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RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 73315

APR 06 2006

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1DEPT. OF WATER RESOURCES  
SOUTHERN REGIONName of applicant Willow Creek Enterprises, LLC c/o Reed Gibby Phone (208) 654-2054Post Office address 576 South 650 East, Burley, ID 83318

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point ☒ Change place of use  
☒ Change nature of use ☒ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To provide an additional water supply for swine at a proposed nursery facility and a proposed breeding and gestation facility and to hydraulically connect all of the facilities.

## 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>43-13332</u>         | <u>3/15/1963</u> | <u>0.11/19.1</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |
| <u>43-13334</u>         | <u>1/27/1978</u> | <u>0.10/19.1</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |
| <u>43-13336</u>         | <u>3/15/1963</u> | <u>0.12/20.9</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |
| <u>43-13338</u>         | <u>1/27/1978</u> | <u>0.10/20.9</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |
| <u>Portion 43-13335</u> | <u>1/27/1978</u> | <u>0.18/29.7</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |
| <u>Portion 43-13337</u> | <u>3/15/1963</u> | <u>0.15/29.7</u>   | <u>Stock/comm.</u> | <u>1/1 to 12/31</u> |

2. Total amount of water being transferred 0.41 cubic feet per second and/or 69.7 acre-feet per annum.3. Source of water Ground Water tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4                 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|---------------------|-----|-----|------|------|-----|--------|--------------------------|
|     | <del>NW</del><br>NE | NE  | SE  | 22   | 10S  | 26E | Cassia | New B & G Well           |
|     | NW                  | SE  | SW  | 22   | 10S  | 26E | Cassia | New Nursery Well         |
|     | SE                  | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 1           |
|     | SE                  | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 2           |
|     | NW                  | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 1             |
|     | NW                  | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 2             |

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 |        |
| 10S  | 26E  | 22   |        |        |        |        |        |                       |        |        |        |        |        | S, C   | S, C   |        |        |        |        |
| 10S  | 26E  | 27   |        |        |        |        |        | <del>SE</del><br>S, C |        |        |        | S, C   |        |        |        |        |        |        |        |
| 10S  | 26E  | 28   | S, C   | S, C   |        |        |        |                       |        |        |        |        |        |        |        |        |        |        |        |

# PART 1

## 6. General Information:

a. Description of diversion system Two existing wells service the existing breeding and gestation facility and the existing nursery facility. Two wells will still be drilled at the current nursery when demand is needed and connected to the system. A new well is also being proposed at each of the new facilities and will be connected to the existing system (exact configuration of pipeline unknown).

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

Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

10 acres will no longer be irrigated under rights 47-13335 & 47-13337

d. Remarks:

New places of use are currently under a purchase agreement (see attached)

## 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:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

PER  
2/24/07  
E-MAILS FROM  
APPLICANT  
BRICKWAY C.  
ENGINEERING.

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Transfer No. \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

## PART 2

APR 06 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right evidenced by:

- a. Decree No. 43-13332 Decreed to Willow Creek Enterprises c/o Reed Gibby  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 70814 which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice
 ☐ Warranty Deed
 ☐ Other \_\_\_\_\_
3. Source of water Ground water tributary to \_\_\_\_\_4. Date of priority 03/15/1963

## 5. Water is used for the following purpose:

Amount 0.11/19.1 for Stockwater purposes from 01/01 to 12/31  
(cfs/ac-ft)

Amount 0.11/19.1 for Commercial purposes from 01/01 to 12/31  
(cfs/ac-ft)

6. Total amount of water under right 0.11 cubic feet per second and/or 19.1 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼  | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|----|-----|-----|------|------|-----|--------|--------------------------|
|     | SE | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 1           |
|     | SE | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 2           |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼   |        |        |      | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE ¼ | 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 |        |
| 10S  | 26E  | 27   |        |        |        |      |        | S, C   |        |        |        | S, C   |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 43-13334

## 10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

**APR 06 2006**

**A. DESCRIPTION OF RIGHT AS RECORDED**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

1. Right evidenced by:

- a. Decree No. 43-13334 Decreed to Willow Creek Enterprises c/o Reed Gibby  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 70814 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Ground water tributary to \_\_\_\_\_

4. Date of priority 01/27/1978

5. Water is used for the following purpose:

Amount 0.10/19.1 for Stockwater purposes from 01/01 to 12/31  
(cfs/ac-ft)  
Amount 0.10/19.1 for Commercial purposes from 01/01 to 12/31  
(cfs/ac-ft)

6. Total amount of water under right 0.10 cubic feet per second and/or 19.1 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | SE  | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 1           |
|     | SE  | SW  | NW  | 27   | 10S  | 26E | Cassia | Nursery Well 2           |

8. 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 |        |
| 10S  | 26E  | 27   |        |        |        |        |        | S, C   |        |        |        | S, C   |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 43-13332

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED**

**PART 2**

**APR 06 2006**

**A. DESCRIPTION OF RIGHT AS RECORDED**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

## 1. Right evidenced by:

- a. Decree No. 43-13335 Decreed to Willow Creek Enterprises c/o Reed Gibby  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Ground Water tributary to \_\_\_\_\_4. Date of priority 03/15/1963

## 5. Water is used for the following purpose:

Amount 4.77/1062.4 for Irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft)

6. Total amount of water under right 4.77 cubic feet per second and/or 1062.4 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

## 8. 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 |        |
| 10S  | 26E  | 21   |        |        |        |        |        |        |        |        |        |        |        |        | 33     |        |        | 4.4    | 37.4   |
| 10S  | 26E  | 22   |        |        |        |        |        |        |        |        |        | 8.2    | 4.4    |        |        |        |        |        | 12.6   |
| 10S  | 26E  | 27   |        |        |        |        |        |        | 34.1   |        |        | 1.9    |        |        |        |        |        |        | 36     |
| 10S  | 26E  | 28   | 31.8   | 35.4   | 38.8   | 40     | 40     | 40     |        |        | 2.3    |        |        |        | 5.6    | 0.7    |        |        | 234.6  |

Total acres 320.6

\*43-13335 is limited to 265.6 acres per irrigation season

9. Describe any other water rights used for the same purpose as described above 43-13337

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

1. Amount 0.18/40 for Irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

3. 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 |        |
| 10S  | 26E  | 28   |        |        | 5.6    | 3.7    |        |        |        |        |        |        |        |        |        | 0.7    |        |        | 10     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 10

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT**

1. Amount 4.59/ for Irrigation purposes from 03/15 to 11/15  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

3. 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 |        |
| 10S  | 26E  | 21   |        |        |        |        |        |        |        |        |        |        |        |        | 33     |        |        | 4.4    | 37.4   |
| 10S  | 26E  | 22   |        |        |        |        |        |        |        |        |        | 8.2    | 4.4    |        |        |        |        |        | 12.6   |
| 10S  | 26E  | 27   |        |        |        |        |        |        | 34.1   |        |        | 1.9    |        |        |        |        |        |        | 36     |
| 10S  | 26E  | 28   | 31.8   | 35.4   | 33.2   | 36.3   | 40     | 40     |        |        | 2.3    |        |        |        | 5.6    |        |        |        | 224.6  |

Total acres 310.6

\*43-13335 will be limited to 255.6 acres per irrigation season

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Transfer No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED**

**PART 2**

**APR 06 2006**

**A. DESCRIPTION OF RIGHT AS RECORDED**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

## 1. Right evidenced by:

- a. Decree No. 43-13336 Decreed to Willow Creek Enterprises c/o Reed Gibby  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 70816 which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Ground water tributary to \_\_\_\_\_4. Date of priority 03/15/1963

## 5. Water is used for the following purpose:

Amount 0.12/20.9 for Stockwater purposes from 01/01 to 12/31  
(cfs/ac-ft)  
Amount 0.12/20.9 for Commercial purposes from 01/01 to 12/31  
(cfs/ac-ft)

6. Total amount of water under right 0.12 cubic feet per second and/or 20.9 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼  | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 1             |
|     | NW | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 2             |

## 8. 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 |        |
| 10S  | 26E  | 28   | S, C   | S, C   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 43-13338

## 10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_

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Transfer No. \_\_\_\_\_

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

**RECEIVED**  
**APR 06 2006**  
 DEPT. OF WATER RESOURCES  
 SOUTHERN REGION

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. 43-13337 Decreed to Willow Creek Enterprises c/o Reed Gibby  
 in case of \_\_\_\_\_ vs. \_\_\_\_\_  
 dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Ground Water tributary to \_\_\_\_\_4. Date of priority 01/27/1978

## 5. Water is used for the following purpose:

Amount 4.80/1282.4 for Irrigation purposes from 04/01 to 10/31  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

6. Total amount of water under right 4.80 cubic feet per second and/or 1282.4 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

## 8. 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 |        |
| 10S  | 26E  | 21   |        |        |        |        |        |        |        |        |        |        |        |        | 33     |        |        | 4.4    | 37.4   |
| 10S  | 26E  | 22   |        |        |        |        |        |        |        |        |        | 8.2    | 4.4    |        |        |        |        |        | 12.6   |
| 10S  | 26E  | 27   |        |        |        |        |        |        | 34.1   |        |        | 1.9    |        |        |        |        |        |        | 36     |
| 10S  | 26E  | 28   | 31.8   | 35.4   | 38.8   | 40     | 40     | 40     |        |        | 2.3    |        |        |        | 5.6    | 0.7    |        |        | 234.6  |

Total acres 320.69. Describe any other water rights used for the same purpose as described above 43-13335

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

1. Amount 0.15/40 for Irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

3. 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 |        |
| 10S  | 26E  | 28   |        |        | 5.6    | 3.7    |        |        |        |        |        |        |        |        |        | 0.7    |        |        | 10     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 10

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT**

1. Amount 4.65/1242.4 for Irrigation purposes from 03/15 to 11/15  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NW  | NE  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SW  | 28   | 10S  | 26E | Cassia | Well and Pump            |
|     | SW  | SE  | SE  | 28   | 10S  | 26E | Cassia | Well and Pump            |

3. 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 |        |
| 10S  | 26E  | 21   |        |        |        |        |        |        |        |        |        |        |        |        | 33     |        |        | 4.4    | 37.4   |
| 10S  | 26E  | 22   |        |        |        |        |        |        |        |        |        | 8.2    | 4.4    |        |        |        |        |        | 12.6   |
| 10S  | 26E  | 27   |        |        |        |        |        |        | 34.1   |        |        | 1.9    |        |        |        |        |        |        | 36     |
| 10S  | 26E  | 28   | 31.8   | 35.4   | 33.2   | 36.3   | 40     | 40     |        |        | 2.3    |        |        |        | 5.6    |        |        |        | 224.6  |

Total acres 310.6

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED**

**PART 2**

**APR 06 2006**

**A. DESCRIPTION OF RIGHT AS RECORDED**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

## 1. Right evidenced by:

- a. Decree No. 43-13338 Decreed to Willow Creek Enterprises c/o Reed Gibby  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated 07/26/2002 in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 70816 which produced this right.

## 2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other \_\_\_\_\_

3. Source of water Ground water tributary to \_\_\_\_\_4. Date of priority 01/27/1978

## 5. Water is used for the following purpose:

Amount 0.10/20.9 for Stockwater purposes from 01/01 to 12/31  
(cfs/ac-ft)  
Amount 0.10/20.9 for Commercial purposes from 01/01 to 12/31  
(cfs/ac-ft)

6. Total amount of water under right 0.10 cubic feet per second and/or 20.9 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     | NW  | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 1             |
|     | NW  | NE  | NE  | 28   | 10S  | 26E | Cassia | B & G Well 2             |

## 8. 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 |        |
| 10S  | 26E  | 28   | S, C   | S, C   |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above 43-13336

## 10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the water right described in part 1. Clearly depict the land by section, township and range number.**

**RECEIVED**

**APR 06 2006**

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

See Attached Figure for Willow Creek Enterprises: Expansion of Cotterell Hog Facilities

**B. CHANGES IN NATURE OF USE**

| 1. | <u>New Nature of Use</u>     | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u>         |
|----|------------------------------|------------------------------|------------------------|------------------------------|
|    | <u>Stockwater/Commercial</u> | <u>0.18/29.7</u>             | <u>as needed</u>       | <u>01/01</u> to <u>12/31</u> |
|    | <u>Stockwater/Commercial</u> | <u>0.15/29.7</u>             | <u>as needed</u>       | <u>01/01</u> to <u>12/31</u> |
|    |                              |                              |                        | to _____                     |

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

IDWR considers stockwater/commercial use at hog facilities as fully consumptive.

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

None

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.

*Red [Signature]*

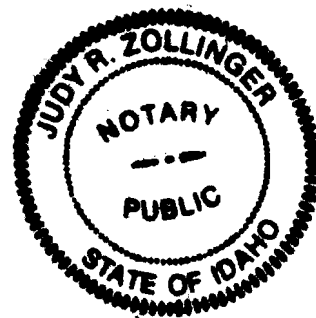
(Signature of Applicant)

Subscribed and sworn to before me this 31<sup>st</sup> day of March, 2006.

*Judy R. Zollinger*

(Notary Public)

My commission expires 2-1-2011



**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by C. SKINNER Date 4/6/2006 Protest filed by \_\_\_\_\_

Prelim. check by C. SKINNER Fee \$250.00 5028561 \_\_\_\_\_

Receipted by C. SKINNER Date 4/14/2006 \_\_\_\_\_

Published in \_\_\_\_\_ 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 \_\_\_\_\_

## WATER USAGE ESTIMATE - COTTRELL FACILITY (REV - 04/11/2006)

R. Gibby - Swine Production Facilities

Brockway Engineering, PLLC

25-Apr-02

Location: T. 10 S., R. 26 E., Section 28  
Cottrell, Idaho

Description: **Farrowing/gestation facility**  
Phase 1: 1200 sows, 182 litters  
Phase 2: 1200 sows, 182 litters

Total Phase 1 & 2: 2400 sows, 364 litters

### ANNUAL WATER USAGE

Assumes pigs receive minimal drinking water from feed

Commerical water usage

|                                    | No. Head | gpd/hd | gpd           | gpd/hd          | gpd   |
|------------------------------------|----------|--------|---------------|-----------------|-------|
| Lactating sows and litter          | 364      | 5.9    | 2,154         | 1               | 364   |
| Pregnant sows                      | 2036     | 3.7    | 7,597         | 0.1             | 203.6 |
| Boars                              | 14       | 3.1    | 44            | 0.1             | 1.4   |
| Nursery Pigs                       | 0        | 1.0    | 0             |                 |       |
| Grower Pigs                        | 0        | 1.9    | 0             |                 |       |
| Finisher Pigs                      | 0        | 2.7    | 0             |                 |       |
| Grower-Finisher Pigs               | 0        | 2.3    | 0             |                 |       |
| <b>Total drinking water</b>        |          |        | <b>9,795</b>  | <b>gpd</b>      |       |
| Estimated commercial water usage   | 2,414    | 1.0    | 2,414         | gpd             |       |
| <b>TOTAL DRINKING + COMMERCIAL</b> |          |        | <b>12,209</b> | <b>gpd</b>      |       |
|                                    |          |        | <b>13.7</b>   | <b>ac-ft/yr</b> |       |

### DIVERSION RATE REQUIREMENT

Average daily withdrawal 12,209 gpd  
Peaking factor 3.00  
Peak withdrawal rate 25 gpm  
0.06 cfs

## **WATER USAGE ESTIMATE - COTTRELL FACILITY (REV - 04/11/2006)**

R. Gibby - Swine Production Facilities

Brockway Engineering, PLLC

25-Apr-02

Location: T. 10 S., R. 26 E., Section 28  
Cottrell, Idaho

Description: **Nursery facility - wean to 55 lb**  
9000 animals, 2000 animal units max.

### **ANNUAL WATER USAGE**

Assumes pigs receive minimal drinking water from feed

|                                    | No. Head | gpd/hd | gpd           | Commerical water usage<br>gpd/hd | gpd |
|------------------------------------|----------|--------|---------------|----------------------------------|-----|
| Lactating sows and litter          | 0        | 5.9    | 0             | 1                                | 0   |
| Pregnant sows                      | 0        | 3.7    | 0             | 0.1                              | 0   |
| Boars                              | 0        | 3.1    | 0             | 0.1                              | 0   |
| Nursery Pigs                       | 9,000    | 1.0    | 9,056         |                                  |     |
| Grower Pigs                        | 0        | 1.9    | 0             |                                  |     |
| Finisher Pigs                      | 0        | 2.7    | 0             |                                  |     |
| Grower-Finisher Pigs               | 0        | 2.3    | 0             |                                  |     |
| <b>Total drinking water</b>        |          |        | <b>9,056</b>  | <b>gpd</b>                       |     |
| Estimated commercial water usage   | 9,000    | 0.5    | 4,500         | gpd                              |     |
| <b>TOTAL DRINKING + COMMERCIAL</b> |          |        | <b>13,556</b> | <b>gpd</b>                       |     |
|                                    |          |        | 15.2          | ac-ft/yr                         |     |

### **DIVERSION RATE REQUIREMENT**

Average daily withdrawal 13,556 gpd  
Peaking factor 3.00  
Peak withdrawal rate 28 gpm  
0.06 cfs

## WATER USAGE ESTIMATE - EXPANSION OF COTTRELL FACILITY

R. Gibby - Swine Production Facilities

Brockway Engineering, PLLC

11-Apr-06

Location: T. 10 S., R. 26 E., Section 22  
Cottrell, Idaho

Description: **Farrowing/gestation facility**  
Phase 3: 720 sows, 109 litters\*\*  
Phase 4: 720 sows, 109 litters\*\*

Total Phase 1 & 2: 2400 sows, 364 litters

Total Phase 1 & 2: 1440 sows, 218 litters

Total All Phases: 3840 sows, 582 litters\*\*

### ANNUAL WATER USAGE

Assumes pigs receive minimal drinking water from feed

Commercial water usage

|                                    | No. Head | gpd/hd | gpd          | gpd/hd     | gpd |
|------------------------------------|----------|--------|--------------|------------|-----|
| Lactating sows and litter          | 218      | 5.9    | 1,290        | 1          | 218 |
| Pregnant sows                      | 1440     | 3.7    | 5,373        | 0.1        | 144 |
| Boars                              | 10       | 3.1    | 31           | 0.1        | 1   |
| Nursery Pigs                       | 0        | 1.0    | 0            |            |     |
| Grower Pigs                        | 0        | 1.9    | 0            |            |     |
| Finisher Pigs                      | 0        | 2.7    | 0            |            |     |
| Grower-Finisher Pigs               | 0        | 2.3    | 0            |            |     |
| <b>Total drinking water</b>        |          |        | <b>6,695</b> | <b>gpd</b> |     |
| Estimated commercial water usage   | 1,668    | 1.0    | 1,668        | gpd        |     |
| <b>TOTAL DRINKING + COMMERCIAL</b> |          |        | <b>8,363</b> | <b>gpd</b> |     |
|                                    |          |        | 9.4          | ac-ft/yr   |     |

### DIVERSION RATE REQUIREMENT

Average daily withdrawal 8,363 gpd  
Peaking factor 3.00  
Peak withdrawal rate 17 gpm  
0.04 cfs

\*\* These numbers are just estimates and may not reflect the actual animal numbers and units  
Since these calculations are conservative more effective water uses may result in less water use  
or more allowable animal numbers/units.

## WATER USAGE ESTIMATE - EXPANSION OF COTTRELL FACILITY

R. Gibby - Swine Production Facilities

Brockway Engineering, PLLC

11-Apr-06

Location: T. 10 S., R. 26 E., Section 22  
Cottrell, Idaho

Description: **Nursery facility - wean to 55 lb**  
6,000 animals, 1,333 animal units max\*\*

Both Nursery Facilities: 15,000 animals, 3333 animal units max\*\*

### ANNUAL WATER USAGE

Assumes pigs receive minimal drinking water from feed

|                                    | No. Head | gpd/hd | gpd          | Commerical water usage<br>gpd/hd | gpd |
|------------------------------------|----------|--------|--------------|----------------------------------|-----|
| Lactating sows and litter          | 0        | 5.9    | 0            | 1                                | 0   |
| Pregnant sows                      | 0        | 3.7    | 0            | 0.1                              | 0   |
| Boars                              | 0        | 3.1    | 0            | 0.1                              | 0   |
| Nursery Pigs                       | 6,000    | 1.0    | 6,038        |                                  |     |
| Grower Pigs                        | 0        | 1.9    | 0            |                                  |     |
| Finisher Pigs                      | 0        | 2.7    | 0            |                                  |     |
| Grower-Finisher Pigs               | 0        | 2.3    | 0            |                                  |     |
| <b>Total drinking water</b>        |          |        | <b>6,038</b> | <b>gpd</b>                       |     |
| Estimated commercial water usage   | 6,000    | 0.5    | 3,000        | gpd                              |     |
| <b>TOTAL DRINKING + COMMERCIAL</b> |          |        | <b>9,038</b> | <b>gpd</b>                       |     |
|                                    |          |        | <b>10.1</b>  | <b>ac-ft/yr</b>                  |     |

### DIVERSION RATE REQUIREMENT

Average daily withdrawal 9,038 gpd  
Peaking factor 3.00  
Peak withdrawal rate 19 gpm  
0.04 cfs

\*\* These numbers are just estimates and may not reflect the actual animal numbers and units  
Since these calculations are conservative more effective water uses may result in less water use  
or more allowable animal numbers/units.

## WATER USAGE AND VOLUME ESTIMATION

### Water Right Transfer for R. Gibby - Cottrell Facility

Brockway Engineering / C. G. Brockway, P.E. 10/4/02

|                                                      | Breeding               | Nursery                | Sum    |            |
|------------------------------------------------------|------------------------|------------------------|--------|------------|
| Fresh water for animal drinking                      | 9,795                  | 9,056                  | 18,851 | gpd        |
| Flushing, washing, & cooling water                   | 2,414                  | 4,500                  | 6,914  | gpd        |
| Surface area of pits                                 |                        |                        |        |            |
| Farrowing                                            | 12,740                 | 0                      | 12,740 | ft^2       |
| Breeding                                             | 32,260                 | 0                      | 32,260 | ft^2       |
| Nursery                                              | 0                      | 17,760                 | 17,760 | ft^2       |
| Pit recharge depth                                   | 0.5                    | 0.5                    |        | feet       |
| Pit recharge water volume                            | 22,500                 | 8,880                  | 31,380 | ft^3 =     |
| Frequency of pit drain and recharge                  | 7                      | 7                      |        | days       |
| % of recharge water from fresh supply                | 0.2                    | 0.2                    |        |            |
| Fresh water volume for pit recharge                  | 4,809                  | 1,898                  | 6,706  | gpd        |
| **Add 10% as a factor of safety for high-use years** |                        |                        |        |            |
| TOTAL Ground Water Withdrawal**                      | 18,720                 | 16,999                 | 35,719 | gpd        |
|                                                      | 20.97                  | 19.04                  | 40     | ac-ft/year |
| WR                                                   | 43-13336 &<br>43-13338 | 43-13332 &<br>43-13334 |        |            |

\*\* These numbers are just estimates and may not reflect the actual animal numbers and units  
 Since these calculations are conservative more effective water uses may result in less water use  
 or more allowable animal numbers/units.

## WATER USAGE AND VOLUME ESTIMATION

### Water Right Transfer for R. Gibby - Expansion of Cottrell Facility

Brockway Engineering / D. T. Nelson, Hydrologist 04/11/06

|                                                      | Breeding | Nursery | Sum    |            |
|------------------------------------------------------|----------|---------|--------|------------|
| Fresh water for animal drinking                      | 6,695    | 6,038   | 12,732 | gpd        |
| Flushing, washing, & cooling water                   | 1,668    | 3,000   | 4,668  | gpd        |
| Surface area of pits                                 |          |         |        |            |
| Farrowing                                            | 12740    | 0       | 12,740 | ft^2       |
| Breeding                                             | 32260    | 0       | 32,260 | ft^2       |
| Nursery                                              | 0        | 17760   | 17,760 | ft^2       |
| Pit recharge depth                                   | 0.5      | 0.5     |        | feet       |
| Pit recharge water volume                            | 22500    | 8880    | 31,380 | ft^3 =     |
| Frequency of pit drain and recharge                  | 7        | 7       |        | days       |
| % of recharge water from fresh supply                | 0.2      | 0.2     |        |            |
| Fresh water volume for pit recharge                  | 4809     | 1898    | 6,706  | gpd        |
| **Add 10% as a factor of safety for high-use years** |          |         |        |            |
| TOTAL Ground Water Withdrawal**                      | 14488    | 12029   | 26,517 | gpd        |
|                                                      | 16.23    | 13.47   | 29.7   | ac-ft/year |

WR Portion of 43-13335 & 43-13337

\*\* These numbers are just estimates and may not reflect the actual animal numbers and units  
 Since these calculations are conservative more effective water uses may result in less water use  
 or more allowable animal numbers/units.

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Willow Creek Enterprises, LLC - c/o Reed Gibby, hereby nominate and appoint Brockway Engineering (Daren T. Nelson) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

Water right transfers for rights 43-13332, 43-13334, 43-13335, 43-13336, 43-13337, and 43-13338; for purposes of modifying the irrigation rights, and for converting a portion of 43-13335 and 43-13337 to stockwater/commercial uses.

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 31 day of MARCH 2006.

*Reed Gibby*

Signature

Signature

State of Idaho )

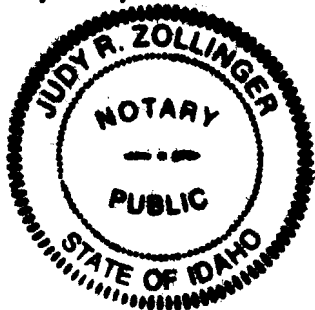
) ss.

County of \_\_\_\_\_ )

On this 31<sup>st</sup> Day of March, 2006, before me, a Notary Public in and for said County and State, personally appeared Reed Gibby, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

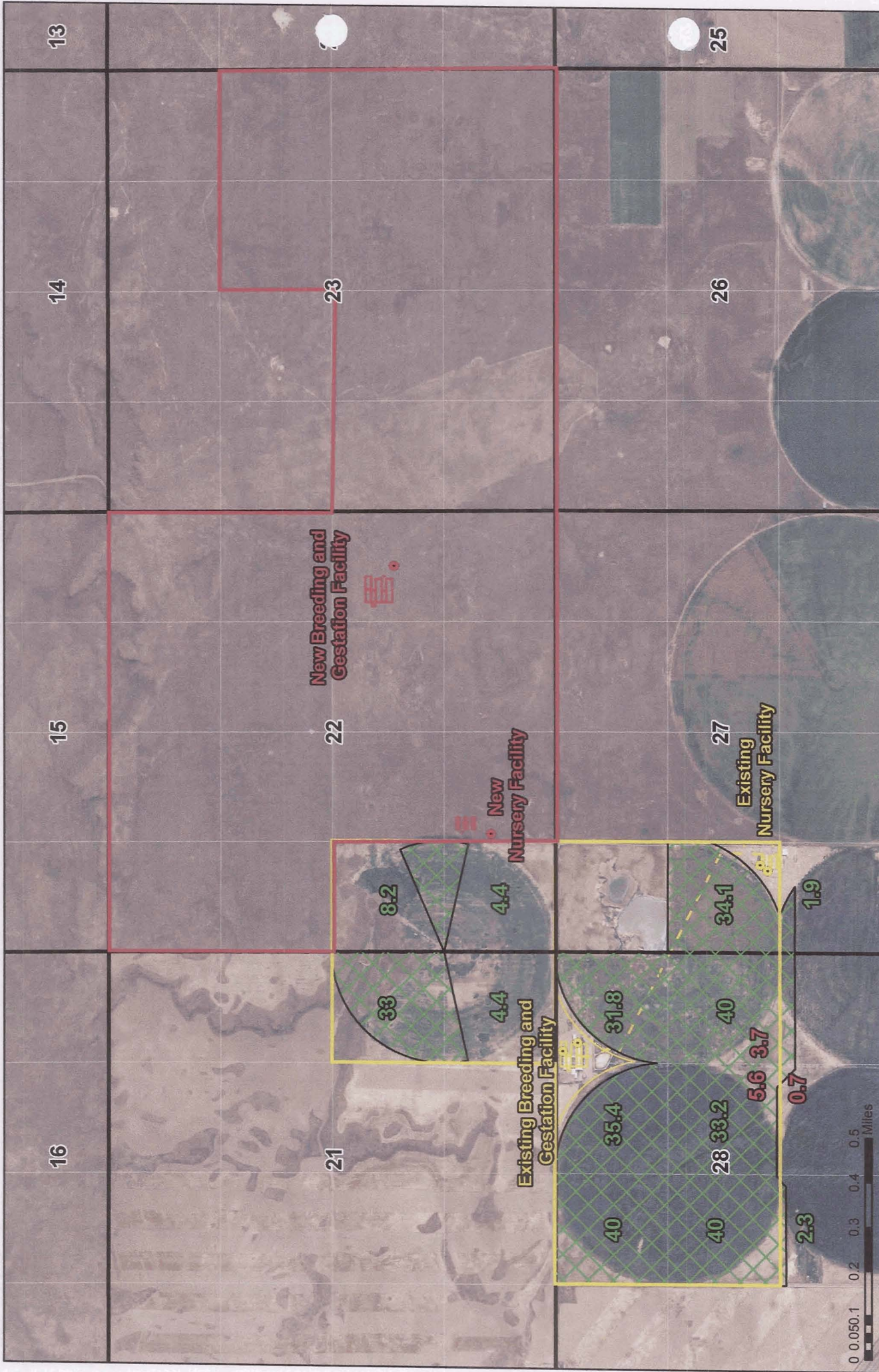
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

S  
E  
A  
L



*Judy R. Zollinger*  
Notary Public  
In and for said State and County

2-1-2011  
My Commission Expires



# Willow Creek Enterprises: Expansion of Cotterell Hog Facility

Township 10S, Range 26E  
NAIP Aerial Photo 2004

POU for 43-13335 & 43-13337  
**32 - Remaining Acres for Irrigation**  
**08 - Acres being Dried Up**

Existing PODs  
Proposed PODs

Existing Property  
Additional Purchase

PLS - Sections  
PLS - Quarter-Quarter





# ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED/EFFECTIVE  
01 OCT 12 PM 1:35  
STATE OF IDAHO

1. The name of the limited liability company is: WILLOW CREEK ENTERPRISES, L.L.C.
2. The address of the initial registered office is: 576 S. 650 E.,  
Burley, ID 83318 and the name of the initial registered agent at that address is: Reed Gibby
3. The mailing address for future correspondence: 576 S. 650 E.,  
Burley, ID 83318
4. Management of the limited liability company will be vested in:  
Manager(s) ☐ or Member(s) ☒ (please check the appropriate box)
5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

Reed Gibby

576 S. 650 E., Burley, ID 83318

6. Signature of at least one person responsible for forming the limited liability company:

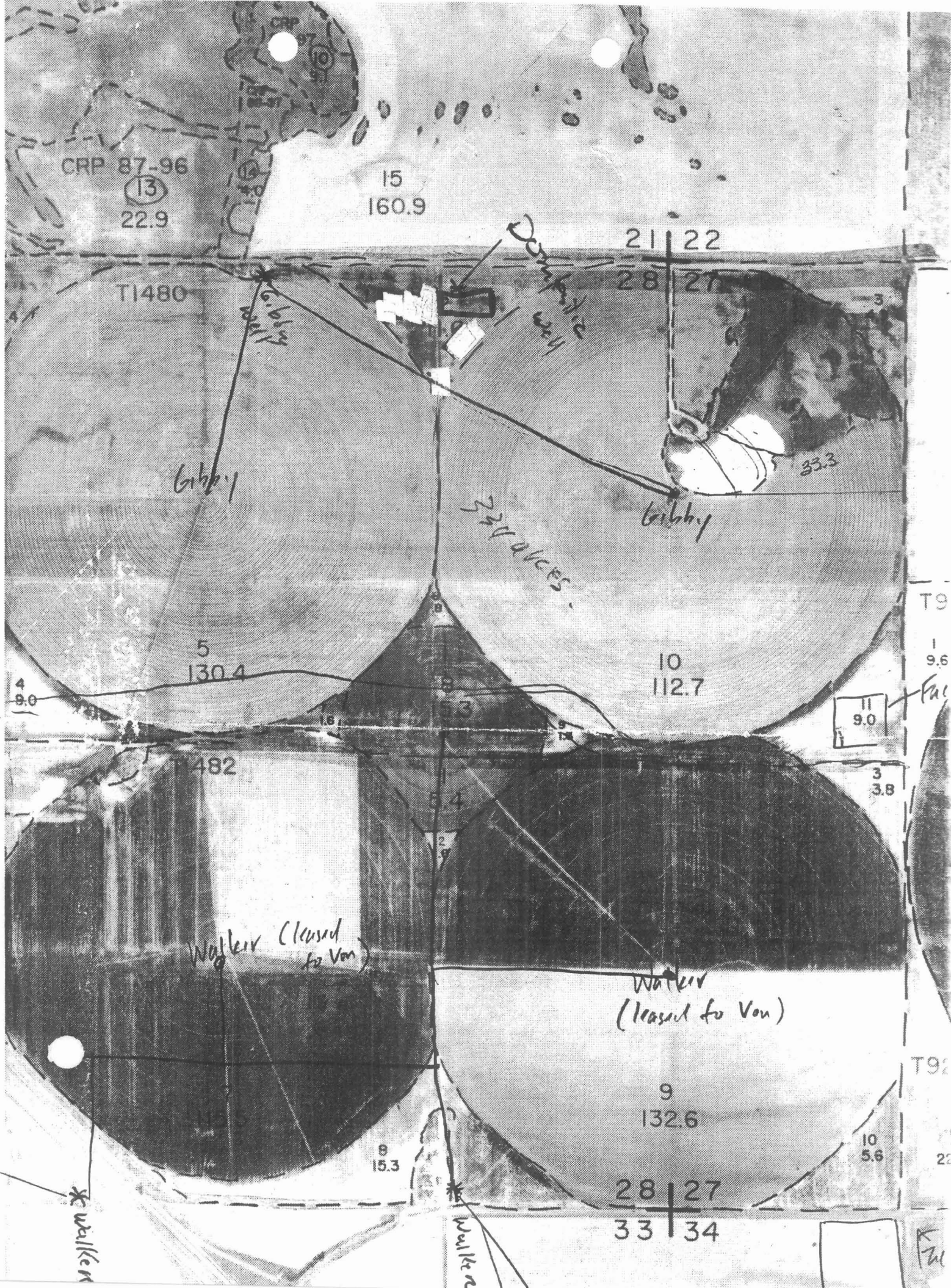
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Secretary of State use only

IDAHO SECRETARY OF STATE  
10/12/2001 05:00  
CL: 4492 CT: 138316 IN: 427964  
1 0 100.00 = 100.00 ORGAN LLC 0 3

W16781

CLERK OF THE SECRETARY OF STATE



FORM NUMBER: 3779

## FARM AND TRACT DETAIL LISTING

DATE: 12-04-2002

Operator Name and Address ID

Original: \_\_\_\_\_

 DELELTE V & R FARMS 1251  
 715 S 750 E  
 BURLEY, ID 83318-5744

Revision: \_\_\_\_\_

Cropland: 1,465.4

Farmland: 2,270.0

| Tract Number | Field Num ID | Irr Prc | Crop                                            | Var/ Type | Int Use   | Lnd Use | Reported Acreage | Determined Acreage | O/ M | Crop Stat           | Plnt Prac | Prod Share | Prod ID |
|--------------|--------------|---------|-------------------------------------------------|-----------|-----------|---------|------------------|--------------------|------|---------------------|-----------|------------|---------|
| 939          | 1            | Ir      | SBEET                                           |           | Proces    |         | 45.10            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              |              |         | Crop SBEET                                      | Nirr 45.1 | Irr       |         |                  |                    |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: T16 S19 T11 R24 |           |           |         |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                       | 45.1      | Reported: | 45.1    | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 1022         | 1            | Ir      | WHEAT                                           | SWW       | Grain     |         | 75.50            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              |              |         | Crop WHEAT                                      | Nirr 75.5 | Irr       |         |                  |                    |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: T14 S17 T11 R24 |           |           |         |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                       | 75.5      | Reported: | 75.5    | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 1038         | 1            | Ir      | PTATO                                           | GRA       | Proces    | F FAV   | 35.50            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              |              |         | Crop OFAV                                       | Nirr 35.5 | Irr       |         |                  |                    |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: T16 S20 T11 R24 |           |           |         |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                       | 35.5      | Reported: | 35.5    | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 1480         | 1            | Ir      | WHEAT                                           | HRS       | Grain     |         | 5.40             |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 2            | Ir      | WHEAT                                           | HRS       | Grain     |         | 11.60            |                    |      | I                   |           | 1.0000     | 1251    |
|              | 3            | Ir      | WHEAT                                           | HRS       | Grain     |         | 4.90             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 4            | Ir      | WHEAT                                           | HRS       | Grain     |         | 9.00             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 5A           | Ir      | SBEET                                           |           | Proces    |         | 65.20            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 5B           | Ir      | BARLY                                           | SPR       | Grain     |         | 65.20            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 6            | Ir      | ALFAL                                           |           | Hay       |         | .80              |                    |      | I                   |           | 1.0000     | 1251    |
|              | 7            | Ir      | ALFAL                                           |           | Hay       |         | 1.60             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 8            | Ir      | ALFAL                                           |           | Hay       |         | 15.30            |                    |      | I                   |           | 1.0000     | 1251    |
|              | 9            | Ir      | ALFAL                                           |           | Hay       |         | 1.30             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 10           | Ir      | ALFAL                                           |           | Hay       |         | 112.70           |                    |      | I                   |           | 1.0000     | 1251    |
|              | 11           | Ir      | WHEAT                                           | HRS       | Grain     |         | 9.00             |                    |      | I                   | 2         | 1.0000     | 1251    |

379 (02-01-91)  
 FARM NUMBER: 3779

REPORT OF ACREAGE ( FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 1998  
 DATE: 12-04-2002

| Tract Number | Field Num ID | Irr Prc | Crop                                                        | Var/ Type  | Int Use   | Lnd Use    | Reported Acreage | Determined Acreage | O/ M | Crop Stat           | Plnt Prac | Prod Share | Prod ID |
|--------------|--------------|---------|-------------------------------------------------------------|------------|-----------|------------|------------------|--------------------|------|---------------------|-----------|------------|---------|
| 1480         |              |         |                                                             |            |           |            |                  |                    |      |                     |           |            |         |
|              |              |         | Crop ALFAL WHEAT                                            | Nirr 131.7 | Irr 39.9  | Crop BARLY | Nirr             | Irr 65.2           |      | Crop SBEET          | Nirr 65.2 | Irr        |         |
|              |              |         | Photo Number/Legal Description: CC10 S27.28 T10 R26         |            |           |            |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                                   | 302.0      | Reported: | 302.0      | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 1482         | 1            | Ir      | ALFAL                                                       |            | Hay       |            | 5.40             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 2            | Ir      | ALFAL                                                       |            | Hay       |            | .80              |                    |      | I                   |           | 1.0000     | 1251    |
|              | 3            | Ir      | WHEAT                                                       | HRS        | Grain     |            | 3.80             |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 4            | Ir      | WHEAT                                                       | HRS        | Grain     |            | 3.50             |                    |      | I                   |           | 1.0000     | 1251    |
|              | 5            | Ir      | WHEAT                                                       | HRS        | Grain     |            | 33.10            |                    |      | I                   |           | 1.0000     | 1251    |
|              | 6            | Ir      | WHEAT                                                       | SWW        | Grain     |            | 67.50            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 7            | Ir      | ALFAL                                                       |            | Hay       |            | 115.50           |                    |      | I                   |           | 1.0000     | 1251    |
|              | 8            | Ir      | WHEAT                                                       | HRS        | Grain     |            | 15.30            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 9            | Ir      | ALFAL                                                       |            | Hay       |            | 132.60           |                    |      | I                   |           | 1.0000     | 1251    |
|              | 10           | Ir      | WHEAT                                                       | HRS        | Grain     |            | 5.60             |                    |      | I                   | 2         | 1.0000     | 1251    |
|              |              |         | Crop ALFAL                                                  | Nirr 254.3 | Irr       | Crop WHEAT | Nirr             | Irr 128.8          |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: AA10 CC10 S27.28,29 T10 R26 |            |           |            |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                                   | 383.1      | Reported: | 383.1      | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 1959         | 1            | Ir      | SBEET                                                       |            | Proces    |            | 72.00            |                    |      | I                   | 2         | 1.0000     | 1251    |
|              |              |         | Crop SBEET                                                  | Nirr 72.0  | Irr       |            |                  |                    |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: T16 S30 T11 R24             |            |           |            |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                                   | 72.0       | Reported: | 72.0       | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 2003         | 1            | Ir      | WHEAT                                                       | SWW        | Grain     |            | 5.30             |                    |      | I                   | 2         | 1.0000     | 1251    |
|              | 2            | Ir      | WHEAT                                                       | SWW        | Grain     |            | 23.40            |                    |      | I                   |           | 1.0000     | 1251    |
|              | 3            | Ir      | ALFAL                                                       |            | Hay       |            | 119.80           |                    |      | I                   |           | 1.0000     | 1251    |
|              |              |         | Crop ALFAL                                                  | Nirr 119.8 | Irr       | Crop WHEAT | Nirr             | Irr 28.7           |      |                     |           |            |         |
|              |              |         | Photo Number/Legal Description: T16 S29 T11 R24             |            |           |            |                  |                    |      |                     |           |            |         |
|              |              |         | Cropland:                                                   | 148.5      | Reported: | 148.5      | Difference:      | .0                 |      | Reported D,B,S,R,A: |           | .0         |         |
| 8493         | 1            | Ir      | BARLY                                                       | SPR        | Grain     |            | 73.80            |                    |      | I                   | 2         | 1.0000     | 1251    |

VJK

RECEIVED

## MEMORANDUM OF CONTRACT OF SALE MAR 09 2006

NAMES OF SELLER: Denise Ann Funk, Richard Miles Funk, and Vicki Rae Keen.

NAME OF PURCHASER: Willow Creek Enterprises, LLC

DATE OF CONTRACT: March 3, 2006

LEGAL DESCRIPTION OF PROPERTY:

TOWNSHIP 10 SOUTH, RANGE 26 EAST, BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 22: N $\frac{1}{2}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 23: S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$

Situated in the County of Cassia, State of Idaho:

NOTICE IS HEREBY GIVEN that the above-named Seller has entered into a Real Estate Purchase and Sale Agreement ("Contract") wherein the above named Purchaser agreed to purchase, and the Seller agreed to sell, the real property above described. The terms of sale will include a cash payment in full at time of closing, at which time the Warranty Deed will be recorded.

Pursuant to the terms of said contract, title has been reserved in Seller until the closing of the above-described real property, and a Warranty Deed will be placed in escrow for delivery to the Purchaser at closing. Land Title and Escrow, Inc., Burley, Idaho will act as closing agent. The recording of such Warranty Deed at a future date will be conclusive proof, as against the Seller, and Sellers' heirs, personal representatives, successors, and assigns, that Purchaser has purchased the real property and that Seller has no further right, title or interest in and to the real property above described.

No water rights or items of personal (movable) property are being conveyed under the Contract.

This Agreement may be electronically generated or transmitted and executed, or executed via facsimile transmission, and as such shall be deemed true, correct and enforceable as an original.

DATED this 3 day of March, 2006.

MEMORANDUM OF CONTRACT OF SALE - Page 1 of 3

72K

Seller:

Denise Ann Funk

Richard Miles Funk

Vicki R. Keen  
Vicki Rae Keen

Buyer:

WILLOW CREEK ENTERPRISES, LLC

By: Reed Gibby  
Reed Gibby, Member

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:

On this \_\_\_\_\_ day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE ANN FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:

MEMORANDUM OF CONTRACT OF SALE - Page 2 of 3

On this 7<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD MILES FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at \_\_\_\_\_

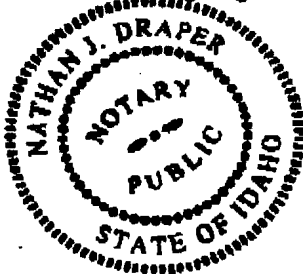
My Commission Expires: \_\_\_\_\_

STATE OF IDAHO )

County of ADA )

ss:

On this 7<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared VICKI RAE KEEN, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.



*Nathan J. Draper*

Notary Public for Idaho

Residing at: BOISE, ID.

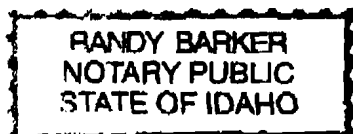
My Commission Expires: 9-25-09

STATE OF IDAHO )

County of Cassia )

ss:

On this 8<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared REED GIBBY, known or identified to me to be the Member or Members of the Limited Liability Company of WILLOW CREEK ENTERPRISES, LLC, and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that he executed the same in said Limited Liability Company name.



*Randy Barker*

Notary Public for Idaho

Residing at: Albion, ID

My Commission Expires: 3/3/09

MEMORANDUM OF CONTRACT OF SALE - Page 3 of 3

This Agreement may be electronically generated or transmitted and executed, or executed via facsimile transmission, and as such shall be deemed true, correct and enforceable as an original.

DATED this 3<sup>rd</sup> day of March, 2006.

Seller:

Denise Ann Funk  
Denise Ann Funk

Richard Miles Funk  
Richard Miles Funk

Vicki Rae Keen  
Vicki Rae Keen

Buyer:

WILLOW CREEK ENTERPRISES, LLC

By: Reed Gibby  
Reed Gibby, Member

STATE OF Connecticut )

County of Hartford )

SS: Glastonbury, CT. 06033

On this 3<sup>rd</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE ANN FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.

Cheryl C. McDONALD  
Notary Public for Connecticut

Residing at Glastonbury, CT

My Commission Expires: 10/31/07

CHERYL C. McDONALD  
NOTARY PUBLIC  
MY COMMISSION EXPIRES OCT. 31, 2006

MEMORANDUM OF CONTRACT OF SALE - Page 3 of 3

On this 7<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD MILES FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at \_\_\_\_\_

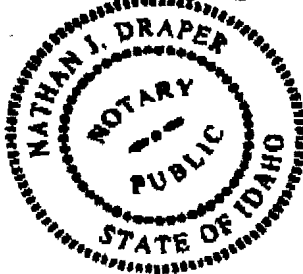
My Commission Expires: \_\_\_\_\_

STATE OF IDAHO )

County of ADA )

ss:

On this 7<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared VICKI RAE KEEN, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.



*Nathan J. Draper*

Notary Public for Idaho

Residing at: BASE, Id.

My Commission Expires: 9-25-09

STATE OF IDAHO )

County of Cassia )

ss:

On this 8<sup>th</sup> day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared REED GIBBY, known or identified to me to be the Member or Members of the Limited Liability Company of WILLOW CREEK ENTERPRISES, LLC, and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that he executed the same in said Limited Liability Company name.

*Randy Barker*

Notary Public for Idaho

Residing at: Albion, Id.

My Commission Expires: 3/3/09

MEMORANDUM OF CONTRACT OF SALE - Page 3 of 3

03/13/2006 09:23 LAND TITLE BURLEY → 6544402

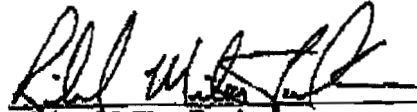
NO. 429 0003

Mar. 10. 2006 4:54PM OXLAND CONSTRUCTION

No. 6279 P. 2

Seller:

Denise Ann Funk



Richard Miles Funk

Vicki Rae Keen

Buyer:

WILLOW CREEK ENTERPRISES, LLC

By:

Reed Gibby, Member

STATE OF \_\_\_\_\_ )  
ss:  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared DENISE ANN FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.

Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
ss:  
County of \_\_\_\_\_ )

03/13/2006 09:23 LAND TITLE BURLEY → 6544402

NO. 429 0004

Mar. 10. 2006 4:54PM OKLAND CONSTRUCTION

No. 6279 P. 3

On this 09 day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD MILES FUNK, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that he executed the same.



James A. King  
 Notary Public for Idaho  
 Residing at Hailey, ID  
 My Commission Expires: 11-20-08

STATE OF IDAHO )  
 ) ss:  
 County of \_\_\_\_\_ )

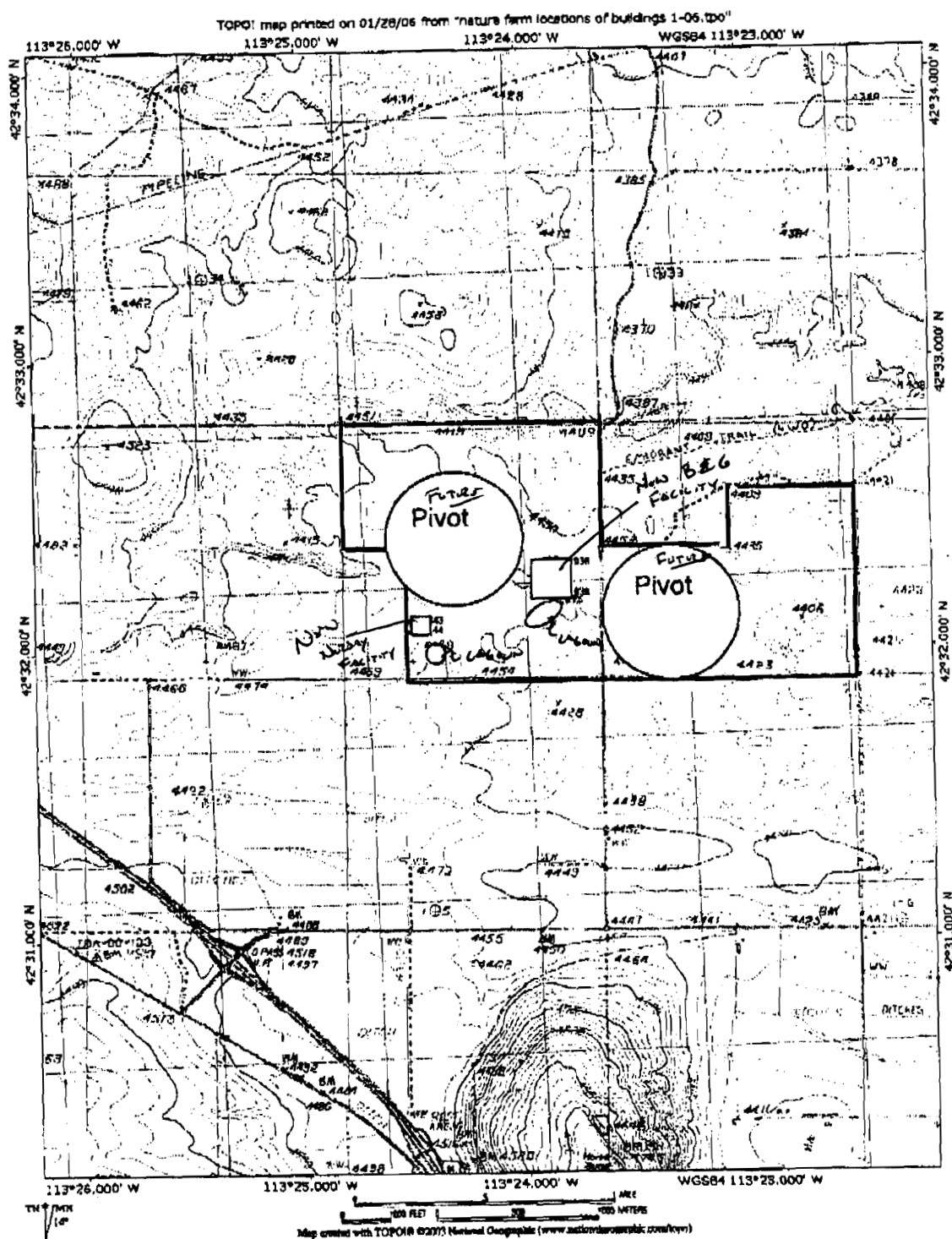
On this \_\_\_\_\_ day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared VICKI RAE KEEN, known or identified to me to be the person who signed the within and foregoing instrument and acknowledged to me that she executed the same.

\_\_\_\_\_  
 Notary Public for Idaho  
 Residing at: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss:  
 County of Cassia )

On this \_\_\_\_\_ day of March, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared REED GIBBY, known or identified to me to be the Member or Members of the Limited Liability Company of WILLOW CREEK ENTERPRISES, LLC, and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that he executed the same in said Limited Liability Company name.

\_\_\_\_\_  
 Notary Public for Idaho  
 Residing at: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_



Rupert Consumptive Use from Allen and Brockway 83

\*\* Monthly average daily (mm/day) and Seasonal Totals (mm) \*\*

|              | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Total |
|--------------|------|------|------|------|------|------|------|------|-------|
| ETr          |      |      |      |      |      |      |      |      |       |
| MEAN ETr     | 1.90 | 4.62 | 6.16 | 7.85 | 8.38 | 6.80 | 5.21 | 3.43 | 1358. |
| STDV ETr     | 0.39 | 0.45 | 0.58 | 0.53 | 0.32 | 0.31 | 0.35 | 0.37 | 48.   |
| Alfalfa Hay  |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 2.68 | 5.72 | 6.89 | 6.87 | 5.18 | 3.58 | 1.29 | 986.  |
| MEAN IR      |      | 2.25 | 5.12 | 6.34 | 6.71 | 5.05 | 3.30 | 0.92 | 908.  |
| STDEV CU     |      | 0.26 | 0.54 | 0.47 | 0.26 | 0.23 | 0.24 | 0.14 | 35.   |
| STDEV IR     |      | 0.51 | 0.83 | 0.85 | 0.36 | 0.31 | 0.59 | 0.36 | 46.   |
| Alfalfa Seed |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 2.99 | 5.54 | 6.89 | 6.05 | 3.08 | 1.62 | 0.54 | 817.  |
| MEAN IR      |      | 2.55 | 4.95 | 6.34 | 5.89 | 2.96 | 1.36 | 0.19 | 742.  |
| STDEV CU     |      | 0.29 | 0.52 | 0.47 | 0.23 | 0.14 | 0.11 | 0.06 | 32.   |
| STDEV IR     |      | 0.54 | 0.81 | 0.85 | 0.32 | 0.22 | 0.46 | 0.30 | 44.   |
| Dry Beans    |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      |      | 1.85 | 3.04 | 7.23 | 4.71 | 0.72 |      | 541.  |
| MEAN IR      |      |      | 1.45 | 2.68 | 7.09 | 4.59 | 0.51 |      | 503.  |
| STDEV CU     |      |      | 0.17 | 0.21 | 0.28 | 0.21 | 0.05 |      | 19.   |
| STDEV IR     |      |      | 0.42 | 0.50 | 0.35 | 0.27 | 0.35 |      | 25.   |
| Field Corn   |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      |      | 1.85 | 2.97 | 7.11 | 6.36 | 4.19 | 1.12 | 724.  |
| MEAN IR      |      |      | 1.41 | 2.56 | 6.95 | 6.22 | 3.90 | 0.77 | 670.  |
| STDEV CU     |      |      | 0.17 | 0.20 | 0.27 | 0.29 | 0.28 | 0.12 | 23.   |
| STDEV IR     |      |      | 0.45 | 0.53 | 0.36 | 0.36 | 0.62 | 0.33 | 29.   |
| Silage Corn  |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      |      | 1.85 | 2.97 | 7.11 | 6.36 | 4.19 |      | 690.  |
| MEAN IR      |      |      | 1.41 | 2.56 | 6.95 | 6.22 | 3.90 |      | 646.  |
| STDEV CU     |      |      | 0.17 | 0.20 | 0.27 | 0.29 | 0.28 |      | 22.   |
| STDEV IR     |      |      | 0.45 | 0.53 | 0.36 | 0.36 | 0.62 |      | 30.   |
| Sweet Corn   |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      |      | 1.85 | 2.66 | 6.52 | 6.22 |      |      | 533.  |
| MEAN IR      |      |      | 1.41 | 2.26 | 6.37 | 6.08 |      |      | 498.  |
| STDEV CU     |      |      | 0.17 | 0.18 | 0.25 | 0.28 |      |      | 19.   |
| STDEV IR     |      |      | 0.45 | 0.51 | 0.34 | 0.35 |      |      | 27.   |
| Peas         |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 1.40 | 3.50 | 6.36 | 2.93 |      |      |      | 432.  |
| MEAN IR      |      | 1.04 | 3.05 | 5.90 | 2.82 |      |      |      | 390.  |
| STDEV CU     |      | 0.14 | 0.33 | 0.43 | 0.11 |      |      |      | 20.   |
| STDEV IR     |      | 0.36 | 0.57 | 0.76 | 0.19 |      |      |      | 34.   |
| Potatoes     |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 1.39 | 1.98 | 5.32 | 7.04 | 5.30 | 3.11 |      | 738.  |
| MEAN IR      |      | 1.09 | 1.63 | 4.95 | 6.92 | 5.19 | 2.91 |      | 694.  |
| STDEV CU     |      | 0.14 | 0.19 | 0.36 | 0.27 | 0.24 | 0.21 |      | 24.   |
| STDEV IR     |      | 0.31 | 0.39 | 0.61 | 0.33 | 0.29 | 0.45 |      | 33.   |
| Sugar Beets  |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 1.39 | 1.86 | 3.89 | 8.11 | 6.66 | 4.47 | 2.21 | 876.  |
| MEAN IR      |      | 0.99 | 1.41 | 3.44 | 7.94 | 6.51 | 4.18 | 1.83 | 807.  |
| STDEV CU     |      | 0.14 | 0.17 | 0.26 | 0.31 | 0.30 | 0.30 | 0.24 | 26.   |
| STDEV IR     |      | 0.38 | 0.46 | 0.61 | 0.40 | 0.37 | 0.65 | 0.44 | 36.   |
| Spring Grain |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 1.40 | 3.84 | 7.76 | 7.84 | 1.95 |      |      | 698.  |
| MEAN IR      |      | 1.05 | 3.39 | 7.26 | 7.69 | 1.85 |      |      | 651.  |
| STDEV CU     |      | 0.14 | 0.36 | 0.53 | 0.30 | 0.09 |      |      | 28.   |
| STDEV IR     |      | 0.35 | 0.60 | 0.86 | 0.38 | 0.16 |      |      | 41.   |
| Winter Grain |      |      |      |      |      |      |      |      |       |
| MEAN CU      | 0.75 | 4.00 | 6.15 | 7.85 | 7.45 | 1.55 |      |      | 849.  |
| MEAN IR      | 0.35 | 3.56 | 5.59 | 7.30 | 7.29 | 1.45 |      |      | 781.  |
| STDEV CU     | 0.15 | 0.39 | 0.58 | 0.53 | 0.29 | 0.07 |      |      | 38.   |
| STDEV IR     | 0.30 | 0.62 | 0.85 | 0.90 | 0.37 | 0.15 |      |      | 54.   |
| Pasture      |      |      |      |      |      |      |      |      |       |
| MEAN CU      |      | 2.78 | 4.75 | 6.04 | 6.45 | 5.24 | 4.01 | 2.64 | 976.  |

2.97 AF/ac

|            |      |      |      |      |      |      |      |      |
|------------|------|------|------|------|------|------|------|------|
| MEAN IR    | 2.36 | 4.21 | 5.54 | 6.30 | 5.11 | 3.73 | 2.26 | 103. |
| STDEV CU   | 0.27 | 0.44 | 0.41 | 0.25 | 0.24 | 0.27 | 0.28 | 33.  |
| STDEV IR   | 0.51 | 0.72 | 0.77 | 0.33 | 0.31 | 0.61 | 0.47 | 42.  |
| Orchard    |      |      |      |      |      |      |      |      |
| MEAN CU    | 1.85 | 3.38 | 6.16 | 7.12 | 5.78 | 4.40 | 2.39 | 951. |
| MEAN IR    | 1.46 | 2.89 | 5.66 | 6.96 | 5.65 | 4.12 | 2.01 | 880. |
| STDEV CU   | 0.18 | 0.32 | 0.42 | 0.27 | 0.26 | 0.30 | 0.26 | 30.  |
| STDEV IR   | 0.42 | 0.59 | 0.78 | 0.36 | 0.33 | 0.64 | 0.45 | 40.  |
| Vegetables |      |      |      |      |      |      |      |      |
| MEAN CU    |      | 1.88 | 4.10 | 6.45 | 5.41 | 3.56 |      | 656. |
| MEAN IR    |      | 1.54 | 3.76 | 6.33 | 5.31 | 3.35 |      | 622. |
| STDEV CU   |      | 0.18 | 0.28 | 0.25 | 0.25 | 0.24 |      | 21.  |
| STDEV IR   |      | 0.38 | 0.52 | 0.31 | 0.29 | 0.49 |      | 27.  |

End of Data Set

**Close**

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

03/20/2006

WATER RIGHT NO. 43-13335

| <u>Owner Type</u>      | <u>Name and Address</u>                                                                        |
|------------------------|------------------------------------------------------------------------------------------------|
| Current Owner          | WILLOW CREEK ENTERPRISES<br>C/O REED GIBBY<br>576 S 650 E<br>BURLEY, ID 83318<br>(208)654-2733 |
| Directors Report Owner | LAU FAMILY PARTNERS<br>4109 GREENVIEW DR<br>EL DORADO HILLS, CA 95762<br>(916)933-8288         |
| Original Owner         | V & R FARMS LLC                                                                                |
| Original Owner         | VON GIBBY<br>715 S 750 E<br>BURLEY, ID 83318<br>(208)654-2054                                  |

Priority Date: 03/15/1963

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 4.77 CFS              | 1062.4 AFA    |
| Total Diversion       |             |           | 4.77 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |               |
|--------------|--------|---------|--------------|-----------|---------------|
| GROUND WATER | NWNWNE | Sec. 28 | Township 10S | Range 26E | CASSIA County |
| GROUND WATER | SWSESW | Sec. 28 | Township 10S | Range 26E | CASSIA County |
| GROUND WATER | SWSESE | Sec. 28 | Township 10S | Range 26E | CASSIA County |

IRRIGATION Use:

Acre Limit: 265.6

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 10S      | 26E   | 21      |     | NESE  | 33    |     | SESE  | 4.4   |     |       |       |     |       |       |
|          |       | 22      |     | NWSW  | 8.2   |     | SWSW  | 4.4   |     |       |       |     |       |       |
|          |       | 27      |     | SWNW  | 34.1  |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NWSW  | 1.9   |     |       |       |     |       |       |     |       |       |
|          |       | 28      |     | NENE  | 31.8  |     | NWNE  | 35.4  |     | SWNE  | 38.8  |     | SENE  | 40    |
|          |       |         |     | NENW  | 40    |     | SENE  | 40    |     |       |       |     |       |       |
|          |       |         |     | NESW  | 2.3   |     |       |       |     |       |       |     |       |       |
|          |       |         |     | NESE  | 5.6   |     | NWSE  | 0.7   |     |       |       |     |       |       |

Total Acres: 320.6

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                                            |
|----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | X27 | This right is limited to the irrigation of 265.6 acres within the place of use described above in a single irrigation season.                                                                                                                                                                                                              |
| 2. | WB4 | The total instantaneous diversion of water from all points of diversion under Rights 43-13335 and 43-13337 shall not exceed 5.30 cfs, nor a total combined annual volume of 1282.4 af at the field headgate, for the irrigation of 320.6 acres.                                                                                            |
| 3. | R64 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.                                                                                                                                                        |
| 4. | T17 | Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.                                                                                                 |
| 5. | 01Q | After specific notification by the Department, the right holder shall measure the diversions or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.                                                                |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                         |
| 7. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 8. | T07 | The right holder shall accomplish the change authorized by this transfer within one 1 year of the date of this approval.                                                                                                                                                                                                                   |
| 9. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.                                                                                                                                                                                                  |

Dates:

Licensed Date:

Decreed Date: 07/26/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 320.6

Combined Volume Limit: 1282.4

Combined Rate Limit: 5.3

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

03/20/2006

WATER RIGHT NO. 43-13337

| Owner Type             | Name and Address                                                                               |
|------------------------|------------------------------------------------------------------------------------------------|
| Current Owner          | WILLOW CREEK ENTERPRISES<br>C/O REED GIBBY<br>576 S 650 E<br>BURLEY, ID 83318<br>(208)654-2733 |
| Directors Report Owner | LAU FAMILY PARTNERS<br>4109 GREENVIEW DR<br>EL DORADO HILLS, CA 95762<br>(916)933-8288         |
| Original Owner         | V & R FARMS LLC                                                                                |
| Original Owner         | VON GIBBY<br>715 S 750 E<br>BURLEY, ID 83318<br>(208)654-2054                                  |

Priority Date: 01/27/1978

Basis: Decreed

Status: Active

| Source       | Tributary |
|--------------|-----------|
| GROUND WATER |           |

| Beneficial Use  | From  | To    | Diversion Rate | Volume     |
|-----------------|-------|-------|----------------|------------|
| IRRIGATION      | 04/01 | 10/31 | 4.8 CFS        | 1282.4 AFA |
| Total Diversion |       |       | 4.8 CFS        |            |

Location of Point(s) of Diversion:

|              |        |         |              |           |               |
|--------------|--------|---------|--------------|-----------|---------------|
| GROUND WATER | NWNWNE | Sec. 28 | Township 10S | Range 26E | CASSIA County |
| GROUND WATER | SWSESW | Sec. 28 | Township 10S | Range 26E | CASSIA County |
| GROUND WATER | SWSESE | Sec. 28 | Township 10S | Range 26E | CASSIA County |

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|

