

Transfer No. 72870

Receipt No. 5028760

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

1. Applicant Information AMBER HILLS RANCH LLP
 104 S 800 E
 RUPERT ID 83350
 (208)436-1690

RECEIVED
JUN 29 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-7462B	WR/License	0.22	36.0			GROUND WATER
45-7462C	WR/License	2.09	452.0		113.0	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
45-7462B	NO	NO	NO	NO	NO	NO
45-7462C	YES	YES	NO	NO	YES	YES

Describe the reason for the proposed changes

To convert a nine-acre portion of irrigation water right 45-7462C to stock water use for a feedlot operation expansion. To update information (ownership, conditions, etc.) on the existing water right, 45-7462B, that currently serves the feedlot operation.

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**

Waste water from operation is captured and stored in on site lagoons where it then evaporates.

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

None anticipated

5. Total Amounts Transferred

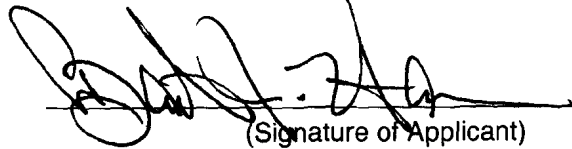
	Rate	Acre Limit	Total Acres	Volume
45-7462B	0.22 cfs			36.0 af
45-14020	0.04 cfs			26.8 af
TOTAL	0.26 cfs			62.8 af

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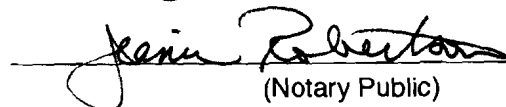
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

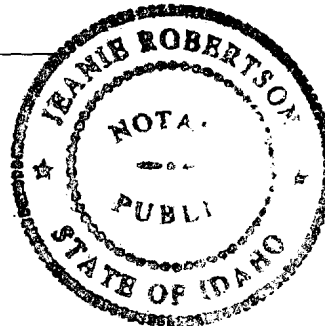

(Signature of Applicant)

PARTNER
(Title or Office)

Subscribed and sworn to before me this 29th day of June, 2006


(Notary Public)

My commission expires 9-23-06



Current Water Right No. 45-7462B

Source: GROUND WATER

Source and Point(s) of Diversion:

GROUND WATER SWSE Sec. 34 Twp 09S Rge 25E CASSIA County

PLACE OF USE: STOCKWATER

[illegible]

1. 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.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT NOS: 45-7232A AND 45-7232B

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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?

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

N/A

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. 72870

Receipt No. _____

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

Current Water Right No. 45-7462C

Priority Date: February 10, 1981

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	2.09 CFS	452.0 AFA	
	Total Diversion	2.09 CFS	452.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESESW Sec. 34 Twp 09S Rge 25E CASSIA 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	
09S 25E 34																	
											34.0	34.0			36.0	9.0	113.0

Total Acres: 113

Conditions/Remarks:

1. 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.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
3. RIGHTS 45-7232E AND 45-7462C WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF 2.09 CFS.

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4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 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.
6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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?

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

N/A

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

NO

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

Proposed Water Right No. 45-7462B

Priority Date: February 10, 1981

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>
STOCKWATER	01/01 12/31	0.22 CFS	36.0 AFA	
	Total Diversion	0.22 CFS	36.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 34 Twp 09S Rge 25E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well

PLACE OF USE: STOCKWATER

[illegible]

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

Proposed Water Right No. 45-14020

Priority Date: February 10, 1981

Origin:

Basis: Decreed

Status: Pending
Transfer**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	26.8 AFA	
	Total Diversion	0.04 CFS	26.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 34 Twp 09S Rge 25E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 25E 34															X		

Transfer No. 72870
 Receipt No. _____

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

PORITION OF RIGHT No. 45-7462C BEING TRANSFERRED

Priority Date: February 10, 1981

Origin:

Basis: Decreed

Status: Pending
 Transfer

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	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

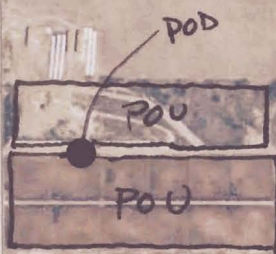
GROUND WATER NESESW Sec. 34 Twp 09S Rge 25E CASSIA County

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	
09S	25E	34															9.0		9.0

Total Acres: 9

09S25E34



274317

WHEN RECORDED, MAIL TO:

L. S. McCullough, Jr.
Gateway Tower East Suite 900
10 East South Temple
Salt Lake City, Utah 84133

SPECIAL WARRANTY DEED

PAUL H. DUNCAN and KATHY F. DUNCAN, Grantors, of 750 East 100 South, Minidoka County, Rupert, Idaho 83350 hereby CONVEY and WARRANT against all claiming by, through or under them to **PKD PROPERTIES, L.C., an Idaho limited liability company**, Grantee, of 750 East 100 South, Minidoka County, Rupert, Idaho 83350, for the sum of TEN AND NO/100 (\$10.00) DOLLARS, and for other good and valuable consideration, the following described property located in Cassia County, State of Idaho:

PARCEL NO. 1

**TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO.**

SECTION 34: S1/2SW1/4, and W1/2SE1/4

PARCEL NO. 2

**TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO.**

SECTION 27: Part of the SE1/4SW1/4 of said Section 27, more particularly described as follows:

Beginning at the Southeast corner of the SW1/4 of said Section 27: thence West along the South line of said Section 27 for 69.0 feet to the point of beginning; thence West along the South line of said Section 27 for 550.0 feet; thence North for 400.0 feet; thence East for 550.0 feet; thence South 400.0 feet to the point of beginning.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Desert Entry Serial No. I-16131 and Water License No. 45-7462

RECORDED
11/11/39
Lester & DeLoach

01 APR 9 AM 11 39

FREE 600. DEPUTY
CASSIA COUNTY, IDAHO
RECORDED
NORMAN L. BOCKLEY

274317

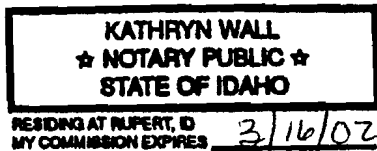
WITNESS the hand of said Grantors this 30 day of March, 2001.

Paul H. Duncan
Paul H. Duncan

Kathy F. Duncan
Kathy F. Duncan

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

The foregoing instrument was acknowledged before me this 30th day of March, 2001, by Paul H. Duncan and Kathy F. Duncan, the signers of the within instrument, who duly acknowledged to me that they executed the same.

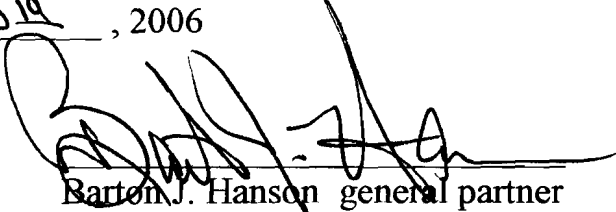


Kathryn Wall
NOTARY PUBLIC

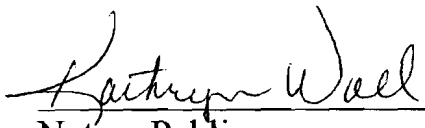
SPECIAL WARRANTY DEED

Amber Hills Ranch LLP an Idaho limited liability partnership of 104 South 800 East Rupert, Idaho Cassia County State of Idaho 83350 does hereby convey and grant to PKD Properties, L.C., an Idaho limited liability company, of 750 East 100 South Cassia County, Rupert, Idaho 83350 for the sum of ten and no/100 (\$10.00) dollars the following: The remaining 0.13 cfs of water right 45-7462C for irrigation with Amber Hills Ranch retaining 0.04 cfs for the feedlot operation. This is from the 9.0 acres that was previously transferred upon sale of land located in section 34 township 09S range 25E.

Witnessed this day of July 10th, 2006

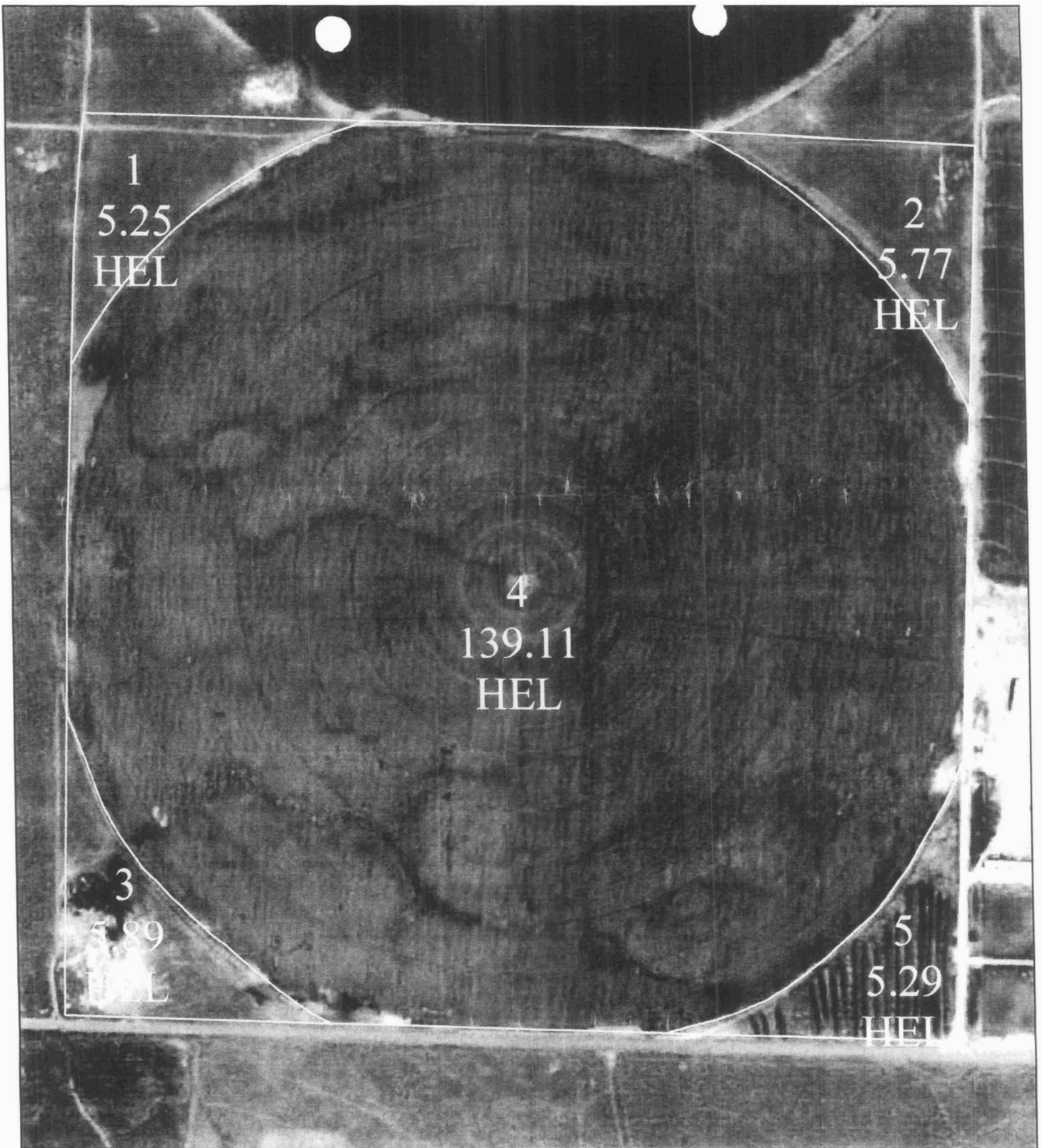

Barton J. Hanson general partner
Amber Hills Ranch

On the 10th day of July, 2006, personally appeared before me, Barton J. Hanson general partner of Amber Hills Ranch the signer of the within instrument, who duly acknowledged to me that he executed the same.


Notary Public

My Commission Expires: 3/19/08

KATHRYN WALL
★ NOTARY PUBLIC ★
STATE OF IDAHO



United States Department of Agriculture
Farm Service Agency

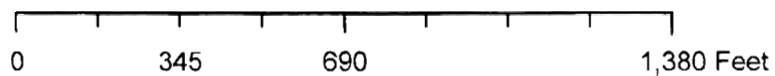
1:4,872

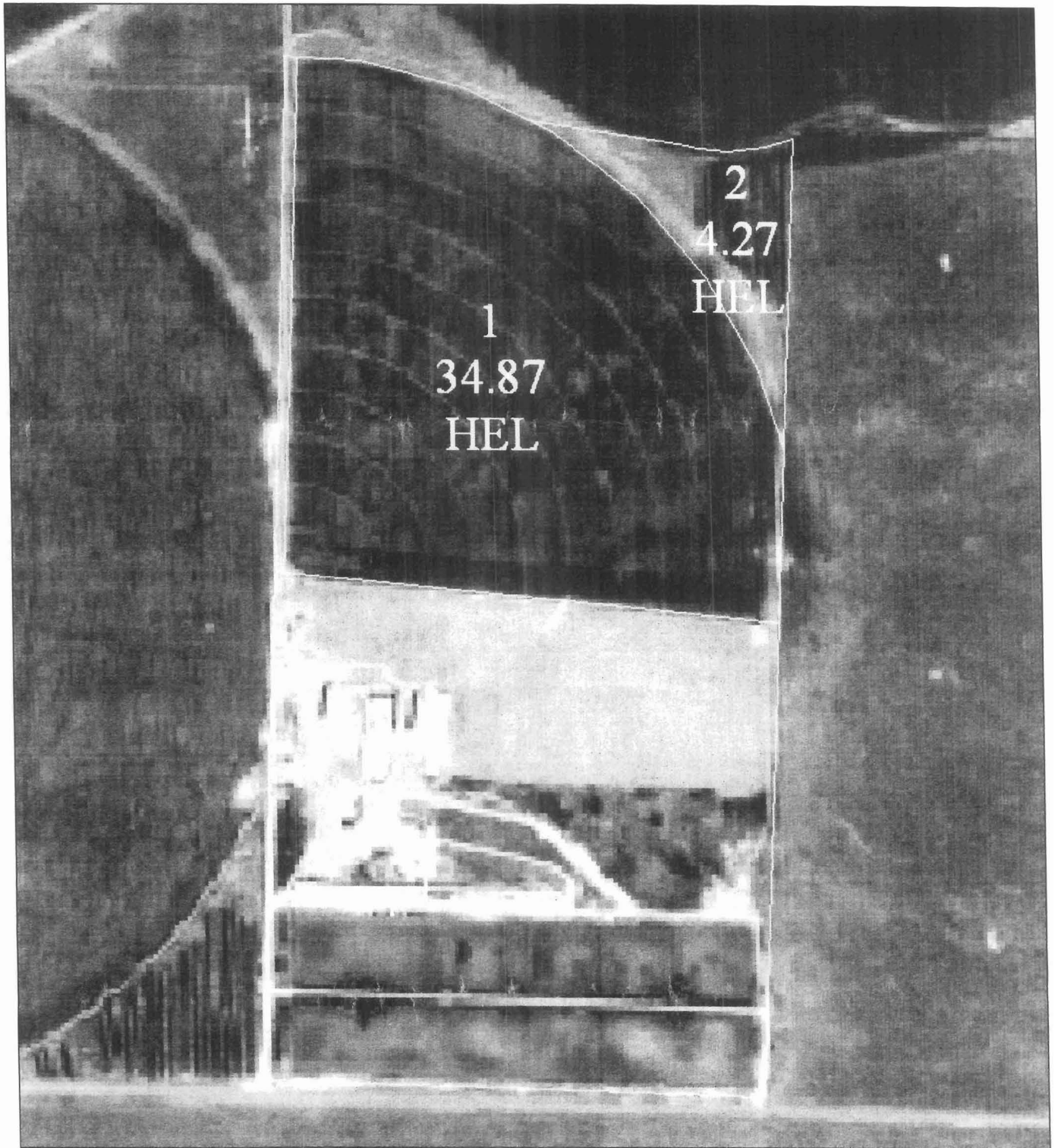


January 27, 2006

Cassia County

**Farm 4583
Tract 1915**





United States Department of Agriculture
Farm Service Agency

Cassia County

1:4,387

**Farm 4583
Tract 1455**

0 120 240 480 720 960 Feet



January 27, 2006

295131

WARRANTY DEED

#38462

For Value Received

PKD Properties, L.C., an Idaho limited liability company

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Amber Hills Ranch, L.L.P., an Idaho limited liability partnership

**Address: 104 South 800 East
Rupert, Idaho 83350**

Hereinafter called the Grantee, the following described premises situated in **Cassia** County, Idaho, to-wit:

**TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 34: SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2004.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 8, 2004

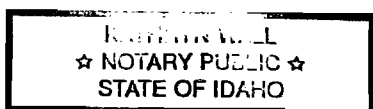
PKD PROPERTIES, L.C.

By: Paul H. Duncan
Paul H. Duncan

By: Kathy Fisher Duncan
Kathy Fisher Duncan

STATE OF IDAHO)
)ss.
COUNTY OF Cassia)

On this 8th day of April, 2004, before me, the undersigned, a Notary Public, personally appeared **Paul H. Duncan and Kathy Fisher Duncan**, known or identified to me to be the members of **PKD Properties, L.C.**, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



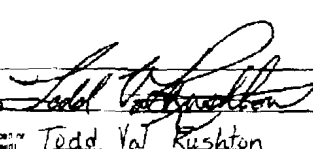
Kathryn Wall
Notary Public
Residing at: Rupert, ID
My Commission Expires: 3/19/08

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2001 APR 13 PM 4 31

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 3.00 DEPUTY lu

295131

No. J 22		Due no later than October 31, 2005		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Mailing Address - Correct in this box if applicable AMBER HILLS RANCH, L.L.P. TODD VAL RUSHTON ~~104 S 800 E~~ 746 E. 100 S. RUPERT, ID 83350		TODD VAL RUSHTON ~~104 S 800 E~~ 746 E. 100 S RUPERT, ID 83350	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature	
4. Limited Liability Partnerships: Enter Names and Business Addresses of two (2) or more partners.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Partner	Todd V Rushton	746 E 100 S	Rupert	ID	83350
Partner	Barton J. Hanson	104 S. 800 E.	Rupert	ID	83350
5. Organized Under the Laws of: IDAHO J 22		6. Signature  Name (Type or Print) <u>Todd Val Rushton</u>		Date <u>8-13-05</u> Title <u>Partner</u>	
Issued 08/01/2005		Do Not Tape or Staple		200510002123	

FILE NUMBER _____
REVIEWER _____

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE 0
NUMBER OF DRY CATTLE 0
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS 0
3-4 MONTHS 0
5-8 MONTHS 1750
9-12 MONTHS 1750
13-15 MONTHS 1750
16-24 MONTHS 1750
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS 1
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN 0
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) 0.00
OPERATION TIME OF SPRINKLERS (MIN/DAY) 0
NUMBER OF MILKINGS PER DAY 2
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) 72
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE 0.0
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE 0.0
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? N
IS RECYCLED WATER USED TO WASH COWS? N
IS A PLATE COOLER USED? Y
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER,
LEAVE BLANK) N
IF CORRAL MISTERS ARE USED: NUMBER OF MISTERS IN HOLDING PEN 0
NOZZLE DISCHARGE (GPM) 0.00
OPERATION TIME OF MISTERS (MIN/DAY) 0
DAYS PER YEAR MISTERS ARE USED 0

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER
MILKING CATTLE (BASED ON MILK PRODUCTION) #####
DRY CATTLE @17.0 GPD/HD #####
REPLACEMENT CATTLE #####
TOTAL #####

COMMERCIAL
TOTAL #####

TOTAL DIVERSION RATE #####

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE 0.0
DRY CATTLE 0.0
REPLACEMENT CATTLE 59.4
TOTAL 59.4

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT 0.0
BACKFLUSH 0.0
PARLOR/MILKHOUSE/HOLDING PEN CLEANUP 0.0
CATTLE WASHING BASED UPON METHOD OF WASHING 0.0
PLATE COOLER 0.0
CORRAL MISTERS 0.0
TOTAL 0.0

TOTAL DIVERSION VOLUME 59.4

CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

STOCKWATER 59.4
COMMERCIAL 0.0
TOTAL CONSUMPTIVE USE 59.4

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP)	0.00		0.00	0.00	0.00
LIFT (FT)	0		0	0	0
DISCHARGE PRESSURE (PSI)	0		0	0	0
FRICTION LOSSES (FT)	0.0		0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES	0.0		0.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) *	0.00	0.00	0.00	0.00	0.00
DIVERSION VOLUME (AFA) **	0.0	0.0	0.0	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR.

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

DIVERSION RATE	0.00 CFS
ACRES OF IRRIGATION	0.0 ACRES
DIVERSION VOLUME	0.0 AC-FT/AC
CONSUMPTIVE USE VOLUME	0.0 AC-FT/AC
IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR BOTH (B)? B	

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE	#DIV/0!	CFS/AC
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE	#DIV/0!	ACRES
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME	#DIV/0!	ACRES
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE	#DIV/0!	ACRES