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MAR 20 2006

Department of Water Resources
Eastern Region

72696
Transfer No. ~~223~~

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

Name of Applicant: Grandview Ranches, LLC, an Idaho limited liability company
Post Office address: c/o Dwight E. Baker, PO Box 577, Blackfoot, ID 83221

Phone 208-785-2310 (208-681-2611 cell)

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other: Add Legal Description of point of diversions.
2. Describe the reason for the proposed changes: Changing irrigation system to circles resulting in dry corners and changing place of use to ground under pivots for easier irrigation, and removing Point of Diversion description authorized by Transfer 71485.

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		
35-7488	03-14-1975	4.24	Irrigation	04/01	to	10/31
35-2685	08-14-1961	3.66*	Irrigation	04/01		11/31
35-13046	05-01-1979	0.44*	Irrigation	04/01	to	10/31
35-2599	07-26-1960	2.01	Irrigation	04/01	to	11/31
35-7489	03-14-1975	3.35	Irrigation	04/01	to	11/31
35-7490	08-12-1976	5.46	Irrigation	04/01	to	10/31

2. Total amount of water being transferred 18.72*cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground Water _____ tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	SE	SW	25	03S	31 E	Bingham	1 & 4
	NE	NW	SE	36	03S	31E	Bingham	5 & 6
	NE	NW	SW	36	03S	31E	Bingham	2 & 3
~~X~~	~~SE~~	NE	SW	30	03S	32E	Bingham	7
	~~SE~~	SE	NW	31	03S	32E	Bingham	8 & 9

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	31E	25									40.	34.7	33.5	33.4	33.8	40.	34.2	33.3	282.9
		36	37.8	33.5	40	40	39.6	39.7	40.	20.5	35.9	40	34	34.2	40	40	35.7	32.5	583.4
03S	32E	30									35.3	32.1	37.1	39.6		3.6	5.9		153.6
		31		6.8	38.8		18.7	16	40.2	40.	40.	40.2				40.			280.7

* 35-2685 & 35-13046 Limited to total diversion rate of 3.66 cfs and 313 acres

Total Acres 1300.6

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6. General Information:

a. Description of diversion system: Irrigation wells with electric or diesel motors; § 25 - 150 HP electric; § 36 - 200 HP electric; W § 36 - 150 HP electric; § 30 - 150 HP diesel; § 31 - 200 HP electric. New well will be provided with diesel motor adequate to pump from 80 feet dept to 80 acres.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will become dry corners, seeded to crested wheat grass.

d. Remarks:

Application will result in more efficient use of water and power, and improved ability of control. New Well authorized by T 71485 will not be drilled.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

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

PART 2

Current Water Right No. 35-7488

Priority Date: 03/14/1975
Origin: Water Right
Basis: License
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01 10/31	4.24 CFS	1,168.0 AFA	
Total Diversion		4.24 CFS	1,168.0 AFA	

Source and Point(s) of Diversion:

Source	Point(s)	Diversion Rate	Volume	Subuse Code
GROUND WATER	SESW	03S 31E 25	BINGHAM	
GROUND WATER	NENWSE	03S 31E 36	BINGHAM	
GROUND WATER	NWSW	03S 31E 36	BINGHAM	
GROUND WATER	L4 (SWSW)	03S 32E 30	BINGHAM	
GROUND WATER	SESENW	03S 32E 31	BINGHAM	
GROUND WATER	NWNW	03S 32E 31	BINGHAM	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0	4.0	39.0	21.0		33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0	3.8	9.0			169.4
03S 32E 31	37.3	40.0			32.6	40.0	40.0	40.0	34.3	40.0			40.0				344.2

Total Acres: 1300.6

Conditions/Remarks:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right is for water held in trust by the state and is subject to review to determine availability of water for the use and to reevaluate the public interest on or after February 5, 2010.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Prior to diversion of water under this approval, the right holder shall provide lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

PART 2

Current Water Right No. 35-7488

6. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. This right is limited to the irrigation of 292 acres within the place of use described above in a single irrigation season.
9. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. 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.
11. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Documentation of Ownership of the Current Place of Use

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

YES

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer. IT DRY

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? NO

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

Current Water Right No. 35-2685

Priority Date: 08/14/1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	3.66 CFS		
Total Diversion		3.66 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SESW	03S 31E	25	BINGHAM
GROUND WATER	NENWSE	03S 31E	36	BINGHAM
GROUND WATER	NWSW	03S 31E	36	BINGHAM
GROUND WATER	L4 (SWSW)	03S 32E	30	BINGHAM
GROUND WATER	SESENW	03S 32E	31	BINGHAM
GROUND WATER	NWNW	03S 32E	31	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
03S 32E 31										L 3	L 4						
		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

Conditions/Remarks:

1. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
2. This right is limited to the irrigation of 276 acres within the place of use described above in a single irrigation season.
3. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Right 35-13046 is based on an enlargement of right 35-2685 pursuant of Section 42-1426, Idaho Code.

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

Current Water Right No. 35-2685

6. 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.
7. Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 3.66 cfs, a total annual maximum diversion volume of 1252 af at the field headgate, and the irrigation of 313 acres.
8. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. 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.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Documentation of Ownership of the Current Place of Use

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

Yes

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

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Snake River

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

Current Water Right No. 35-13046

Priority Date: 05/01/1979
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01 10/31	0.44 CFS		
Total Diversion		0.44 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SESW	03S	31E	25	BINGHAM
GROUND WATER	NENWSE	03S	31E	36	BINGHAM
GROUND WATER	NWSW	03S	31E	36	BINGHAM
GROUND WATER	L4 (SWSW)	03S	32E	30	BINGHAM
GROUND WATER	SESENW	03S	32E	31	BINGHAM
GROUND WATER	NWNW	03S	32E	31	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0	4.0	39.0	21.0		33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
										L 3	L 4						
03S 32E 31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

Conditions/Remarks:

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Right 34-13046 is based on an enlargement of right 35-2685 pursuant to Sec 42-1426, Idaho Code.
3. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. Rights 35-2685 and 35-13046 when combined shall not exceed a total diversion rate of 3.66 cfs, a total annual maximum diversion volume of 1252 af at the field headgate, and the irrigation of 313 acres.
5. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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

Current Water Right No. 35-13046

6. 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.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10. This right is limited to the irrigation of 37 acres within the place of use described above in a single irrigation season.
11. 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.
12. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.

Documentation of Ownership of the Current Place of Use

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

Yes

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

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

Current Water Right No. 35-2599

Priority Date: 07/26/1960
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01 11/01	2.01 CFS	854.0 AFA	
Total Diversion		2.01 CFS	854.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESW	03S	31E	25	BINGHAM
GROUND WATER	NENWSE	03S	31E	36	BINGHAM
GROUND WATER	NWSW	03S	31E	36	BINGHAM
GROUND WATER	L4 (SWSW)	03S	32E	30	BINGHAM
GROUND WATER	SESENW	03S	32E	31	BINGHAM
GROUND WATER	NWNW	03S	32E	31	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
									L 3	L 4							
03S 32E 31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

Conditions/Remarks:

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 35-2599

5. This right is limited to the irrigation of 222 acres within the place of use described above in a single irrigation season.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
9. 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.
10. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Documentation of Ownership of the Current Place of Use

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

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

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

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

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Current Water Right No. 35-7489

Priority Date: 03/14/1975

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.35 CFS	670.4 AFA	
	Total Diversion	3.35 CFS	670.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESW	03S 31E 25	BINGHAM
GROUND WATER	NENWSE	03S 31E 36	BINGHAM
GROUND WATER	NWSW	03S 31E 36	BINGHAM
GROUND WATER	L4 (SWSW)	03S 32E 30	BINGHAM
GROUND WATER	SESENW	03S 32E 31	BINGHAM
GROUND WATER	NWNW	03S 32E 31	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
										L 3	L 4						
03S 32E 31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

Conditions/Remarks:

1. This right is limited to the irrigation of 167.6 acres within the place of use described above in a single irrigation season.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7489

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Documentation of Ownership of the Current Place of Use

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

Yes

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

dry

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

No

72696

Page 13 of 16

Page 1

RECEIVED

MAY 11 2005

Department of Water Resources

Transfer No. 72696

Receipt No. _____

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

Current Water Right No. 35-7490

Priority Date: 08/12/1976
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	5.46 CFS	1,224.0 AFA	
Total Diversion		5.46 CFS	1,224.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESW	03S	31E	25	BINGHAM
GROUND WATER	NENWSE	03S	31E	36	BINGHAM
GROUND WATER	NWSW	03S	31E	36	BINGHAM
GROUND WATER	L4 (SWSW)	03S	32E	30	BINGHAM
GROUND WATER	SESENW	03S	32E	31	BINGHAM
GROUND WATER	NWNW	03S	32E	31	BINGHAM

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 31E 25									40.0	33.0	33.0	33.0	33.0	40.0	33.0	40.0	285.0
03S 31E 36	40.0	33.0	40.0	40.0		4.0	39.0	21.0	33.0	40.0	33.0	33.0	40.0	40.0	33.0	33.0	502.0
03S 32E 30									36.0	40.3	40.3	40.0		3.8	9.0		169.4
										L 3	L 4						
03S 32E 31		37.3	40.0		32.6	40.0	40.0	40.0	34.3	40.0				40.0			344.2
						L 1	L 2			L 3							

Total Acres: 1300.6

Conditions/Remarks:

1. Prior to the diversion and use of water under Transfer approval 71485, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. 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.
3. Prior to diversion of water under this approval, the right holder shall provide a lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. 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.

72696

Page 14 of 16

Page 2

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MAR 20 2009

Department of Water Resources

Transfer No. 72696

Receipt No. _____

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

Current Water Right No. 35-7490

5. The total instantaneous diversion of water from all points of diversion under Rights 35-7488, 35-2685, 35-13046, 35-2599, 35-7489 and 35-7490 shall not exceed 18.72 cfs, nor a total combined annual volume of 5168.4 af for the irrigation of 1300.6 acres.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
8. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. This right is limited to the irrigation of 306 acres within the place of use described above in a single irrigation season.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Documentation of Ownership of the Current Place of Use

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

yes

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

dry

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

no

72696

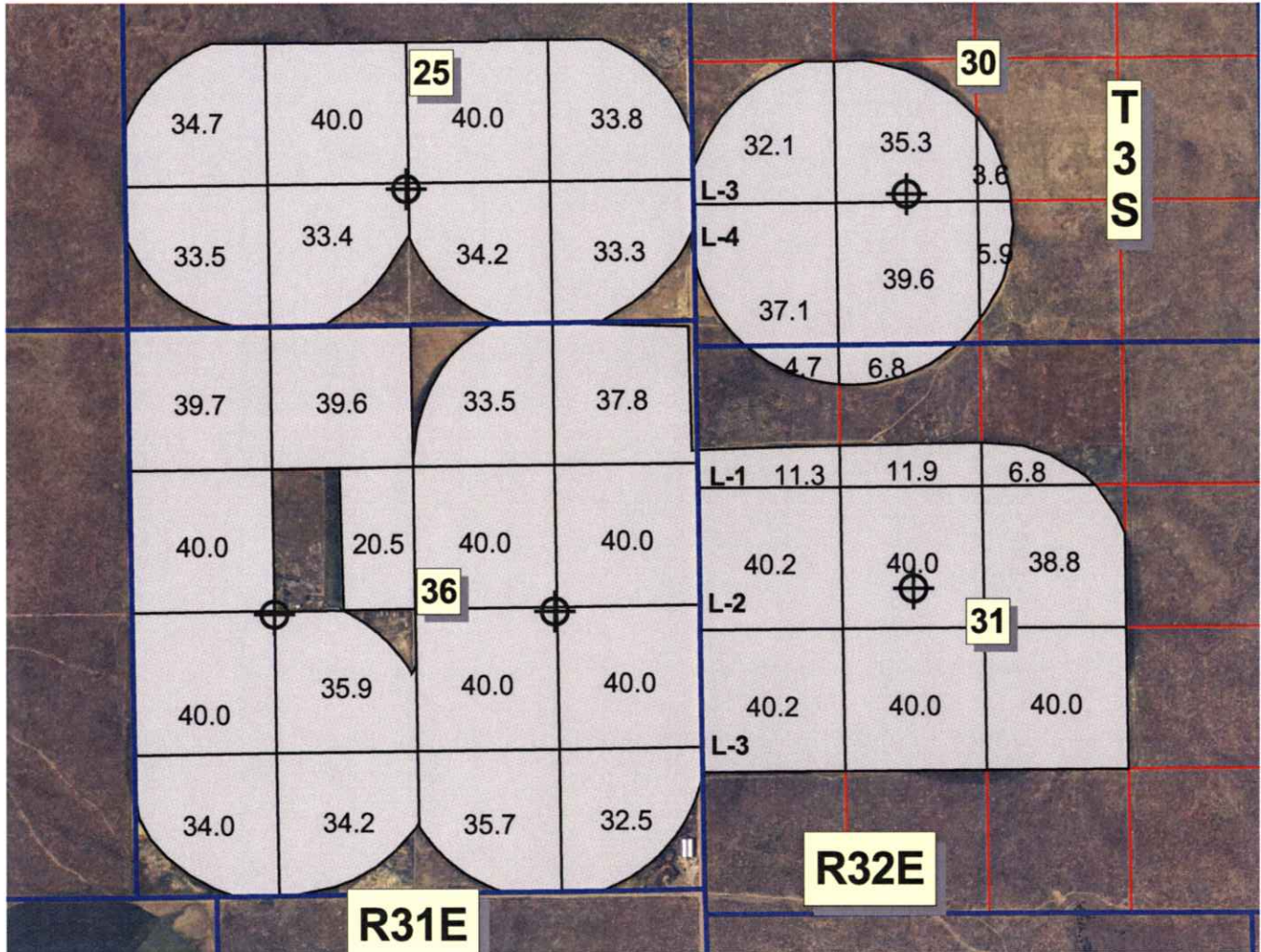
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MAR 20 2006

Department of Water Resources
Eastern Region

72696

Page 15 of 16



0.5 0 0.5 1 Miles

- Sections
- Bakerpu_r31.shp
- Bakerpu_r32.shp
- GCDB03S32E GCDB



72696

PART 3

B. CHANGES IN NATURE OF USE

1.

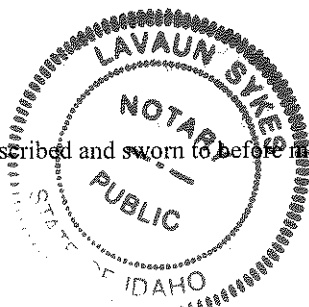
<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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



Laura E. Baker, owner, manager LLC
 (Signature of Applicant)

Subscribed and sworn to before me this 22nd day of March, 2006.

Lavaun Sykes
 (Notary Public)

My commission expires 5-17-08

RECEIVED

FOR DEPARTMENT USE ONLY

MAR 24 2006

Transfer contains 16 pages and _____ attachments

Received by KCW Date 3/20/06 Protest filed by _____

Prelim. Check by KCW Fee \$970.00 E031761

Received by KCW Date 3/21/06

Published in Statewide Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

EXHIBIT "A"

Real Property

Township 3 South, Range 31 E.B.M., Bingham County, Idaho

Section 25: S $\frac{1}{2}$

Section 36: All, EXCEPTING: Commencing at the SW corner of Section 36; thence E. along the S. line a distance of approximately 700 feet, more or less, to a point 60 feet beyond the NW corner of Section 1, Township 4 South, Range 31 E.B.M.; thence N. a distance of 26 feet; thence W. a distance of 700 feet, more or less, to the W. boundary line of Section 36, Township 3 South, Range 31 E.B.M.; thence S. along the W. Section line of said Section 36 a distance of 26 feet to the point of beginning.

Township 3 South, Range 32 E.B.M., Bingham County, Idaho

Section 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 31: Lots 1, 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Conveying with the herein described and any and all water rights belonging or in anywise appertaining thereto, and including as applicable the following:

Water Rights including but not limited to IDWR #S 35-07488, 35-07489, 35-07490, 35-02685, 35-02599 & 35-09032.

All of the Owner's interest in all appurtenant oil, gas, and mineral rights.

After recording, return to:
John Anderson
First American Title
P.O. Box 868
168 West Pacific
Blackfoot, ID 83221

520832

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 12.00 DEP C

2002 DEC 30 PM 3:45

RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

SPECIAL WARRANTY DEED

THIS DEED is made as of this 21st day of December 2002, between **MONY LIFE INSURANCE COMPANY** (formerly known as The Mutual Life Insurance Company of New York), a New York corporation (hereinafter referred to as "Grantor"), and **JAMES W. BAKER**, a married man dealing as to his sole and separate property (hereinafter referred to as "Grantee"), whose address is 1055 SW Englewood Drive, Lake Oswego, Oregon 97034.

WITNESSETH:

For and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee, and the heirs, legal representatives, successors and assigns of Grantee, all those tracts or parcels of land lying and being in Bingham County, Idaho and being more particularly described on Exhibit A attached hereto and hereby made a part hereof by this reference (the "Property").

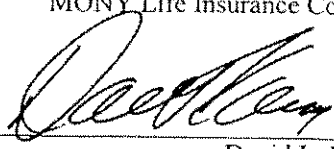
To have and to hold the Property, together with any and all improvements located thereon, and any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee and the heirs, legal representatives, successors and assigns of Grantee, forever, in fee simple, including, but not limited to, any right, title and interest Grantor may have in and to the water rights described on Exhibit A attached hereto and hereby made a part hereof by this reference.

Grantor shall warrant and forever defend the right and title to the Property unto Grantee and the heirs, legal representatives, successors and assigns of Grantee, against the claims of all persons claiming by, through or under Grantor; provided, however, this conveyance is made subject to, and there are hereby excepted from the warranty hereinabove set forth, all matters set forth on Exhibit B attached hereto and hereby made a part hereof.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this deed the day and year first above written.

GRANTOR

MONY Life Insurance Company

By: 

David L. Brown,
Authorized Signatory

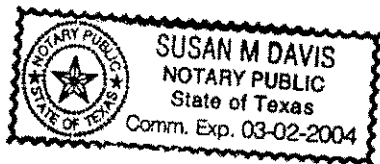
T 72696
ATTACHMENT 2 OF 7

STATE OF TEXAS

COUNTY OF LUBBOCK

On this 27th day of December, 2002, before me, a Notary Public in and for said county and state, personally appeared David L. Brown, an authorized signatory of MONY Life Insurance Company, a New York corporation, formerly known as The Mutual Life Insurance Company of New York, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year last above written.



Susan M. Davis
Notary Public, State of Texas
Printed Name of Notary: Susan M. Davis
My Commission Expires: March 2, 2004

This instrument prepared by:
David M. Brown, Chief Counsel
MONY Agricultural Investment Advisers, Inc.
1286 Jungermann Road, Suite A,
St. Peters, Missouri 63376

EXHIBIT A
to Special Warranty Deed

Real Property Legal Description:

PARCEL I:

Township 3 South, Range 31 E.B.M., Bingham County, Idaho

Section 25: ~~SW~~

Section 36: All EXCEPTING: Commencing at the SW corner of Section 36; thence E. along the S. Section line a distance of approximately 700 feet, more or less, to a point 60 feet beyond the NW corner of Section 1, Township 4 South, Range 31 E.B.M.; thence N. a distance of 26 feet; thence W. a distance of 700 feet, more or less, to the W. boundary line of Section 36, Township 3 South, Range 31 E.B.M.; thence S. along the W. section line of said Section 36 a distance of 26 feet to the point of beginning.

O. Acc

Parcel II

ALSO EXCEPTING: A portion of the ~~SE~~~~SW~~ of Section 36, Township 3 South, Range 31 E.B.M., Bingham County, Idaho, described as: Beginning at the SE corner of said Section 36, thence Westerly along the S. line of Section 36, 552.196 feet; thence Northerly, parallel to the E. line of Section 36, 552.196 feet; thence Easterly, parallel to the S. line of Section 36, 552.196 feet; thence Southerly along the E. line of Section 36, 552.196 feet to the point of beginning.

Township 3 South, Range 32 E.B.M., Bingham County, Idaho

Section 30: Lots 3 and 4; ~~EW~~~~SW~~; ~~W~~~~SE~~

Section 31: Lots 1, 2 and 3 ~~W~~~~N~~~~E~~; ~~E~~~~N~~~~W~~; ~~N~~~~E~~~~SW~~; ~~N~~~~W~~~~SE~~

PARCEL II:

A portion of the ~~SE~~~~SW~~ of Section 36, Township 3 South, Range 31 E.B.M., Bingham County, Idaho, described as:

Beginning at the SE corner of said Section 36, thence Westerly along the S. line of Section 36, 552.196 feet; thence Northerly, parallel to the E. line of Section 36, 552.196 feet; thence Easterly, parallel to the S. line of Section 36, 552.196 feet; thence Southerly along the E. line of Section 36, 552.196 feet to the point of beginning.

Water Rights:

Idaho Department of Water Resources Water License Nos. S 35-07488, 35-07489, 35-07490, 35-02685 and 35-02599.

Idaho Department of Water Resources Adjudication Claims A35-13046 and A35-09032.

EXHIBIT B
to Special Warranty Deed

Permitted Encumbrances

1. All taxes, assessments and similar charges for the year 2003 and all subsequent years; all taxes, assessments and similar charges (including any and all fines, penalties and interest charges in connection therewith) that may be levied, assessed, recaptured or otherwise imposed with respect to the Property or any part thereof for any period before or after the date hereof which result from or arise out of any change in the use of, or other change in circumstances relating to, the Property or any part thereof after the date hereof.
2. All exceptions and exclusions set forth in 2nd Revised Commitment No. B46839 issued by First American Title Insurance Company bearing effective date of December 17, 2002.
3. Any and all matters which would be disclosed by a current survey or inspection of the Property.
4. Any and all prior reservations, conveyances, grants or leases of minerals of whatever kind or character (including, without limitation, oil, gas, coal, lignite, clay, sand, gravel, rock, aggregate and other minerals) located in, on or under the Property or any part thereof and all rights and easements with respect to the exploration, mining, drilling, extraction, removal and production of such minerals.
5. Any and all claims of the sovereign or any other person or entity with respect to portions of the Property which border or are under any body of water.
6. All road, railroad, utility, pipeline, drainage, flowage, access or other easements or rights of way affecting the Property.
7. Unrecorded Lease Agreement dated October 4, 2002, entered into by and between U.S. Bank, N.A., agent for MONY Life Insurance Company as Lessor, and R.D. Wynn Farms as Lessee.
8. Unrecorded Farm Cash Rent Lease Agreement dated June 3, 2002, entered into by and between U.S. Bank, N.A., agent for MONY Life Insurance Company as Lessor, and Milk Stool Ranches as Lessee.

523832

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I, James W. Baker, a married person, of 1055 SW Englewood, Lake Oswego, Oregon, 97034, being desirous of appointing an attorney in fact, to act for me and on my behalf in all matters in which I may have any interest, do hereby nominate, constitute and appoint Dwight E. Baker, 255 West 300 North, Blackfoot Idaho 83221 as my true and lawful attorney in fact, with full power to pledge, mortgage or execute deeds of trust for, or all of my property, real, personal or mixed under such terms or conditions as she may deem proper, and to execute and deliver good and sufficient instruments for the accomplishment thereof; to collect, sue upon, compromise or otherwise adjust any claim, debts, bequest, devise or inheritance in which I now or hereafter may have an interest, including authority expressly given herein to sign for me and on my behalf any or all vouchers for pay and allowances or for other moneys now due or to become due me from the government of the United States, and to receive, endorse and collect checks payable to me drawn on the Treasurer of the United States, for whatever compromise or otherwise discharge and secure releases from any obligations or claims against me; to deposit in my name and for my account with any bank, banker or trust company any check, including the aforementioned checks drawn on the Treasurer of the United States, which may come to her hands as such attorney, and all money payable or belonging to me, and for that purpose to sign my name and endorse the same for deposit or collection, and from time to time to withdraw any and all moneys deposited with the aforesaid depositories, or any other depository, now or hereafter having moneys belonging to me, and for that purpose to draw checks in my name.

FURTHER, I do authorize my aforesaid attorney in fact to perform all necessary acts in the execution of the aforesaid powers herein granted. This grant of authority is not intended to be limited to the terms specifically set herein, but rather shall be construed to broadly include and embrace full and unlimited power and authority to do and perform on my behalf and in my place and stead and with equal validity any and all other lawful acts or things which I could do if personally present.

This Power of Attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of December, 2002.

James W. Baker
James W. Baker

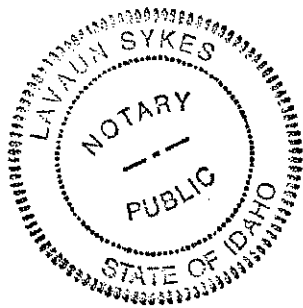
STATE OF IDAHO)
) ss:
County of Bingham)

On this 23rd day of December, 2002, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared James W. Baker, known to me to be the person whose name is subscribed 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 first above written.

Laura Sipes

T 72696
ATTACHMENT 6 OF 7



Notary Public for Idaho
Residing at Blackfoot
My Commission Expires 5-17-08

No. W 34089	Due no later than Oct 31, 2005 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. GRANDVIEW RANCH, LLC DWIGHT E BAKER PO BOX 577 BLACKFOOT ID 83221 0000		DWIGHT E BAKER 199 W BRIDGE BLACKFOOT ID 83221 0000
			3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of Managers or Members.			
<u>Office Held</u>	<u>Name</u>	<u>Street or PO Address</u>	<u>City</u> <u>State</u> <u>Country</u> <u>Zip</u>
MEMBER	DWIGHT E BAKER	PO BOX 577	BLACKFOOT ID 83221
MEMBER	JAMES W BAKER	1055 SW ENGLEWOOD	LAKE OSWEGO OR 97034
5. Organized Under the Laws of: IDAHO W 34089		6. Annual Report must be signed.* Signature: Dwight E. Baker Date: 08/10/2005 Name (type or print): Dwight E. Baker Title: Dwight E. Baker, Member	
Processed 08/10/2005		*Electronically provided signatures are accepted as original signatures.	

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

2004 OCT 22 AM 9:09
STATE OF IDAHO

FILED-EFFECTIVE

- The name of the limited liability company is:
GrandView Ranch, LLC
- The street address of the initial registered office is:
199 W Bridge, Blackfoot, ID 83221
and the name of the initial registered agent at the above address is:
Dwight E. Baker
- The mailing address for future correspondence is:
PO Box 577
- Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒ (please check the appropriate box)
- 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 member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
<u>Dwight E. Baker</u>	<u>PO Box 577, Blackfoot, ID 83221</u>
<u>James W. Baker</u>	<u>1055 SW Englewood, Lake Oswego OR 97004</u>
_____	_____
_____	_____
_____	_____

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

Signature: *Dwight E. Baker*
 Typed Name: Dwight E. Baker
 Capacity: Member

Signature: _____
 Typed Name: _____
 Capacity: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
 10/22/2004 05:00
 CK: 9526 CT: 56248 BH: 772567
 I P 100.00 = 100.00 ORGAN LLC # 2

Web Form

W34089



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for GRANDVIEW RANCH, LLC](#)]

GRANDVIEW RANCH, LLC

PO BOX 577
BLACKFOOT, ID 83221

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Aug 2005

State of Origin: IDAHO

Date of 22 Oct 2004

Origination/Authorization:

Current Registered Agent: DWIGHT E BAKER
199 W BRIDGE
BLACKFOOT, ID 83221

File Number: W34089

Date of Last Annual Report: 10 Aug 2005

Amendments:

Amendment filed 22 Oct 2004 ARTICLES OF
ORGANIZATION

[View Document Online](#)
[Download \(TIFF
format\)](#)

Annual Reports:

Report for year 2005 ANNUAL REPORT

[View Document Online](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us