

Fee - \$ 330.00

Transfer No. 75182

Receipt No. ED34529

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

1. Applicant Information KIRK S EGBERT
 1401 E 1300 N
 PO BOX 87
 TERRETON ID 83450
 (208)663-4505

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
31-7545	WR/License	0.80	120.0		38.1	GROUND WATER
31-7154B	WR/License	2.83	419.8	138.0	138.3	GROUND WATER
31-7154A	WR/License	1.54	226.0		75.0	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
31-7545	NO	YES	YES	NO	NO	NO
31-7154B	YES	YES	YES	NO	NO	NO
31-7154A	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Irrigated acreage under pivot in NW of Section 36 was increased so pivot could make full circle. The get a water right for the new irrigated acres the watering radius for the pivot in the SW of Section 36 is beginning shortened and water removed from the corners. The transfer will also correct the legal description for the well providing water to the pivot in the NW Section 36.

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
31-7545	0.80 cfs	38.1	127.0	120.0 af
31-12077	0.28 cfs	13.9	127.0	41.7 af
31-7154A	1.54 cfs	75.0	127.0	226.0 af
TOTAL	2.62 cfs	127.0	127.0	387.7 af

RECEIVED
 OCT 17 2008

75182

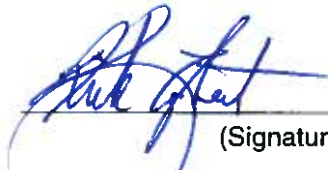
Department of Water Resources
 Eastern Region

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

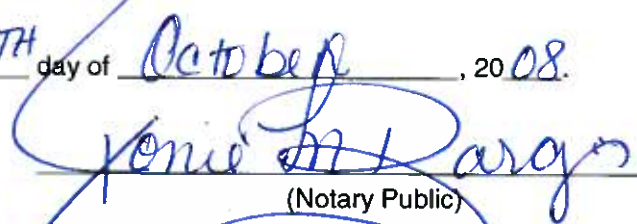
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)

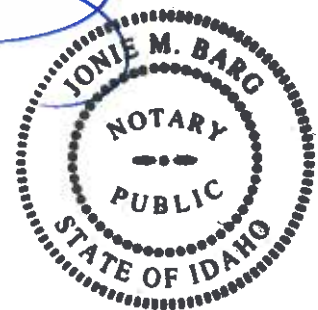
(Title or Office)

Subscribed and sworn to before me this 17TH day of October, 2008.



(Notary Public)

My commission expires July 24, 2013



Transfer No. 75182

Receipt No. _____

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

Current Water Right No. 31-7545

Priority Date: April 18, 1974

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.80 CFS	120.0 AFA	
Total Diversion		0.80 CFS	120.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENW Sec. 36 Twp 06N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	34E	36					31.0	7.1											38.1

Total Acres: 38.1

Conditions/Remarks:

- RIGHT NO. 31-07154 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- 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

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

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

Moving acreage to different QQ under same pivot.

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. 75182

Receipt No. _____

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

Current Water Right No. 31-7154B

Priority Date: January 16, 1975

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>
STOCKWATER	01/01 12/31	0.07 CFS	4.4 AFA	
IRRIGATION	04/01 11/01	2.77 CFS	415.4 AFA	
Total Diversion		2.83 CFS	419.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 36 Twp 06N Rge 34E 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	
06N	34E	36									39.2	40.0	29.7	29.4					138.3

Total Acres: 138.3

Conditions/Remarks:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. STOCKWATER 325 CATTLE

5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

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

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

Moving acreage to different QQ under same pivot.

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. 75182

Receipt No. _____

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

Current Water Right No. 31-7154A

Priority Date: January 16, 1975

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>
STOCKWATER	01/01 12/31	0.04 CFS	2.4 AFA	
IRRIGATION	04/01 11/01	1.49 CFS	223.6 AFA	
Total Diversion		1.54 CFS	226.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNW Sec. 36 Twp 06N Rge 34E 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	
06N	34E	36							37.0	38.0									75.0

Total Acres: 75

Conditions/Remarks:

1. STOCKWATER 175 CATTLE
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

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

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

Drying up corners to apply acreage to another portion of the center pivot.

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

NO

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

Proposed Water Right No. 31-7545

Priority Date: April 18, 1974

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	0.80 CFS	120.0 AFA	
	Total Diversion	0.80 CFS	120.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNW Sec. 36 Twp 06N Rge 34E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 Well, pump and mainline to center pivot.

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 127

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

Proposed Water Right No. 31-12077

Priority Date: January 16, 1975

Origin:

Basis: Decreed

Status: Pending
Transfer

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 11/01	0.28 CFS	41.7 AFA	
	Total Diversion	0.28 CFS	41.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNW Sec. 36 Twp 06N Rge 34E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 Well, pump and mainline to center pivot.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
06N 34E 36					30.0	31.0	33.0	33.0									127.0

Total Acres: 127

Transfer No. 75182

Receipt No. _____

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

Proposed Water Right No. 31-7154A

Priority Date: January 16, 1975

Origin: Water Right

Basis: Decreed

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	2.4 AFA	
IRRIGATION	04/01 11/01	1.49 CFS	223.6 AFA	
Total Diversion		1.54 CFS	226.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESWNW Sec. 36 Twp 06N Rge 34E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 Well, pump and mainline to center pivot.

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	
06N 34E 36					30.0	31.0	33.0	33.0									127.0

Total Acres: 127

Transfer No. 75182
 Receipt No. _____

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

PORTION OF RIGHT No. 31-7154B BEING TRANSFERRED

Priority Date: January 16, 1975

Origin:

Basis: Decreed

Status: Pending
 Transfer

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.07 CFS	4.4 AFA	
IRRIGATION	04/01 11/01	2.48 CFS	372.3 AFA	
Total Diversion		2.54 CFS	371.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 36 Twp 06N Rge 34E 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	
06N 34E 36									7.0	5.0		1.9					13.9

Total Acres: 13.9

FIRST AMERICAN TITLE
171775

505555

Microfilm No. 352418
9-29-06
At 10:31 O'clock A M
CHRISTINE BOULTER
Jefferson Co. Recorder
Fee \$ 12.00 Deputy
Recorded at Request of FAT-LO

WARRANTY DEED

FOR VALUE RECEIVED, **Richard A. Egbert Limited Partnership**, an Idaho limited partnership, with its principal place of business at 1134 Bond Avenue, Rexburg, Idaho 83440, hereinafter called "Seller", hereby remise, releases, and forever warrants unto **Kirk Egbert** and **Kathryn Egbert**, husband and wife, of Terreton, Idaho, hereinafter called "Buyers", the following real property located in **Jefferson, Fremont and Clark Counties**, State of Idaho, to-wit:

PARCEL 1:

TOWNSHIP 6 NORTH, RANGE 33 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 12: N1/2 SE1/4, EXCEPT STATE HIGHWAY NO. 28.

TOWNSHIP 6 NORTH, RANGE 34 E.B.M., JEFFERSON COUNTY, IDAHO
SECTION 32: W1/2
SECTION 36: S1/2 NE 1/4; SE1/4

PARCEL 2:

TOWNSHIP 11 NORTH, RANGE 39 E.B.M., CLARK COUNTY, IDAHO
SECTION 9: W1/2 SW1/4, SE1/4 SW1/4, SE1/4, S1/2 NE1/4, SE1/4NW1/4

Microfilm No. 051701
29 Day September 201
At 11:47 O'clock A M
LISA BLACK
Clark Co. Recorder
Fee \$ 12.00
Recorded at Request of Lisa Black
First American

PARCEL 3:

TOWNSHIP 10 NORTH, RANGE 38 E.B.M., CLARK COUNTY, IDAHO
SECTION 2: THAT PART OF LOT 3, S1/2 NW1/4, W1/2 SW1/4 LYING WEST OF CAMAS CREEK
SECTION 3: SE1/4
SECTION 4: W1/2, W1/2 E1/2, NE1/4 NE1/4, SE1/4 SE1/4
SECTION 5: E1/2 E1/2, SW1/4 NW1/4, NW1/4 SW1/4
SECTION 9: S1/2 NE1/4, NW1/4, S1/2
SECTION 10: NW1/4 NE1/4, E1/2 NE1/4, W1/2 SW1/4, NE1/4 SW1/4 AND THAT PORTION OF THE NE1/4 SE1/4 AND NW1/4 SE1/4 AND SE1/4 SW1/4 LYING NORTH AND WEST OF CAMAS CREEK
SECTION 11: THAT PART OF THE W1/2 NW1/4 LYING NORTH AND WEST OF CAMAS CREEK
SECTION 15: THAT PART OF THE N1/2 NW1/4 LYING NORTH AND WEST OF CAMAS CREEK

9/29/06

10.31

SECTION 16: THAT PART OF THE NE1/4 SW1/4 AND NW1/4 SE1/4 LYING NORTH AND WEST OF CAMAS CREEK

SECTION 17: THAT PART OF THE SE1/4 SW1/4 AND S1/2 SE1/4 LYING NORTH AND WEST OF CAMAS CREEK

SECTION 20: THAT PART OF THE NE1/4 NW1/4 LYING NORTH AND WEST OF CAMAS CREEK

TOWNSHIP 11 NORTH, RANGE 38 E.B.M., CLARK COUNTY, IDAHO

SECTION 25: SE1/4 NE1/4, THAT PART OF THE NE1/4 SE1/4 AND S1/2 S1/2 LYING NORTH AND WEST OF CAMAS CREEK

SECTION 26: S1/2 SE1/4

SECTION 29: S1/2 SE1/4

SECTION 31: THAT PORTION OF THE S1/2 NE 1/4 AND S1/2 LYING SOUTH AND EAST OF THE DUBOIS-KILGORE ROAD

SECTION 32: NE1/4

SECTION 33: W1/2 NW1/4

SECTION 35: E1/2 NW1/4, ALL THAT PART OF THE NE1/4 AND E1/2 SW1/4 LYING NORTH AND WEST OF CAMAS CREEK

SECTION 36: ALL THAT PART OF THE NW1/4 NW1/4 LYING NORTH AND WEST OF CAMAS CREEK

TOWNSHIP 11 NORTH, RANGE 39 E.B.M., CLARK COUNTY, IDAHO

SECTION 30: THAT PART OF LOTS 1 AND 2 LYING NORTH AND WEST OF CAMAS CREEK

PARCEL 4:

TOWNSHIP 8 NORTH, RANGE 37 E.B.M., FREMONT COUNTY, IDAHO

SECTION 33: ALL

Together with a 45 foot wide easement for ingress and egress retained by Seller and assignable to owners of lands located within Section 33, Twp. 8 N., Rge. 37 E.B.M., the location of which is more particularly described as follows, to-wit:

Beginning at the west quarter section line of Section 34, Twp. 8 N., Rge. 37 E.B.M., and running east along the north side of said quarter section line of said Section 34 and continuing east into Section 35, Twp. and Rge. aforesaid to the west edge of the quarter section line of Section 36, Twp. and Rge., aforesaid; thence traveling South along the edge of the west section line of said section 36, Twp. and Rge. aforesaid to the southern edge of said Section 36.

The said easement shall be permanent and fully assignable to owners of land within Section 33, Twp. 8 N., Rge. 37 E.B.M.

505555

ALSO: Subject to a 45-foot wide easement for ingress and egress retained by Seller Richard A. Egbert Limited Partnership and assignable to owner of lands located within Section 34, Twp. 8 N., Rge. 37 E.B.M., located within Section 33, Twp. 8 N., Rge. 37 E.B.M., the location of which is more particularly described as follows, to-wit:

The South 45 feet of Section 33, Twp. 8 N., Rge. 37 E.B.M.

The said easement shall be permanent and fully assignable to owners of lands located within Section 34, Twp. 8 N., Rge. 37 E.B.M.

Water Rights:

Together with all water and water rights appurtenant to the premises, including but not limited to the following specific water rights:

Water Right Nos. 31-49B, 31-50B, 31-51B, 31-7103, 31-7104, 31-7105, 31-7106, 31-11387, 31-11388, 31-11389, 31-7435, 31-7428, 31-7154A, (31-7154B), 31-10671, 31-11669, 31-11670 and 31-7084 (some of the above water rights have been incorporated into other above water rights and are no longer valid water rights with the Idaho Department of Water Resources).

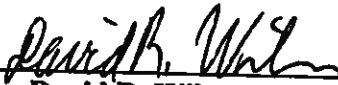
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, unto the said Buyers, their heirs and assigns forever. Seller does hereby covenant to and with the said Buyers, that they are the owners in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever, except as noted.

DATED This 21st day of September, 2006.

RICHARD A. EGBERT LIMITED PARTNERSHIP



By: Brad R. Egbert
General Partner



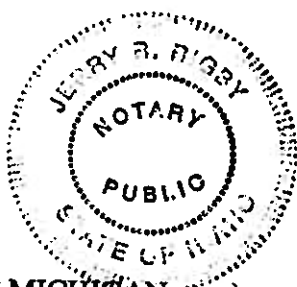
By: David R. Wilson
General Partner

(22 Sept 2006)

STATE OF IDAHO,)
) SS
 County of Madison.)

On this 20 day of September, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **Brad R. Egbert**, known to me to be the General Partner of **RICHARD A. EGBERT LIMITED PARTNERSHIP**, the limited partnership that executed the foregoing instrument and acknowledged to me that such limited partnership 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: Rexburg
 My Commission Expires: 11/09/11

STATE OF MICHIGAN,)
) SS
 County of Midland.)

On this 22 day of September, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared **David R. Wilson**, known to me to be the General Partner of **RICHARD A. EGBERT LIMITED PARTNERSHIP**, the limited partnership that executed the foregoing instrument and acknowledged to me that such limited partnership 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.

JERILYN SUE BULLARD
 Notary Public - Michigan
 Midland County
 My Commission Expires Oct 19, 2007
 Acting in the County of Midland

[Signature]
 Notary Public for Michigan
 Residing at: Midland MI
 My Commission Expires: Oct. 19, 2007

Warranty Deed - Page 4 of 4
 G:\WP6\SB\EGBERTLP.WD3



Microfilm No. 505555
29 Day Sept 20 06
3:01 O'Clock P M
 ABRIE MACE
 FREMONT CO RECORDER
 Fee \$ 12
 Recorded at Request of AD Deputy
First American Title Company

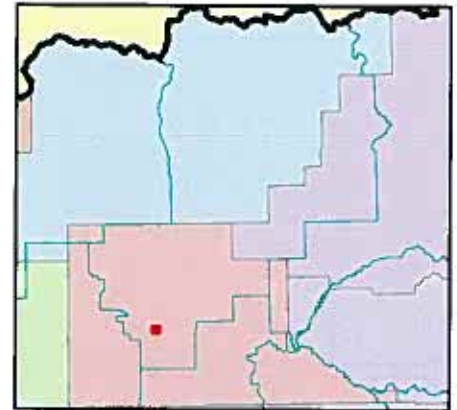


Idaho Department of Water Resources

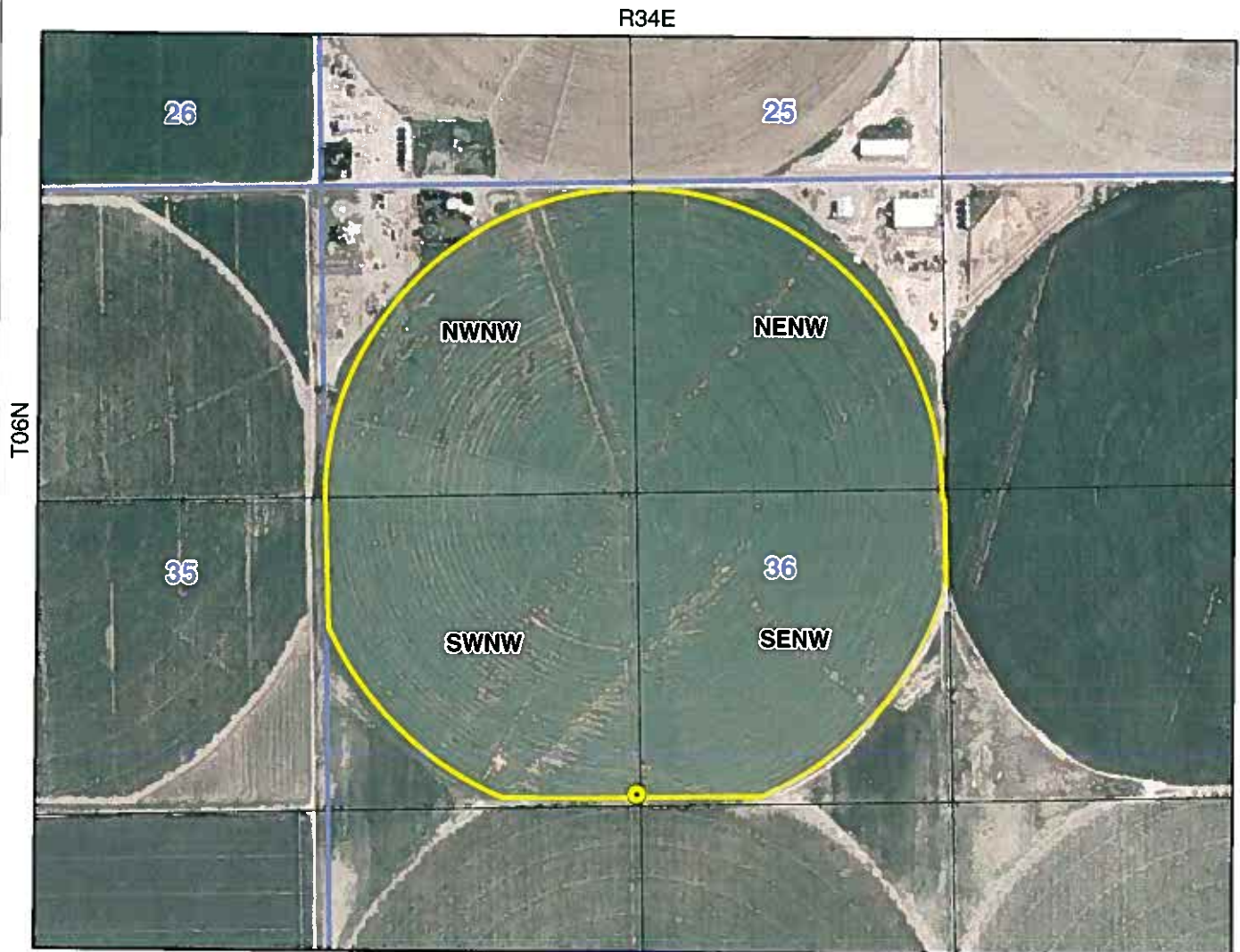
Water Right
31-12077
(IRRIGATION)

Legend

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



Jefferson County
IDWR Basin 31



Prepared by Blake Jordan
On October 20, 2008
2006 Aerial Photography

0 0.15 0.3 0.6 Miles