

730

Transfer No 73088

Receipt No. _____

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

1. Applicant Information IDAHO PROPERTIES LLC
 23539 365TH AVE
 KIMBALL SD 57355
 (605)778-6714

Will this transfer result in an ownership change? X Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
31-2357	WR/License	4.60	1,246.0	356.0	461.0	GROUND WATER
31-2395	WR/License	3.65	1,134.0	324.0	672.9	GROUND WATER
31-7311	WR/License	4.62			461.0	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
31-2357	NO	NO	YES	NO	NO	NO
31-2395	NO	NO	YES	NO	NO	NO
31-7311	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

combined the three water rights into a large place of use and rearranged the acres irrigated with new pivots

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
31-2357	4.60 cfs	356.0	1,133.9	1,246.0 af
31-2395	3.65 cfs	324.0	1,133.9	1,134.0 af
31-7311	4.62 cfs		1,133.9	
TOTAL	12.87 cfs	785.0	1,133.9	2,747.5 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
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)

Gen Port. Idaho Prop H & C
(Title or Office)

Subscribed and sworn to before me this 6 day of Sept, 2006

[Signature]
(Notary Public)

My commission expires 2/20/2008

Transfer No 73088

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

Current Water Right No. 31-2357

Priority Date: November 13, 1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	4.60 CFS	1,246.0 AFA	
	Total Diversion	4.60 CFS	1,246.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 9									33.0				27.0		26.0		86.0
07N 34E 10									4.0		28.0						32.0
07N 34E 15						39.0	5.0										44.0
07N 34E 16	39.0	40.0	34.0		40.0	39.0	38.0	34.0	20.0				15.0				299.0

Total Acres: 461

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 356 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 31-07311 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 461 ACRES IN A SINGLE IRRIGATION SEASON
3. USE OF THIS RIGHT WITH RIGHT NO. 31-07311 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1613.5 AF

Page 4

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 POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

~~NO~~ yes

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

it will be 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

Transfer No. 73088

Receipt No. _____

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

Current Water Right No. 31-2395

Priority Date: October 09, 1961

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	04/01 10/31	3 65 CFS	1,134.0 AFA	
	Total Diversion	3 65 CFS	1,134.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec 10 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 15					1.0	37.0	40.0		40.0	40.0	40.0	40.0					238.0
07N 34E 16	1.3		3.6	40.0									40.0	25.0	36.0	40.0	185.9
07N 34E 21	40.0	28.0	20.0	40.0													128.0
07N 34E 22					41.0	40.0	40.0										121.0

Total Acres: 672.9

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 324 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE

Page 6

- 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.

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

~~NO~~ yes

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

it will be 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

Transfer No. 73088

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

Current Water Right No. 31-7311

Priority Date: April 23, 1979

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/15	4 62 CFS		
	Total Diversion	4 62 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec 10 Twp 07N Rge 34E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 34E 9													33.0		27.0	26.0	86.0
07N 34E 10									4.0		28.0						32.0
07N 34E 15							39.0	5.0									44.0
07N 34E 16	39.0	40.0	34.0		40.0	39.0	38.0	34.0	20.0					15.0			299.0

Total Acres: 461

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

- 2 ANY APPLICATION FOR TRANSFER PROPOSING TO CHANGE THE POINT OF DIVERSION, PLACE OF USE, NATURE OF USE, OR PERIOD OF USE OF THIS RIGHT OR ANY PORTION OF THIS RIGHT SHALL INCLUDE FOR CONSIDERATION BY THE DIRECTOR THE ENTIRE USE OF WATER ON THE UNCULTIVATED PASTURE LAND REFERENCED ABOVE. ACTION TAKEN BY THE DIRECTOR ON ANY SUCH TRANSFER APPLICATION MAY INCLUDE MODIFICATION OR CURTAILMENT OF ALL OR ANY PART OF THE USE OF WATER ON THE UNCULTIVATED PASTURE LAND.
3. USE OF THIS RIGHT WITH RIGHT NO. 31-02357 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1613.5 AF.
- 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. USE OF THIS RIGHT WITH RIGHT NO. 31-02357 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 461 ACRES IN A SINGLE IRRIGATION SEASON.

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

it will be 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 3A**

Proposed Water Right No. 31-2357

Priority Date: November 13, 1956

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	04/01 10/31	4.60 CFS	1,246.0 AFA	
	Total Diversion	4.60 CFS	1,246.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

Describe the proposed diversion system**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	
07N 34E 9									33.0	33.0			28.0		35.0	27.0	156.0
07N 34E 10									4.9	29.0							33.9
07N 34E 15					40.0	40.0			40.0	40.0							160.0
07N 34E 16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	33.0	35.0			40.0	40.0	39.0	40.0	547.0
07N 34E 21	40.0	39.0	38.0	40.0													157.0
07N 34E 22					40.0	40.0											80.0

Total Acres: 1133.9

Transfer No. 73088

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

Proposed Water Right No. 31-2395

Priority Date: October 09, 1961

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	04/01 10/31	3.65 CFS	1,134.0 AFA	
	Total Diversion	3.65 CFS	1,134.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

Describe the proposed diversion system**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	
07N 34E 9									33.0	33.0			28.0		35.0	27.0	156.0
07N 34E 10									4.9	29.0							33.9
07N 34E 15					40.0	40.0			40.0	40.0							160.0
07N 34E 16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	33.0	35.0			40.0	40.0	39.0	40.0	547.0
07N 34E 21	40.0	39.0	38.0	40.0													157.0
07N 34E 22					40.0	40.0											80.0

Total Acres: 1133.9

Transfer No. 73088

Receipt No. _____

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

Proposed Water Right No. 31-7311

Priority Date: April 23, 1979

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	04/15 10/15	4.62 CFS		
	Total Diversion	4.62 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSESW Sec 10 Twp 07N Rge 34E JEFFERSON
County

GROUND WATER SESESW Sec. 10 Twp 07N Rge 34E JEFFERSON
County

Describe the proposed diversion system**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	
07N 34E 9									33.0	33.0			28.0		35.0	27.0	156.0
07N 34E 10									4.9	29.0							33.9
07N 34E 15					40.0	40.0			40.0	40.0							160.0
07N 34E 16	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	33.0	35.0			40.0	40.0	39.0	40.0	547.0
07N 34E 21	40.0	39.0	38.0	40.0													157.0
07N 34E 22					40.0	40.0											80.0

Total Acres: 1133.9

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7311

WATER RIGHT NUMBER: 31-7311

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEN D JERNBERG PO BOX 1442 BILLINGS, MT 59103 (406)252-6072

Priority Date: 04/23/1979

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>Annual Volume</u>
IRRIGATION	04/15 to 10/15	4.620 CFS	
	<u>Total Diversion:</u>	4 620 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M
JEFFERSON County		
GROUND WATER	SW1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	9													33.0		27.0	26.0	86.0
07N	34E	10									4.0	28.0							32.0
07N	34E	15									39.0	5.0							44.0
07N	34E	16	39.0	40.0	34.0		40.0	39.0	38.0	34.0	20.0					15.0			299.0

Total Acres: 461

Conditions of Approval:

461
672.9
1133.9

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7311

- 1 S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT
- 2 ANY APPLICATION FOR TRANSFER PROPOSING TO CHANGE THE POINT OF DIVERSION, PLACE OF USE, NATURE OF USE, OR PERIOD OF USE OF THIS RIGHT OR ANY PORTION OF THIS RIGHT SHALL INCLUDE FOR CONSIDERATION BY THE DIRECTOR THE ENTIRE USE OF WATER ON THE UNCULTIVATED PASTURE LAND REFERENCED ABOVE. ACTION TAKEN BY THE DIRECTOR ON ANY SUCH TRANSFER APPLICATION MAY INCLUDE MODIFICATION OR CURTAILMENT OF ALL OR ANY PART OF THE USE OF WATER ON THE UNCULTIVATED PASTURE LAND
- 3 E53 USE OF THIS RIGHT WITH RIGHT NO 31-02357 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1613 5 AF
- 4 C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE SECTION 42-1412(6), IDAHO CODE
- 5 E55 USE OF THIS RIGHT WITH RIGHT NO 31-02357 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 461 ACRES IN A SINGLE IRRIGATION SEASON

Remarks:Comments:

1 CFRITSCH 12/26/2000 Recommendation
 Comment: In office field exam based on licensing field exam

2 nmiller 11/30/2005 POD
 Comment: Correlated PODID 527116 from SpatialDataID 232783 to SpatialDataID 232786

3. nmiller 11/30/2005 POD
 Comment: Correlated PODID 527134 from SpatialDataID 232684 to SpatialDataID 232678

4 dcarlson 2/1/2006 POU
 Comment: Updated Shape

Dates and Other Information:

Licensed Date:
 Decreed Date: 3/15/2004
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2395

WATER RIGHT NUMBER: 31-2395

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVID R JERNBERG 3170 SYCAMORE LN BILLINGS, MT 59102
Current Owner	BEN D JERNBERG PO BOX 1442 BILLINGS, MT 59103 (406)252-6072

Priority Date: 10/09/1961

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.650 CFS	1,134.00 AF
	<u>Total Diversion:</u>	3.650 CFS	1,134.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M
JEFFERSON County		
GROUND WATER	SW1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	15					1.0	37.0	40.0	40.0	40.0	40.0	40.0					238.0	
07N	34E	16	1.3		3.6	40.0								40.0	25.0	36.0	40.0	185.9	
07N	34E	21	40.0	28.0	20.0	40.0												128.0	
07N	34E	22					41.0	40.0	40.0									121.0	

Total Acres: 672.9

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2395

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 324 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6) IDAHO CODE

Remarks:Comments:

1 CFRITSCH 12/26/2000 Recommendation

Comment: In office field exam based on licensing exam for 31-07311

2 nmiller 11/30/2005 POD

Comment: Correlated PODID 527111 from SpatialDataID 232783 to SpatialDataID 232786

3. nmiller 11/30/2005 POD

Comment: Correlated PODID 527114 from SpatialDataID 232684 to SpatialDataID 232678

Dates and Other Information:

Licensed Date:

Decreed Date: 2/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/26/2000 10:56:34 AM	CFRITSCH			Closed
POD	12/26/2000 10:57:53 AM	CFRITSCH			Closed
Priority Date	12/26/2000 11:02:15 AM	CFRITSCH			Closed
Source	12/26/2000 11:02:49 AM	CFRITSCH			Closed
POU	12/26/2000 11:03:34 AM	CFRITSCH			Closed
Use	12/26/2000 11:07:06 AM	CFRITSCH			Closed

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2357

WATER RIGHT NUMBER: 31-2357

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DAVID R JERNBERG 3170 SYCAMORE LN BILLINGS, MT 59102
Current Owner	BEN D JERNBERG PO BOX 1442 BILLINGS, MT 59103 (406)252-6072

Priority Date: 11/13/1956

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	4.600 CFS	1,246.00 AF
	<u>Total Diversion:</u>	4.600 CFS	1,246.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M
JEFFERSON County		
GROUND WATER	SW1/4SE1/4SW1/4	Sec 10, Twp 07N, Rge 34E, B M
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	34E	9													33.0		27.0	26.0	86.0
07N	34E	10									4.0	28.0							32.0
07N	34E	15											39.0	5.0					44.0
07N	34E	16	39.0	40.0	34.0		40.0	39.0	38.0	34.0	20.0					15.0			299.0

Total Acres: 461

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-2357

- 1 K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 356 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
- 2 E55 USE OF THIS RIGHT WITH RIGHT NO 31-07311 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 461 ACRES IN A SINGLE IRRIGATION SEASON.
- 3 E53 USE OF THIS RIGHT WITH RIGHT NO 31-07311 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1613.5 AF.
- 4 C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE
- 5 C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 6 C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE

Remarks:Comments:

1 CFRITSCH 12/26/2000 Recommendation

Comment: In office field exam based on licensing exam for 31-07311

2 nmiller 11/30/2005 POD

Comment: Correlated PODID 527104 from SpatialDataID 232783 to SpatialDataID 232786

3 nmiller 11/30/2005 POD

Comment: Correlated PODID 527107 from SpatialDataID 232684 to SpatialDataID 232678

Dates and Other Information:

Licensed Date:

Decreed Date: 2/22/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

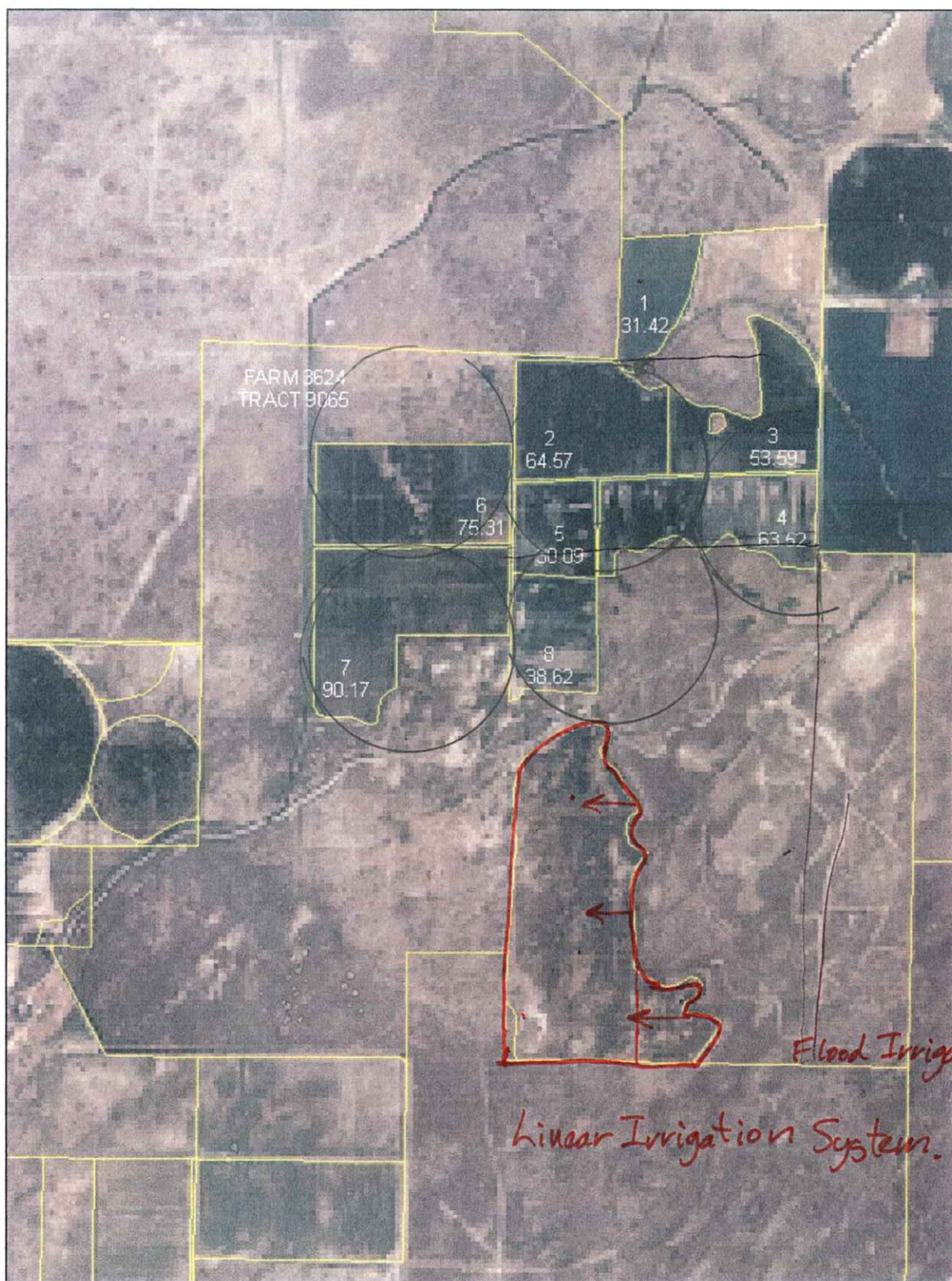
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/26/2000 9:13:23 AM	CFRITSCH			Closed
Priority Date	12/26/2000 9:14:15 AM	CFRITSCH			Closed
POD	12/26/2000 9:16:51 AM	CFRITSCH			Closed
Source	12/26/2000 9:33:55 AM	CFRITSCH			Closed



UNITED STATES DEPARTMENT OF
AGRICULTURE



FARM 3624
TRACT 9065

Horseshoe K Ranch West Inc-OP Idaho Properties LLC-OW

Dihl Grohs.

8,17,20-7-34



Advanced Irrigation



4440 South Yellowstone Highway
Idaho Falls, Idaho 83401
208 - 522 - 3703 office

Field: Field1

Grower:

Farm:

9/6/2006

Systems:	Length	Spans / Overhang	Total area including endgun
● Pivot1	1223.13 ft	(No spans)	124.57 acres
● Pivot 2	1309.24 ft	(No spans)	138.77 acres
● Pivot 3	1261.67 ft	(No spans)	130.38 acres
● Pivot 5 <i>PART</i>	1393.05 ft	(No spans)	103.94 acres
● Pivot 4	1085.59 ft	(No spans)	98.64 acres





Receipt Details for ID E031608

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/1/2006 1:44:56 PM	2/3/2006 4:11:36 PM	EASTERN	\$75.00	Cash
Payer		IDAHO PROPERTIES LLC		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
Card Expiration Date	Credit Card Transaction #		

Comment 31-2357, 31-2395, 31-7311

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$75.00	OWNERSHIP CHANGES/SECURITY INTERESTS	63140	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

MEMORANDUM

DATE: August 11, 1997

TO: Water Right File 31-07311

FROM: Shelley W. Keen *SWK*

RE: Licensing recommendations

The field examiner for right 31-07311 reported that the permit holder is diverting from two wells with a combined capacity of 19.28 cfs to irrigate 461 acres of cropland and 663 acres of uncultivated pasture land.

Licensed right 31-02357 supplies 4.6 cfs to the 356 acres of the cropland. The licensed place of use for 31-02357 does not correspond exactly to the place of use found by the examiner for 31-07311, but it will be brought into conformance through the SRBA process. Right 31-07311 should be licensed for 4.62 cfs to bring the 461-acre place of use up to .02 cfs per acre when combined with 31-02357. Right 31-02357 contributes 1246 acre feet of volume (3.5 af per acre * 356 acres). Right 31-07311 should be licensed for 367.5 af to bring the total for the 461 acres up to 3.5 af per acre.

Licensed right 31-02395 is for 3.65 cfs appurtenant to 324 acres that mostly overlap the 663 acres of uncultivated pasture land. Again, the SRBA process will adjust the place of use for 31-02395. To bring the 663-acre area up to .02 cfs per acre, license 31-07311 should authorize a diversion of 9.61 cfs, comprised of the 4.62 cfs licensed rate plus 4.99 cfs more.

RECEIVED

SEP 10 1997

MEMORANDUM

TO: File 31-07311
FROM: Sharla
DATE: June 1, 1994
RE: License Issuance

Licensing of this right has been split into two parts, A and B in line with Gary Spackman's memo of 3/17/89.

The A portion is for the irrigated cropland, totalling 461 acres. The B portion is for the natural pasture ground totalling 663 acres. The volume for portion A is the standard 3.5 afa per acre. The volume for portion B has been figured at half the standard rate, 1.75 afa per acre.

The conditions noted by Gary have also been added. As noted in a previous memo by Gary, the east well is already licensed beyond its capacity. Therefore, the licenses for parts A and B are based solely upon the west (new) well. The capacity of the west well is 13.45 cfs. A total of 1124 acres are irrigated by the well. The flow rate to the pasture ground has not been restricted, thus a rate per acre of 0.0119 has been used for calculating the flow rate for each portion. This eliminates the need for conditions limiting the combined rate of diversion.

MICROFILMED

SEP 10 1997

MEMORANDUM

TO: Jim Johnson and File no. 31-7311
FROM: Gary Spackman *Gary*
DATE: March 17, 1989
RE: Licensing of permit to appropriate water no. 31-7311 in the name of Ben David Jernberg

For approximately two years, we have struggled to determine how this permit should be licensed. When the field examiner examined the beneficial use, he found that approximately 1/3 to 1/2 of the place of use was irrigated cropland, and the other 1/2 to 2/3 of the place of use was uncultivated pasture ground. The field examiner suggested that the license be split into two parts, one for the cultivated ground, and the other for the uncultivated pasture. He did not suggest, however, the restrictions which ought to be placed on the license for the uncultivated pasture.

I originally suggested since the cultivated ground was grain, and not alfalfa, that if the annual volume was to be reduced for the native pasture, it also ought to be reduced for the grain crop, which does not consumptively use as much water as alfalfa. Because of difficulty in determining these amounts, I decided since we have licensed for the volume required by alfalfa in the past, that we should not selectively restrict the annual volume for irrigation of the uncultivated pasture.

Concerns were raised about my suggestion, and I have subsequently corresponded with the permit holder to obtain annual volume numbers that would confirm the extent of his beneficial use. Ben Jernberg submitted some information on instantaneous flow rates, which does not help me in determining the annual volume.

Because of expressed concern over exaggerated annual volume licensing, I want to retract my initial position, and suggest that this water right be split in two parts. The A part should be licensed as a normal irrigated use, and should describe those acres that were found to be irrigated, cultivated cropland at the time of the examination. The B portion of the split should represent those acres that were uncultivated natural pasture, but still irrigated. One of the technical reviewers probably should determine the number of acres for each part.

We do not need to restrict the instantaneous flow rate to the natural pasture ground. It may be necessary to obtain all the head possible for irrigation of the uneven uncultivated pasture. I suggest, however, the following special conditions be imposed

ENCLOSURE

FILE 10 1987

on the license:

1. The lands described as the place of use under this license shall not be irrigated as cultivated cropland without filing a transfer with the Department of Water Resources.

2. The total acres irrigated under this right, if changed by a transfer to cultivated irrigation, shall be reduced by one-half prior to irrigation of the cultivated land.

Finally, I suggest that the field headgate ^{volume} capacity normally recommended be divided in half for the uncultivated pasture. Although a 50% reduction is not supported by evidence of less water use, a reduction is necessary to insure against enlargement of the use at a later time.

MICROFILMED

SEP 10 1967

OK
je
2-7-06

RECEIVED
FEB 01 2006
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

- 1 Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
31-2357	31-11845				
31-2395					
31-7311					
~~31-11845~~					

Sent
to KL
2-7-06

- 2 The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts ~~\$75~~ \$75-
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- 3 Name and Address of Former Owner/Claimant(s) Ben Jernberg
- 4 New Owner/Claimant(s) Idaho Properties LLC
Name Connector (check one): ☐ and ☐ or ☐ and/or
- New Mailing Address 23539 365th Ave
- City, State and ZIP Code Kimball, SD 57355
- New Telephone Number (605) 778 6714
- 5 Date you acquired the property 7-05

GRANT DEED

THIS INDENTURE is made this 21 day of July, 2005, by Ben D. Jernberg and Peggy Ann Jernberg, not individually, but as trustees of **THE BEN D. JERNBERG AND PEGGY ANN JERNBERG FAMILY TRUST**, "Grantor," and **IDAHO PROPERTIES, L.L.C.**, a South Dakota limited liability company, whose mailing address is 23589 365th Avenue, Kimball, South Dakota 57555, "Grantee."

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents do grant and confirm unto Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

Township 7 North, Range 34 E.B.M., Jefferson County, Idaho

- Section 8: SE1/4SE1/4
- Section 9: NE1/4SE1/4; S1/2S1/2
- Section 10: W1/2SW1/4, except beginning at a point that is N. 89°45'20" E. 1322.93 feet along the Section line and N. 0°00'27" W. 1735.54 feet along the West line of said NE1/4SW1/4 from the SW corner of said Section 10, and running thence N. 88°22'27" W. 22.03 feet to the center line of a roadway; thence along said centerline the following five (5) courses: (1) N. 9°02'38" W. 115.36 feet; (2) thence N. 2°10'27" W. 77.23 feet; (3) thence N. 32°34'56" E. 49.07 feet; (4) thence N. 70°08'25" E. 60.06 feet; (5) thence N. 89°01'47" E. 459.74 feet; thence S. 1°45'02" W. 275.37 feet; thence N. 88°22'27" W. 491.27 feet to the point of beginning.
- Section 15: W1/2 less NE1/4NW1/4
- Section 16: All
- Section 17: E1/2E1/2; SW1/4SE1/4 South of Jefferson Canal
- Section 20: NE1/4 and NE1/4NW1/4 lying East of Jefferson Canal
- Section 21: N1/2
- Section 22: NW1/4NW1/4; S1/2NW1/4
- Section 31: E1/2E1/2
- Section 32: W1/2W1/2

Township 7 North, Range 37 E B.M., Jefferson County, Idaho

Section 15: E1/2W1/2; SE1/4, except Beginning at a point that is N. 0°07'00" W 1396.50 feet along the Section line from the SE corner of said Section 15, and running thence N. 85°13'35" W. 2593.66 feet; thence N. 4°26'29" W. 2135.98 feet; thence N. 66°10'53" E. 1556.09 feet; thence S. 0°03'48" E. 416.73 feet; thence S. 89°55'35" E. 1322.13 feet to the Section line; thence S. 0°03'48" E. 1317.91 feet; thence S. 0°07'00" E. 1237.47 feet to the point of beginning.

Section 22: E1/2W1/2

TOGETHER with all appurtenant water and ditch rights.

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (A) Unpatented mining claims; (B) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (C) whether or not the matters excepted under (A) or (B) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

7. 2005 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year. Taxes which may be assessed and entered on the property roll for 2004 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.
8. Easement granted to Utah Power & Light Company, recorded September 4, 1936 in Book 112 of Misc., page 375 (SE1/4SE1/4 20-7N-34E)
9. Easement granted to Utah Power & Light Company, recorded September 4, 1936 in Book 112 of Misc., page 376 (SE1/4SE1/4 Sec 8; E1/2E1/2 Sec 17; NE1/4NE1/4 Sec 20-7N-34E)
10. Easement granted to Utah Power & Light Company, recorded July 11, 1940 in Book 112 of Misc., page 597. (Sec. 17-7N-34E)
11. Easement granted to Utah Power & Light Company, recorded March 5, 1954 in Book 154 of Misc., page 257. (SE1/4SE1/4 Sec. 8; E1/2E1/2 Sec. 17-7N-34E)
12. Easement granted to Utah Power & Light Company, recorded March 15, 1961 in Book 166 of Misc., page 133. (NE1/4NE1/4 Sec 20-7N-34E)
13. Subject to an easement for ingress and egress over SW1/4 Sec. 10-7N-34E, as disclosed by Warranty Deed recorded October 28, 1981, as Instrument No. 212466.
14. Rights-of-way for ditches, tunnel and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code. (16-7N-34E)
15. Exceptions and reservations contained in Deed from the State of Idaho, wherein mineral rights are reserved to the State under provisions of Sections 47-701 and 47-701A, Idaho Code (16-7N-34E)

16. Subject to State of Idaho Easement #2046 to the Jefferson Irrigation Company for Reservoir Right-of-way, as disclosed by State Deed Nos 190879 and 258807

17. Agreement and Easement upon the terms, conditions and provisions contained therein:

Parties: Joe Hartwell and Millie E Hartwell, husband and wife, and Sauer Enterprises, an Idaho partnership

Recorded: November 18, 1985, Instrument No. 235450 (SE1/4SE1/4 Sec. 8-7N-34E and other property)

18. Right-of-way or easement of Jefferson Canal.

19. Right-of-way or easement of county roads

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

TO HAVE AND TO HOLD, the premises and the appurtenances unto Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural

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

THE BEN D. JERNBERG AND PEGGY
ANN JERNBERG FAMILY TRUST

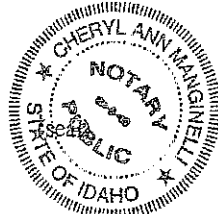
By: Ben D. Jernberg
Ben D. Jernberg, Trustee

By: Peggy Ann Jernberg
Peggy Ann Jernberg, Trustee

STATE OF IDAHO)
) ss
County of Bonneville)

On the 21 day of July, 2005, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **BEN D. JERNBERG** and **PEGGY ANN JERNBERG**, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of **The Ben D. Jernberg and Peggy Ann Jernberg Family Trust** and acknowledged to me that they executed the same as such trustee.

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



Cheryl Ann Mangnelli
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 6-25-2008

S:\Cheryl's My Files\SEM-Clients\0180\Grohs Transaction\Deed-Grant(Jefferson) wpd

GRANT DEED

THIS INDENTURE is made this 21 day of July, 2005, by Ben D. Jernberg and Peggy Ann Jernberg, not individually, but as trustees of **THE BEN D. JERNBERG AND PEGGY ANN JERNBERG FAMILY TRUST**, "Grantor," and **IDAHO PROPERTIES, L.L.C.**, a South Dakota limited liability company, whose mailing address is 23589 365th Avenue, Kimball, South Dakota 57355, "Grantee "

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents do grant and confirm unto Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Clark, State of Idaho, to-wit:

Township 11 North, Range 39 E.B.M., Clark County, Idaho

Section 4: E1/2SW1/4; SE1/4

Section 9: NE1/4NE1/4; NE1/4NW1/4

Section 28: N1/2

Section 33: NE1/4SE1/4; SW1/4NE1/4

Also that portion of the SE1/4NW1/4 lying Northeasterly of a diagonal line from the NW corner of the subdivision to the SE corner thereof.

Also that portion of the NW1/4SE1/4 lying Northeasterly of a diagonal line from the NW corner of the subdivision to the SE corner thereof.

Also that portion of the SE1/4SE1/4 lying Northeasterly of a diagonal line from the NW corner of the subdivision to the SE corner thereof.

TOGETHER with all appurtenant water and ditch rights

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records

TO HAVE AND TO HOLD, the premises and the appurtenances unto Grantee, and to Grantee's heirs and assigns forever.

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

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

THE BEN D. JERNBERG AND PEGGY
ANN JERNBERG FAMILY TRUST

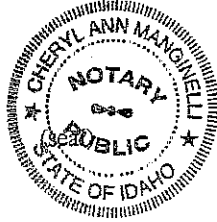
By: *Ben D. Jernberg*
Ben D. Jernberg, Trustee

By: *Peggy Ann Jernberg*
Peggy Ann Jernberg, Trustee

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 21 day of July, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared BEN D. JERNBERG and PEGGY ANN JERNBERG, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of The Ben D. Jernberg and Peggy Ann Jernberg Family Trust and acknowledged to me that they executed the same as such trustee.

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



Cheryl Ann Mangnelli
Notary Public for Idaho
Residing at: *Idaho Falls, Idaho*
My Commission Expires: *6-25-2008*

S:\Cheryl sMyFiles\SEM Clients\0180\GrohsTransaction\Deed-Grant(Clark) wpd

GRANT DEED

THIS INDENTURE is made this 21 day of July, 2005, by Ben D. Jernberg and Peggy Ann Jernberg, not individually, but as trustees of **THE BEND. JERNBERG AND PEGGY ANN JERNBERG FAMILY TRUST**, "Grantor," and **IDAHO PROPERTIES, L L C**, a South Dakota limited liability company, whose mailing address is 23589 365th Avenue, Kimball, South Dakota 57505, "Grantee."

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents do grant and confirm unto Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Fremont, State of Idaho, to-wit:

Township 11 North, Range 39 E.B.M., Fremont County, Idaho

- Section 1: SW1/4SW1/4; SW1/4SE1/4
- Section 2: S1/2NW1/4; SW1/4; N1/2SE1/4; SW1/4SE1/4
- Section 3: SE1/4NE1/4; SE1/4
- Section 10: N1/2; SW1/4
- Section 11: N1/2NW1/4; SE1/4NW1/4; SW1/4NE1/4; E1/2NE1/4; NE1/4SE1/4
- Section 12: N1/2; N1/2S1/2; SW1/4SW1/4
- Section 13: SW1/4NE1/4; NE1/4SW1/4; SE1/4
- Section 23: NE1/4NE1/4; W1/2NE1/4SE1/4
- Section 24: NW1/4NE1/4; N1/2NW1/4; E1/2NW1/4SW1/4; S1/2SW1/4
- Section 25: NW1/4NE1/4; NE1/4NW1/4; E1/2NE1/4

Township 11 North, Range 40 E.B.M., Fremont County, Idaho

- Section 3: Lots 1, 2, 3, 4; SW1/4NW1/4; S1/2NE1/4; SE1/4; NE1/4SW1/4
- Section 4: Lot 1; SE1/4NE1/4
- Section 10: N1/2NE1/4
- Section 17: E1/2SW1/4; SW1/4SE1/4
- Section 18: Lots 3 and 4; SW1/4SE1/4
- Section 19: NE1/4NE1/4; W1/2NE1/4; NE1/4SE1/4; W1/2SE1/4; Lots 1, 3 and 4
- Section 20: SW1/4NE1/4; E1/2NW1/4; SW1/4NW1/4; NE1/4SW1/4

8 Reservations in United States Patents, recorded Book H of Patents, Page 213; Book I of Patents, Page 307; Book I of Patents, Page 309; Book I of Patents, Page 24; and Book I of Patents, Page 244, including but not limited to reservations of all coal and other minerals.

9 Right-of-way or easement of county roads

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

TO HAVE AND TO HOLD, the premises and the appurtenances unto Grantee, and to Grantee's heirs and assigns forever

In construing this deed and where the context so requires, the singular includes the plural

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

THE BEN D. JERNBERG AND PEGGY
ANN JERNBERG FAMILY TRUST

By:

Ben D. Jernberg
Ben D. Jernberg, Trustee

By:

Peggy Ann Jernberg
Peggy Ann Jernberg, Trustee

STATE OF IDAHO)
) ss
County of Bonneville)

On the 21 day of July, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared **BEN D. JERNBERG** and **PEGGY ANN JERNBERG**, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of The Ben D Jernberg and Peggy Ann Jernberg Family Trust and acknowledged to me that they executed the same as such trustee

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



Cheryl Ann Mangnelli
Notary Public for Idaho
Residing at: Idaho Falls, Idaho
My Commission Expires: 6-25-2008

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