

Transfer No. 72746
Receipt No. S028577

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

1. Applicant Information STAR FALLS AG INC
1170 S 1900 E
HAZELTON ID 83335
(208)829-5720

RECEIVED
APR 20 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? Yes

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-2151	WR/Decreed	2.32			160.0	GROUND WATER
36-7417	WR/Decreed	0.51			45.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-2151	NO	YES	NO	NO	NO	NO
36-7417	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

This application combines two water rights into a single ppu, moving water from 9 acres that we no longer own onto 4 acres that we do own. The right on the 4 acres was retained by Glen Trail Trust in a land swap 2 years ago; they will have to file a separate transfer to remove it. Both parties retained all of their separate water rights in the land swap.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

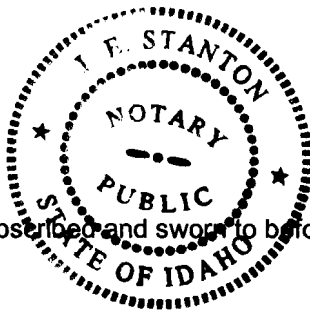
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-2151	2.32 cfs	160.0	200.0	640.0 af
36-7417	0.51 cfs	40.0	200.0	160.0 af
TOTAL	2.32 cfs		200.0	800.0 af

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PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

Pres
(Title or Office)

Subscribed and sworn to before me this 20th day of April, 2006.

[Signature]
(Notary Public)

My commission expires 10-25-06

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

Current Water Right No. 36-2151

Priority Date: November 14, 1957
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	2.32 CFS		
	Total Diversion		2.32 CFS		

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 14 Twp 10S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	20E	14									40.0	40.0	40.0	36.0			4.0		160.0

Total Acres: 160

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-07417 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 820.0 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-07417 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 205.0 ACRES IN A SINGLE IRRIGATION SEASON.
3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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6. RIGHT NO. 36-07417 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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?

NO

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

Small portions of two adjacent farms were traded about 2 years ago so irrigation systems could be operated more efficiently. The land will continue to be irrigated with other wells.

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. 36-7417

Priority Date: December 11, 1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	0.51 CFS		
	Total Diversion	0.51 CFS		

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 14 Twp 10S Rge 20E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	20E	14							40.0								5.0		45.0

Total Acres: 45

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-02151 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.32 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 820.0 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-02151 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 205 ACRES IN A SINGLE IRRIGATION SEASON.
3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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6. RIGHT NO. 36-02151 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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?

NO

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

Two adjacent land owners traded small parcels about 2 years ago to square up their properties for more efficient irrigation.

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

NO

Transfer No. 72746
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-2151

Priority Date: November 14, 1957

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.32 CFS	640.0 AFA	
	Total Diversion		2.32 CFS	640.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 14 Twp 10S Rge 20E JEROME County

Describe the proposed diversion system

Point of Diversion # 1 WELL WITH 200 H.P. TURBINE & 150 H.P. BOOSTER TO SPRINKLERS

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		
10S	20E	14							40.0			40.0	40.0	40.0	40.0					200.0

Total Acres: 200

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-7417

Priority Date: December 11, 1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.51 CFS	160.0 AFA	
	Total Diversion		0.51 CFS	160.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENESW Sec. 14 Twp 10S Rge 20E JEROME County

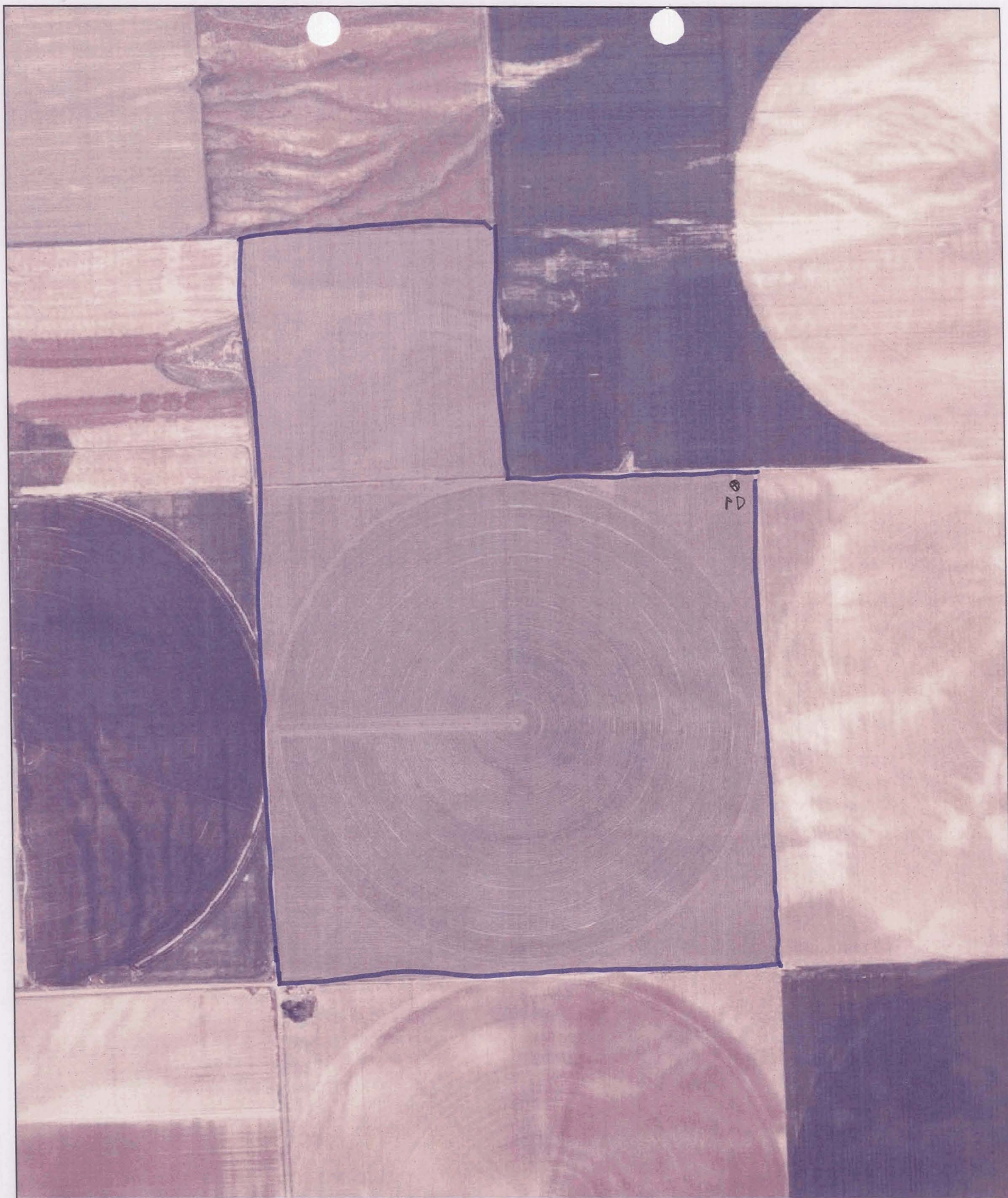
Describe the proposed diversion system

Point of Diversion # 1 WELL WITH 200 H.P. TURBINE & 150 H.P. BOOSTER TO SPRINKLERS

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		
10S	20E	14							40.0			40.0	40.0	40.0	40.0					200.0

Total Acres: 200



8
PD

Empty Text

0.07 0 0.07 0.14 0.21 0.28 Miles



Map Printed: Feb 3, 2005

WARRANTY DEED

FOR VALUE RECEIVED, Okelberry Farms Inc., hereinafter called "Grantors, "does hereby grant, bargain, sell and convey unto, U.S. Bank N.A., Trustee for The Richard E. Trail Trust, whose address is P> O> Box 509, Twin Falls, Idaho 83303, hereinafter called "Grantee," all of its right, title and interest in and to the following described real property in Jerome County, Idaho, to wit:

Part of the SE1/4 of Section 14 of Township 10 South, Range 20 East of the Boise Meridian, Jerome County, State of Idaho.

Beginning at the Center ¼ section corner of Section 14 of T.10 S., R.20 E., B.M. said corner marked by a 5/8" rebar which shall be the Point of Beginning;

THENCE North 89 degrees 54 minutes 19 seconds East (East, rec.) along the north line of the SE1/4 of Section 14 for a distance of 348.02 feet (348', rec.);

THENCE South 00 degrees 06 minutes 35 seconds East (South, rec.) parallel with the west line of the SE1/4 for a distance of 1220.00 feet;

THENCE South 64 degrees 53 minutes 25seconds West (S 65° W, rec.) for a distance of 384.00 feet to the west line of the SE1/4;

THENCE North 00 degrees 06 minutes 35 seconds West (North, rec.) along the west line of the SE1/4 for a distance of 1382.38 feet (1340', rec.) to the Point of beginning.

Said property contains 10.40 acres more or less and is subject to any easements or right of ways, existing or of record.

**This property is conveyed dry and without water shares.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and to the Grantees' heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises and that they are free from encumbrances.

DATED THIS 28th day of December, 1999.

Alan M. Okelberry, President
Okelberry Farms Inc.
Alan Okelberry, President

RECORDED AT THE REQUEST
of Land Title & Escrow, Inc
DEC 28 10 41 AM '99
JEROME COUNTY, IDAHO
FEES 3.00 DEP 113

996462

STATE OF IDAHO)
) ss.
County of Jerome)

On this 28th day of December, 1999, before me, the undersigned, a Notary Public, personally appeared Alan Okelberry, known or identified to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

[Signature]
Notary Public

RICK BERNSEN
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

Residence: Jerome, ID
My Commission Expires: 7-30-03

TRUSTEE DEED

FOR VALUE RECEIVED, U.S. Bank, N.A., Trustee for **The Richard E. Trail Trust**, Agreement dated August 18, 1976, hereinafter called "Grantors, "does hereby grant, bargain, sell and convey unto, **Okelberry Farms Inc.**, whose address is 1970 E. 1200 S., Hazelton, Idaho 83335, hereinafter called "Grantee," all of its right, title and interest in and to the following described real property in Jerome County, Idaho, to wit:

Part of the SW1/4 of Section 14 of Township 10 South, Range 20 East of the Boise Meridian, Jerome County, State of Idaho.

Beginning at the South ¼ section corner of Section 14 of T. 10 S., R. 20 E., B.M. said corner marked by a 5/8" rebar which shall be the Point of beginning;

THENCE North 89 degrees 58 minutes 41 seconds West (West, rec.) along the south line of section 14 for a distance of 563.00 feet;

THENCE North 18 degrees 18 minutes 19 seconds East (N 18°17' E, rec.) for a distance of 297.00 feet;

THENCE North 40 degrees 45 minutes 20 seconds East (N 40°44'E, rec.) for a distance of 115.00 feet;

THENCE North 70 degrees 27 minutes 19 seconds East (N 70°26'E, rec.) for a distance of 317.00 feet;

THENCE North 34 degrees 38 minutes 19 seconds East (N 34°37'E, rec.) for a distance of 130.00 feet;

THENCE North 17 degrees 18 minutes 02 seconds East (N 17°56'E, rec.) for a distance of 69.85 feet (71', rec.) to the east line of the SW1/4;

THENCE South 00 degrees 06 minutes 35 seconds East (South, rec.) for a distance of 649.00 feet to the Point of Beginning.

Said property contains 4.96 acres more or less and is subject to any easements or right of ways, existing or of record.

** This property is conveyed dry and without water shares.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee and to the Grantees' heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises and that they are free from encumbrances.

DATED THIS 28th day of December, 1999.

Steven W. Bingham
Trust Property Officer
U.S. Bank, N.A.
Trustee for The Richard E. Trail Trust

STATE OF IDAHO)
Jerome) ss.
County of Jerome)

9966463
RECORDED AT THE REQUEST
of Land Title & Escrow, Inc.
DEC 28 10 41 AM '99
JEROME COUNTY, IDAHO
FEES 3.00 DEP AB

On this 28th day of Dec., 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven W. Bingham, known to me to be the person whose name is subscribed to the within instrument as Trust Property Officer that executed the instrument on behalf of U.S Bank, N.A., which is subscribed to the within instrument as Trustee for The Richard E. Trail Trust and acknowledged to me that U.S. Bank, N.A., executed the same as such Trustee.

[Signature]
Notary Public
Residence: Jerome, ID
My Commission Expires: 7-30-03

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-03

LINE	BEARING	DISTANCE
L 1	N 40°45'20"E	115.00
L 2	N 34°38'19"E	130.00
L 3	N 17°18'02"E	69.05

Instrument # 2040998
AMENDED QUITCLAIM DEED
JEROME COUNTY, JEROME, IDAHO
02:52:41 No. of Pages: 2

Recorded for : MARK OKELBERRY
CHERYL WATTS
Ex-Officio Recorder Deputy

Fee: \$6.00

S. Thornguest

KNOW ALL MEN BY THESE PRESENTS:

That, OKELBERRY FARMS, INC., an Idaho Corporation, Grantor, hereby conveys, releases, remises and forever quitclaims all right, title and interest unto STAR FALLS AG, INC., as Grantee, whose address is 1170 S 1900 E, Hazelton, Idaho, 83335, in and to the real property and improvements situated in Jerome County, State of Idaho, described as follows:

PARCEL NO. 1:

TOWNSHIP 10 SOUTH, RANGE 20 EAST OF THE BOISE
MERIDIAN, JEROME COUNTY, IDAHO

Section 14: SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
EXCEPTING THEREFROM the following described tract:

Beginning at the South $\frac{1}{4}$ section corner of Section 14 of Township 10 South, Range 20 East Boise Meridian, said corner marked by a 5/8" rebar which shall be the POINT OF BEGINNING;

Thence 89° 58' 41" West (West, rec.) along the south line of Section 14 for a distance of 563.00 feet;

Thence North 18° 18' 19" East (North 18° 17' East, rec.) for a distance of 297.00 feet;

Thence North 40° 45' 20" East (North 40° 44' East, rec.) for a distance of 115.00 feet;

Thence North 70° 27' 19" East (North 70° 26' East, rec.) for a distance of 317.00 feet;

Thence North 34° 38' 19" East (North 34° 37' East, rec.) for a distance of 130.00 feet;

Thence North 17° 18' 02" East (North 17° 56' East, rec.) for a distance of 69.85 feet (71 feet, rec.) to the east line of the SW $\frac{1}{4}$;

Thence South 00° 06' 35" East (South, rec.) for a distance of 649.00 feet to THE TRUE POINT OF BEGINNING;

PARCEL NO. 2:

Section 14: Part of the SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the South $\frac{1}{4}$ section corner of Section 14 of Township 10 South, Range 20 East Boise Meridian, said corner marked by a 5/8 " rebar which shall be the POINT OF BEGINNING;

Thence 89° 58' 41" West (West, rec.) along the south line of Section 14 for a distance of 563.00 feet;
Thence North 18° 18' 19" East (North 18° 17' East, rec.) for a distance of 297.00 feet;
Thence North 40° 45' 20" East (North 40° 44' East, rec.) for a distance of 115.00 feet;
Thence North 70° 27' 19" East (North 70° 26' East, rec.) for a distance of 317.00 feet;
Thence North 34° 38' 19" East (North 34° 37' East, rec.) for a distance of 130.00 feet;
Thence North 17° 18' 02" East (North 17° 56' East, rec.) for a distance of 69.85 feet (71 feet, rec.) to the east line of the SW ¼ ;
Thence South 00° 06' 35" East (South, rec.) for a distance of 649.00 feet to THE TRUE POINT OF BEGINNING.

THIS DEED amends and supersedes that certain Quitclaim Deed recorded in Jerome County records as Instrument No. #2038138.

Dated this 18 of February, 2004.

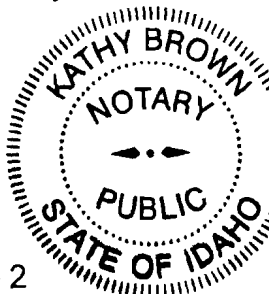
OKELBERRY FARMS, INC.

By: [Signature]
Authorized Agent

STATE OF IDAHO)
) ss.
County of Twin Falls County)

On this 18 day of Feb, 2004, before me, a Notary Public in and for said county and state, personally appeared Alan Okelberry, authorized agent for OKELBERRY FARMS, INC., an Idaho Corporation, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My Commission Expires: 5-15-08