

Transfer No. 75106
 Receipt No.E034526

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

1. Applicant Information DELWYN V ELLIS
 904 W 200 N
 BLACKFOOT ID 83221
 (208)684-4268

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
35-7773	WR/License	1.56			343.0	GROUND WATER
35-2493	WR/License	4.04		295.0	343.0	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
35-7773	NO	NO	YES	NO	NO	NO
35-2493	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Take the irrigation off corners and place under single pivot.

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
35-7773	1.56 cfs		343.0	
35-2493	4.04 cfs	295.0	343.0	
TOTAL	5.60 cfs	343.0	343.0	1,372.0 af

RECEIVED
 OCT 15 2008
 Department of Water Resources
 Eastern Region

Transfer No. 75106

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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.

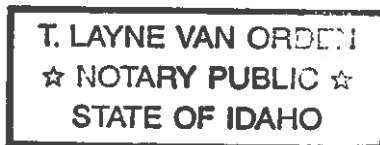
Delwyn V Ellis
(Signature of Applicant)

Owner
(Title or Office)

Subscribed and sworn to before me this 15th day of October, 2008.

T Layne Van Orden
(Notary Public)

My commission expires Nov 2010



Transfer No. 75106

Receipt No. _____

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

Current Water Right No. 35-2493

Priority Date: February 06, 1957

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	4.04 CFS		
	Total Diversion	4.04 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENESW Sec. 22 Twp 01S Rge 33E BINGHAM County

GROUND WATER SENE Sec. 27 Twp 01S Rge 33E BINGHAM 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		
01S	33E	22			3.0											26.0	36.0	40.0	34.0	139.0
01S	33E	26					17.0	39.0												56.0
01S	33E	27	39.0	40.0	40.0	29.0														148.0

Total Acres: 343

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. USE OF THIS RIGHT WITH RIGHT NO. 35-07773 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.60 CFS, AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1372 AF.

Page 4

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-07773 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-07773 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, 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

The ground will no longer be irrigated

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. 75106

Receipt No. _____

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

Current Water Right No. 35-7773

Priority Date: January 24, 1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.56 CFS		
	Total Diversion	1.56 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENESW Sec. 22 Twp 01S Rge 33E BINGHAM County

GROUND WATER SENE Sec. 27 Twp 01S Rge 33E BINGHAM 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	
01S 33E 22			3.0										26.0	36.0	40.0	34.0	139.0
01S 33E 26					17.0	39.0											56.0
01S 33E 27	39.0	40.0	40.0	29.0													148.0

Total Acres: 343

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. USE OF THIS RIGHT WITH RIGHT NO. 35-02493 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.60 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1372 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02493 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.

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4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 35-02493 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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

The ground will no longer be irrigated

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. 75106

Receipt No. _____

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

Proposed Water Right No. 35-2493

Priority Date: February 06, 1957

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	4.04 CFS		
	Total Diversion	4.04 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENESW Sec. 22 Twp 01S Rge 33E BINGHAM County

GROUND WATER SENE Sec. 27 Twp 01S Rge 33E BINGHAM County

Describe the proposed diversion system

Point of Diversion # 1 WELL/PUMP TO SPRINKLERS

Point of Diversion # 2 WELL/PUMP TO SPRINKLERS

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	
01S	33E	22									27.0	20.0	21.0	28.0	19.0	24.0	31.0	25.0	195.0
01S	33E	26																	46.0
01S	33E	27	24.0	34.0	26.0	18.0													102.0

Total Acres: 343

Transfer No. 75106

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

Proposed Water Right No. 35-7773

Priority Date: January 24, 1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.56 CFS		
	Total Diversion	1.56 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENESW Sec. 22 Twp 01S Rge 33E BINGHAM County

GROUND WATER SENE Sec. 27 Twp 01S Rge 33E BINGHAM County

Describe the proposed diversion system

Point of Diversion # 1 WELL/PUMP TO SPRINKLERS

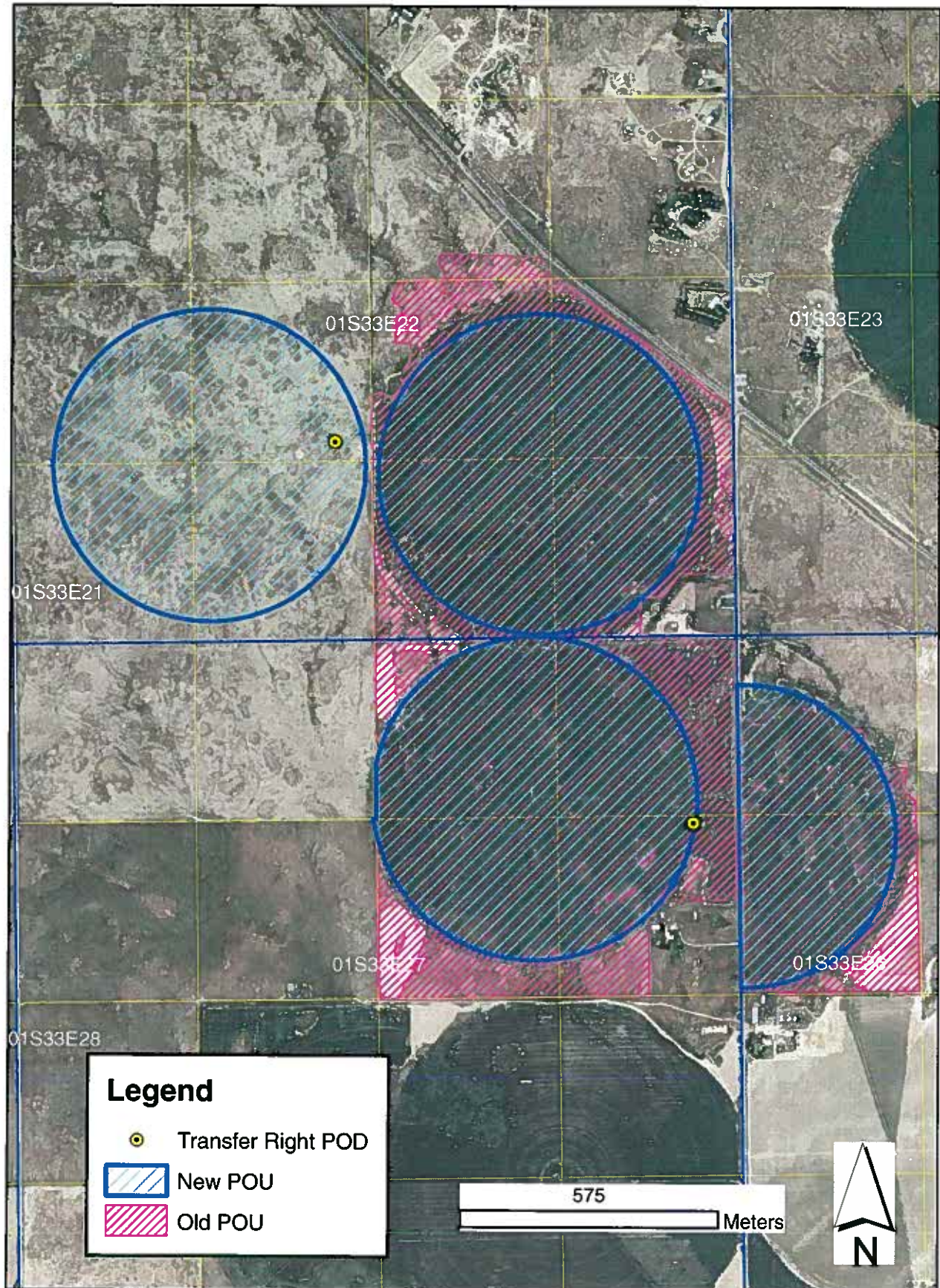
Point of Diversion # 2 WELL/PUMP TO SPRINKLERS

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	
01S	33E	22									27.0	20.0	21.0	28.0	19.0	24.0	31.0	25.0	195.0
01S	33E	26					19.0	27.0											46.0
01S	33E	27	24.0	34.0	26.0	18.0													102.0

Total Acres: 343

Transfer Map



438986

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED, EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION, formerly known as EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, a Federally Chartered corporation duly organized and existing under the Farm Credit Act of 1971, as amended, whose address is 188 West Judicial, Blackfoot, Idaho 83221 (hereinafter "Grantors"), does hereby grant, bargain, sell and convey unto DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose address is 904 West 200 North, Blackfoot, Idaho 83221, (hereinafter "Grantees"), the following real property located in Bingham County, Idaho, to-wit:

FOR REAL ESTATE DESCRIPTION SEE EXHIBIT A ATTACHED.

TO HAVE AND TO HOLD the said premises together with their appurtenances, including all gas, oil, mineral and water rights unto said Grantees, their heirs and assigns forever. The said Grantor is the owner in fee simple of said premises; that they are free and clear from all encumbrances, excepting easements of record as approved by Grantees, conflict in boundary lines, shortage in area, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 17th day of October, 1995.



EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION

BY

Arnold Seeley
President

ATTEST

Colleen Adams
Secretary

STATE OF IDAHO)

)ss.

County of Bingham)

On this 17th day of October, 1995, before me, the undersigned, a Notary Public in and for the above-named County and State, personally appeared Arnold Seeley and Colleen Adams, known to me to be the President and Secretary, respectively, of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Frances Ashcraft

Notary Public for the State of Idaho
Residing at *Blackfoot, ID*
My Commission Expires *9-4-99*

MICROFILMED
MAR 08 1996

RECORDED AT THE REQUEST OF
Barbara Ellis
75 OCT 31 AM 11 09
FILE *Seeley* SEP *Seeley*
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

75106

EXHIBIT A

Real Estate Description

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho

Section 22: SW $\frac{1}{4}$; E $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the SE corner of said NE $\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00°02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00° 02'00" W 15.85 feet along the section line and N 87°00'31" W 172.83 feet and N 78°47'50" W 136.58 feet all from the SE corner of said Section 22 and running thence S 89° 58'00" W 110.00 feet; thence N 00°02'00" W 115.00 feet; thence N 89°58'00" E 110.00 feet; thence South 00°02'00" E 115.00 feet to the point of beginning. (parcel contains 0.37 acres)

RECORDED

MAR 08 1996

438986

438985

Barbara Ellis

BILL OF SALE

BINGHAM COUNTY RECORDS
BLACKFOOT, IDAHO

FEE 300 DEP 4

OCT 31 AM 11 08

RECORDED AT THE REQUEST OF

904 W 200 N Blackfoot

STATE OF IDAHO)
)ss.
County of Bingham)

KNOW ALL MEN BY THESE PRESENTS, That on this 17th day of October, 1995, EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION, formerly known as EASTERN IDAHO PRODUCTION CREDIT ASSOCIATION, A Federally Chartered corporation duly organized and existing under the Farm Credit Act of 1971, as amended, of Bingham County, State of Idaho, the party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, lawful money of the United States of America, to them in hand paid by DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose address is 904 West 200 North, Blackfoot, Idaho 83221, the party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey unto said party of the second part, their heirs and assigns:

2 350 HP motors, pumps, electrical panels, CTS.
2 Wells
14,190 Steel mainline (more or less)
1300' Aluminum mainline, 6" & 8" (more or less)
Fence

TO HAVE AND TO HOLD, the same unto the said party of the second part, their heirs and assigns forever; and the said party owners of said property, has good right, full power and lawful authority to convey the same, and that they will defend the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seal the day and year first above written.



EASTERN IDAHO AGRICULTURAL CREDIT ASSOCIATION

BY

Arnold Seeley
President

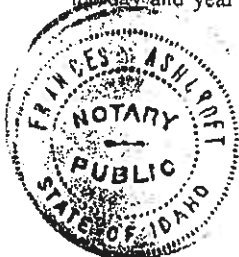
ATTEST

Colleen Adams
Secretary

STATE OF IDAHO)
)ss.
County of Bingham)

On this 17th day of October, 1995, before me, the undersigned, a Notary Public in and for the above-named county and State, personally appeared Arnold Seeley and Colleen Adams, known to me to be the President and Secretary, respectively, of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Frances Ashcroft
Notary Public for the State of Idaho
Residing at *Blackfoot*
My Commission Expires *9-4-99*

438985

75106

CORPORATE RESOLUTION

BE IT RESOLVED, that Arnold Seeley and Colleen Adams, as President and Secretary, respectively, of Eastern Idaho Agricultural Credit Association, aka Eastern Idaho Production Credit Association, be and they are hereby authorized to execute a deed, bill of sale and all other necessary documents to grant and convey unto Delwyn V. Ellis and Barbara Ellis, the real and personal property located in Bingham County, and more particularly described as follows:

For Real Estate Description see Exhibit A attached.

Personal Property:

- 2 350 HP motors, pumps, electrical panels, CTS
- 2 Wells
- 14,190 Steel mainline (more or less)
- 1300' Aluminum mainline, 6" & 8" (more or less)
- Fence

CERTIFICATION OF SECRETARY

The undersigned, as Secretary of Eastern Idaho Agricultural Credit Association, hereby certifies that the foregoing is a true and correct copy of the resolution regularly presented and adopted by the Board of Directors of said Association at a meeting of said Board of Directors duly called and held at Blackfoot, Idaho, on the 17th day of October, 1995, at which meeting a quorum was present and voted.

DATED this 17th day of October, 1995.



Colleen Adams
 Colleen Adams, Secretary
 Eastern Idaho Agricultural Credit Association

CLERK COUNTY RECORDER
 BLACKFOOT, IDAHO
Colleen Adams
 OCT 31 AM 11 10
 RECORDED AT THE REQUEST OF

1 Estate Description

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho

Section 22: SW $\frac{1}{4}$; E $\frac{1}{2}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the SE corner of said NE $\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in NW $\frac{1}{2}$ NW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00°02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00° 02'00" W 15.85 feet along the section line and N 87°00'31" W 172.83 feet and N 78°47'50" W 136.58 feet all from the SE corner of said Section 22 and running thence S 89° 58'00" W 110.00 feet; thence N 00°02'00" W 115.00 feet; thence N 89°58'00" E 110.00 feet; thence South 00°02'00" E 115.00 feet to the point of beginning. (parcel contains 0.37 acres)

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