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DEC 08 2008

Page 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 75271

Receipt No. 5030571

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

1. Applicant Information MICHAEL J MITTEN JR
2184 S ELBA ALMO RD
MALTA ID 83342
(208)638-5581

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
43-211	WR/Decreed	0.80			60.0	GREEN CREEK
43-212	WR/Decreed	1.20			60.0	GREEN CREEK

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
43-211	NO	NO	YES	NO	NO	NO
43-212	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

21 acres of the original place of use was sold dry. Applicant proposes to move these 21 acres to other lands owned by applicant.

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
43-211	0.80 cfs		60.0	
43-212	1.20 cfs		60.0	
TOTAL	0.70 cfs		60.0	

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

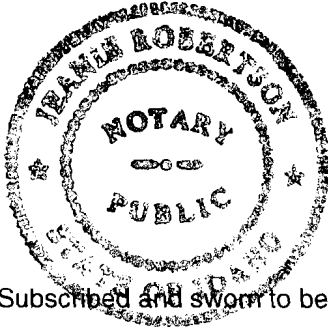
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.



Michael J. Motta
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 2nd day of December, 2008.

Jeanie Robertson
(Notary Public)

My commission expires 1-12-13

Transfer No. 75271

Receipt No. _____

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

Current Water Right No. 43-211

Priority Date: April 30, 1887

Origin: Water Right

Basis: Decreed

Status: Active

Source: GREEN CREEK**Tributary:** DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

GREEN CREEK NWSWSE Sec. 11 Twp 14S Rge 24E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14S	25E	8																	29.0	29.0
14S	25E	17																	31.0	31.0

Total Acres: 60

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-211 AND 43-212.
2. SOURCE IS ALSO KNOWN AS GREEN CANYON CREEK.
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.
4. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.16 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-211 and 43-212.

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Documentation of Ownership of the Current Place of Use
Warranty Deed

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

NO

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

21 acres of the original place of use was sold dry so applicant is moving these acres to other lands owned by the applicant.

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. 75271

Receipt No. _____

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

Current Water Right No. 43-212

Priority Date: April 01, 1894

Origin: Water Right

Basis: Decreed

Status: Active

Source: GREEN CREEK**Tributary:** DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.20 CFS		
	Total Diversion	1.20 CFS		

Source and Point(s) of Diversion:

GREEN CREEK NWSWSE Sec. 11 Twp 14S Rge 24E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	8												29.0					29.0
14S	25E	17					31.0												31.0

Total Acres: 60

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-211 AND 43-212.
2. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.16 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-211 and 43-212.
3. SOURCE IS ALSO KNOWN AS GREEN CANYON CREEK
4. 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.

Page 6

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

21 acres of the original place of use was sold dry and applicant is transferring these acres to other lands owned by applicant.

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. 75271

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

Proposed Water Right No. 43-211

Priority Date: April 30, 1887

Origin: Water Right

Basis: Decreed

Status: Active

Source: GREEN CREEK**Tributary:** DRY CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

GREEN CREEK NWSWSE Sec. 11 Twp 14S Rge 24E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Burried pipe line, to ditches and risers

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S 25E 8												18.0					18.0
14S 25E 17					20.0	7.0											27.0
14S 25E 18	15.0																15.0

Total Acres: 60

Transfer No. 75271

Receipt No. _____

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

Proposed Water Right No. 43-212

Priority Date:

Origin: Water Right

Basis: Decreed

Status: Active

Source: GREEN CREEK**Tributary:** DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.20 CFS		
	Total Diversion	1.20 CFS		

Source and Point(s) of Diversion:

GREEN CREEK NWSWSE Sec. 11 Twp 14S Rge 24E CASSIA County

GREEN CREEK NWSWSE Sec. 11 Twp 14S Rge 24E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Burried pipe line, to ditches and risers

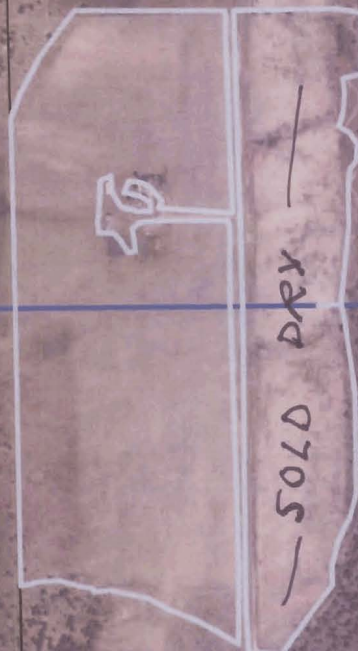
Point of Diversion # 2 Burried pipe line, to ditches and risers

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
14S 25E 8																	18.0	18.0
14S 25E 17					20.0		7.0											27.0
14S 25E 18	15.0																	15.0

Total Acres: 60

⑦ ⑧
⑩ ⑪



43-211
43-212
original place of use

T 14S
R 25E

14S25E7NESE

14S25E8NWSW

14S25E8NESW

14S25E7SESE

14S25E8SWSW

14S25E8SESW

14S25E18NENE

14S25E17NWNW

14S25E17NENW

new place of use

14S25E18SENE

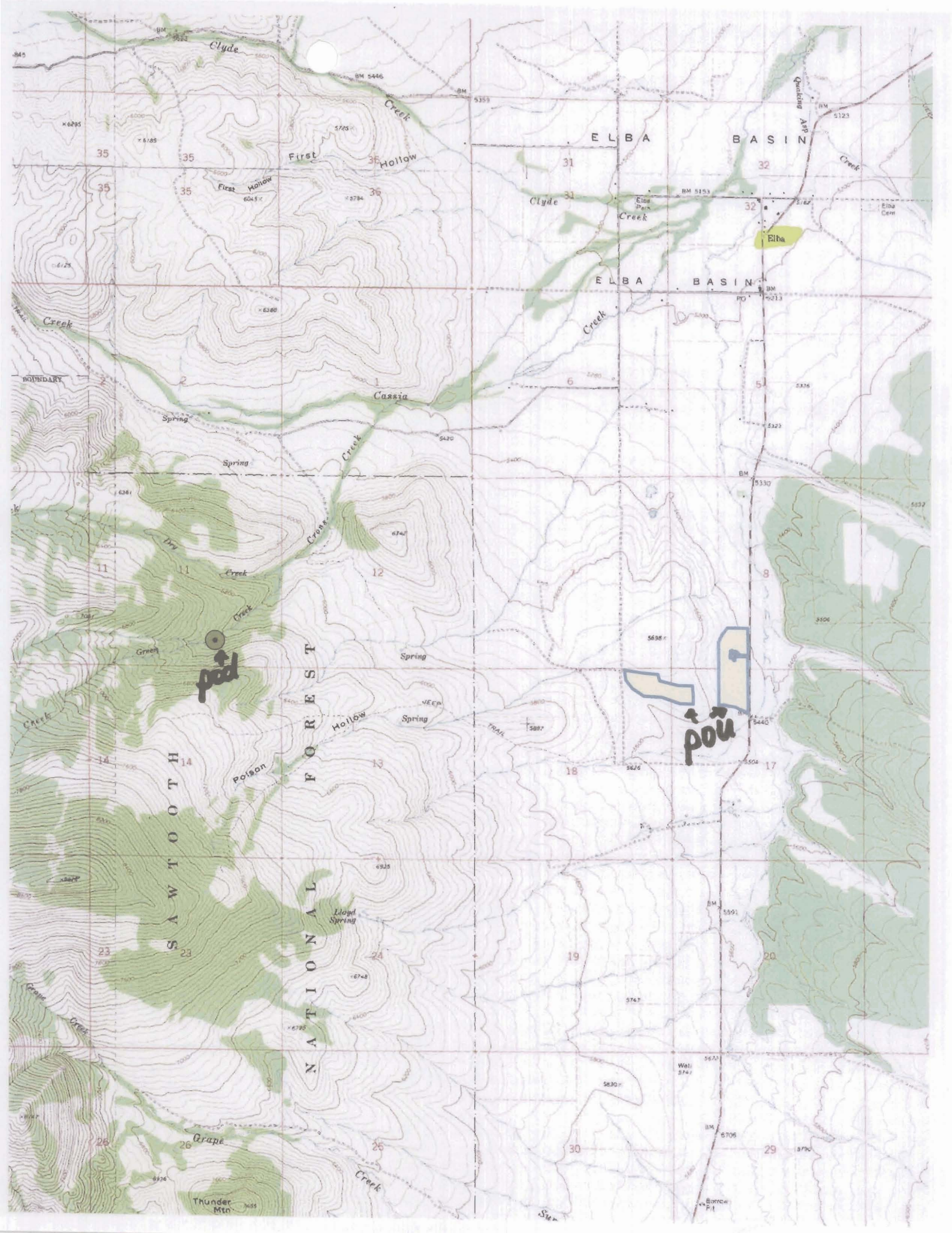
14S25E17SWNW

14S25E17SENW

14S25E18NESE

14S25E17NWSW

14S25E17NESW



WARRANTY DEED

#EC-857

For Value Received

RAYMOND L. BECKETT and ALICE F. BECKETT, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

MICHAEL J. MITTEN, JR. a married man dealing in his sole and separate property
Address: 21845 Elba-Almo Road, Malta, Idaho 83342

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

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

RECEIVED
MAY 20 1998
Department of Water Resources
Tribal Region

Section 8: Beginning 14.72 rods South of the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, running Thence South 65.28 rods; thence West 80 rods; Thence North 65.28 rods; Thence East 80 rods to the Point of Beginning

Section 17: NW $\frac{1}{4}$

Section 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 2 and 3, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant there to including but not limited to Water licenses #43-0211, #43-0212 and #43-7083 of the Idaho Department of Water Resources

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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

Dated: May 18, 1998

Raymond L. Beckett
Raymond L. Beckett

Alice F. Beckett
Alice F. Beckett

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 279

1998 MAY 18 P 4:08

255623

STATE OF IDAHO

COUNTY OF CASSIA

} ss.

On this 18th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond L. Beckett and Alice F. Beckett, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 30 DEPUTY du **LAND TITLE & ESCROW**

LARRY ROBERTS
★ NOTARY PUBLIC ★
STATE OF IDAHO

RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-03

Notary Public
Residing at: Burley
My Commission expires: 6-30-03

WARRANTY DEED

#41863

308568

For Value Received

MICHAEL J. MITTEN, JR., an unmarried man

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LYNN B. PETTINGILL and ELAINE S. PETTINGILL, husband and wife

Address: 1635 Briarwood Lane Twin Falls, ID 83301

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

**Sections 8 and 17: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, of said Section 8 and part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 17, more particularly described as follows:**

**Beginning at the North $\frac{1}{4}$ corner of said Section 17, said corner marked by a U.S.B.L.M.
iron pipe with brass cap on top which shall be the Point of Beginning;
Thence South 00°22'24" East along the East line of the NW $\frac{1}{4}$ of Section 17 for a distance
of 566.87 feet;
Thence South 89°49'46" West for a distance 462.39 feet to the centerline of the Elba-
Almo Road;
Thence North 00°10'04" East along said centerline of the Elba-Almo Road for a distance
of 1645.20 feet;
Thence North 89°49'46" East for a distance of 446.53 feet to a 5/8 inch rebar on the East
line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8;
Thence South 00°23'26" East (South 00°31'03" East, rec.) for a distance of 1078.31 feet
to the Point of Beginning.**

THIS PROPERTY IS BEING CONVEYED DRY AND WITHOUT ANY WATER RIGHTS.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2006 and subsequent years, a lien, but not yet due or payable.

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

[Signature] 5-1606

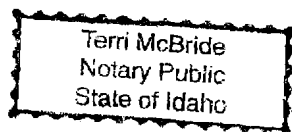
Dated: May 16, 2006

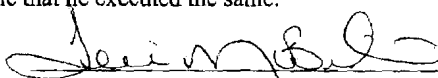
Warranty Dr
Mitten/Pet gill
Page 2


MICHAEL J. MITTEN, JR.

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 16th day of May, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **MICHAEL J. MITTEN, JR.**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




Notary Public
Residing at: Boise
My Commission expires: 2-5-08

RECORDED AT THE REQUEST OF
LAND TITLE & ESROW

2006 MAY 16 PM 4 01

FEE 6.00 DEPUTY 46

CASSIA COUNTY, IDAHO
LARRY A. MCKELSEN
RECORDER

308568

311008

WARRANTY DEED

#42439

CASSIA COUNTY, IDAHO

LARRY A. MICKELSEN

RECORDER

FEE 600 DEPUTY bm

311008

For Value Received

MICHAEL J. MITTEN JR. An Unmarried Person

2006 SEP 21 PM 3 33

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

ELAINE S. PETTINGILL, A Married Woman Contracting with her sole and separate property

Address: 1635 BRIARWOOD LN., TWIN FALLS, ID 83301

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

**TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 17: Part of the NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the N $\frac{1}{4}$ section corner of said Section 17, said corner marked by a U.S.B.L.M. iron pipe with brass cap on top; Thence South 00°22'24" East along the East line of the NW $\frac{1}{4}$ for a distance of 566.87 feet which shall be the Point of Beginning;

Thence South 00°22'24" East along the East line of the NW $\frac{1}{4}$ for a distance of 767.10 feet to a $\frac{1}{2}$ inch rebar;

Thence North 84°45'59" West for a distance of 445.57 feet to a $\frac{1}{2}$ inch rebar;

Thence North 84°45'59" West for a distance of 25.89 feet to the centerline of the Elba-Almo Road;

Thence North 00°10'04" East along said centerline for a distance of 722.69 feet;

Thence North 89°49'46" East for a distance of 462.39 feet to the Point of Beginning.

RESERVING UNTO THE GRANTOR, his successors and/or assigns an access easement over and across the Southerly 15 foot of the above described property.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2006 and subsequent years, a lien, but not yet due or payable.

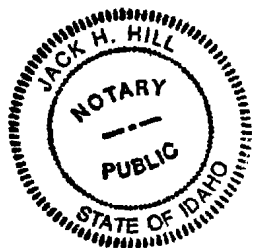
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: September 21, 2006


MICHAEL J. MITTEN JR.

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 21st day of September, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL J. MITTEN JR. known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Jack H. Hill
Notary Public
Residing at: Barley, ID
My Commission expires: 1/18/08