. S030683

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

Current Water Right No. 47-17256

Priority Date: June 28, 1957
Origin: Adjudication Recommendation
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	03/15 11/15	1.89 CFS	922.0 AFA	
	Total Diversion	1.89 CFS	922.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
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	
12S	15E	25					32.0				32.0	39.0			36.0		7.0	6.0	152.0

Total Acres: 152

Conditions/Remarks:

1. This right is a split from former right 47-2308 .
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. 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.
4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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. 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.
7. This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The total instantaneous diversion of water from all points of diversion under Rights 47-17254, 47-17255, 47-17256 and 47-17257 shall not exceed 3.00 cfs, nor total combined annual volume of 1461 af.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Right Nos. 47-17254 and 47-17256 are limited to a total combined diversion rate of 0.71 cfs and to a total combined annual diversion volume of 346.6 AF.

Documentation of Ownership of the Current Place of Use

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

Land will not be irrigated; is being used for gravel pits.

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. 75406
Receipt No.S030683

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

Current Water Right No. 47-17257

Priority Date: June 28, 1957
Origin: Adjudication Recommendation
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	03/15	11/15	1.44 CFS	702.7 AFA	
	Total Diversion		1.44 CFS	702.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
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	
12S	15E	25						32.0	32.0			21.0	18.0						103.0
12S	15E	35													31.0	33.0	32.0	32.0	128.0
13S	15E	1					31.0	31.0	32.0	34.0									128.0
							L 3	L 4											
13S	15E	2	32.0	32.0	32.0	32.0													128.0
			L 1	L 2															

Total Acres: 487

Conditions/Remarks:

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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right is a split from former right 47-2308 .
6. 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.
7. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right is limited to the irrigation of 187 acres within the place of use described above in a single irrigation season.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. The total instantaneous diversion of water from all points of diversion under Rights 47-17254, 47-17255, 47-17256 and 47-17257 shall not exceed 3.00 cfs, nor total combined annual volume of 1461.0 af.
11. 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.
12. The period of use for the irrigation described in this approval may be extended to 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 after 11/1 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.
13. Right Nos. 47-17255 and 47-17257 are limited to a total combined diversion rate of 2.29 cfs and to a total combined annual diversion volume of 1113.5 AF.
14. Right Nos. 47-17255 and 47-17257 are limited to the irrigation of a combined total of 309 acres in a single irrigation season.

Documentation of Ownership of the Current Place of Use

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

Transfer creates ppu on our existing land using all the water rights in both wells.

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. 75406
Receipt No. S030683

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

Proposed Water Right No. 47-17254

Priority Date: January 26, 1970

Origin: Adjudication
 Recommendation

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	03/01 11/01	0.26 CFS	127.6 AFA	
	Total Diversion	0.26 CFS	127.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

Describe the proposed diversion system

Point of Diversion # 1 EXISTING WELL AND PUMP

Point of Diversion # 2 EXISTING WELL AND PUMP

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	
12S	15E	25						32.0	32.0			32.0	32.0						128.0
12S	15E	35													31.0	33.0	32.0	32.0	128.0
13S	15E	1					31.0	31.0	32.0	34.0									128.0
							L 3	L 4											
13S	15E	2	32.0	32.0	32.0	32.0													128.0
			L 1	L 2															

Total Acres: 512

Transfer No. 75406
Receipt No. S030683

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

Proposed Water Right No. 47-17255

Priority Date: January 26, 1970

Origin: Adjudication
 Recommendation

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	03/01 11/01	0.85 CFS	410.8 AFA	
	Total Diversion	0.85 CFS	410.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

Describe the proposed diversion system

Point of Diversion # 1 EXISTING WELL AND PUMP

Point of Diversion # 2 EXISTING WELL AND PUMP

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	
12S	15E	25					32.0	32.0			32.0	32.0							128.0
12S	15E	35													31.0	33.0	32.0	32.0	128.0
13S	15E	1					31.0	31.0	32.0	34.0									128.0
							L 3	L 4											
13S	15E	2	32.0	32.0	32.0	32.0													128.0
			L 1	L 2															

Total Acres: 512

Transfer No. 75406
Receipt No.S030683

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

Proposed Water Right No. 47-17256

Priority Date: June 28, 1957

Origin: Adjudication
 Recommendation

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	03/15 11/15	1.89 CFS	922.0 AFA	
	Total Diversion	1.89 CFS	922.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

Describe the proposed diversion system

Point of Diversion # 1 EXISTING WELL AND PUMP

Point of Diversion # 2 EXISTING WELL AND PUMP

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	
12S 15E 25					32.0	32.0			32.0	32.0							128.0
12S 15E 35													31.0	33.0	32.0	32.0	128.0
13S 15E 1					31.0	31.0	32.0	34.0									128.0
13S 15E 2	32.0	32.0	32.0	32.0	L 3	L 4											128.0
	L 1	L 2															

Total Acres: 512

Transfer No. 75406
Receipt No.S030683

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

Proposed Water Right No. 47-17257

Priority Date: June 28, 1957
Origin: Adjudication
 Recommendation
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	03/15 11/15	1.44 CFS	702.7 AFA	
	Total Diversion	1.44 CFS	702.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

GROUND WATER SWSWNW Sec. 12 Twp 13S Rge 15E TWIN FALLS
County

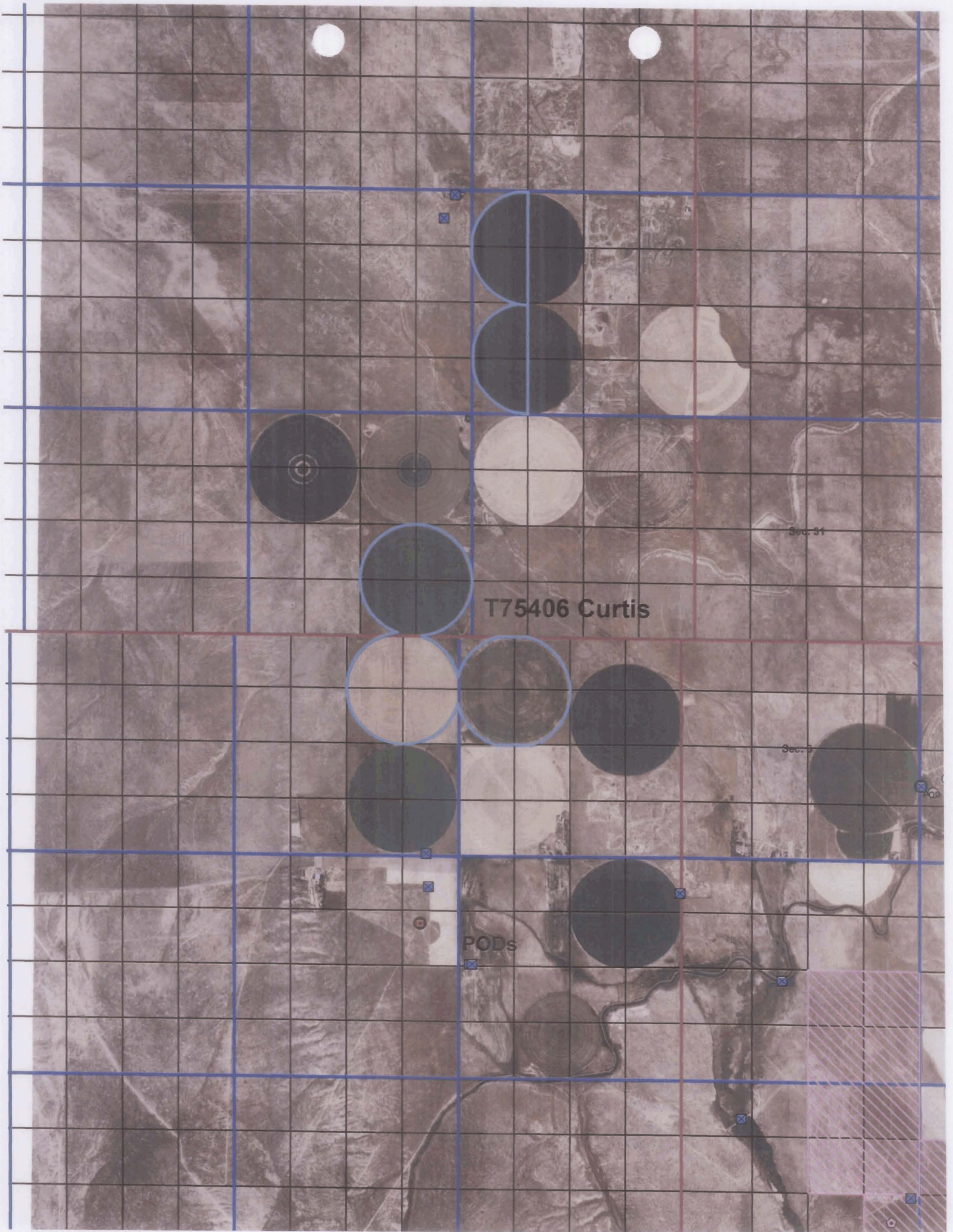
Describe the proposed diversion system

Point of Diversion # 1 EXISTING WELL AND PUMP
Point of Diversion # 2 EXISTING WELL AND PUMP

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	
12S 15E 25						32.0	32.0			32.0	32.0						128.0
12S 15E 35													31.0	33.0	32.0	32.0	128.0
13S 15E 1					31.0	31.0	32.0	34.0									128.0
					L 3	L 4											
13S 15E 2	32.0	32.0	32.0	32.0													128.0
	L 1	L 2															

Total Acres: 512



T75406 Curtis

Sec. 31

Sec. 3

PODs

AGREEMENT OF SALE

1. **PARTIES:** AGREEMENT Made between Loughmiller, Inc., the "Seller," of 3170 US HIGHWAY 93, TWIN FALLS ID 83301 and Lowell B. Curtis and Julina L. Curtis, husband and wife, the "Buyers," of 97 N HWY 33, DRIGGS ID 83422 on February 9th, 2005.

2. **SALE:** The Seller will sell and convey and the Buyer will purchase the real property in Twin Falls County, Idaho, described as follows:

Township 12 S., Range 15 East, B.M., Section 25: W $\frac{1}{2}$ W $\frac{1}{2}$
Township 12 S., Range 15 East, B.M., Section 35: SE $\frac{1}{4}$
Township 13 S., Range 15 East, B.M., Section 1: Lots 3 & 4, S $\frac{1}{2}$ NW $\frac{1}{4}$
Township 13 S., Range 15 East, B.M., Section 2: Lots 1 & 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

together with all water rights appurtenant to the property, including, but not necessarily limited to:

Water Right No. 47-2308 for 1.89 cfs - ground water
Water Right No. 47-7088 for 1.11 cfs - ground water
700 shares of Salmon River Canal Company water

and the irrigation equipment described on Exhibit A.

3. **1031 EXCHANGE:** Both parties intend to effect an exchange of properties which will qualify as a tax deferred exchange by the terms of §1031 of the Internal Revenue Code. The exchanges will be with third persons, through intermediaries. Each party will cooperate with the other to effectuate such exchanges. Neither party will do anything to prevent the other from making such an exchange. Each party will be solely responsible for its compliance with the legal requirements for such exchange and will hold the other party harmless from any cost associated with such exchange.

16. **SURVIVAL OF PROVISIONS:** Each covenant, condition, warranty and representation made in this Agreement will survive the closing. All provisions which are to be performed or applied following closing will also survive the closing.

17. **NUMBER AND GENDER:** All words used in the singular include the plural. All words used in the plural include the singular. All words used in any gender include all genders.

18. **ENTIRE CONTRACT:** This document states the entire agreement between the parties. The Seller is not bound by any stipulations, representations, agreements, or promises, oral or otherwise, not printed or inserted in it.

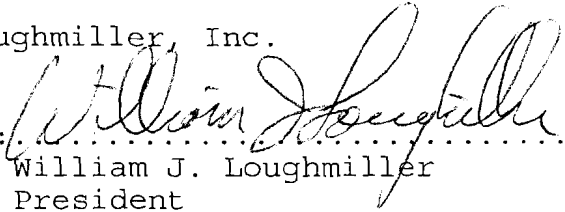
19. **BINDING EFFECT:** This Agreement and its terms and conditions are binding upon and inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties. The parties acknowledge that they previously entered into a Real Estate Purchase and Sale Agreement dated January 28, 2005. Except as expressly set forth in paragraph 10 above, the January 28, 2005 Real Estate Purchase and Sale Agreement shall be superseded by this agreement.

20. **CLOSING:** This Agreement shall close on or before 4:00 p.m. on May 15, 2005. The Closing Date may be extended only by mutual written consent of the parties. TitleFact, Inc. of Twin Falls, Idaho shall act as closing Agent and do the closing of this agreement.

*Closing done 5/12/2005
Lowell & Juliana at Driggs. Alliance office.*

SELLER

Loughmiller, Inc.

By: 

William J. Loughmiller
President

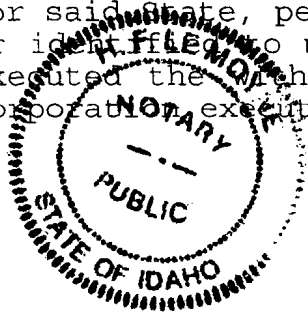
BUYERS

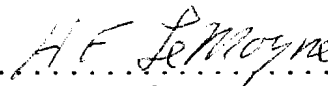
.....
Lowell B. Curtis

.....
Julina L. Curtis

STATE OF IDAHO)
County of Twin Falls.)

On February 9th, 2005, before me, a Notary Public in and for said State, personally appeared William J. Loughmiller, known or identified to me to be the President of the corporation that executed the within instrument and acknowledged to me that the corporation executed it.



..... 
Notary Public for Idaho
Commission Expires: 4-18-09

STATE OF IDAHO)
County of _____)

On February ___, 2005, before me, a Notary Public in and for said State, personally appeared Lowell B. Curtis and Julina L. Curtis, 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 executed it.

.....
Notary Public for Idaho
Commission Expires: _____

SELLER

Loughmiller, Inc.

By:.....
 William J. Loughmiller
 President

BUYERS

Lowell B. Curtis

 Lowell B. Curtis

Julina L. Curtis

 Julina L. Curtis

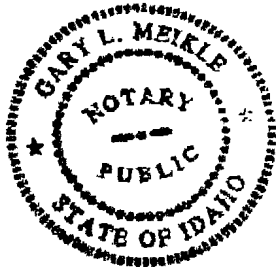
STATE OF IDAHO)
 County of Twin Falls.)

On February __, 2005, before me, a Notary Public in and for said State, personally appeared William J. Loughmiller, known or identified to me to be the President of the corporation that executed the within instrument and acknowledged to me that the corporation executed it.

.....
 Notary Public for Idaho
 Commission Expires: _____

STATE OF IDAHO)
 County of Bonneville.)

On February 10, 2005, before me, a Notary Public in and for said State, personally appeared Lowell B. Curtis and Julina L. Curtis, 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 executed it.



Gary L. Meikle

 Notary Public for Idaho
 Commission Expires: 12/15/09

AGREEMENT OF SALE - 6

Smith & Beck
 Attorneys At Law
 210 South American Court
 P.O. Box 503