

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72508
RECEIVED
SEP 27 2005
Department of Water Resources
Southern Region**APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1Name of applicant SIX S RANCH Phone 208-654-2564Post Office address 1354 E. Six S Ranch Rd., Declo, ID 83323**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 _____
2. Describe the reason for the proposed changes To add acres to the permissible place of use
to include 5.3 acres now covered by the pivots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------------|-----------------------|-------------------|-----------------------------|
| <u>45-2454</u> | <u>8/18/1953</u> | <u>1.48 cfs</u> | <u>irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>45-263</u> | <u>4/16/1881</u> | <u>1.20 cfs</u> | <u>irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>45-264</u> | <u>7/21/1884</u> | <u>1.20 cfs</u> | <u>irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| <u>45-265</u> | <u>6/25/1887</u> | <u>9.60 cfs</u> | <u>irrigation</u> | <u>1/1</u> to <u>7/1</u> |
2. Total amount of water being transferred 0.10 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water/ Marsh Creek tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SE	30	10S	25E	Cassia	Six S well
	SE	NE	SE	30	10S	25E	Cassia	Six S Marsh Creek diversion

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 %	
10S	25E	29							9	3	26	33	40	14					125
		30				3.6									32	8.5		26	70.1
		31	32	14															46
		32				0.2	22												22.2

Total acres 263.3

PART 1

6. General Information:

a. Description of diversion system No change in diversion system under this application.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X 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:

No change, except that the permissible place of use will cover 5.3 additional
acres now covered by pivots.

d. Remarks:

Use of Water Rights 45-2454, 45-263, 45-264, and 45-265 will be limited to
irrigation of a combined total of 258 acres within the permissible place of
use in a single irrigation season.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. 45-2454 Decreed to SIX S RANCH LLC
in case of SRBA vs. _____
dated July 5, 2005 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground water tributary to _____**4. Date or priority** 8/18/1953**5. Water is used for the following purpose:**

amount 1.48 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.48 cubic feet per second and/or _____ acre-feet per annum.**7. Point(s) of Diversion:**

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	SE	30	10S	25E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	25E	29							9.5	1.5	25	35	38	12					121
		30				4.1									36	7.9		29	77
		31	32	14															46
		32					14												14

Total acres 258

- 9. Describe any other water rights used for the same purpose as described above** 45-263; 45-264; 45-265, all
diverted from Marsh Creek at 10S-25E-Sec.30, SENESE, with same place of use as above.

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 45-263 Decreed to SIX S RANCH LLC
in case of SRBA vs. _____
dated July 5, 2005 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Marsh Creek tributary to Snake River

4. Date or priority 4/16/1881

5. Water is used for the following purpose:

amount 1.20 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	30	10S	25E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	25E	29							9.5	1.5	25	35	38	12					121
		30				4.1									36	7.9		29	77
		31	32	14															46
		32						14											14

Total acres 258

9. Describe any other water rights used for the same purpose as described above 45-264 and 45-265 also
diverted from Marsh Creek at 10S-25E-Sec.30, SENESE, with same place of use as above.
45-2454 divered from well at SWNESE, with same place of use as above.

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 45-264 Decreed to SIX S RANCH LLC
 in case of SRBA vs. _____
 dated July 5, 2005 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Marsh Creek tributary to Snake River

4. Date or priority 7/21/1884

5. Water is used for the following purpose:

amount 1.20 cfs for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.20 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	30	10S	25E	Cassia	

8. 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 %	
10S	25E	29							9.5	1.5	25	35	38	12					121
		30				4.1									36	7.9		29	77
		31	32	14															46
		32					14												14

Total acres 258

9. Describe any other water rights used for the same purpose as described above 45-263 and 45-265 also
diverted from Marsh Creek at 10S-25E-Sec.30, SENESE, with same place of use as above.
45-2454 divered from well at SWNESE, with same place of use as above.

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

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. 45-265 Decreed to SIX S RANCH LLC
 in case of SRBA vs. _____
 dated July 5, 2005 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Marsh Creek tributary to Snake River

4. Date or priority 6/25/1887

5. Water is used for the following purpose:

amount 9.60 cfs for irrigation purposes from 1/1 to 7/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 9.60 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	30	10S	25E	Cassia	

8. 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 %	
10S	25E	29							9.5	1.5	25	35	38	12					121
		30				4.1									36	7.9		29	77
		31	32	14															46
		32					14												14

Total acres 258

9. Describe any other water rights used for the same purpose as described above 45-263 and 45-264 also
diverted from Marsh Creek at 10S-25E-Sec.30, SENESE, with same place of use as above.
45-2454 divered from well at SWNESE, with same place of use as above.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

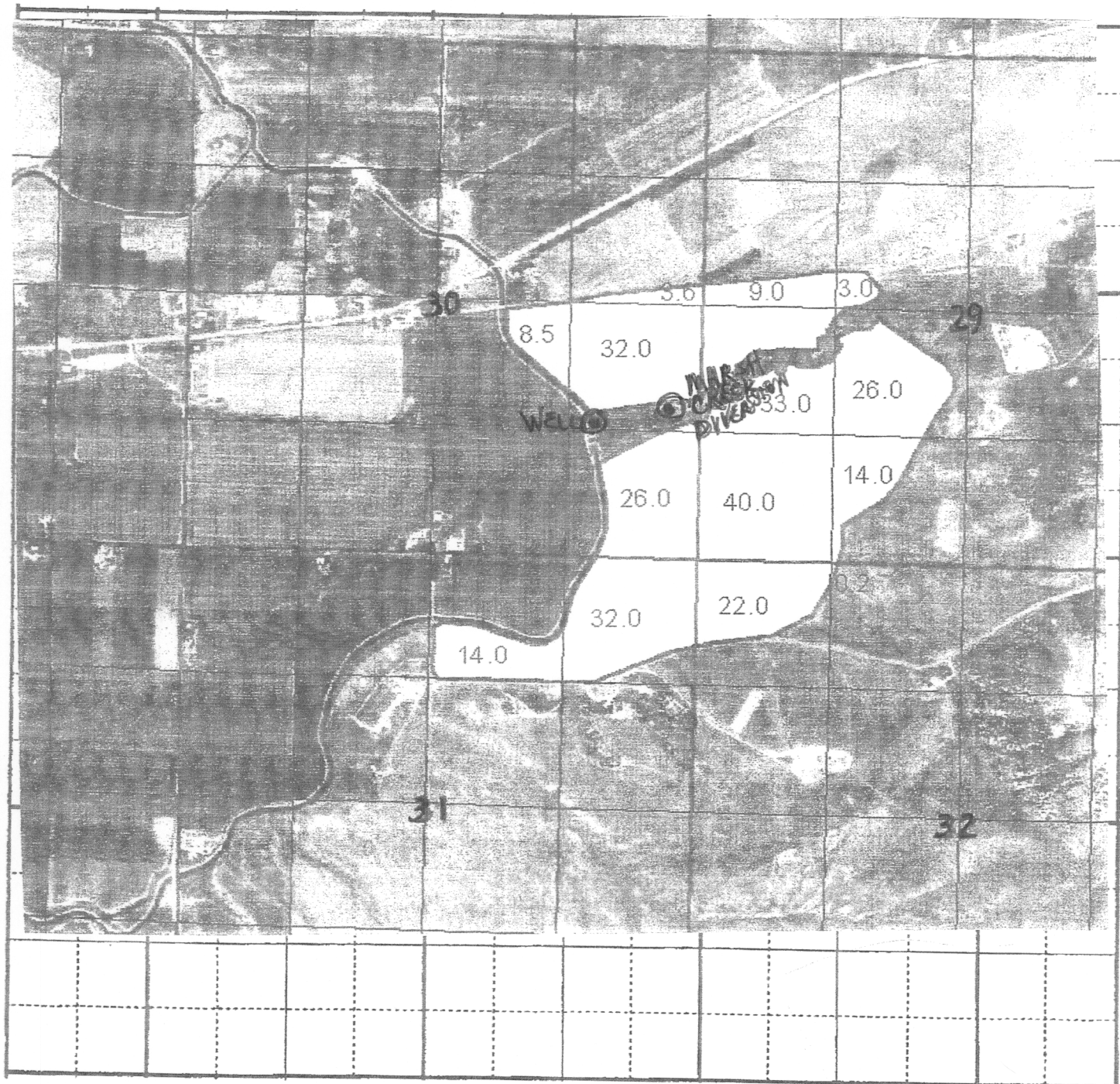
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	N/A			to _____
				to _____

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

N/A

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

N/A

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.

Mark A. Akaggs
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of September, 19 2005

Laurie A. Gunnels Notary Public
Carroll County State Of Arkansas
My Commission Expires Apr. 5, 2011

Laurie A. Gunnels
(Notary Public)

My commission expires 4-5-2011

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 9/27/2005

Protest filed by _____

Prelim. check by C. SKINNER Fee \$250 5028028

Received by C. SKINNER Date 9/28/2005

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

WARRANTY DEED

THIS INDENTURE, made this 6th day of August, 2004, between Six S Ranch, Inc., of P.O. Box 1760 Eagle, Idaho 83616 ("Grantor"), and Six S Ranch, LLC, whose address is P.O. Box 1760 Eagle, Idaho 83616, ("Grantee").

WITNESSETH:

The Grantor for and in consideration of the corporate reorganization, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

See Exhibit "A"

SUBJECT TO: Accruing taxes, levies and assessments, easements and right of ways of record.

TOGETHER with all water rights appurtenant including but not limited to those described on Exhibit "B," attached hereto and made a part hereof by reference, all mineral rights, and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the

1 successors and assigns of Grantee forever.

2 The Grantor shall and will warrant and by these presents will forever
3 defend the said premises in the quiet and peaceable possession of the Grantee, and
4 the successors and assigns of Grantee against all and every person and persons
5 whomsoever lawfully claiming the same, except as aforesaid.

6
7 IN WITNESS WHEREOF, the Grantor has executed this Deed the day
8 and year first above written.

9 SIX S RANCH, INC.

10
11 By: [Signature]
12 Its: Vice President & Gen. Manager

13
14 STATE OF IDAHO)
15) ss.
16 County of Cassia)

17 On this 6 day of ^{August}~~July~~, in the year 2004, before me, the undersigned, a
18 Notary Public in and for said State, personally appeared GEORGE MOOSMAN,
19 known or identified to me to be the Vice President of Six S Ranch, Inc., the
20 corporation that executed the instrument or the person who executed the instrument
21 on behalf of said corporation, and acknowledged to me that such corporation
22 executed the same.

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[Signature]
Notary Public for Idaho
Residing at Burley
My commission expires on 7/20/2010

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 21: That portion of the S½ of Section 21 lying South of the State Highway

Section 22: All that portion of the S½ of Section 22, lying South of State Highway, the South side of which is described as follows:

Beginning at a point on the intersection of the West side of said Section 22 and the South side of said highway, a point on curve 500 feet, more or less, from the West quarter corner of said Section 22, Highway Station 696+47;

Thence Easterly around curve right 1152.4 feet with central angle of 6°35', a radius of 10,051.8 feet to Station 707+99.4 the point, which is a point of equation, 707+99.4 back = 710+59.2 ahead;

Thence North 86°20' East 4040.8 feet to the intersection with the East side of said Section 22, 160 feet South, more or less, from the East quarter corner.

Section 23: All that portion of the SW¼ and SE¼NW¼, Section 23, lying South of the centerline of State Highway, said line described as follows:

Beginning at a point on the West side of said Section 23, the intersection of said centerline and West side, 90 feet South of the West quarter corner of said Section 23;

Thence North 86°20' East 2648 feet, to the intersection with the East side of SE¼NW¼ of said Section 23;

EXCEPTING THEREFROM the highway right-of-way.

Section 24: That portion of Section 24, lying South of the centerline of U.S. Highway No. 30 as constructed, more particularly described as follows:

The W¼SW¼, SE¼SW¼ of said Section 24 and those portions of the S¼NW¼, NE¼SW¼, W¼SE¼ and SE¼SE¼ lying southerly of the following described centerline of said U.S. Highway No. 30;

Beginning at Highway Station 804+05 which point is on a curve and on a section line North 320 feet, more or less, from the West quarter corner of said Section 24;

Thence 1706.3 feet around curve with a 2° curve right, said curve having a central angle of 34°25' and radius of 2865 feet to Station 821+11.3, which station is a point on tangent;

Thence South 59°15' East on tangent 4348.7 feet to Station 864+60, which station is a point on tangent approximately 344 feet North from the Southeast corner of Section 24.

EXCEPTING THEREFROM the highway right-of-way.

Section 27: ALL

Section 28: ALL, EXCEPTING THEREFROM Railroad Right of Way, and further EXCEPTING:

Beginning at the South Quarter Corner of said Section 28 which shall be the Point of Beginning;

Thence North along the quarter section line for 25 feet;

Thence East for 2640 feet, more or less, to a point on the East line of said Section 28;

Thence South along said East section line for 25 feet to the Southeast corner of Section 28;

Thence West along the South line of Section 28 for 2640 feet, more or less, to the Point of Beginning.

Section 29: $S\frac{1}{2}$ and that part of the $S\frac{1}{2}NW\frac{1}{4}$ and the $S\frac{1}{2}NE\frac{1}{4}$ lying South of the right-of-way of the Idahome Branch of the Oregon Short Line Railroad Company, EXCEPTING THEREFROM the following described tract:

Beginning at a point on a course North $57^{\circ}40'$ East 2660.06 feet, and South $83^{\circ}35'$ East 50 feet from the Southwest corner of said Section 29;

Thence South $83^{\circ}35'$ East 581 feet;

Thence North $56^{\circ}35'$ East 450 feet;

Thence North $26^{\circ}38'$ East 90 feet;

Thence North $11^{\circ}13'$ West 396 feet;

Thence South $76^{\circ}33'$ West 650 feet;

Thence South $27^{\circ}26'$ West 550 feet to the Point of Beginning.

Section 30: That part of the $NW\frac{1}{4}SE\frac{1}{4}$ lying East of the Government Third Lift "J" Canal and South of the railroad right-of-way.

Section 30: $E\frac{1}{2}SE\frac{1}{4}$, EXCEPT that part of said $E\frac{1}{2}SE\frac{1}{4}$ lying West of the Government Third Lift or "J" Canal, and EXCEPT the following described tract:

Beginning at a point in the East and West centerline of said Section 30 that is 530 feet, more or less, distant West from the East Quarter corner; said point being 50 feet distant Southeasterly measured at right angles, from the centerline of the main track of the Raft River Branch of the Oregon Short Line Railroad Company as formerly constructed and operated;

Thence South $83^{\circ}37'$ West along a line parallel with and 50 feet distance Southeasterly, measured at right angles, from said centerline of main track as formerly constructed and operated, a distance of 820 feet, more or less, to a point in the West line of said $NE\frac{1}{4}SE\frac{1}{4}$;

Thence North along said West line a distance of 105 feet, more or less, to a point in said East and West centerline of Section;

Thence East along said East and West centerline a distance of 810 feet, more or less, to the Point of Beginning.

Section 30:

A triangular parcel of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30, more particularly described as follows:

Beginning at a point in the East and West centerline of said Section 30 that is 530 feet, more or less, distant West from the East Quarter corner; said point being 50 feet distant Southeasterly measured at right angles, from the centerline of the main track of the Raft River Branch of the Oregon Short Line Railroad Company as formerly constructed and operated;
Thence South 83°37' West along a line parallel with and 50 feet distance Southeasterly, measured at right angles, from said centerline of main track as formerly constructed and operated, a distance of 820 feet, more or less, to a point in the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North along said West line a distance of 105 feet, more or less, to a point in said East and West centerline of Section;
Thence East along said East and West centerline a distance of 810 feet, more or less, to the Point of Beginning.

Section 30:

An irregular tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 30, more particularly described as follows:

Beginning at the East Quarter corner of said Section 30;
Thence North along the East line of said Section a distance of 231.6 feet to a point 100 feet distance Northwestery, measured at right angles from said centerline of main track of the Raft River Branch as formerly constructed and operated;
Thence South 83°37' West along a line parallel with and 100 feet distance Northwestery, measured at right angles, from said centerline of main track of the Raft River Branch as formerly constructed and operated, a distance of 1332.8 feet to a point in the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South along said West line a distance of 47.3 feet to a point in the East and West centerline of said Section;
Thence East along said East and West centerline a distance of 1320 feet, more or less to the Point of Beginning.

-Continued-

Section 31:

N $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT that part lying West and North of the Government Third Lift or "J" Canal, and EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ of said Section 31;
Thence South 0°10' East 1320 feet;
Thence North 89°50' East 50 feet;
Thence North 0°10' West 1320 feet;
Thence North 89°50' West 50 feet to the Point of Beginning.

Tract No. 2:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar; Thence North 88°31'11" West along the 1/16th section line for 220.65 feet to a 1/2 inch rebar on the centerline of a gravel road which shall be the True Point of Beginning;
Thence North 88°31'11" West along the 1/16th section line for 429.35 feet to a 1/2 inch rebar;
Thence North 40°31'03" West for 147.19 feet to a P.K. nail on the centerline of a county road;
Thence North 78°29'39" East along the centerline of a gravel road for 212.66 feet to a 1/2 inch rebar;
Thence South 85°18'31" East along said gravel road centerline for 113.99 feet to a 1/2 inch rebar;
Thence South 61°00'06" East along said gravel road centerline for 112.70 feet to a 1/2 inch rebar;
Thence South 45°47'12" East along said gravel road centerline for 145.48 feet to the True Point of Beginning.

Tract No. 3:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar; Thence North 88°31'11" West along the 1/16th section line for 650.00 feet to a 1/2 inch rebar which shall be the True Point of Beginning;
Thence North 88°31'11" West along the 1/16th section line for 332.79 feet to a 1/2 inch rebar;
Thence North 66°27'20" East for 258.59 feet to a P.K. nail;
Thence South 40°31'03" East for 147.19 feet to the True Point of Beginning.

Section 31:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, more particularly described as follows:
Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar which shall be the True Point of Beginning;
Thence South 0°47'27" West along the Section line for 210.80 feet to a 1/2 inch rebar on the centerline of a gravel road;
Thence North 45°09'24" West along the centerline of a gravel road for 306.99 feet to a 1/2 inch rebar on the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 88°31'11" East along the 1/16th section for 220.65 feet to the True Point of Beginning.

Section 32:

ALL, EXCEPT the following described tract:

Beginning at the Northwest corner of said Section 32; thence South $49^{\circ}23'$ East for 1236.95 feet to a point on the centerline of a county road; thence South $79^{\circ}16'53''$ East for 237.45 feet to a point which is a steel pin and shall be the True Point of Beginning;

Thence South $79^{\circ}16'53''$ East for 1104.94 feet to a point;

Thence North $79^{\circ}00'57''$ East for 107.58 feet to a point;

Thence North $61^{\circ}44'57''$ East for 194.0 feet to a point;

Thence South $28^{\circ}37'06''$ East for 1923.88 feet to a point;

Thence West for 779.57 feet to a point;

Thence North $40^{\circ}09'55''$ West for 2331.91 feet to the True Point of Beginning.

EXCEPTING FROM said Sections 29, 31 and 32, the following described tract:

Beginning at a point 901.6 feet North $89^{\circ}55'$ East from the Southwest corner of said Section 29;

Thence North $34^{\circ}11'$ East 142.5 feet;

Thence North $54^{\circ}36'$ East 1145.35 feet;

Thence North $27^{\circ}26'$ East 1321.4 feet;

Thence North $76^{\circ}33'$ East 1262 feet;

Thence North $38^{\circ}16'$ East 345 feet, more or less, to a point 100 feet South of the Northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29;

Thence South 62.6 feet;

Thence South $38^{\circ}16'$ West 344 feet;

Thence South $76^{\circ}33'$ West 1212 feet;

Thence South $27^{\circ}26'$ West 1271.4 feet;

Thence South $54^{\circ}36'$ West 1145.35 feet;

Thence South $34^{\circ}11'$ West 375.6 feet;

Thence South $51^{\circ}00'$ West 507 feet;

Thence South $41^{\circ}04'$ West 391 feet;

Thence South $65^{\circ}37'$ West 1170 feet;

Thence North $47^{\circ}46'$ West 50 feet;

Thence North $65^{\circ}37'$ East 1170 feet;

Thence North $41^{\circ}04'$ East 391 feet;

Thence North $51^{\circ}00'$ East 507 feet;

Thence North $34^{\circ}11'$ East 233 feet to the Point of Beginning.

Section 33:

All

Section 34:

All

SAVE AND EXCEPTING from Sections 27, 28, 33 and 34 the following described tracts:

TRACT NO. 1:

Beginning 1320 feet North of the Southeast corner of said Section 33;
Thence North 1020 feet;
Thence West 370 feet;
Thence North 300 feet;
Thence West 2552 feet;
Thence South 60 feet;
Thence East 2502 feet;
Thence South 300 feet;
Thence East 370 feet;
Thence South 970 feet;
Thence East 50 feet to the Point of Beginning.

(This tract being deeded to the Albion highway District by a Deed dated May 26, 1932 and recorded September 10, 1943 as Instrument No. 146042 in Book 48 of Deeds, Page 378, records of Cassia County, Idaho.)

TRACT NO. 2:

Beginning at the North Quarter corner of Section 33;
Thence West 50 feet;
Thence South 2°53' West 2662.5 feet, more or less, to a point on the East and West subdivision line of said Section, said point being 212.4 feet West of center corner of Section 33;
Thence East 50 feet;
Thence North 2°53' East 2662.5 feet to the Point of Beginning.

(This tract being deeded to the Burley Highway District by a Deed dated May 10, 1932 and recorded June 29, 1932 as Instrument No. 105732 in Book 42 of Deeds, Pages 372 and 373, records of Cassia County, Idaho.)

TRACT NO. 3:

Beginning at the Quarter corner between Sections 28 and 33;
Thence North 25 feet;
Thence East 4020 feet;
Thence South 50 feet;
Thence West 4020 feet;
Thence North 25 feet to the Point of Beginning.

(This tract being deeded to the Burley Highway District by a deed dated March 22, 1963 and recorded November 5, 1963 as Instrument No. 15462 on Film No. 23, records of Cassia County, Idaho.)

Section 35:

W $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 10 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 19: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:
Beginning at the Southwest corner of said Section 19, said corner being marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°02'12" West along section line for a distance of 288.27 feet to a 1/2 inch rebar on the South right of way of State Highway 81;
Thence South 59°09'16" East along the South right of way of State Highway for a distance of 562.26 feet to a 1/2 inch rebar on the South line of Section 19;
Thence North 89°59'54" West along the South line of Section 19 for a distance of 482.54 feet to the Point of Beginning.
- Section 29: All that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.
- Section 29: That part of the S $\frac{1}{2}$ S $\frac{1}{2}$ lying South and West of U.S. Highway No. 30 South, to-wit:
- Section 30: That part of the following described parcel (Tax Number 1025) which lies South and West of U.S. Highway No. 30 South, to-wit:
Beginning at the Northeast corner of the NW $\frac{1}{4}$ of said Section 30;
Thence South 1320 feet;
Thence West 648 feet;
Thence Northwesterly to the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30;
Thence East to the Point of Beginning.
- Section 30: NE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.
- Section 30: All that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.
- Section 30: SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT railroad right of way, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 30: Lots 1, 2, and 3, EXCEPT highway right of way and railroad right of way, AND EXCEPTING THEREFROM that portion in the Northeast corner of said Lot 1 lying North and East of State Highway No. 30 South.
- Section 30: NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT railroad right of way.
- Section 30: That part of the following described parcel (Tax No. 1024) which lies South and West of U.S. Highway No. 30 South, to-wit:
Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30;
Thence South 1320 feet;
Thence East 660 feet;
Thence Northwesterly to the Point of Beginning, EXCEPTING railroad right of way.

- Section 30: SE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT railroad right of way
- ALSO EXCEPTING AND RESERVING a right of way two rods wide extending East and West along the South side of the land above described, said right of way to be used for road purposes and an electric power line.
- Section 30: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
- EXCEPT railroad right of way AND EXCEPTING that portion of the above described property dedicated for public use as shown on the recorded plat of Cotterel Townsite.
- Section 31: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$
- EXCEPT railroad right of way AND EXCEPTING that portion of the above described property dedicated for public use as shown on the recorded plat of Cotterel Townsite.
- Section 32: S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT railroad right of way.
- Section 32: All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.
- Section 33: All that part of the W $\frac{1}{2}$ lying South and West of U.S. Highway No. 30 South, EXCEPTING THEREFROM the following described tract:
- Beginning at a point where the East boundary line of the W $\frac{1}{2}$ of said Section 33, Township 10 South, Range 26 East of the Boise Meridian, intersects the Southwest right-of-way line of U.S. Highway No. 30 South;
- Thence South along the said East boundary line 990 feet;
- Thence North 59° 15' West parallel to the South right-of-way line of U.S. Highway No. 30 South, a distance of 2640 feet;
- Thence North parallel with the said East boundary line 990 feet to the Southwest right-of-way line of U.S. Highway No. 30 South;
- Thence Southeasterly along said right-of-way a distance of 2640 feet to the Point of Beginning.
- Section 33: Beginning at a point where the East boundary line of the W $\frac{1}{2}$ of said Section 33 intersects the Southwest right-of-way line of U.S. Highway No. 30 South;
- Thence South along the said East boundary line 990 feet;
- Thence North 59° 15' West parallel to the South right-of-way line of U.S. Highway No. 30 South, a distance of 2640 feet;
- Thence North parallel with the said East boundary line 990 feet to the Southwest right-of-way line of U.S. Highway No. 30 South;
- Thence Southeasterly along the said right-of-way a distance of 2640 feet to the Point of Beginning.

TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 24: N $\frac{1}{2}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$

Section 3: All

Section 4: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$

Section 5: E $\frac{1}{2}$ NE $\frac{1}{4}$ and West Half of Lot 4

Section 6: Lot 1

Section 7: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8: S $\frac{1}{2}$

Section 9: S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: ALL

Section 11: W $\frac{1}{2}$

Section 14: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 15: ALL, EXCEPT SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16: All

Section 17: W $\frac{1}{2}$

Section 18: E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$

Section 19: Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ AND SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 20: S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$

Section 29: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 29: Part of the SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said Section 29, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°38'32" West along section line for 1511.20 feet to a 1/2 inch rebar;
Thence North 14°03'08" East for 30.37 feet to a 1/2 inch rebar;
Thence North 27°52'13" East for 226.46 feet to a 1/2 inch rebar;
Thence North 50°26'40" East for 101.28 feet to a 1/2 inch rebar;
Thence North 27°27'34" East for 449.80 feet to a 1/2 inch rebar;
Thence North 32°53'45" East for 857.51 feet to a 1/2 inch rebar;
Thence North 19°14'26" East for 587.88 feet to a 1/2 inch rebar;
Thence North 78°17'51" East for 454.81 feet to a 1/2 inch rebar on section line;
Thence South 0°13'00" East along section line for 2070.17 feet to the Point of Beginning.

Section 30: Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East along the South line to the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North along the East line to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence Southwesterly to the Point of Beginning.

Section 30: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

Section 31: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT railroad right of way.

Section 6: Lots 1 and 2.

Section 8: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT railroad right of way.

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 14: NE $\frac{1}{4}$ SE $\frac{1}{4}$

WATER RIGHT NO.	SOURCE	PRIORITY DATE	CFS
A45-241	Marsh Creek	4-12-1892	3.20
A45-257	Marsh Creek	4-12-1892	24.90
A45-258	Land Creek	3-01-1875	2.00
A45-259B	Rose Creek	3-01-1875	.60
A45-261	Marsh Creek	3-31-1882	1.00
A45-262	Marsh Creek	11-30-1879	1.20
A45-263	Marsh Creek	4-16-1881	1.20
A45-264	Marsh Creek	7-21-1884	1.20
A45-265	Marsh Creek	6-25-1887	9.60
A45-267	Marsh Creek	6-05-1875	1.00
A45-268	Marsh Creek	5-30-1879	2.67
A45-269	Marsh Creek	4-20-1881	10.00
A45-270	Marsh Creek	4-20-1881	10.00
A45-281	Marsh Creek	4-30-1873	3.20
A45-282	Marsh Creek	4-30-1874	2.00
A45-298	Marsh Creek	4-01-1881	.80
A45-302	Marsh Creek	3-31-1882	.80
A45-307D	Marsh Creek	4-01-1873	.60
A45-308A	Marsh Creek	3-01-1875	1.08
A45-318	Marsh Creek	4-01-1885	3.20
A45-328	Howell Creek	3-10-1881	3.20
A45-527	Marsh Creek	3-31-1878	.90
A45-13503	Marsh Creek	4-12-1892	33.64
A45-2454	Well	8-18-1953	2.96
A45-2625	Well	9-29-1960	2.39
A45-2738	Well	3-06-1967	1.80
A45-7021	Well	12-01-1967	1.55
A45-7024	Well	2-01-1968	6.00
A45-7031	Well	7-24-1968	10.52
A45-13507	Well	8-25-1969	

EXHIBIT

B

RECORDED AT THE REQUEST OF
Palomo & Smith

2001 AUG 20 PM 4 16

FEE 39.00 DEPUTY 26

CASSIA COUNTY, IDAHO
 LARRY A. MICKELSEN
 RECORDER

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