

United States Department of the Interior
Bureau of Reclamation

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JUN 25 2004

DEPARTMENT OF WATER RESOURCES

Water Rental and Forbearance Agreement

With **Robert Dirks**
(Lessor's name)

Reclamation agreement number **#1425-04-WL-10-0007**

This Agreement is entered into pursuant to the Reclamation Act of 1902, as amended and supplemented, for the purpose of meeting commitments of the Bureau of Reclamation (Reclamation) under the Biological Opinions on the Operation of the Federal Columbia River Power System and the operation and maintenance of Reclamation Projects in the Snake River Basin above Brownlee Dam. This Agreement is by and between the United States of America, acting by and through the Department of the Interior, Bureau of Reclamation, represented by the officer executing this instrument on its behalf and Robert Dirks, hereafter known as the Lessor.

RECITALS

- A. WHEREAS, Reclamation has commitments under Biological Opinions on the operation of the Federal Columbia River Power System and the operation and maintenance of Reclamation Projects in the Snake River Basin above Brownlee Dam to provide flow augmentation for delivery at Lower Granite Dam.
- B. WHEREAS, The Idaho Legislature authorized Reclamation to annually rent up to 427,000 acre-feet of storage water per year during the years 2002-2004 under the provisions of Idaho Code § 42-1763B.
- C. WHEREAS, In 2003, there was insufficient storage water available for rental by Reclamation to meet the 427,000 acre-feet rental target. Therefore, Reclamation conducted a pilot leasing program under which water right holders submitted proposals to idle land and place their water rights in the State Water Supply Bank, thereby increasing water flow downstream to Lower Granite Dam. Rules governing the Idaho State Water Supply Bank, IDAPA 37.02.03, provide that rentals shall be approved only for use in Idaho unless there is compliance with the provisions of Idaho Code § 42-401(3). In order to avoid the complexities of Reclamation seeking approval for out-of-state use, the water was rented by the Idaho Power Company and used for hydropower generation in Idaho with the result that additional water flowed to Lower Granite Dam for flow augmentation.
- D. WHEREAS, Similar to 2003, it is expected that insufficient storage water will be available this year for rental by Reclamation. Therefore, Reclamation is conducting another similar pilot program (Program). Under this Program, water right holders will forego irrigation of land and place their water right into the Idaho State Water Supply Bank. As a practical way of ensuring that Reclamation receives additional water, over and above the water flows that would otherwise be available, a qualification was added requiring that the land to which the water right is appurtenant was either irrigated last year or was in Reclamation's 2003

program explained in Recital C above. Again, it is intended for Idaho Power to rent the water from the State Water Supply Bank.

- E. Reclamation advertised a request for proposals to the public. In response, the Lessor submitted a proposal for participation in the Program. The proposal shows that the Lessor has a right to use water for irrigation purposes and absent this Program was intending to irrigate with the water proposed for the Program. Therefore, placing the Lessor's water in the Water Bank during 2004 will result in additional water in the Snake River at Lower Granite Dam, Oregon. This additional water will be counted towards Reclamation's obligation to provide 427,000 acre-feet of water at Lower Granite Dam.

AGREEMENT

NOW THEREFORE, in consideration of the mutual and dependent covenants herein contained, the parties agree as follows:

I. Land Accepted into the Program

- A. The total number of acres accepted into the Program is 185.7 acres. The land, hereinafter referred to as the Land, accepted into the Program is identified as "LL" on the map(s) included in Attachment A. This is the maximum number of acres eligible for payment under this Agreement. Reclamation recognizes the following conditions may exist: 1) additional acres may have been proposed in the Lessor's application, 2) the Lessor may have a right to irrigate additional acres, 3) the Lessor may intend to irrigate additional acres in 2004 and is willing to idle those acres, and 4) the Lessor may submit an application to the State Water Supply Bank to lease water rights appurtenant to acres other than the acres identified in this Agreement. Notwithstanding any of the conditions stated above or any other conditions, under this "willing seller, willing buyer" Agreement, the number of acres covered by the Agreement is limited to the number and location stated in this section I.A. of the Agreement.
- B. If it is determined after the execution of this Agreement that certain acres are not eligible for the Program because of a mistake, error, or misrepresentation in the Lessor's application, the land covered under this Program will be reduced accordingly.
- C. The Land may not be irrigated from any source, regardless of whether there is another valid water right appurtenant to the Land. Water authorized to be diverted under water rights, or portions of water rights, leased to the Water Supply Bank may not be applied to lands that are not identified in this Agreement. The Lessor may not water the Land for any reason; for example, testing equipment, irrigating a cover crop, or dust abatement.
- D. IDWR intends to monitor the Lessor's idled lands. The monitoring will include field visits, and the collection and analysis of satellite data and related pump and flow measurements collected at IDWR's discretion. The Lessor agrees to allow the collection of data and access for field visits.

II. Water Rights Appurtenant to the Leased Land

- A. The Lessor agrees that this Agreement shall be submitted to the Idaho State Water Supply Bank as an application to lease water to the bank, and that the Lessor is offering the water rights described in Attachment A to the bank by signing this Agreement. The Lessor agrees that any additional information or requirement IDWR may require to process or accept the application shall be furnished promptly to IDWR, including but not limited to, the submission of a separate application form if required. Failure to comply with IDWR requests for information or other requirements is cause for termination of this agreement.
- B. All rentals of the Lessor's water rights out of the water bank shall be subject to Reclamation's approval.
- C. With respect to the water rights covered by this Agreement, the Lessor warrants that the Lessor has the right, title, and interest necessary to enter into this Agreement; and that there are no agreements, leases, licenses, liens or encumbrances which would prohibit the Lessor from placing the Lessor's water rights into the Idaho State Water Bank; and that to the extent necessary, the Lessor has obtained any consent or approval necessary to authorize the execution of this contract.
- D. The Lessor shall immediately notify Reclamation if there are any changes in ownership, or any encumbrances or liens placed upon, any of the real property or water rights covered by this contract during the term of the Agreement.

III. Payment

- A. By signing this Agreement the Lessor offers to the Idaho State Water Supply Bank the water rights described above for a total lease price of \$ 27,669³⁰. This amount is based on \$ 149³⁰ per acre of land idled. The Lessor understands that the amount the Lessor will receive from the Idaho State Water Supply Bank is 90% of the total lease price. Ten percent will be retained by IDWR for administrative costs of operating the Water Supply Bank, pursuant to the Water Supply Bank Rules.
- B. Payment as shown in section III.A above is based upon a dollar amount per acre of land idled, regardless of the diversion rate or maximum diversion volume allowed under the water right, the historical diversion rate or consumptive use under the water right, or the diversion rate or diversion volume approved for lease by IDWR.
- C. Pursuant to the Water Supply Bank Rules, IDAPA 37.02.03, after the water rights are leased, payment is to be made by the Water Supply Bank to the Lessor. Lessor agrees to accept the following intended plan for payment by IDWR: One half of the estimated payment will be made on or about July 30, 2004, and the remainder will be paid after the irrigation season ends and final verification of program compliance is complete. Reclamation will enter into a separate contract with IDWR to make payment to the Water Supply Bank for this purpose.

IV. **Term, Termination of Agreement and Remedies**

- A. The Agreement shall become effective on the date of the last signature hereto and shall extend through December 31, 2004.
- B. At Reclamation's discretion, this Agreement may be terminated upon:
- (1) Failure of the Lessor to abide by the terms and conditions of this Agreement;
 - (2) Refusal of the Lessor to allow Reclamation or IDWR access to the Land to monitor compliance with the Agreement;
 - (3) Application of water by the Lessor to the Land during the period of this Agreement, except in emergency situations where the application of water is required for public safety reasons;
 - (4) Discovery of fraudulent information submitted in the Lessor's Application.
- C. If this Agreement is terminated for any other reason prior to its ending date, the Lessor shall reimburse Reclamation for a prorated portion of the amount stated in Section III.A of this Agreement, as determined by Reclamation.

V. **Miscellaneous**

- A. The Landowner or Lessor is responsible for all taxes, assessments, soil conservation measures such as weed and erosion control and other obligations related to any of the Land covered by this Agreement.
- B. The Landowner will indemnify and hold harmless Reclamation from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death, or property damage of any nature caused by the Landowner or any person, firm or corporation acting on the Landowner's behalf related to or arising out this Agreement.
- C. **Water Right Ownership**
- This Agreement shall not be used as evidence of ownership of water rights in the Snake River Basin Adjudication.
- D. **Officials Not to Benefit**
- No member of or delegate to Congress or the Resident Commissioner shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom, but this restriction shall not be construed to extend to this Agreement if made with a corporation or company for its general benefit.
- E. **Covenant Against Contingent Fees**

The Lessor warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee except bona fide employees and bona fide commercial agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty, Reclamation shall have the right to revoke this Agreement without liability or in its discretion to require the Lessor to pay the full amount of such commission, percentage, brokerage, or contingency fee to the United States.

Signatures

Print name(s): Robert Dirks, Michelle Dirks

Mailing address: 24762 REA Rd.
Granite View Idaho 83624

Phone: 208-834-3344

Signed Robert Dirks

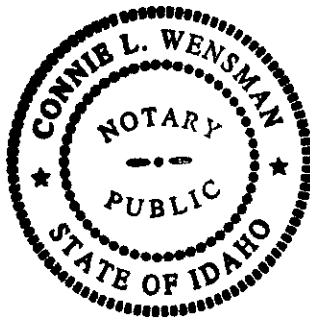
Signed Michelle Dirks

Title: Owner

Date: 4-2-04

On this 2nd day of APRIL, 2004, before me the undersigned Notary Public in and for said county and state, personally appeared Robert & Michelle Dirks, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he/she executed the same.

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



Connie L Wensman
Notary Public in and for Idaho
Residing at: Meridian ID
Commission Expires: 10-06-04

For the Bureau of Reclamation

Signature: Kenneth R. Pedde
Regional Director, Pacific Northwest Region

Date: 4/22/04

On this 22nd day of April, 2004, before me the undersigned Notary Public in and for said county and state, personally appeared Kenneth R. Pedde, known to me to be the person whose name is subscribed to within instrument and acknowledged to me that he/she executed the same.

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



Katy Lammis
Notary Public in and for Idaho
Residing at; Ada County
Commission Expires: 10/17/2009

Water Right Numbers for lands in 2004 Snake River Pilot Leasing Program.
02-7012, 02-2279

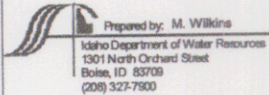
Legal Description of Lands Approved for 2004 Snake River Pilot Leasing Program.

[illegible]

Applicant initials P.D. Applicant initials _____ Applicant initials _____



T05S R03E
T06S R03E



Water right boundaries identify the quarter quarters within the licensed or permitted place of use, but do not represent the number of acres authorized.

- ELIGIBLE
- INELIGIBLE
- QUESTIONABLE
- Water Right 2-7012
- Water Right 2-2279
- Township/Range
- Section Lines
- Quarter/Quarter

SPOT Satellite Image: 07-23-2003

1000 0 1000 2000 Feet

Applicant Signature

Date

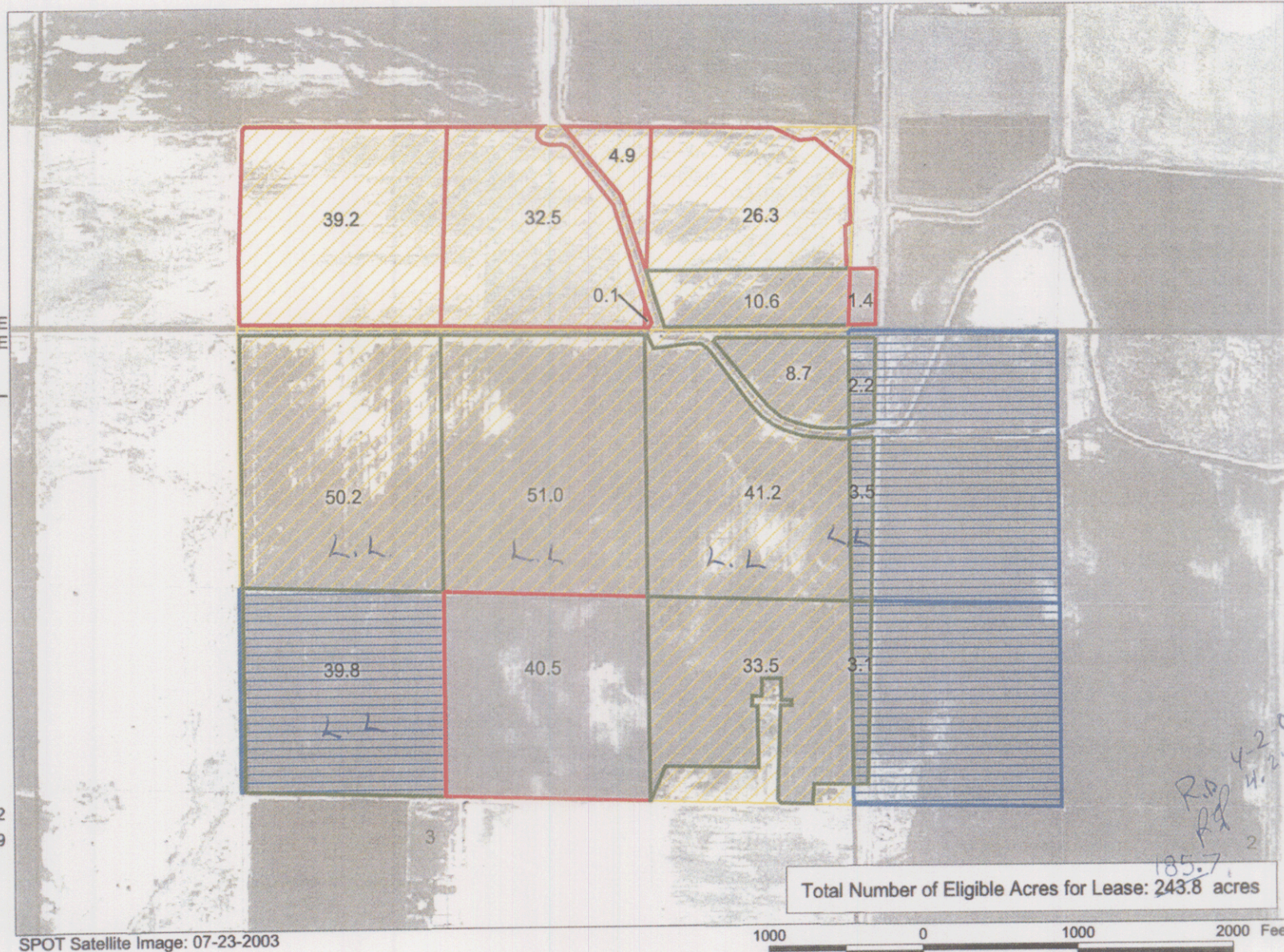
USBOR Signature

Date

Robert Dirks

**2004 Snake River Pilot Leasing Program
Rental of Water from the Water Supply Bank**

Prepared: April 1, 2004



APPLICATION FOR PROPOSAL FOR SNAKE RIVER PILOT LEASING PROGRAM 2004

A. GENERAL

- A1. Applicant name(s): Robert Dirks
- A2. Proposed price per acre: \$ 149 per acre. Note that you will only receive 90% of that rate.
- A3. Number of acres you propose to idle: 389 acres

B. INFORMATION ABOUT THE APPLICANT

- B1. Type of applicant:
☐ Single individual
☒ Joint owners
☐ Partnership
☐ Corporation
☐ Limited liability co.
☐ Irrigation district
☐ Other
- B2. Taxpayer identification number, if applicable: 519-56-5917
- B3. Mailing Address: 24762 Acad Rd Grand View Idaho 83624 Fax: 834-3344
- B4. Daytime Phone Number: 834-3344 Additional cell phone number: _____
- B5. E-mail Address: _____
- B6. Do you
☒ own the land that is to be idled?
☐ lease the land that is to be idled?
☐ neither, you only hold the water rights, e.g. irrigation district, canal company.

B7. If you lease the land that is to be idled, complete the following:

- a. Provide a copy of your entire lease.
- b. Does your lease provide for authorization to put water into the water bank?
☐ Yes, on page ___ of my lease.
☐ No, but I have separate authorization, which is enclosed.
- c. Name and address of the lessor landowner: _____

C. INFORMATION ABOUT THE LAND THAT WILL BE IDLED

- C1. Does each tract of land you are proposing meet the eligibility criteria? ☒ Yes ☐ No
- C2. Were any of the proposed lands leased to the Idaho State Water Supply Bank under a 2003 contract with Reclamation? ☐ Yes ☒ No
- C3. Is a cover crop planned for the idled land? ☐ No ☒ Yes, my cover crop will be: Barley
- C4. Have you completed and enclosed the attached grid? (See application instructions.) ☒ Yes
- C5. Have you attached an acceptable map with the proposed acres identified? (See application instructions.) ☒ Yes
- C6. Have you enclosed acceptable evidence of irrigation of the proposed lands during the 2003 irrigation season? (See instructions) ☒ Yes

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/13/2004

WATER RIGHT NO. 2-7012

Owner Type	Name and Address
Current Owner	MECHELLE DIRKS
Current Owner	ROBERT G DIRKS
	HC 85 BOX 344
	GRAND VIEW, ID 83624
	(208)834-2404
Original Owner	KEITH A JOHNSON
Original Owner	MILDRED LEMON
Original Owner	WILLIAM H LEMON
	GRAND VIEW, ID
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO
	C/O TIPPETT LAND & MORTGAGE CO
	PO BOX 3027
	PASCO, WA 99302
	(509)545-3355

Priority Date: 03/04/1968

Basis: License

Status: Active

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	10/31	1 CFS	250 AFA
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

Water Right Report

Snake River	SESW	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	03E	2		NWNW	6		SWNW	4						
		3		SENW	40									

Total Acres: 50

Remarks:

1.	General	" OWNERSHIP CHANGED BY RDH ON 29 NOV 90"
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Dates:

Licensed Date: 02/17/1979

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Daisy Place

01/09/97 10:33:51

Page 1

WR0743:IP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water Right Number - 02-07012 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LEMON WILLIAM H. 1 -
2 -
3 -
City- GRANDVIEW State- ID Zip-
Phone -

LEMON MILDRED 1 -
2 -
3 -
City- GRANDVIEW State- ID Zip-
Phone -

*** D - ORIGINAL OWNER ***

JOHNSON KEITH A. 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

03/04/1968 ERROR IN REGION L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

SNAKE RIVER COLUMBIA RIVER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
05S	04E	34	SE SW			(73) OWYHEE			

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	10/31	1.000	250.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

1.000 250.00

+ - - - - Place of Use - - - - - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	03E	2	NW NW		6.0	01	IRRIGATION	(73) OWYHEE
06S	03E	2	SW NW		4.0	01	IRRIGATION	(73) OWYHEE
06S	03E	3	SE NW		40.0	01	IRRIGATION	(73) OWYHEE
Total Acres:					50.0			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

D. INFORMATION FOR EACH WATER RIGHT INCLUDED IN YOUR PROPOSAL

If you are proposing to lease more than one water right, copy this section and fill out a separate page for each water right.

- D1. Water Right Number: 02-07012
- D2. What is the basis of the water right? ☐ permit ☒ license ☐ decree
- D3. Have you attached a copy of the permit, license, or decree? ☒ Yes
- D4. Has a claim been made for the water right in the Snake River Basin Adjudication (SRBA)? ☒ Yes Attach a copy of this SRBA claim.
- D5. Priority date of the water right: 3-04-1968
- D6. (a) What is the total number of acres described in the place of use for irrigation under this water right? 50 acres
- (b) Does this right have a permissible place of use? ☐ Yes ☒ No
- D7. Is the number of acres authorized for irrigation under this right limited within the place of use in a single irrigation season?
- ☒ Yes, it is limited to 50 acres.
- ☐ No
- D8. Are any other water rights appurtenant to the proposed lands that are not included in this proposal?
- ☐ Yes, the other water rights are: _____
- ☒ No
- D9. How many acres authorized under this water right were irrigated during the 2003 season? 50 acres
- D10. Were any acres under this water right leased to the Idaho Water Supply Bank under a 2003 Contract with Reclamation?
- ☐ Yes, _____ acres.
- ☒ No
- D11. Do you propose to enter only a portion of the water right into the Program? ☒ Yes ☐ No
- D12. If so, how many acres authorized under this water right will still be irrigated during the 2004 irrigation season if your proposal is accepted into the Program? 10 acres

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/13/2004

WATER RIGHT NO. 2-4026

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MECHELLE DIRKS
Current Owner	ROBERT G DIRKS
	HC 85 BOX 344
	GRAND VIEW, ID 83624
	(208)834-2404
Original Owner	WILLIAM H LEMON
	RT 8 BOX 343
	GRAND VIEW, ID 83624
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO
	C/O TIPPETT LAND & MORTGAGE CO
	PO BOX 3027
	PASCO, WA 99302
	(509)545-3355

Priority Date: 06/01/1967

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

Water Right Report

SNAKE RIVER	SESW	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	03E	3		SWNE	40									

Total Acres: 40

Remarks:

1.	General	"OWNERSHIP CHANGED BY RDH ON 29 NOV 90"
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Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Dairy Place

WRC743NP
(00-24)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/09/97 10:36:45
Page 1

Water Right Number - 02-04026 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LEMON WILLIAM H. 1 - RT. 8 BOX 343
2 -
3 -
City- GRANDVIEW State- ID Zip- 83624
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

06/01/1967 ERROR IN REGION S - STATUTORY CLAIM

+ - - - - Source - - - - + + - - - - Tributary - - - - +

SNAKE RIVER COLUMBIA RIVER

+ - - - - Point of Diversion - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
05S	04E	34	SE SW			(73) OWYHEE			

+ - - - - Water Use - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.800	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

0.800

+ - - - - Place of Use - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	03E	3	SW NE		40.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - +

No Remarks found.

+ - - - - Old Water Right Numbers - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

D. INFORMATION FOR EACH WATER RIGHT INCLUDED IN YOUR PROPOSAL

If you are proposing to lease more than one water right, copy this section and fill out a separate page for each water right.

- D1. Water Right Number: 02-040 26
- D2. What is the basis of the water right? ☐ permit ☐ license ☒ decree
- D3. Have you attached a copy of the permit, license, or decree? ☒ Yes
- D4. Has a claim been made for the water right in the Snake River Basin Adjudication (SRBA)? ☒ Yes Attach a copy of this SRBA claim.
- D5. Priority date of the water right: 6-01-1967
- D6. (a) What is the total number of acres described in the place of use for irrigation under this water right? 40 acres
- (b) Does this right have a permissible place of use? ☐ Yes ☒ No
- D7. Is the number of acres authorized for irrigation under this right limited within the place of use in a single irrigation season?
☒ Yes, it is limited to 40 acres.
☐ No
- D8. Are any other water rights appurtenant to the proposed lands that are not included in this proposal?
☐ Yes, the other water rights are: _____
☒ No
- D9. How many acres authorized under this water right were irrigated during the 2003 season? 40 acres
- D10. Were any acres under this water right leased to the Idaho Water Supply Bank under a 2003 Contract with Reclamation?
☐ Yes, _____ acres.
☒ No
- D11. Do you propose to enter only a portion of the water right into the Program? ☐ Yes ☒ No
- D12. If so, how many acres authorized under this water right will still be irrigated during the 2004 irrigation season if your proposal is accepted into the Program? 0 acres

Water Right Report

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

01/13/2004

WATER RIGHT NO. 2-2279

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEITH A JOHNSON GRAND VIEW, ID

Priority Date: 02/28/1964

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	6.18 CFS	1050 AFA
Total Diversion			6.18 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER	SESW	Sec. 34	Township 05S	Range 04E	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	03E	34		SESW	40									
				SWSE	40		SESE	39						
06S		3		NENE	50		NWNE	51		SENE	38			

Water Right Report

				NENW	51														
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Total Acres: 309

Dates:

Licensed Date: 02/13/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Daisy Place

WR0743NP
(00-26)IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/09/97 10:37:13

Page 1

Water Right Number - 02-02279 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***

JOHNSON

KEITH A.

1 -

2 -

3 -

City- GRANDVIEW

State- ID Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +

02/28/1964 ERROR IN REGION 1 - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

SNAKE RIVER COLUMBIA RIVER

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
-----	-----	-----	-------	-----	------	--------	----------------	----------------	---------------

05S	04E	34	SE SW			(73) OWYHEE			
-----	-----	----	-------	--	--	-------------	--	--	--

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	6.180	1050.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

6.180 1050.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
05S	03E	34	SE SW		40.0	01	IRRIGATION	(73) OWYHEE
05S	03E	34	SW SE		40.0	01	IRRIGATION	(73) OWYHEE
05S	03E	34	SE SE		39.0	01	IRRIGATION	(73) OWYHEE
06S	03E	3	NE NE		50.0	01	IRRIGATION	(73) OWYHEE
06S	03E	3	NW NE		51.0	01	IRRIGATION	(73) OWYHEE
06S	03E	3	SE NE		38.0	01	IRRIGATION	(73) OWYHEE
06S	03E	3	NE NW		51.0	01	IRRIGATION	(73) OWYHEE

Total Acres: 309.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

D. INFORMATION FOR EACH WATER RIGHT INCLUDED IN YOUR PROPOSAL

If you are proposing to lease more than one water right, copy this section and fill out a separate page for each water right.

- D1. Water Right Number: 02-02279
- D2. What is the basis of the water right? ☐ permit ☒ license ☐ decree
- D3. Have you attached a copy of the permit, license, or decree? ☒ Yes
- D4. Has a claim been made for the water right in the Snake River Basin Adjudication (SRBA)? ☒ Yes Attach a copy of this SRBA claim.
- D5. Priority date of the water right: 2-28-1964
- D6. (a) What is the total number of acres described in the place of use for irrigation under this water right? 309 acres
- (b) Does this right have a permissible place of use? ☐ Yes ☒ No
- D7. Is the number of acres authorized for irrigation under this right limited within the place of use in a single irrigation season?
- ☐ Yes, it is limited to 309 acres.
☐ No
- D8. Are any other water rights appurtenant to the proposed lands that are not included in this proposal?
- ☐ Yes, the other water rights are: _____
☒ No
- D9. How many acres authorized under this water right were irrigated during the 2003 season? 309 acres
- D10. Were any acres under this water right leased to the Idaho Water Supply Bank under a 2003 Contract with Reclamation?
- ☐ Yes, _____ acres.
☒ No
- D11. Do you propose to enter only a portion of the water right into the Program? ☐ Yes ☒ No
- D12. If so, how many acres authorized under this water right will still be irrigated during the 2004 irrigation season if your proposal is accepted into the Program? 0 acres

E. INFORMATION ABOUT OVERALL IRRIGATION PRACTICES

Answer E1 & E2 if you are a landholder, i.e. you own or lease land that was or will be irrigated, or you are a part owner of an entity that owns or leases land that was or will be irrigated.

- E1. (a) If you are a landholder, how many acres did you irrigate in 2003, at any location from any water rights from, or tributary to, the Snake River? 969 acres
- (b) If you were a part owner of one or more entities that leased or owned land, how many acres did each entity irrigate in 2003, at any location from any water rights from, or tributary to, the Snake River? _____ acres
- E2. (a) How many acres do you intend to irrigate in 2004, at any location from any and all water sources from, or tributary to, the Snake River if your proposed acres are accepted? 580 acres
- (b) If you are a part owner of one or more entities that holds land and intends to irrigate in 2004, at any location from any and all water sources from, or tributary to, the Snake River if your proposed acres are accepted? _____ acres

Answer E3 if you are completing this application on behalf of an irrigation district or canal company or similar entity.

- E3. Submit the following information for each landholder who is proposing to idle land under this application:



- (a) Name: _____
- (b) Number of acres the landholder proposes to idle: _____ acres
- (c) Number of acres the landholder (either by him/herself, or as part of another entity, such as a partnership or limited liability company) irrigated in 2003 from any and all water sources from, or tributary to, the Snake River in any location: _____ acres
- (d) Number of acres the landholder (either by him/herself, or as part of another entity) plans to irrigate in 2004: _____ acres

E3 (cont.) Make copies of this page if you need additional space.

Landholder #2

- a) Name: _____
- (b) Number of acres the landholder proposes to idle: _____ acres
- (c) Number of acres the landholder (either by him/herself, or as part of another entity, such as a partnership or limited liability company) irrigated in 2003 from any and all water sources from, or tributary to, the Snake River in any location: _____ acres
- (d) Number of acres the landholder (either by him/herself, or as part of another entity) plans to irrigate in 2004: _____ acres

Landholder #3

- a) Name: _____
- (b) Number of acres the landholder proposes to idle: _____ acres
- (c) Number of acres the landholder (either by him/herself, or as part of another entity, such as a partnership or limited liability company) irrigated in 2003 from any and all water sources from, or tributary to, the Snake River in any location: _____ acres
- (d) Number of acres the landholder (either by him/herself, or as part of another entity) plans to irrigate in 2004: _____ acres

Landholder #4

- a) Name: _____
- (b) Number of acres the landholder proposes to idle: _____ acres
- (c) Number of acres the landholder (either by him/herself, or as part of another entity, such as a partnership or limited liability company) irrigated in 2003 from any and all water sources from, or tributary to, the Snake River in any location: _____ acres
- (d) Number of acres the landholder (either by him/herself, or as part of another entity) plans to irrigate in 2004: _____ acres

Landholder #5

- a) Name: _____
- (b) Number of acres the landholder proposes to idle: _____ acres
- (c) Number of acres the landholder (either by him/herself, or as part of another entity, such as a partnership or limited liability company) irrigated in 2003 from any and all water sources from, or tributary to, the Snake River in any location: _____ acres
- (d) Number of acres the landholder (either by him/herself, or as part of another entity) plans to irrigate in 2004: _____ acres

SIGNATURES

By signing below, you certify that the information included in this proposal is accurate and true to the best of your knowledge.

NOTE: To support your proposal, you may be asked to provide additional information. We will notify the applicant shown above if additional information is necessary.



Applicant's Signature
Robert Diers

Printed Name



Applicant's Signature
Mechelle Diers

Printed Name

Applicant's Signature

Printed Name

Applicant's Signature

Printed Name

Applicant's Signature

Printed Name

1-12-04

Date

Office held (if entity)

1-12-04

Date

Office held (if entity)

Date

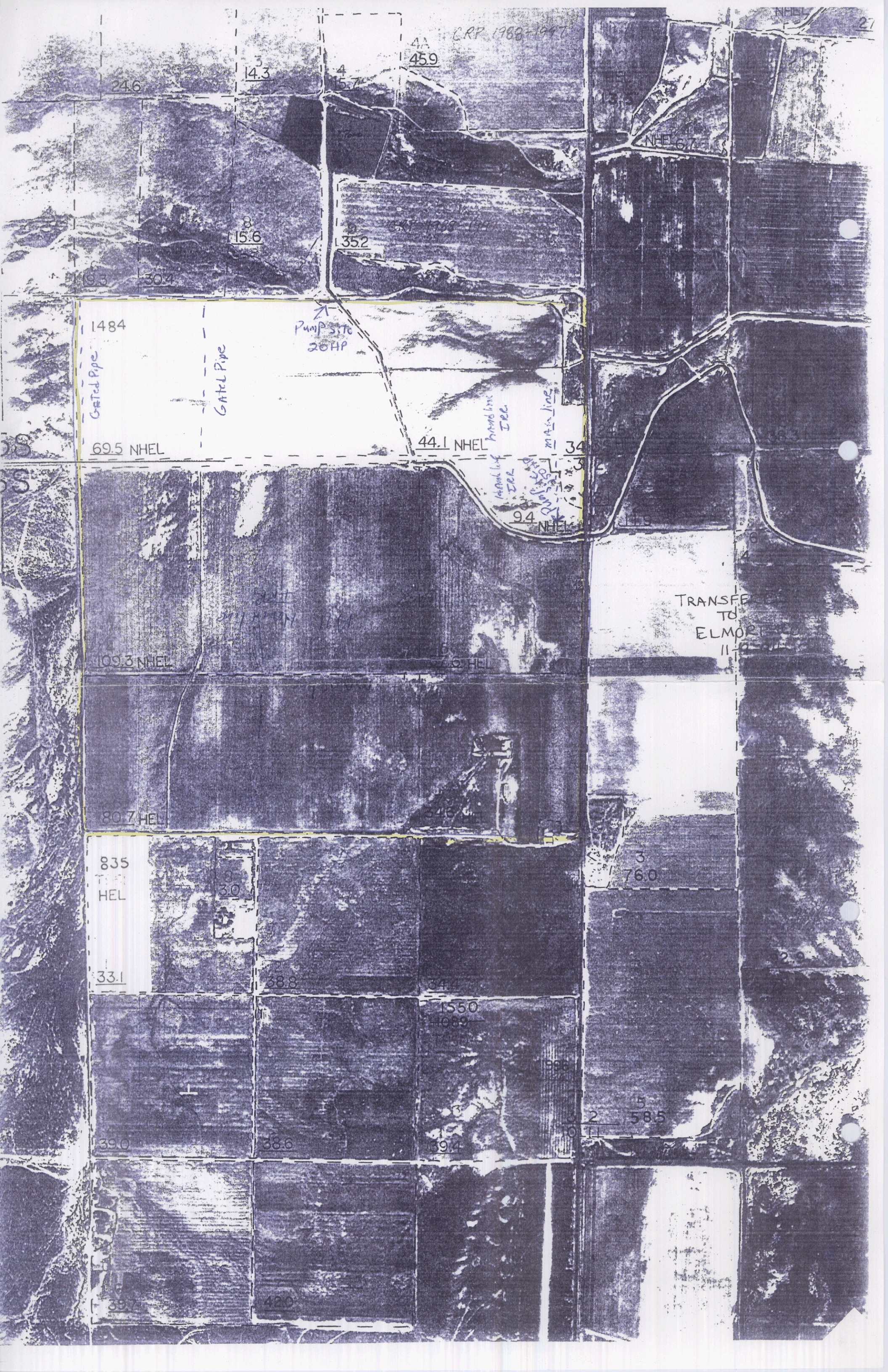
Office held (if entity)

Date

Office held (if entity)

Date

Office held (if entity)



NHEL 27

GRP 1988-1997

4A
459

3
14.3

4
15.7

24.6

8
15.6

352

NHE 67.5

1484

Pump Site
20HP

Gated Pipe

Gated Pipe

69.5 NHEL

44.1 NHEL

hand line
TEL

main line

9.4 NHEL

34

TRANSFERRED
TO
ELMORF
11-6-97

109.3 NHEL

7.6 NHEL

80.7 NHEL

835
TEL
HEL

30

3
76.0

33.1

38.8

34.4

1550
1089
1250

1986

5
58.5

39.0

38.6

39.4

3
2
11

39.7

42.0



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Or call us at 388-2323 (Treasure Valley)
or (800) 488-6151
For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
Account Number: 1756100233
Billing Date: 10/23/2003
Print Date: 10/24/2003

Page: 1 of 2

Due Date:

11/07/2003

Please Pay:

\$357.71

**Account
Activity**

Previous Balance.....	\$10.07
Payments - Thank You.....	\$0.00
Balance Forward.....	\$10.07
Total Adjustments.....	\$0.10
Current Charges.....	\$347.54
Account Balance.....	\$357.71

Please Note: Any unpaid balances will be assessed a monthly charge of one percent (1%) for Idaho customers. Returned checks may be resubmitted electronically for payment. Checks remaining unpaid will be charged a \$20 fee.


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or (800) 488-6151
For faster service please call
Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
Account Number: 6877987406
Billing Date: 10/23/2003
Print Date: 10/24/2003

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Service Agreement No: 500479434

Next Read Date: 11/20/2003

Service Location: 06S03E0302/GRAND VIEW, ID

150HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
035B4221905	09/19/03	10/21/03	32	Regular	16120	17052	40	37280

Billing kW 136	BLC 0
-------------------	----------

**Agricultural
Rate Schedule
I24SB**

09/19/2003 - 10/21/2003 32 days \$0.00
Customer Charge, per meter per month \$2.50
Demand Charge 136 kW @ \$0.00 per kW \$0.00
Energy Charge 37,280 kWh @ \$0.049331 per kWh \$1,839.06
Conservation Program Funding Charge \$11.22

Current Charges - Electric Service..... \$1,852.78

Adjustments

Late Payment Charge \$25.30

Current Adjustments \$25.30

**Average
Daily Use**

This Month This Year:
Days = 32

This Month Last Year: *
Days = 0

CR = Credit
kWh = Kilowatt-hour

BLC = Basic Load Capacity
G = Generation



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Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: BERT DIRKS
Account Number: 6877987406
Billing Date: 08/22/2003
Print Date: 08/23/2003

Page: 2 of 2

Service Agreement No: 500479434

Next Read Date: 09/19/2003

Service Location: 06S03E0302/GRAND VIEW, ID

150HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
035B4221905	07/22/03	08/20/03	29	Verified	13096	14919	40	72920

Billing kW 150	BLC 0
-------------------	----------

**Agricultural
Rate Schedule
I24SB**

07/22/2003 - 08/20/2003 29 days \$0.00
Customer Charge, per meter per month \$10.07
Demand Charge 150 kW @ \$3.58 per kW \$537.00
Energy Charge 72,920 kWh @ \$0.041575 per kWh \$3,031.65
Conservation Program Funding Charge \$15.00

Current Charges - Electric Service.....\$3,593.72

**Average
Daily Use
Comparison**

This Month This Year:		This Month Last Year: *	
Days =	29	Days =	0
kWh Billed =	72920	kWh Billed =	0
kWh per Day =	2514.4	kWh per Day =	0.0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.



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Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
Account Number: 0877987406
Billing Date: 07/24/2003
Print Date: 07/25/2003

Page: 2 of 2

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Service Agreement No: 500479434

Next Read Date: 08/20/2003

Service Location: 06S03E0302/GRAND VIEW, ID

150HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
035B4221905	06/20/03	07/22/03	32	Verified	10855	13096	40	89640

Billing kW 146	BLC 0
-------------------	----------

**Agricultural
Rate Schedule
124SB**

06/20/2003 - 07/22/2003 32 days \$0.00
Customer Charge, per meter per month \$10.07
Demand Charge 146 kW @ \$3.58 per kW \$522.68
Energy Charge 89,640 kWh @ \$0.041575 per kWh \$3,726.78
Conservation Program Funding Charge \$15.00

Current Charges - Electric Service.....\$4,274.53

**Average
Daily Use
Comparison**

This Month This Year:		This Month Last Year: *	
Days =	32	Days =	0
kWh Billed =	89640	kWh Billed =	0
kWh per Day =	2801.2	kWh per Day =	0.0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.



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Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
Account Number: 6877987406
Billing Date: 05/23/2003
Print Date: 05/24/2003

Service Agreement No: 500479434

Next Read Date: 06/20/2003

Service Location: 06S03E0302/GRAND VIEW, ID

150HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
035B4221905	04/22/03	05/21/03	29	Verified	8238	9145	40	36280

Billing kW 144	BLC 0
-------------------	----------

**Agricultural
Rate Schedule
I24SB**

Prorated 04/23/03 - 05/15/03 23 days - 1,437.45	\$0.00
Customer Charge, per meter per month	\$1.98
This rate has a minimum customer charge of \$1.98	\$0.00
Demand Charge 144 kW @ \$0.00 per kW	\$0.00
Energy Charge 36,280 kWh @ \$0.049587 per kWh	\$1,426.81
Conservation Program Funding Charge	\$8.66
Prorated 05/16/03 - 05/21/03 6 days - 373.07	\$0.00
Customer Charge, per meter per month	\$0.52
Demand Charge 144 kW @ \$0.00 per kW	\$0.00
Energy Charge 36,280 kWh @ \$0.049331 per kWh	\$370.29
Conservation Program Funding Charge	\$2.26

\$1,810.52



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Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
Account Number: 6877987406
Billing Date: 04/24/2003
Print Date: 04/25/2003

Page: 2 of 3

Service Agreement No: 500479434

Next Read Date: 05/21/2003

Service Location: 06S03E0302/GRAND VIEW, ID

150HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
035B4221905	04/02/03	04/22/03	20	Verified	7874	8238	40	14560

Billing kW	BLC
143	0

**Agricultural
Rate Schedule
I24SB**

Bill Normalized from 20 days to 30 days \$0.00
Customer Charge, per meter per month \$1.67
This rate has a minimum customer charge of \$2.50 \$0.83
Demand Charge 143 kW @ \$0.00 per kW \$0.00
Energy Charge 14,560 kWh @ \$0.049587 per kWh \$721.99
Conservation Program Funding Charge \$4.38

Current Charges - Electric Service..... \$728.87

**Average
Daily Use
Comparison**

This Month This Year:
Days = 20
kWh Billed = 14560
kWh per Day = 728.0

This Month Last Year: *
Days = 0
kWh Billed = 0
kWh per Day = 0.0

CR = Credit BLC = Basic Load Capacity
kWh = Kilowatt-hour G = Generation
kW = Kilowatt
* Available after 12 months of service at this location.



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Customer Name: ROBERT DIRKS

Account Number: 1756100233

Billing Date: 07/24/2003

Print Date: 07/25/2003

Service Agreement No: 4891631252

Next Read Date: 08/20/2003

Service Location: 05S03E3405/GRAND VIEW, ID

20HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
01614564690	06/24/03	07/22/03	28	Regular	449	4462	1	4013

Billing kW 18	BLC 0
------------------	----------

Agricultural Rate Schedule I24SB

06/24/2003 - 07/22/2003 28 days \$0.00
 Customer Charge, per meter per month \$10.07
 Demand Charge 18 kW @ \$3.58 per kW \$64.44
 Energy Charge 4,013 kWh @ \$0.041575 per kWh \$166.84
 Conservation Program Funding Charge \$1.21

Current Charges - Electric Service..... \$242.56

Adjustments

Late Payment Charge \$0.50

Current Adjustments \$0.50

Average Daily Use

This Month This Year:
 Days = 28

This Month Last Year: *
 Days = 0

CR = Credit
 kWh = Kilowatt-hour

BLC = Basic Load Capacity
 G = Generation



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 or (800) 488-6151
 For faster service please call
 Tuesday through Friday, 7:30 a.m. to 6:30 p.m.

Customer Name: ROBERT DIRKS
 Account Number: 1756100233
 Billing Date: 08/22/2003
 Print Date: 08/23/2003

Service Agreement No: 4891631252

Next Read Date: 09/19/2003

Service Location: 05S03E3405/GRAND VIEW, ID

20HP

Meter Number	Service Period		Number of Days	Reading Type	Meter Readings		Meter Constant	kWh Used
	From	To			Previous	Current		
01614564690	07/22/03	08/20/03	29	Regular	4462	4462	1	0

Agricultural Rate Schedule I24SB

07/22/2003 - 08/20/2003 29 days \$0.00

Customer Charge, per meter per month \$10.07

Current Charges - Electric Service..... \$10.07

Average Daily Use Comparison

This Month This Year:
 Days = 29
 kWh Billed = 0
 kWh per Day = 0.0

This Month Last Year: *
 Days = 0
 kWh Billed = 0
 kWh per Day = 0.0

CR = Credit BLC = Basic Load Capacity
 kWh = Kilowatt-hour G = Generation
 kW = Kilowatt
 * Available after 12 months of service at this location.

EXHIBIT "A"

REAL PROPERTYFEE LANDSPARCEL NO. 1:

N/A IN TOWNSHIP 6 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 1: Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 2: Lot 1

EASEMENT

A Right-of-Way for a pumping station and pipeline granted by that certain Right-of-Way Agreement dated October 7, 1967, by and between D.O. Bybee and Thelma C. Bybee, husband and wife, and Keith A. Johnson and Leona K. Johnson, husband and wife, recorded November 10, 1967, in Book 60 of Deeds at page 493 in Owyhee County, Idaho as Instrument No. 119472, which said right of way shall be 24 feet wide, being 12 feet in width on each side of the following described centerline:

Beginning at the Southwest corner of said Section 36; thence North 89°20' East a distance of 12 feet to a point on the South boundary line of said Section 36 which is the REAL POINT OF BEGINNING of said centerline and of said right of way; thence North 0°30' West a distance of 1,437.4 feet, more or less, to a point in the South bank of a canal known as the Bybee-Pike Canal, which point is the END POINT of said centerline and of said right of way.

EXHIBIT "A"

REAL PROPERTYFEE LANDSPARCEL NO. 2:

IN TOWNSHIP 5 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 34: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$

IN TOWNSHIP 6 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 3: Lots 1, 2 and 3, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 2: A Tract of land bounded as follows:

2330447.31 →
1306342.86 →
BEGINNING at the NW corner of Sec. 2, T6S, R3E, B.M.,
thence North 89°20' East along the North boundary line of
said Sec. 2, a distance of 194 feet; thence South
1°28'33" West 3162.92 feet (formerly South 0°18' West
3132.7 feet) along the centerline of Mud Flat Road to a
point; thence south 89°35' West 94 feet to the West
quarter corner of said Sec. 2; thence North 0°20' West
(formerly North 0°58' East) along the West boundary line
of said Sec. 2, a distance of 3161.8 feet (formerly 3132
feet) to the NW corner of said Sec. 2, the POINT OF
BEGINNING.

✓ IN TOWNSHIP 5 SOUTH, RANGE 3 EAST, B.M., OWYHEE COUNTY, IDAHO
Section 35: A parcel of land situated in SW $\frac{1}{4}$ SW $\frac{1}{4}$ described
as follows:

BEGINNING at the SW corner of Sec. 35, T5S, R3E, B.M.,
thence East on the section line, 196 feet; thence North
400 feet; thence West 209 feet to the Section line
common to Sections 34 and 35; thence South along the
Section line a distance of 400 feet to the POINT OF
BEGINNING.

EASEMENT

A Right-of-Way for a pumping station and pipeline granted by
that certain Right-of-Way Agreement dated October 7, 1967, by
and between D.O. Bybee and Thelma C. Bybee, husband and wife,
and Keith A. Johnson and Leona K. Johnson, husband and wife,
recorded November 10, 1967, in Book 60 of Deeds at page 493
in Owyhee County, Idaho as Instrument No. 119472, which said
right of way shall be 24 feet wide, being 12 feet in width on
each side of the following described centerline:

Beginning at the Southwest corner of said Section 36;
thence North 89°20' East a distance of 12 feet to a point

on the South boundary line of said Section 36 which is the REAL POINT OF BEGINNING of said centerline and of said right of way; thence North 0°30' West a distance of 1,437.4 feet, more or less, to a point in the South bank of a canal known as the Bybee-Pike Canal, which point is the END POINT of said centerline and of said right of way.

PARCEL NO. 3:

TOWNSHIP 6 SOUTH, RANGE 3 EAST, B.M., OWYHEE
COUNTY, IDAHO

Section 10: Northeast Quarter Northwest Quarter
(NE~~1~~/~~4~~NW~~1~~/~~4~~), Northwest Quarter Northeast Quarter
(NW~~1~~/~~4~~NE~~1~~/~~4~~).

Section 3: East Half Southwest Quarter
(E~~1~~/~~2~~SW~~1~~/~~4~~), West Half Southeast Quarter (W~~1~~/~~2~~SE~~1~~/~~4~~),
Northeast Quarter Southeast Quarter (NE~~1~~/~~4~~SE~~1~~/~~4~~)
EXCEPT a parcel of land beginning at the
Northeast corner of the Northeast Quarter
Southeast Quarter (NE~~1~~/~~4~~SE~~1~~/~~4~~), thence South 100
feet; thence West 654 feet; thence North 100
feet; thence East 654 feet to the Point of
Beginning.