

Form 222
1-87

RECEIVED

OCT 26 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Eagle Valley Ranch, LLC Phone (208) 756-1510
Post Office address 446 Bohannon Creek Rd., Salmon, ID 83467

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 Applicant and Dean and Betty Stokes have agreed to divide water rights as provided in the attached "WATER RIGHTS AGREEMENT"

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>74-179D</u>	<u>06/01/1897</u>	<u>2.0 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Bohannon Creek Tributary to Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	28	21N	23E	Lemhi	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

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	
21N	23E	29	1.3	13.5	19	9.7	6		3	35	13				13	30		7	150.5

Total Acres 150.5

73313

6. General Information:

- a. Description of diversion system _____
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No effect
- d. Remarks:
See attached Agreement between Stokes and Eagle Valley Ranch, LLC.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2006.

page 3 of 7

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

10/24/2006

WATER RIGHT NO. 74-179D

Owner Type	Name and Address
Current Owner	EAGLE VALLEY RANCH LLC 446 BOHANNON CREEK RD SALMON, ID 83467 (208) 756-1510
Original Owner	BETTY W STOKES
Original Owner	EARL DEAN STOKES 19 N BARRACKS LN SALMON, ID 83467 (208)756-2460

Priority Date: 06/01/1897

Basis: Decreed

Status: Active

Source	Tributary
BOHANNON CREEK	LEMHI RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

BOHANNON CREEK	SESE	Sec. 15	Township 21N	Range 23E	LEMHI County
BOHANNON CREEK	SENE	Sec. 28	Township 21N	Range 23E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
21N	23E	21		NESW	1		NWSW	2		SESW	36			
				NESE	20		NWSE	10		SWSE	37		SESE	14

		29	NWNE	2	SWNE	19				
			NENW	6	SWNW	3	SENE	35		
			NESW	13						
			NESE	13	NWSE	30	SESE	7		

Total Acres: 248

Conditions of Approval:

1.	E64	This right authorizes the irrigation of 121.5 total acres.
2.	C18	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.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close



Idaho Department of Water Resources

Water Right:

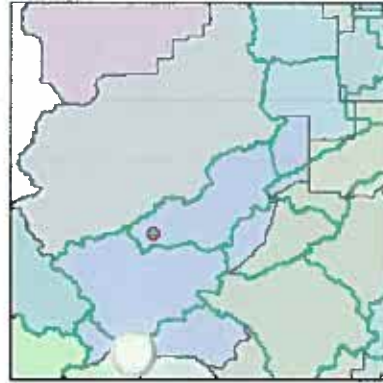
74-179D

(Irrigation)

Legend

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

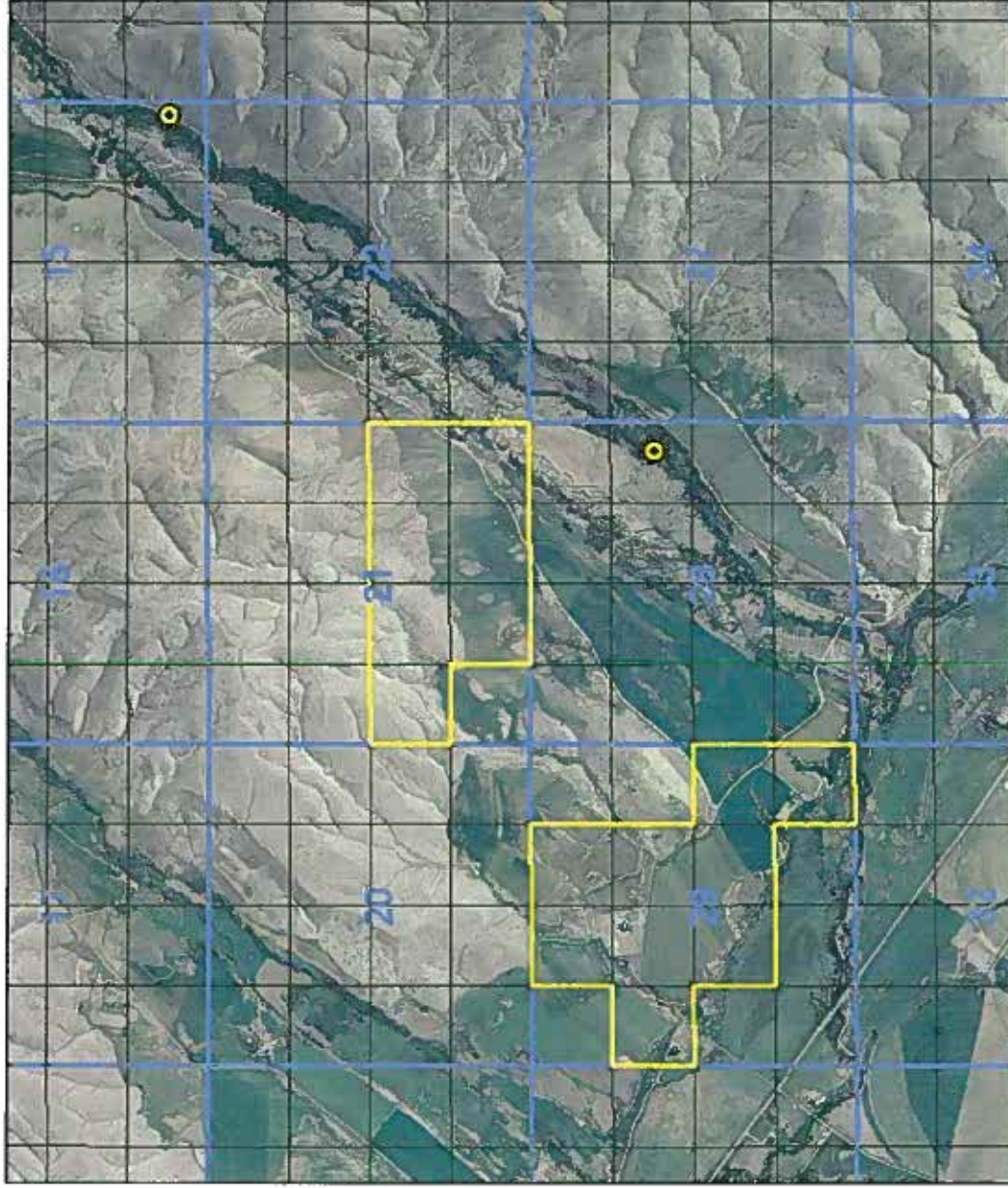
73313



Lemhi County
IDWR Basin 74

Prepared by T. Galbraith
On Tuesday, July 25, 2006
2004 Aerial Photography

R23E



0 1 2 Miles





Idaho Department of Water Resources

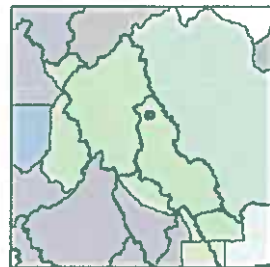
SRBA Recommendation:

74-179D

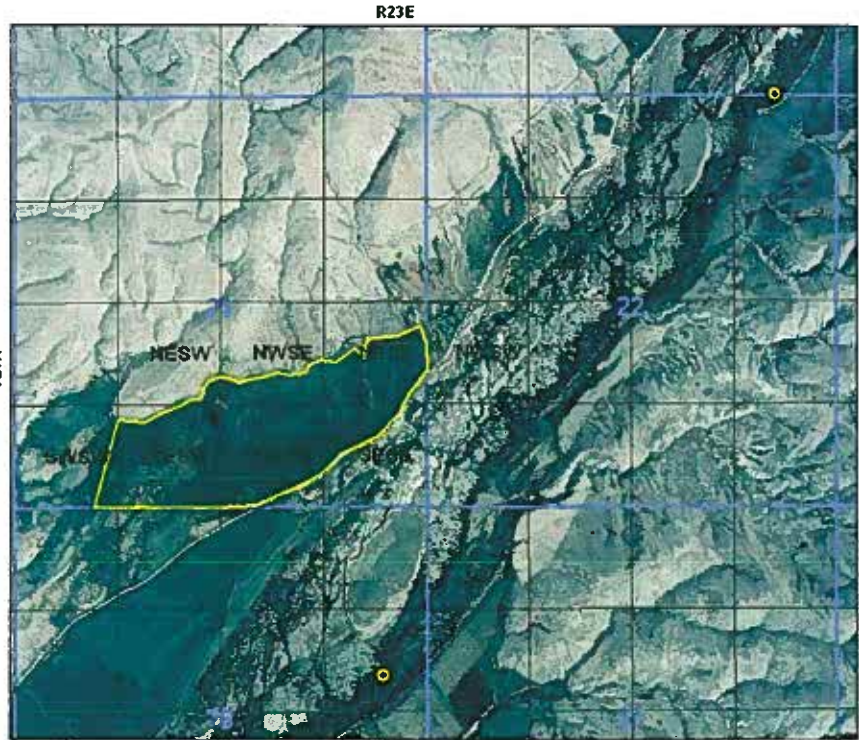
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters



Lemhi County
IDWR Basin 74



0 0.7 1.4 Miles

Prepared by T. Galbraith
On Monday, July 24, 2006
1987/88 Aerial Photograph

B. CHANGES IN NATURE OF USE

1.

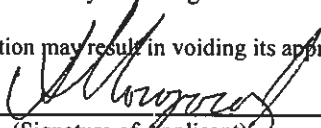
<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:
No change.

3. Describe effects on other water uses resulting from the proposed change:
No effect.

I hereby asset 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)

Subscribed and sworn to before me this 9th day of SEPTEMBER, 2006

Cynthia Porter
 Notary Public for ~~State~~ NEW JERSEY
 Residing at: 281 Millburn Ave Millburn NJ
 My Commission Expires CYNTHIA PORTER
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires July 22, 2010

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and #8 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 290-

Received by SC Date 11/16/06 E032407

Published in Recorder Herald Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

OCT 26 2006

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern RegionPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	74-179D				

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 rights(s) or claims(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 your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 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 **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 Eagle Valley Ranch, LLC
446 Bohannon Creek Rd., Salmon, ID 83467
4. New Owner/Claimant(s) Earl Dean Stokes & Betty Stokes
 Name connector (check one): [] and [] or, ☒ and/or
 New Mailing Address 19 N. Barracks Lane
 City, State and ZIP Code Salmon, ID 83467
 New Telephone Number 208-756-2460
5. Date you acquired the property _____

T 73313
 ATTACHMENT 1 OF 48

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

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

7. Signature of New Owner(s) Or Claimant(s) Earl Dean Stokes
(include title if applicable) Betty Stokes

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

**QUITCLAIM DEED
FOR
WATER RIGHT**

THIS INDENTURE is made this 9th day of ~~August~~^{September}, 2006, between Eagle Valley Ranch, LLC, referred to herein as the "GRANTOR" and Earl Dean Stokes and Betty W. Stokes, whose mailing address is 19 N. Barracks Lane, Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-179D

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

T 73313
ATTACHMENT 3 OF 48

W. H. Crozier

NEW JERSEY
STATE OF ~~IDAHO~~)
)ss.
County of Essex)

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

Josephine Martin

Notary Public for ~~Idaho~~ NEW JERSEY
Residing at: 281 millburn Ave millburn NJ
My commission expires: _____

CYNTHIA PORTER
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 22, 2010

269035

State of Idaho
County of Laramie

This instrument was filed for record at the request of
Holden, Kidwell, Hahn + Crapo, PLLC
at 836 o'clock A on 9-25 2006
and day filed and in the County of Laramie
County Clerk
Elyse A. Cardin
Deputy

By Elyse A. Cardin Deputy
Fee 6.00

Return to Holden, Kidwell, Hahn + Crapo, PLLC

ATTACHMENT T 73313
4 OF 18

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
SHAN B. PERRY
DeANNE CASPERSON**
AMELIA A. SHEETS
ROBERT L. HARRIS
DEBORAH S. O'MALLEY

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

October 24, 2006

RECEIVED

OCT 26 2006

**Department of Water Resources
Eastern Region**

Dave Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Dave:

I think I remember visiting with you about this matter some months ago. Unless you have a really good memory, you have probably forgotten most of it. However, the Stokes and Eagle Valley Ranch entered into an agreement, a complete copy of which is enclosed, to divide water rights among the various properties now held by each of them. The agreement calls for the filing of Applications for Transfer. Therefore, we are also enclosing with this letter the originals of the following with the referenced attachments and filing fees:

1. Application for Transfer of Water Rights 74-179C, 74-180B, 74-15520 from Stokes' lands to Eagle Valley Ranch lands and Application for Transfer of Water Right No. 74-179D from Eagle Valley Ranch lands to Stokes' lands. The attachments include:
 - a. A large map prepared by Anderson Engineering;
 - b. Colored maps prepared by IDWR showing place of use for each water right;
 - c. Adjudication Recommended Right Reports for each such right.
2. Notices of Change of Water Right Ownership for each of the above referenced water rights together with copies of the Warranty Deed from Stokeses to Eagle Valley Ranch and copies of the Quitclaim Deeds for each of the water rights.

Finally, we have enclosed our check for the filing fees in the amount of \$760.00. You will undoubtedly want to check to make sure this figure is correct. If not, please advise us and we will make whatever adjustment needs to be made. Thank you for your kind attention to this matter.

Dave Carlson
Idaho Department of Water Resources
October 24, 2006
Page 2 of 2

Yours very truly,

A handwritten signature in black ink, appearing to read "Kent W. Foster", written in a cursive style.

Kent W. Foster

Enclosures

G:\WPDATA\KWF\10652 MARTIN, STEPHEN E\03 Monoyios Water Rights\Dave Carlson ltr 102406.wpd:cdv

WATER RIGHTS AGREEMENT

THIS AGREEMENT IS MADE and entered into this 21st day of August, 2006, by and between Earl Dean Stokes and Betty W. Stokes, husband and wife, of 19 N. Barracks Ln., Salmon, ID 83467, referred to hereafter in this agreement as "STOKES", and Eagle Valley Ranch, LLC, an Idaho Limited Liability Company of 446 Bohannon Creek Rd., Salmon, ID 83467, referred to hereafter in this agreement as "EVR",

WITNESSETH:

That for and in consideration of the mutual covenants and promises contained in this agreement, the parties hereto agree as follows:

1. STOKES are the record title holders of the following described real property, situate in the County of Lemhi, State of Idaho, to wit:

A parcel of land in Sections 29 and 30, T21N., R23E.B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the southwest corner of said Section 29, a distance of 1074.29 feet on a bearing of N. 0E06'55" W. along the west boundary of said Section 29 to a point on the north right-of-way of Idaho State Highway No. 28, and being the real point of beginning. From this real point of beginning, a distance of 416.67 feet on a bearing of N. 54E22'16" W. along said right-of-way to a point on the east right-of-way barracks lane:

Thence the following courses and distances along the east right-of-way of barracks lane:

N. 36E 03' 22" E., 990.00 feet;

N. 34E 24' 17" E., 657.06 feet;

Thence the following courses and distances along the south fence boundary of the County road:

N. 53E 41' 49" E., 341.08 feet;

N. 31E 35' 03" E., 483.88 feet;

N. 41E 27' 01" E., 170.92 feet;

N. 53E 18' 33" E., 149.67 feet;

N. 81E 14' 15" E., 93.67 feet;

S. 83E 35' 14" E., 405.49 feet;

S. 82E 47' 09" E., 1456.59 feet;

S. 36E 48' 39" E., 474.17 feet;

S. 24E 35' 23" E., 245.87 feet;

S. 17E 09' 53" E., 175.89 feet;

S. 40E 12' 36" E., 163.60 feet;

S. 67E 55' 12" E., 213.83 feet;

S. 65E 24' 49" E., 276.17 feet;

S. 54E 29' 36" E., 279.75 feet;

S. 42E 03' 27" E., 325.08 feet;
S. 34E 02' 14" E., 272.74 feet;

Thence S. 32E 58' 38" W., 637.00 feet;
Thence N. 57E 01' 35" W., 600.82 feet;
Thence S. 27E 59' 38" W., 139.80 feet;
Thence S. 89E 23' 36" W., 11.92 feet to a point on the east boundary
of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence N. 0E 06' 55" W., 138.95 feet along said boundary to the
northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Thence S. 89E 23' 36" W., 70.00 feet along the north boundary of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$
Thence S. 50E 00' W., 1755.99 feet to a point on the south bank of
the Lemhi River;
Thence the following courses and distances along the south bank of
the Lemhi River;
N. 83E 38' 16" W., 797.70 feet
S. 56E 11' 44" W., 452.00 feet to a point on the north right-of-way of
Idaho State Highway No. 28;
Thence N. 54E 22' 16" W., 1719.36 feet to the real point of
beginning.

Except the following described 25 foot easement:

Commencing at the southwest corner of said Section 29, a distance
of 5148.62 feet on a bearing of N. 72E 23' 41" E., to the real point of
beginning.

From this real point of beginning, a distance of 637.00 feet on a
bearing of S. 32E 58' 38" W.;

Thence N. 57E 01' 35" W., 25.00 feet;

Thence N. 32E 58' 38" E., 647.61 feet;

Thence S. 34E 02' 14" E., 27.17 feet to the real point of beginning.

2. EVR is the record title holder of the following described real property, recently purchased
by EVR from Stokes, situate in the County of Lemhi, State of Idaho, to wit:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23 and 24 of Sunrise Hills Subdivision, according to the official
plat thereof, filed on Book 5 of Plats at Page(s) 63, Official Records
of Lemhi County, Idaho.

Also Including:

That Certain lot, piece, or parcel of land, situate, lying and being in
Salmon, County of Lemhi, State of Idaho, bounded and particularly
described as follows to wit:

All that portions of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-One (21), Township Twenty-One (21) North, Range Twenty-Three (23), East, Boise Meridian, lying and being on the Northwestern side of Bohannon Creek Road.

3. Based upon recommendations recently made by the Idaho Department of Water Resources (hereafter IDWR), to the Snake River Basin Adjudication Court (hereafter SRBA Court), the following water rights are appurtenant of record to the above described real property of STOKES:
 - a. 74-179C
 - b. 74-180B
 - c. 74-15520
4. Based also on recommendations recently made by the IDWR to the SRBA Court, the following rights are appurtenant of record to the above described real property of EVR:
 - a. 74-179D
 - b. 74-15521
5. At the time of the conveyance by STOKES to EVR of the real property described in Paragraph 2 above, there was a misunderstanding between the parties as to how the water rights listed in Paragraph 3 and 4 above had been used historically. The parties desire to correct the errors that resulted from such misunderstanding to the end that the following water rights or portions thereof shall become appurtenant to the above described property of STOKES:
 - a. 74-179D - All
 - b. 74-180B - 50 miner's inches or 1.0 cfs;and that the following water rights or portions thereof shall be appurtenant to the above described real property of EVR:
 - c. 74-179C - All
 - d. 74-180B - 80 miner's inches or 1.6 cfs
 - e. 74-15520 - All
 - f. 74-15521 - All
6. In order to accomplish the objectives of the parties set forth in Paragraph 5 above, the parties agree to do the following:
 - a. EVR shall execute a Quitclaim Deed for water right number 74-179D to STOKES, in the form attached hereto as Exhibit "1", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - b. STOKES shall execute a Quitclaim Deed for water right number 74-179C to EVR, in the form attached hereto as Exhibit "2", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - c. STOKES shall execute a Quitclaim Deed for 80 miner's inches (1.6 cfs) of water right number 74-180B to EVR, in the form attached hereto as Exhibit "3", which Deed shall be recorded in the records of Lemhi County, Idaho.

- d. STOKES shall execute a Quitclaim Deed for water right number 74-15520 to EVR, in the form attached hereto as Exhibit "4", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - e. STOKES shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR, an application in the form attached hereto as Exhibit "5", to transfer the place of use for the remainder of water right number 74-179C, all of 74-15520, and 80 miner's inches (1.6 cfs) of water right number 74-180B to lands of EVR, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR as soon as may be.
 - f. EVR shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR an application in the form attached hereto as Exhibit "6", to transfer the place of use of the remainder of water right number 74-179D to lands of STOKES, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR as soon as may be.
 - g. The parties further agree to fully cooperate with each other to accomplish the objectives set out above and to provide any additional information that might be required by IDWR to complete such objectives, including the filing of any required Notices of Change of Water Rights Ownership.
7. Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney fee, including such fees on appeal, which the offended party may incur in enforcing this agreement or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.
8. This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors in interest and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

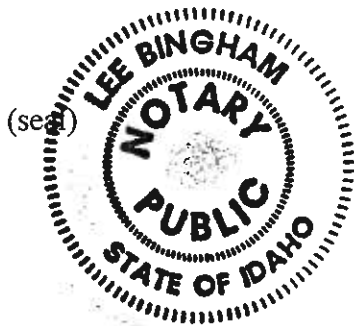
Earl Dean Stokes
Earl Dean Stokes

Betty W. Stokes
Betty W. Stokes

STATE OF IDAHO)
County of LEMHI)ss.

On this 21st day of August, 2006, before me a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me (or proved to me on the oath of Earl Dean Stokes and Betty W. Stokes) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



[Signature]
Notary Public for Idaho
Residing at: SALMON, IDAHO
My commission expires: 10/1/06

Large Valley Ranch, LLC

By: NIKOLAOS P. MENOYIOS

Its: MANAGER

STATE OF NEW JERSEY)
County of ESSEX) ss.

On this 9th day of SEPTEMBER August, 2006, before me a notary public in and for said State, personally appeared Nikolaos D Monoyios known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

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

Anthony D'Amico
Notary Public for ~~Idaho~~ **NEW JERSEY**
Residing at: 281 Millburn Ave Millburn NJ
My commission expires: _____

Notary Public for ~~Idaho~~ NEW JERSEY
Residing at: 281 Millburn Ave Millburn NJ
My commission expires: _____

My commission expires: CYNTHIA PORTER

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 22, 2010

G:\WPDATA\KWF110652 MARTIN, STEPHEN E\03 Monoyios Water Rights\Water Rights Agreement.wpd cdv

EXHIBIT "1"
QUITCLAIM DEED
FOR
WATER RIGHT

THIS INDENTURE is made this ____ day of August, 2006, between Eagle Valley Ranch, LLC, referred to herein as the "GRANTOR" and Earl Dean Stokes and Betty W. Stokes, whose mailing address is 19 N. Barracks Lane, Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-179D

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

EAGLE VALLEY RANCH, LLC

By: _____
Its: _____

STATE OF IDAHO)
)ss.
County of _____)

On this ____ day of August, 2006, before me a notary public in and for said State, personally appeared _____ known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

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

(seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

EXHIBIT "2"

**QUITCLAIM DEED
FOR
WATER RIGHT**

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-179C

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "3"

**QUITCLAIM DEED
FOR
WATER RIGHT**

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

80 Miner's Inches (1.6 cfs) of Water Right No. 74-180B

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "4"

**QUITCLAIM DEED
FOR
WATER RIGHT**

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-15520

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

March 9, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Holden Kidwell Hahn & Crapo PLLC
Robert Harris
PO Box 50130
Idaho Falls ID 83405-0130

RE: Applications for Transfer #73312 and 73313 – Stokes and Eagle Valley Ranch

Dear Mr. Harris:

This letter is to acknowledge receipt of your relinquishment of the above referenced application. The Department has taken the steps necessary to void the application in our files.

A request for refund of \$760.00 has been submitted. The refund should be sent out within 10 days.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Sharla Cox
Water Rights Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Monday, March 09, 2009 12:22 PM
To: Marston, Sascha
Subject: Refund Please

Please refund the following:

*Receipt # E032407
Amount \$760.00
Payable to: Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83402-0130*

Reason for refund: Transfer 73312 and 73313 were withdrawn per letter dated 3/6/2009.

Sharla

*Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
208-525-7161 - Phone
208-525-7177 - Fax
sharla.cox@idwr.idaho.gov*



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-mail: rharris@holdenlegal.com

March 6, 2009

RECEIVED

MAR 06 2009

Department of Water Resources
Eastern Region

Nate Arave
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Executed Amendment to Water Rights Agreement and Notices of Change of
Water Right Ownership for Eagle Valley Ranch and Dean & Betty Stokes.

Dear Nate:

Enclosed with this letter is an executed Amendment to Water Rights agreement signed by Eagle Valley Ranch and Dean and Betty Stokes. Also attached are executed Notices of Change of Water Right Ownership, which we are providing to you in response to your request. We have not included a deed or map, as those documents are already in your possession.

As contained in the Agreement at Exhibits D and E, this is how the water rights are to be split between Stokes and Eagle Valley Ranch. With this documentation, we anticipate you will be filing a Notice of Completed Administrative Proceedings with the SRBA Court, and this matter will be resolved. Additionally, the parties did initially submit filing fees for the processing of the Transfer Applications, which were not processed. We request that the filing fee for the Notices of Change of Water Right Ownership be deducted from the transfer filing fee, and that any remaining amount from the transfer filing fee be refunded.

We sincerely appreciate your assistance with this matter. We know this has been a matter in which you have paid particular attention and spent significant time.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\10652 MARTIN, STEPHEN E\09 Eagle Valley Ranch, LLC\Nate Arave ltr 030609 wpd:cdv

Established in 1896



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 6, 2008

RE: Transfers 73312, 73313

Earl Dan and Betty Stokes
19N. Barracks Ln.
Salmon, Id 83467

Dear Mr. and Mrs. Stokes,

Thank you for your prompt response to my previous letter. The map submitted with the letter does not correspond to the land list submitted with the transfer applications. The main difference being the transfer application described 246.9 acres, and the area outlined on the map submitted with the previous letter is 115 acres. I have enclosed a copy of both the map and the transfer application. Due to this discrepancy this transfer cannot be processed. For your convenience I have enclosed the instructions for filing transfer application with this mailing.

If you have any questions or concerns please contact me at the number listed below.

Respectfully Submitted,

Nate Arave

Nate Arave
Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161 ext. 2248

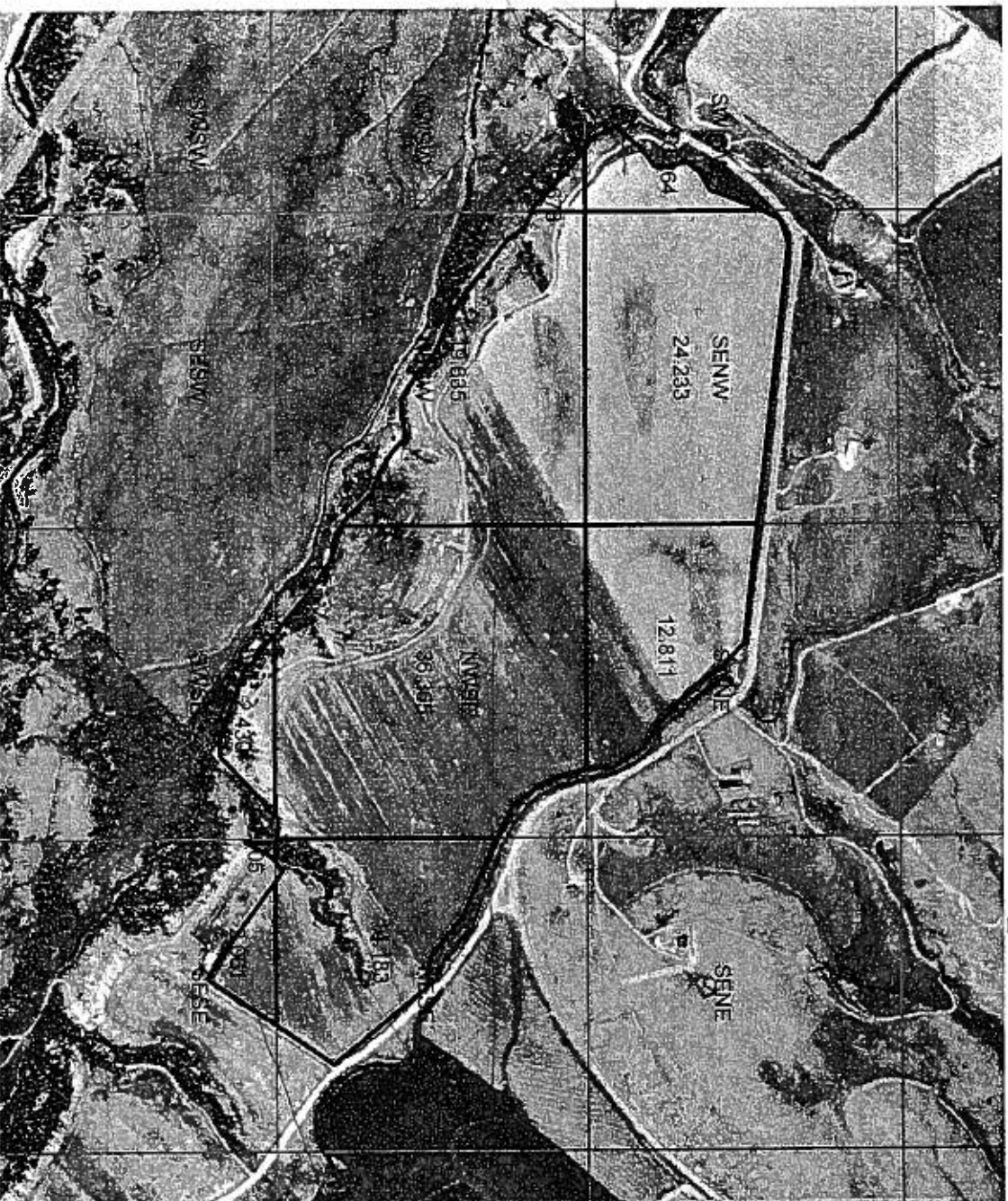
*My Phone -
208-756-2460*

*To - Scott Eskelson -
3-22-08*

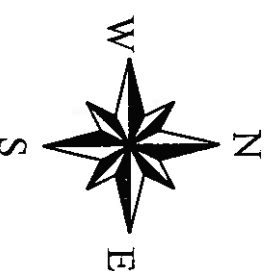
*Dear Scott,
I am sending the papers I feel are necessary
to get these water rights corrected.
The last time I talked to Kent Foster he
said he would take care of getting these
corrected. I asked him if I needed to do
anything and he said no, but just be
patient. He said he would get this worked
out with Bernie Carlson. (Water Resources)
I appreciate you and was very happy with
Kent as well. (Two Good Men)*

(over)

Submitted Map



Inters, shp
GCDB21N23E GCDB



T21N R23E Sec 29

Form 222
1-87RECEIVED
OCT 26 2006STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern RegionName of Applicant Earl Dean and Betty W. Stokes Phone (208) 756-2460
Post Office address 19 N. Barracks Ln., Salmon, ID 83467

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 Applicants and Eagle Valley Ranch, LLC have agreed to divide water rights as provided in the attached "WATER RIGHTS AGREEMENT"

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>74-179C</u>	<u>06/01/1897</u>	<u>1.02 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	<u>74-180B</u>	<u>03/09/1912</u>	<u>2.60 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	<u>74-15520</u>	<u>03/09/1912</u>	<u>0.68 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>

2. Total amount of water being transferred 4.3 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Bohannon Creek Tributary to Lemhi River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	22	21N	23E	Lemhi	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

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	
21N	23E	20															24.7	27.5	52.2
		21									1	2	25	36	20	10	37	14	145.0
		28						6.3											6.3
		29	18.9	24.5															43.4

Total Acres 246.9

12312



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 13, 2008

RE: Transfers 73312, 73313

Eagle Valley Ranch, LLC
446 Bohannon Creek Rd.
Salmon, Id 83467

To Whom It May Concern,

These transfers cannot be processed at this time because the map provided is not sufficient to determine the new place of use for the water rights associated with the transfer. Please provide the department with a map which clearly displays the new place of use. I am happy to meet with you in the Idaho Falls office and assist in the preparation of such a map if needed.

If you have any questions or concerns please contact me at the number listed below.

Respectfully Submitted,

Nate Arave

Nate Arave
Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Drive Suite A
Idaho Falls, Id 83402-1718
(208)-525-7161 ext. 2248