

Transfer No. 75400
Receipt No.E034771

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

1. Applicant Information OSGOOD GRAIN INC
 C/O KIRK POLATIS
 148 N BASSETT RD
 IDAHO FALLS ID 83402
 (208)228-3035

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

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
1-10544	AJC/Decreed	1.17			52.0	SNAKE RIVER

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
1-10544	NO	<u>YES</u> ~~NO~~	NO	~~YES~~ <u>NO</u>	NO	NO

Describe the reason for the proposed changes

Change from flood irrigation to sprinkler and moved the point of diversion to make more efficient system

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

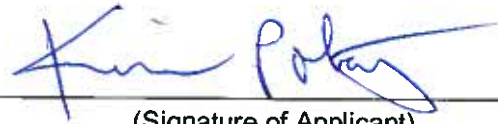
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
1-10544	1.17 cfs		52.0	
TOTAL	1.17 cfs		52.0	

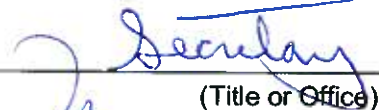
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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

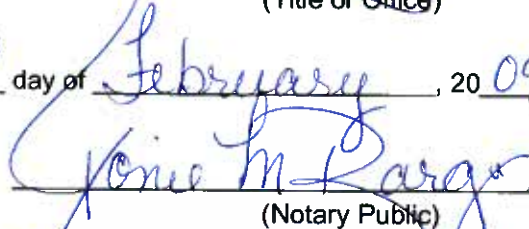


(Signature of Applicant)



(Title or Office)

Subscribed and sworn to before me this 26TH day of February, 2009.



(Notary Public)

My commission expires July 24, 2013



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

Current Water Right No. 1-10544

Priority Date: October 16, 1890
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.17 CFS		
	Total Diversion	1.17 CFS		

Source and Point(s) of Diversion:

SNAKE RIVER L7 (NENWNW) Sec. 26 Twp 04N Rge 37E JEFFERSON
 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	
04N	37E	26							29.0										29.0
04N	37E	27				23.0													23.0

Total Acres: 52

Conditions/Remarks:

1. This right is a split from former right 1-36H.
2. Water is delivered through the Brown H Pump
3. 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.

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 effect

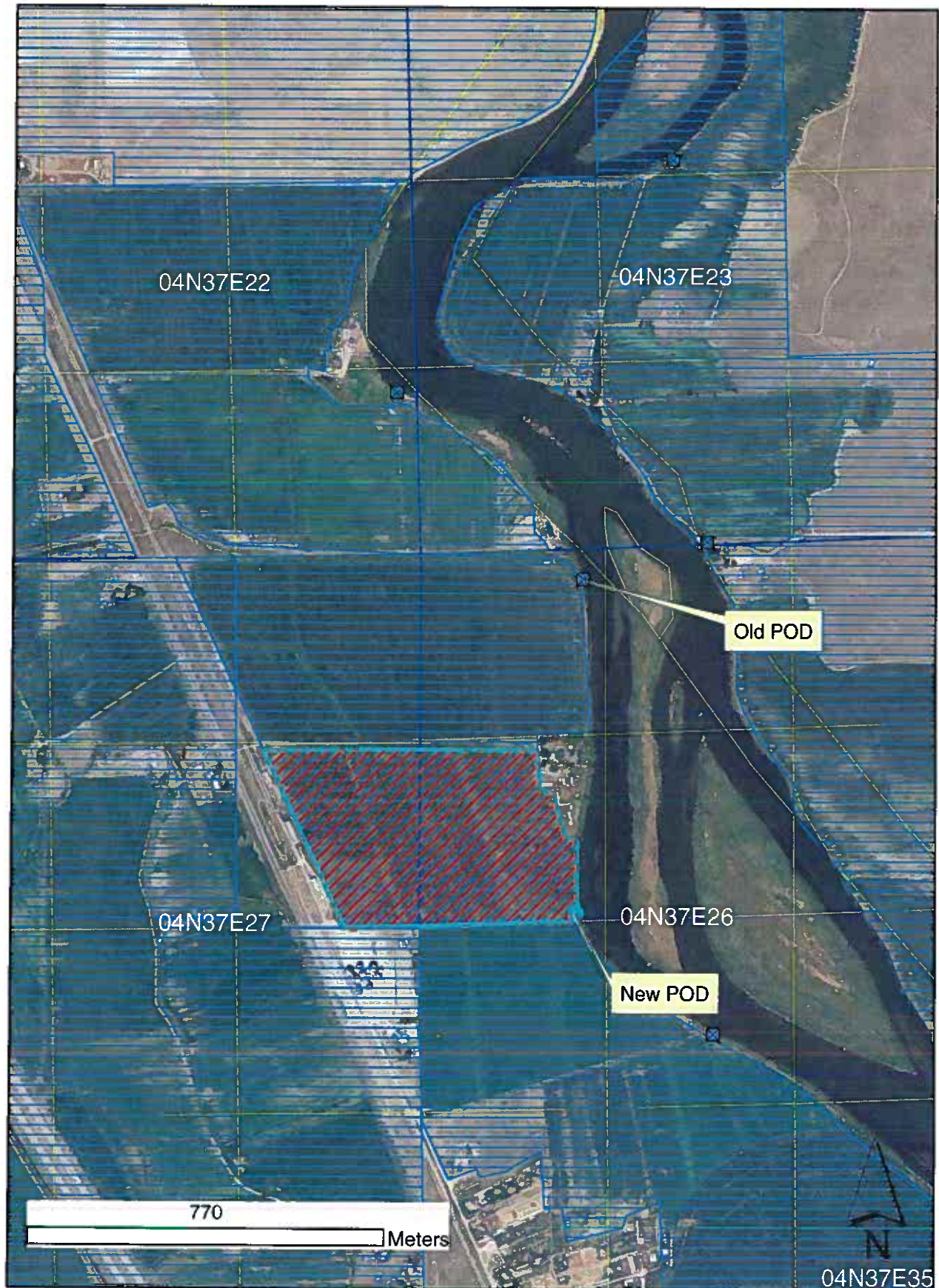
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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

75 40 0

Transfer Map



No. C 82886	Due no later than January 31, 2009 Annual Report Form		2. Registered Agent and Office NO PO BOX TRAVIS L. BOWEN, P.C. 1906 JENNIE LEE DR IDAHO FALLS, ID 83404
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address - Correct in this box, if applicable OSGOOD GRAIN, INC. 148 NORTH BASSETT ROAD IDAHO FALLS, ID 83402		3. New Registered Agent Signature
NO FILING FEE IF RECEIVED BY DUE DATE			
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
	President Larry E. VanOrden	125 S. 1054 W.	Blft. ID 83221
	Vice-Pres Larry M. Shelton	181 S. 1100 W.	Blft. ID 83221
	Secretary Kirk D. Polatis	140 N. Bassett Rd.,	IF, ID 83402
Directors:			
	Daniel T. Polatis	131 S. 1075 W.	Blft. ID 83221
	Richard D. Polatis	174 S. 1075 W.	Blft. ID 83221
	Larry E. VanOrden	125 S. 1054 W.	Blft. ID 83221
5. Organized Under the Laws of: IDAHO C 82886		6. Signature 	Date Dec. 31, 2008
		Name (Typed or Printed) Kirk Polatis	Title Secretary

Microfilm No. 358114
5-3-2007
At 11:36 O'Clock A M
CHRISTINE BOULTER
Jefferson Co. Recorder
Fee \$ 12.00 PM Deputy
Recorded at Request of Ron Swafford

WARRANTY DEED

THIS INDENTURE made this 3 day of May, 2007, between

Burleigh Tomchak and Mabel Tomchak, of Idaho Falls, Idaho, the Parties of the First Part,
and **Osgood Grain Inc., an Idaho Corporation**, of Idaho Falls, Idaho, Party of the Second Part.

WITNESSETH, That the said Parties of the First Part, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to the Parties of the First Part in hand paid by the Party of the Second Part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents does grant, bargain, sell and convey and confirm unto the said Party of the Second Part's heirs and assigns, forever, all of the following described real estate situated in the County of Butte, State of Idaho, to wit:

Part of the NE 1/4 Section 27, and part of the NW 1/4 Section 26 Township 4 North Range 37 East B.M. Jefferson County, Idaho described as:

Commencing at the SE corner of Section 27; thence N 00° 15' 28" E 2645.99' feet to the East 1/4 corner of Section 27 and the POINT OF BEGINNING. Thence N 89° 34' 35" W 552.75' feet along the South line of the NE 1/4 of Section 27 to a point on the Easterly Right of Way line of the Union Pacific Railroad; thence N 22° 59' 36" W 1370.69' feet along said Right of Way line; thence S 89° 55' 20" E 1944.94' feet along an existing fence line; thence S 07° 00' 38" E 448.95' feet; thence S 90° 00' 00" E 281.16' feet to a point on the Bank of the Snake River; thence along said bank the following (5) Five Courses; thence (1) S 06° 44' 54" W 151.63 feet; thence (2) S 06° 35' 58" W 230.50' feet; thence (3) S 00° 15' 03" W 192.51' feet; thence (4) S 04° 14' 30" E 142.14' feet; thence (5) S 20° 32' 06" E 93.55 feet to a point on the South line of the NW 1/4 of Section 26; thence S 89° 13' 05" W 1191.05" W 1191.02' feet to the POINT OF BEGINNING.

Parcel contains 54.44 Acres more or less. Also that portion on the SW 1/4 NW 1/4 Section 26 adjacent to the above described parcel lying in the Snake River containing 3.06 Acres more or less and is

WARRANTY DEED - 1

RECEIVED BY
ASSESSOR
For PLATTING

Date 5-3-07 Time 11:36

75 400

attached to the following described Ingress-Egress Easement to an existing Irrigation pump described as being 7.5' feet both sides of the following described centerline

Commencing at the SE corner of Section 27; thence N 00°15'28" E 2645.99' feet to the East 1/4 corner of Section 27; thence N 89°34'35" W 770.70' feet to a point on the Westerly Right of Way line of the Union Pacific Railroad; thence N 22°59'36" W 1434.57 feet to the POINT OF BEGINNING. Thence S 89°11'59" E 2188.05' feet; thence N 00°00'00" E 17.50' feet; thence S 90°00'00" E 408.33' feet; thence N 07°33'04" E 7.47 feet; thence N 11°20'01" W 37.98' feet; thence N 01°09'10" W 136.16' feet; thence N 04°01'57" E 116.25' feet; thence N 05°05'11" W 278.16' feet; thence N 01°56'55" E 187.92' feet; thence N 02°23'16" W 212.78' feet; thence N 10°43'59" W 153.40' feet; thence N 17°05'28" W 34.98 feet; thence N 72°54'32" E 20.95' feet to the point of terminus of said centerline

TOGETHER with 38% of 400 shares of Palisades water, and 115 inches of Butte and Market Lake canal water.

EXCLUDING therefrom all gas, oil and mineral rights therein.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

ALSO SUBJECT to:

Easements and rights of way for highways, roads, railroads, ditches, canals, gas, pole, power and transmission lines as they may exist;

Rights of the State of Idaho and/or the United States of America, in and to that portion of said land, if any, lying in the bed or former bed of the Snake River;

Any loss or claim arising from any difference between the meander line and the mean highwater line of the Snake River;

Rights of the public in and to that portion of the premises lying within Oregon Shortline Railroad;

And general exceptions contained in the standard title insurance policy issued by Amerititle for policies issued in Jefferson County, Idaho.

FURTHER SUBJECT to a restriction on usage of the property being conveyed, that such property will only be used for residential or agricultural purposes and specifically not used for a period of at least twenty-five (25) years for a junkyard, auto salvage, heavy industrial use or similar business, a dairy, feedlot, hog farm, other intensive operation creating similar levels or odor, or other utilization which shall create substantial odor or air or water pollution, nor wasting or stripping of the soil, or mineral explorations. These restrictions shall be for the benefit of all owners of property adjacent to the property sold hereunder. All of such adjacent property owners shall have the legal right to enforce these limitations on usage of the property.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, and the reversions, remainder and remainders, and rents, issues and profits thereof and all estate, right, title and interest in and to said property, as well as in law as in equity, of said Parties of the First Part.

TO HAVE AND TO HOLD, All and singular the above-mentioned and described premises together with the appurtenances unto the Party of the Second Part, and to Party of the Second Part's heirs and assigns forever. And the said Parties of the First Part, and said Parties of the First Part's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Party of the Second Part, and the Party of the Second Part's heirs and assigns, against the said Parties of the First Part and Parties of the first Part's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

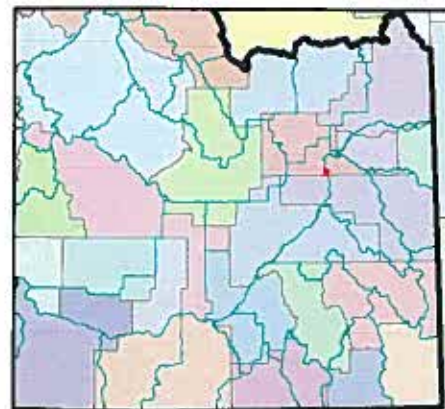


Idaho Department of Water Resources

Water Right
1-10544
(IRRIGATION)

Legend

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



Jefferson County
IDWR Basin 1

R37E



Prepared by Blake Jordan
On March 04, 2009
2006 Aerial Photography

0 0.1 0.2 0.4 Miles

75400