

RECEIVED

APR - 5 2007

Department of Water Resources
Eastern RegionPage 1 of 9STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73531

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant McFarland Livestock Co Inc
c/o Tex J Kauer Phone 8768-2711
 Post Office address P.O. Box 50 Lemhi ID 83465

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes converting to two pivots from flood irrigation.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-15753</u>	<u>4-1-1879</u>	<u>0.02</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-15752</u>	<u>4-1-1879</u>	<u>0.68</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-28</u>	<u>8-15-1883</u>	<u>3.30</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>74-25</u>	<u>4-1-1939</u>	<u>2.50</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>

2. Total amount of water being transferred 10.50 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Hawley Creek tributary to Eighteen mile Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	3	15N	27E	Lemhi	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	27E	29											31						31
		30											25			33	31		89
		31	31	25			18.2												74.2
		32					31												31

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Total acres 225.2

PART 1

6. General Information:

a. Description of diversion system Waterman Headgate.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land not covered by the two pivots will become dry land
pasture.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report

73531

WATER RIGHT NUMBER: 74-15752

Owner Type Name and Address

Current Owner MC FARLAND LIVESTOCK COMPANY INC
C/O TEX J KAUER
PO BOX 50
LEMHI, ID 83465
(208)768-2711

Priority Date: 04/01/1879

Basis: Decreed

Status: Active

Source Tributary
HAWLEY CREEK EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.680 CFS	
	<u>Total Diversion:</u>	0.680 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK SE1/4NE1/4 Sec. 3, Twp 15N, Rge 27E, B.M.
LEMHI County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	<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>	
16N 27E 29											10.0						10.0
16N 27E 30										20.0				30.0	34.0		84.0
16N 27E 31	39.0	32.0			21.0	2.0											94.0
						L 1											

Total Acres: 188

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NOS. 74-25 AND 74-28 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221.2 ACRES IN A SINGLE IRRIGATION SEASON.
2. This right is a split from former right 74-27 .
3. C18 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. U42 Place of use does not include federal public lands

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IDAHO DEPARTMENT OF WATER RESOURCE
Adjudication Recommendation Report

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WATER RIGHT NUMBER: 74-15753 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 04/01/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK	SE1/4NE1/4	Sec. 3, Twp 15N, Rge 27E, B.M.
LEMHI 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	
16N	27E	30											3.0						3.0
													L 4						

Total Acres: 3

Conditions of Approval:

1. C18 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. This right is a split from former right 74-27 .

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report

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WATER RIGHT NUMBER: 74-28 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK COMPANY INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711

Priority Date: 08/15/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	3.300 CFS	
	<u>Total Diversion:</u>	3.300 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK	SE1/4NE1/4	Sec. 3, Twp 15N, Rge 27E, B.M.
LEMHI 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	
16N	27E	30												20.0			30.0	34.0	84.0
16N	27E	31	39.0	32.0			21.0	2.0											94.0
								L 1											

Total Acres: 178

Conditions of Approval:

1. C18 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. E64 This right authorizes the irrigation of 178.1 total acres.
3. E55 USE OF THIS RIGHT WITH RIGHT NOS. 74-25 AND 74-27 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 225.2 ACRES IN A SINGLE IRRIGATION SEASON.

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report

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WATER RIGHT NUMBER: 74-25 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MC FARLAND LIVESTOCK COMPANY INC C/O TEX J KAUER PO BOX 50 LEMHI, ID 83465 (208)768-2711

Priority Date: 04/01/1939
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
HAWLEY CREEK	EIGHTEENMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.500 CFS	
	<u>Total Diversion:</u>	2.500 CFS	

Location of Point(s) of Diversion

HAWLEY CREEK	SE1/4NE1/4	Sec. 3, Twp 15N, Rge 27E, B.M.
LEMHI 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	
16N	27E	30												20.0			30.0	34.0	84.0
16N	27E	31	39.0	32.0			21.0	2.0											94.0
								L 1											
16N	27E	32						34.0											34.0

Total Acres: 212

Conditions of Approval:

1. C18 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. E64 This right authorizes the irrigation of 211.6 total acres.
3. E55 USE OF THIS RIGHT WITH RIGHT NOS. 74-27 AND 74-28 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 225.2 ACRES IN A SINGLE IRRIGATION SEASON.

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30

16N27E

29

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25.0
SESW

33
SWSE

31
SESE

31
SWSW

18
NENW

25
NWNE

31
NENE

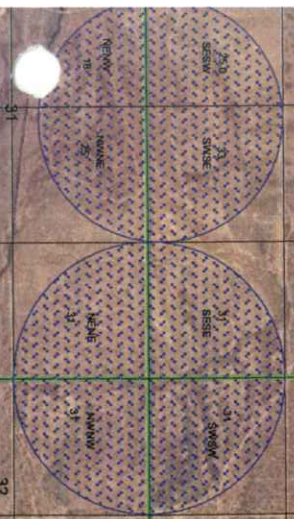
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NWNW

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16N27E

15N27E

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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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.

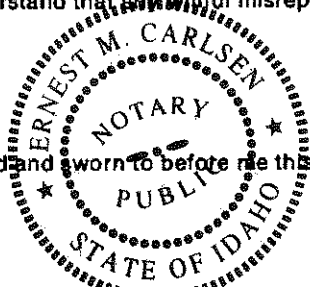
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 30 day of March, 19 2007

Mr. Garland Sweetosh Esq
Lex J. Kauer, President
 (Signature of Applicant)

Ernest M. Carlsen
 (Notary Public)

My commission expires 8-21-2009



FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 6 attachments

Received by _____ Date 4-5-2007 Protest filed by _____

Prelim. check by _____ Fee \$490.00

Receipted by SC Date 4-5-2007 E032751

Published in Recorder Herald Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

WARRANTY DEED

THIS INDENTURE is made this 22nd day of December, 1995, by **Frederick C. Hirschy and Lynn Harrington Hirschy**, husband and wife and **Scott L. Whitworth and Dixie L. Whitworth**, husband and wife, the "Grantor", and **McFarland Livestock Company, Inc.**, an Idaho Corporation, whose mailing address is P.O. Box 50 Lemhi, Idaho 83465, the "Grantee".

WITNESSETH:

That the Grantor, 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 consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lemhi County, Idaho:

Township Fifteen (15) North, Range Twenty-seven (27) East,
Boise Meridian;

Section Two (2): Southwest Quarter of the Southwest Quarter
(SW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Three (3): Southeast Quarter of the Southeast Quarter
(SE $\frac{1}{4}$ SE $\frac{1}{4}$)

Section Ten (10): East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)

Section Eleven (11): North Half of the Northwest Quarter
(N $\frac{1}{2}$ NW $\frac{1}{4}$), Southwest Quarter of the Northwest Quarter
(SW $\frac{1}{4}$ NW $\frac{1}{4}$), West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$)

Section Fourteen (14): Northwest Quarter (NW $\frac{1}{4}$), North half
of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), South Half of the Southeast
Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)

Section Fifteen (15): East Half (E $\frac{1}{2}$)

Section Twenty-three (23): North Half of the Northeast Quarter
(N $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter of the Northeast Quarter
(SW $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest Quarter of the Southeast Quarter
(NW $\frac{1}{4}$ SE $\frac{1}{4}$), Northeast Quarter of the Southwest Quarter
(NE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter of the Northwest Quarter
(SE $\frac{1}{4}$ NW $\frac{1}{4}$).

ATTACHMENT T 73531
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Lemhi County, Idaho:

Township Sixteen (16) North, Range Twenty-seven (27) East,
Boise Meridian.

Section Thirty (30): The South Half of the Southeast Quarter
(S $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter
(SE $\frac{1}{4}$ SW $\frac{1}{4}$).

Section Thirty-one (31): The North Half of the Northeast
Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$), Northeast Quarter of the Northwest Quarter
(NE $\frac{1}{4}$ NW $\frac{1}{4}$), and Lot One (1).

Section Thirty-two (32): The Northwest Quarter of the
Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

SUBJECT TO the Easement Agreement dated September 4, 1968, between Floyd E. Skelton and Eva Skelton, husband and wife, Grantors and Lemhi Telephone Company, a corporation, Grantee, recorded March 3, 1969, in file of Agreements, under Instrument No. 110775, records of Lemhi County, Idaho.

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.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Frederick C. Hirschy
Frederick C. Hirschy, Grantor

Lynn Harrington Hirschy
Lynn Harrington Hirschy, Grantor

Scott L. Whitworth
Scott L. Whitworth, Grantor

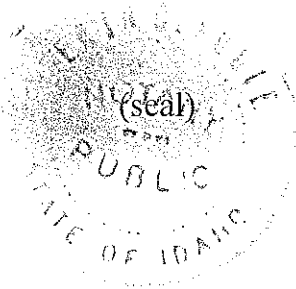
Dixie L. Whitworth
Dixie L. Whitworth, Grantor

STATE OF Idaho
County of Lemhi) ss.

On the 22nd day of December, 1995, before me, the undersigned, a notary public in and for said State, personally appeared FREDERICK C. HIRSCHY and LYNN HARRINGTON HIRSCHY, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Alan J. Dale
Notary Public for Idaho
Residing at Salmon
My Commission Expires: 1/10/96



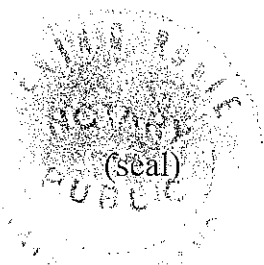
State of Idaho) SS No. **228563**
County of Lemhi)
This instrument was filed for record at the request
of Lemhi Title
at 1:35 o'clock A m. 12-22 1995
and duly filed and indexed in the records of Lemhi
County

Alberta Wiederrick
Ex Officio Recorder
by Terri J. Morton Deputy
Fee 12.00

STATE OF Idaho
County of Franklin) ss.

On the 25th day of December, 1995, before me, the undersigned, a notary public in and for said State, personally appeared SCOTT L. WHITWORTH and DIXIE L. WHITWORTH, 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.

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 Idaho
My Commission Expires: 1/10/98

G:\WPDATA\GAS\3522\KUER1313.WD:sjw

The United States of America
To all to whom these presents shall come, Greeting:

IDI-31385 FM

WHEREAS

McFarland Livestock Company, Inc.

is entitled to a land patent pursuant to Section 206, Act of October 21, 1976, as amended (43 U.S.C. 1716) for the following described land:

Boise Meridian, Idaho

T. 16 N., R. 25 E.,

sec. 5: SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 16 N., R. 27 E.,

sec. 29: SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 15 N., R. 27 E.,

sec. 10: S $\frac{1}{2}$ SE $\frac{1}{4}$,

sec. 11: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$,

sec. 14: SW $\frac{1}{4}$ SW $\frac{1}{4}$,

sec. 23: NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 13 N., R. 28 E.,

sec. 15: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 370 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES** unto the above named claimant, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto said claimant, and to its successors and assigns, forever; and

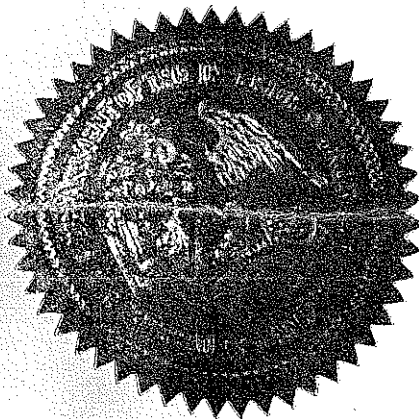
Patent No. 11-97-0012

T 73531
ATTACHMENT 5 OF 4

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

State of Idaho)
County of Lemhi) SS No. 232077
This instrument was filed for record at the request
of Lemhi title
at 3:43 o'clock p m Dec 20 1996
and duly filmed and indexed in the records of Lemhi
County
Alberta Wiederrick
Ex-Officio Recorder
By Ann Beckers Deputy
Fes 6.00
Return to hand delivered



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat.476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the nineteenth day of December in the year of our Lord one thousand nine hundred and NINETY SIX and of the Independence of the United States the two hundred and TWENTY-FIRST.

By [Signature]
Branch Chief, Lands and Minerals
Resource Services Division

Patent Number 11-97-0012

T 73531
ATTACHMENT 6 OF 6

No. C 41195 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	no later than July 31, 2007 Annual Report Form 1. Mailing Address - Correct in this box, if applicable MCFARLAND LIVESTOCK COMPANY, INC. MELVA M KAUER 32 MAIERS LN PO BOX 50 LEMHI, ID 83465	Registered Agent and Office NO PO BOX MELVA M KAUER 32 MAIERS LN LEMHI, ID 83465 3. New Registered Agent Signature
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4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
President	Tex J. Kauer	PO Box 50	Lemhi	Idaho	83465
V. Pres.	Blair J. Kauer	Box 50	Lemhi	Idaho	83465
Sec. Tres.	Melva M. Kauer	Box 50	Lemhi	Idaho	83465
Director	Tex J. Kauer	Box 50	Lemhi	Idaho	83465
Director	Blair J. Kauer	Box 50	Lemhi	Idaho	83465
Director	Melva M. Kauer	Box 50	Lemhi	Idaho	83465
Director	Meledy F. Kauer	Box 50	Lemhi	Idaho	83465
Director	Celestia Rose Calhoun				
885 West Cranberry Rdg. Drive Fairbanks AK99712-1104					

5. Organized Under the Laws of: IDAHO C 41195	6. Signature <u>Melva M. Kauer</u> Date <u>17 July '07</u> Name (Typed or Printed) <u>Melva M. Kauer</u> Title <u>Sec/Tres</u>
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Issued 05/01/2007
Do Not Tape or Staple
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