

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 28 2005

Transfer No. 72396APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant PKD Properties, LLC & The Duncan Limited Partnership Phone (208) 436-1214Post Office address 750 E. 100 S. Rupert, ID 83350

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 Create PPU.
2. Describe the reason for the proposed changes To create a permissible place of use to authorize flexible management of water rights within irrigable farm area.

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>16383</u> 36-16058	<u>2/23/1948</u>	<u>3.63/1160</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
36-16060	<u>05/02/1953</u>	<u>3.82/1222</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
				to
				to

2. Total amount of water being transferred 7.45 cubic feet per second and/or 2382 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
	SE	NE	NE	19	7S	25E	Minidoka	Existing Well
	NE	SE	SE	19	7s	25e	Minidoka	Existing Well

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	
7S	25E	19	40	40	40	40									40	40	40	40	320
		20					40	40	40	40	40	40	40	40					320

PART 1

6. General Information:

- a. Description of diversion system Existing wells & distribution piping. Two wells will be connected by mainline to allow diversion from either well to all lands.
- 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.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Total irrigation within PPU will be limited to no more than 595.5 acres within a single irrigation season. See companion transfer of 15.5 acres to commercial uses.
- 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 _____.

Page 3 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72396

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
SEP 28 2005
Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-16058 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 69971 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 2/23/1948

5. Water is used for the following purpose:

Amount 3.82/1222 for Irrigation purposes from 3/15 to 11/15
(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 3.82 cubic feet per second and/or 1222 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	NE	NE	19	7S	25E	Minidoka	Existing irrigation well

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	
7S	25E	19	40	33.5	38.5	40													152
		20					33.5	40	40	40									153.5

Total acres 305.59. Describe any other water rights used for the same purpose as described above none

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

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount 3.63/1160 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NE	NE	19	7S	25E		Existing irrigation well

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	
7S	25E	19	34.8	33.5	38.5	40													146.8
		20					33.5	34.8	40	34.9									143.2

Total acres 290

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount 0.19/62 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NE	NE	19	7S	25E	Minidoka	Existing irrigation well

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	
7S	25E	19	5.2																5.2
		20						5.2		5.1									10.3

Total acres 15.5

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DEPARTMENT OF WATER RESOURCESTransfer No. 72396

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-16060 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 69971 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 2/23/1948

5. Water is used for the following purpose:

Amount 3.82/1222 for Irrigation purposes from 3/15 to 11/15
(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 3.82 cubic feet per second and/or 1222 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	SE	SE	19	7S	25E	Minidoka	Existing irrigation well

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	
7S	25E	19													40	38.5	33.5	40	152
		20									40	40	40	33.5					153.5

Total acres 305.59. Describe any other water rights used for the same purpose as described above none

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

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

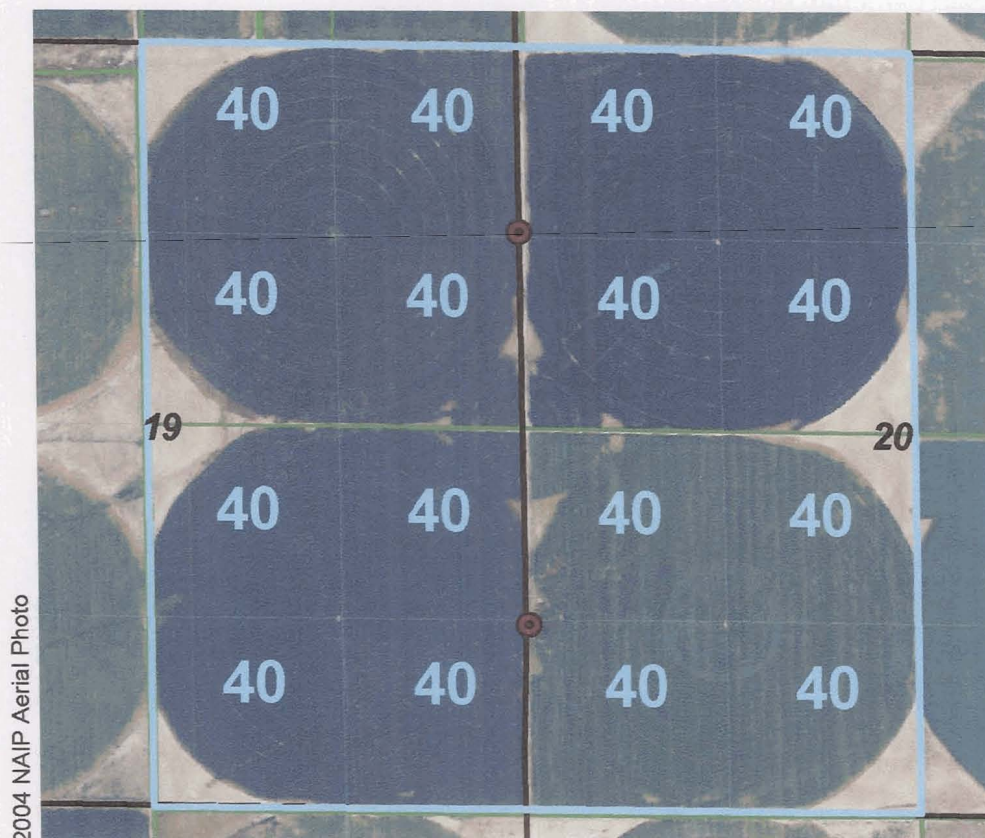
3. Lands irrigated or place of use:

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	

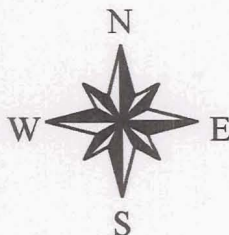
Total acres _____

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 rights described in part 1. Clearly depict the land by section, township and range number.



Proposed PPU
36-16058, 36-16060
(TWP. 7S, RNG. 25 E. Section 19, 20)



 Permissible Place of Use (Total 640 Ac.)

 Wells

 PLSS Township Boundaries

 PLSS Section Lines

 40's

0.2 0 0.2 0.4 0.6 0.8 Miles



PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
none
3. Describe the effects on other water uses resulting from the proposed change:
15.5 acres transferred to commercial uses - see companion transfer.
Total irrigation will be limited to 595.5 acres within 640 acre PPU.

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.

DKD Properties Durcon Limited
by Paul H. Duran Partnership
 (Signature of Applicant) by Paul H. Duran

Subscribed and sworn to before me this 11th day of August, 2005.



Kathryn Wall
 (Notary Public)

My commission expires 3/19/08

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments

Received by [Signature] Date 9/28/05 Protest filed by _____

Prelim. check by [Signature] Fee 9/28/05 \$530.00

Receipted by [Signature] Date 10/21/05 5028098

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 _____


Farm Credit Services

 1363 Fillmore Street
 P.O. Box 5059
 Twin Falls, Idaho 83303-5059
 208/733-2577

August 31, 2005

 Idaho Department of Water Resources
 1341 Fillmore St Suite 200
 Twin Falls, ID 83301

Dear Sirs:

We, Northwest Farm Credit Services, as lienholder, authorize the transfer of water rights as requested by PKD Properties, LLC and The Duncan Limited Partnership as it relates to Water Right numbers 36-16058 and 36-16060.

Sincerely,

Northwest Farm Credit Services, FLCA

By:

Kim M. Huettig
 Authorized Agent

State of Idaho

County of Twin Falls

On August 31, 2005, before me personally appeared Kim M. Huettig, known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that she was authorized to execute said instrument.

 STACEY L. KRIEGH
 Notary Public
 State of Idaho

Stacey L. Kriegh
 Stacey Kriegh

Notary Public for the State of Idaho

 Residing at *Burley, ID*

 My commission expires *06/06/2006*

Post-It® Fax Note

7671

Date	8/31	# of pages	1
To	Paul Duncan	From	Kim Huettig
Co./Dept.	FWI	Co.	FCS
Phone #		Phone #	732-1047
Fax #	436-1204	Fax #	

CERTIFICATE OF LIMITED PARTNERSHIP

OF

THE DUNCAN LIMITED PARTNERSHIP

The undersigned, desire to form a limited partnership pursuant to the laws of the State of Idaho and being all of the members of such limited partnership, having signed and sworn to this Certificate, certify as follows:

1. The name of the limited partnership is The Duncan Limited Partnership.

2. The character of the business of the partnership is as follows: Farming and ranching.

3. The location of the business is Route #1, Box 293-A, Rupert, Idaho 83350.

4. The name and address of the registered agent is Jack F. Duncan, Route #1, Box 293-A, Rupert, Idaho 83350.

5. The names and address of the general and limited partners are as follows:

General Partners:

Jack F. Duncan
Route #1, Box 293-A
Rupert, Idaho 83350

Janet H. Duncan
Route #1, Box 293-A
Rupert, Idaho 83350

Paul Hepworth Duncan
Route #1, Box 364
Rupert, Idaho 83350

Limited Partners:

Lori Duncan Arritt
Route #1, Box 373
Rupert, Idaho 83350

Sara Duncan Crane
Route #3, Box 146
Rupert, Idaho 83350

**CERTIFICATE OF
LIMITED PARTNERSHIP-1
04/bb**

W 9370		Due no later than July 31, 2006	
No.	Annual Report Form		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address - Correct in this box. If applicable PKD PROPERTIES, L.C. PAUL H DUNCAN 750 EAST 100 SOUTH RUPERT, ID 83350		2. Registered Agent and Office NO PO BOX PAUL H DUNCAN 750 EAST 100 SOUTH RUPERT, ID 83350
NO FILING FEE IF RECEIVED BY DUE DATE			3. New Registered Agent Signature
4. Limited Liability Companies: Enter Names and Addresses of Managers.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>
<u>State</u>	<u>Zip</u>		
member	Paul H Duncan	440 E Baseline	Rupert ID 83350
member	Kathy F Duncan	440 E Baseline	Rupert ID 83350
5. Organized Under the Laws of: IDAHO W 9370		6. Signature <u>Paul H. Duncan</u> Date <u>6/27/06</u> Name (Typed or Printed) <u>Paul H Duncan</u> Title <u>owner</u>	

Issued 05/01/2006

Do Not Tape or Staple

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