

Transfer No. 74809

Receipt No. S030202

30210

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

RECEIVED

1. Applicant Information BOX CANYON DAIRY
 PO BOX 140
 WENDELL ID 83355-0140
 (208)536-2928

MAY 21 2008

DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? Yes

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-10397	WR/Decreed	0.09				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
36-10397	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

The existing well went dry, and cannot be deepened; a replacement well will be drilled right next to the existing hole. The point of diversion is described incorrectly in the water right, so the transfer corrects the description without changing the actual qqq location. The transfer also changes the ownership of this water right, as we bought the property from the owner of record a long time ago. The transfer also removes domestic use from the water right, as this was abandoned a long time ago and will not be re-established.

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
36-10397	0.05 cfs			
TOTAL	0.05 cfs			

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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]
(Signature of Applicant)

Partner
(Title or Office)

Subscribed and sworn to before me this 21st day of May, 2008.

J. E. Stanton
(Notary Public)

My commission expires 1-12-2013

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

Current Water Right No. 36-10397

Priority Date: June 01, 1950
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>
DOMESTIC	1/01	12/31	0.04 CFS		
STOCKWATER	1/01	12/31	0.05 CFS		
	Total Diversion		0.09 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENESE Sec. 26 Twp 08S Rge 14E GOODING County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	26																X	

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	26																X	

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP08S14E267210 STOCKWATER/200 HEAD RANGE CATTLE

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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?

YES

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

N/A

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. 36-10397

Priority Date: June 01, 1950

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	0.05 CFS		
	Total Diversion	0.05 CFS		

Source and Point(s) of Diversion:

GROUND WATER NENESE Sec. 26 Twp 08S Rge 14E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 New well to be drilled to replaced failed well, same motor & pump, pipeline to
troughs

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S 14E 26													X				

Test

T74809 POU

POD

NE/SE Sec. 26 T. 8S R. 14E



Order No. G970272

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED

BOX CANYON LIVESTOCK, INC., an Idaho Corporation, as to Parcels 5, 6 and 7

GRANTOR

Does Hereby GRANT, BARGAIN, SELL and CONVEY unto

FRANK AARDIMA AND CORNELIA AARDIMA, Husband and Wife and TOM H. HEIDA AND MARY JANE HEIDA, Husband and Wife, the BOX CANYON DAIRY

GRANTEES

Whose address is: P.O. Box 140, Wendell, Idaho 83355

The following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said 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 encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 26, 1997

_____, President

On this 26 day of November, in the year 1997, before me, the undersigned, personally appeared Thomas H. Heida, known to me to be the President of the corporation that executed the within instrument and acknowledged to that said corporation executed the same as said President of the Corporation

WITNESS my hand and official seal.

David R. Hout
Notary Public in and for said State Idaho
Residing At: Kimberly Idaho
Commission Expires: August 6, 2000

163769

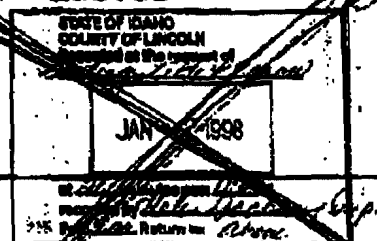


EXHIBIT A

G970272

PARCEL 5:

Township 8 South, Range 14, East of the Boise Meridian, Gooding County, Idaho

Section 26: Part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 26, from which the East quarter corner of said Section 26 bears North 00°01'46" East 2,639.45 feet;
Thence North 00°01'46" East along the East boundary of the Southeast Quarter of said Section 26 for a distance of 1,792.78 feet to the TRUE POINT OF BEGINNING;
Thence South 89°49'48" West for a distance of 454.34 feet;
Thence North 00°01'57" East for a distance of 152.94 feet;
Thence North 12°33'36" West for a distance of 246.13 feet;
Thence North 26°01'14" West for a distance of 264.54 feet;
Thence North 37°35'53" West for a distance of 209.32 feet;
Thence North 42°53'28" West for a distance of 308.14 feet;
Thence North 78°17'15" West for a distance of 364.43 feet;
Thence North 89°40'48" West for a distance of 1.26 feet to a point on the West boundary of the Southeast Quarter of the Northeast Quarter of said Section 26;
Thence North 00°01'27" East along the West boundary of the Southeast Quarter of the Northeast Quarter of Section 26 for a distance of 1,072.04 feet to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 26;
Thence South 89°57'54" East along the North boundary of the Southeast Quarter of the Northeast Quarter of said Section 26 for a distance of 1,320.02 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 26;
Thence South 00°01'46" West along the East boundary of the Southeast Quarter of the Northeast Quarter of said Section 26 for a distance of 1,319.72 feet to the East quarter corner of said Section 26;
Thence continuing South 00°01'46" West along the East boundary of the Northeast Quarter of the Southeast Quarter of said Section 26 for a distance of 846.67 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide County road easement along the Easterly boundary of the above described parcel.

PARCEL 6:

Township 8 South, Range 14, East of the Boise Meridian, Gooding County, Idaho

Section 27: Part of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 27, from which the West quarter corner of said Section 27 bears North 00°01'07" West 2,638.27 feet;
Thence North 00°01'07" West along the West boundary of the Southwest Quarter of the Southwest Quarter of said Section 27 for a distance of 994.88 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 00°01'07" West along the West boundary of the Southwest Quarter of said Section 27 for a distance of 1,643.39 feet to the West quarter corner of said Section 27;
Thence South 89°44'54" East along the North boundary of the Southwest Quarter of said Section 27 for a distance of 2,073.06 feet;
Thence South 31°30'43" West for a distance of 231.48 feet;
Thence South 01°05'19" West for a distance of 485.49 feet;
Thence South 52°10'10" West for a distance of 101.35 feet;
Thence South 02°23'34" East for a distance of 787.29 feet;
Thence South 22°36'10" East for a distance of 348.78 feet;

MAY-21-2008 WED 01:48 PM GOODING CO TREASURER

FAX NO. 208 934 5674

P. 03

Exhibit A - Continued

Thence South 46°50'02" East for a distance of 1,038.64 feet;

Thence South 01°24'08" West for a distance of 77.45 feet to a point on the South boundary of the Southwest Quarter of the Southeast Quarter of said Section 27;

Thence North 89°40'35" West along the South boundary of the Southwest Quarter of the Southeast Quarter of said Section 27 for a distance of 133.19 feet to the South quarter corner of said Section 27;

Thence North 89°45'00" West along the South boundary of the Southeast Quarter of the Southwest Quarter of said Section 27 for a distance of 1,013.65 feet;

Thence North 44°16'02" West for a distance of 150.90 feet;

Thence South 66°48'41" West for a distance of 217.51 feet to a point on the West boundary of the Southeast Quarter of the Southwest Quarter of said Section 27;

Thence North 00°29'41" West along the West boundary of the Southeast Quarter of the Southwest Quarter of said Section 27 for a distance of 505.27 feet;

Thence South 79°05'12" West for a distance of 499.53 feet;

Thence North 84°40'14" West for a distance of 463.66 feet;

Thence North 24°34'40" West for a distance of 309.53 feet;

Thence North 48°52'19" West for a distance of 186.62 feet;

Thence North 46°01'57" West for a distance of 105.46 feet;

Thence North 30°50'14" West for a distance of 57.28 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide County road easement along the East 1,146.24 feet of the Southerly boundary and along the West boundary of the above described parcel.

PARCEL 7:

Township 8 South, Range 14, East of the Boise Meridian, Gooding County, Idaho

Section 25: The Northwest Quarter of the Northwest Quarter.

173634.

STATE OF IDAHO COUNTY OF GOODING
GOODING TITLE & ESCROW
Filed for record at the request of

Page 2 of 2

15 min. past 12 o'clock P.m. this 5th
of January 1998 9:00
By Penny Watson Deputy