

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72208APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Hawker, Rick and Sharon Phone 208-862-3489Post Office address 1876 South 50 East, Oakley, Idaho, 83346

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Conversion of supplemental irrigation rights
45-11164 & 45-2444B to primary stockwater use

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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>45-2444B</u>	<u>04/30/1953</u>	<u>0.6/29.5</u>	<u>Stockwater</u>	<u>3/15</u> to <u>11/15</u>
<u>45-11164</u>	<u>06/30/1985</u>	<u>0.22/---</u>	<u>Stockwater</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.6 cubic feet per second and/or 29.5 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	20	13S	22E	Cassia	Smith Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	22E	20										S	S						

PART 1

6. General Information:

- a. Description of diversion system Existing well and development of new distribution system
(troughs and piping) for the proposed feedlot
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
These rights will no longer irrigate the appurtenant irrigated acres described in
their current places of use.
- d. Remarks:
See attached narrative

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 _____.

Page _____ of _____

Transfer No. _____

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

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-2444B Decreed to SRBA (see attached)
in case of _____ vs. _____
dated _____ 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 of priority 04/30/1953

5. Water is used for the following purpose:

Amount 0.6/292.8 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)6. Total amount of water under right 0.6 cubic feet per second and/or 292.8 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	20	13S	22E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	22E	20							9.7	16	39			30			15	38	147.7

Total acres 147.79. Describe any other water rights used for the same purpose as described above 45-11164

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 _____

Page _____ of _____

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-11164 Decreed to SRBA (see attached)
in case of _____ vs. _____
dated _____ 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 of priority 06/30/1985

5. Water is used for the following purpose:

Amount 0.22/--- for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

6. Total amount of water under right 0.22 cubic feet per second and/or --- acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	20	13S	22E	Cassia	

8. Lands irrigated or place of use:

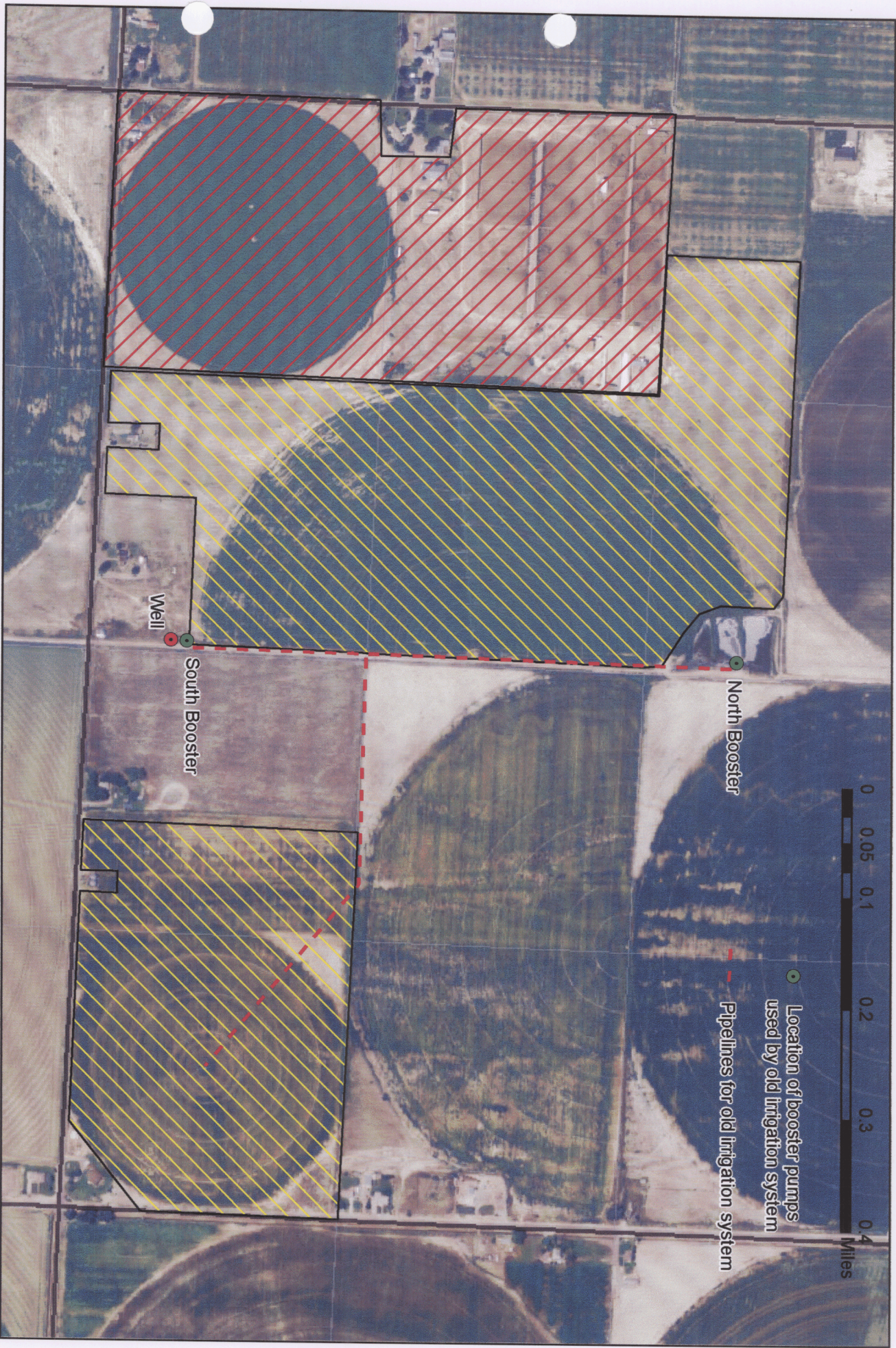
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13S	22E	20							9.7	16	39			30			15	38	147.7

Total acres 147.7

9. Describe any other water rights used for the same purpose as described above 45-2444B

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 _____



Location of booster pumps
used by old irrigation system

Pipelines for old irrigation system

Hawker Transfer: (45-2444B & 45-11164)

Township 13S, Range 22E, Section 20
NAIP 2004 Aerial Photo

Brockway Engineering, PLLC
DTN - 08/01/2005

PLS - Section

PLS - quarter quarter

Place of Use (Before Transfer)

Place of Use (After Transfer)

Point of Diversion



**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.**

See Attached: Exhibit A: Existing POU for Water Rights 45-2444B and 45-11164 and location of proposed feedlot.

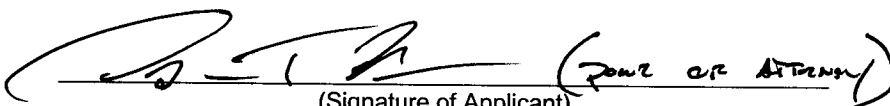
B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount</u>
(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|------------------------------|------------------------|------------------------------|
| | <u>Stockwater</u> | <u>0.6/29.5</u> | <u>as needed</u> | <u>01/01</u> to <u>12/31</u> |
| | _____ | _____ | _____ | _____ to _____ |
2. Quantity and quality of return flows and location of discharge:
None
3. Describe the effects on other water uses resulting from the proposed change:
No Adverse Effects

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.

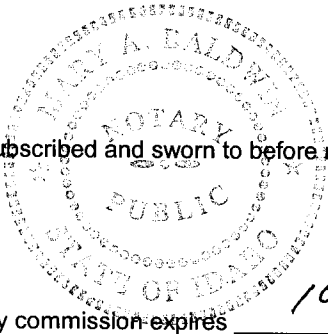
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 2nd day of August, 19 2005


 (Signature of Applicant)

Mary A. Baldwin
 (Notary Public)

My commission expires 10/16/2010



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 8/2/2005

Protest filed by _____

Prelim. check by C. SKINNER Fee \$250.00 S027879Receipted by C. SKINNER Date 8/3/2005

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 _____

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Southern Region

Supporting Narrative

Rick Hawker Transfer

Project #: 824-01-2005

Brockway Engineering is submitting the attached transfer application on behalf of Rick Hawker, for the conversion of two supplemental ground water irrigation rights (45-2444B and 45-11164) for stockwater use at a new feedlot. These rights currently describe a place of use in section 20 of Township 13S, Range 22E, and the proposed feedlot is also slightly west of its current place of use in this same section (see attached map). Mr. Hawker is purchasing these two rights from the current owner, Dennis Smith (see attached Contract of Sale or Option for Purchase Agreement). The proposed feedlot will use the same point of diversion that is currently described in these rights. All of the available consumptive use under the ground water rights will be transferred to the feedlot.

Formerly Dennis Smith sold the land appurtenant to these rights to Pickett Ranch and Sheep Co. on December 9, 1999 (see attached Amendment to Sale Agreement). However, these two ground water rights were retained in the sale by Smith and were not sold with the property. Only the northern portion of the place of use was sold to Pickett and the eastern portion of the property was retained. In addition, at the time of the sale, 100 shares of Oakley Canal Co. (OCC) water were transferred to the northern portion of the property in order for the land to be fully irrigated without the use of the supplemental ground water.

Prior to December 1999, the two rights were considered supplemental rights that provided additional water to the irrigation system when the supply from OCC was inadequate. See the attached Schematic/Photos of Dennis Smith's irrigation system at the time of use for the well. The OCC recorded actual water deliveries to the property at Smith's headgate (headgate 17E1) from Canal 17. This water was then diverted to a small sump box in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 20, and a booster pump then extracted the water from this sump for use in the entire irrigation. If excess water were delivered to the system by the OCC, it would then run out of the sump box along a lateral to a pond located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 20. There was also a booster pump located at this pond that was also connected to the irrigation system (according to Dennis Smith it was more efficient to run this pump than the southern system). In addition, when the water from the OCC was not adequate for the irrigation system, the well (rights 45-2444B and 45-11164) located next to the sump box would pump the needed water and divert it into the sump. The southern booster pump would then take the ground water and deliver it to the irrigation system, or if the southern booster pump was not used it would overflow into the canal and be diverted to the northern booster pump.

Both the southern booster pump and the pump for the well were monitored by the same power meter (13S22E2030), whereas the northern booster pump was monitored from a separate power meter (13S22E2041). Since the southern power meter (13S22E2030) takes into account the lift of the water from the aquifer whereas the booster pump only

takes into account the lift of the water from the pond to the irrigation system it would be very difficult to impossible to separate the usage of the two pumps based on power records. According to Mr. Smith, either the booster pump or the well may have been active at any given time, and no records were kept of the systems operating status. However, Mr. Smith stated that it was more efficient to utilize the northern booster pump, than the southern system. Therefore, he usually only used the southern system when the well was needed.

If the surface water delivery from 2001 - 2004 and from 1995 - 2000 were comparative, and if the land was irrigating approximately the same area and crops, the information from the power records seen in 2000-2004 could have been used as a baseline for the amount of power the booster pump used to irrigate the crops. This baseline value could then be subtracted from the 1995-1999 power records to estimate the amount of power in which the well needed in order to supply the ground water and the volume in which was withdrawn.

However, according to Agrimet ET values from 2000-2004 the crops needed approximately 13-25% more water during these years than in 1995-1999, due to increased heat of the growing season. In addition, 1995-1999 were actually much wetter years that provided more surface water and subsequently less ground water that would need to be pumped. If the well was operational during 2001-2004 the well would have been expected to provide much more water due to the lack of surface water. In addition, since the new owner has moved additional shares from the OCC to use at this property, these additional shares should have made up for the loss of the supplemental ground water. Given that 2000-2004 are years that would show high uses of ground water and since the irrigation system has been changed since 2000, it would not be a valid estimate to use these years as a baseline value for the 1995-2000 records. For these reasons, using 1995-2000 data will result in underestimating the average well withdrawal.

In response to our prior submittal of this transfer you provided the following analysis:

Reviewing the Idaho Power records that were included with the application indicates that relatively speaking, very little pumping (canal water &/or well water) was more than likely pumped over the years. For example, by dividing the monthly use (kWh) by the monthly demand (kW) an estimate of the number of hours that power was used can be obtained. If these estimated hours are used as a basis, and one totally ignores the possibility of any canal water even being pumped and just assumes that the authorized diversion rate of 0.60 cfs for the groundwater rights was pumped for the estimated number of hours (liberal assumption) the following volumes are obtained...

Year	Total estimated hours	Volume (estimated hours x 0.60 cfs)
1996	275	13.6 ac-ft
1997	1045	51.9 ac-ft
1998	1055	52.3 ac-ft
1999	453	22.5 ac-ft

It is also interesting to note the listed monthly demand on the power records that were included with the application. For example, the records that were included for 1996 indicated that the maximum monthly demand for the entire year was only 1.0 kW. IDWR records and a site visit earlier this week indicate the pump on the well rated at 50 HP. If the well was pumping water, one would expect to see monthly demands of at least 35 – 40 kW. Examination of the power records indicate that only four months out of the four years had demands of at least 35 kW. Assuming credit could only be given for pumping the well when the peak demand was greater than 35 kW, and then estimating hours pumped from demand (kW) and use (kWh), and assuming the well was pumped the entire estimated hours reveals the following volumes...

Year	Total estimated hours	Volume (estimated hours x 0.60 cfs)
1996	0 hours	0 ac-ft
1997	0 hours	0 ac-ft
1998	962.5 hours	47.7 ac-ft
1999	252.8 hours	12.5 ac-ft

Note that the four-year average volume in the table above is only about 15 ac-ft. In addition, it should be noted that in the power records it appears that the demand is at its max values the same months when the canal water is being delivered. Therefore, for the peak demand months, it is probably safe to assume that at least some, if not all, of the time canal water was being pumped, further reducing the average groundwater volume(s).

The well was last used in the year 2000, thus if you added all of the available data (1995 and 2000) to this analysis the six year average volume of the well would actually be approximately 20.5 ac-ft (see IDWR power analysis). In addition, since these years were considered wet years, use prior to 1995 should have also showed an increase of use if power records were available. You also mentioned that the max values for demand occurred during the same months when canal water was being delivered. It is probably safe to assume that some of this power consumption did come from the use of the booster pump. However, if you compare the power records and the delivery data more closely you will find that the delivery dates do not always correspond with the peak demand of the system. In addition, most of the water was not pumped from this southern system and was allowed to flow north to the north booster pump. For example, in 1997 there were deliveries made by the OCC but the power records show that the well and booster pump was not used during that time. In addition, in Aug of 1999 there were no OCC deliveries made, but there was a peak demand of 43 kW and 2860 kWh used.

You stated that you could obtain an estimate of the number of hours that power was actually used “by dividing the monthly use (kWh) by the monthly demand (kW)”, and you based the remaining analysis off of these estimates. According to Idaho Power, the value in which you called monthly demand is actually the peak value used at any one time during that period. This does not mean that it ran at that peak demand for the entire period. Therefore, we feel that this approach cannot be used to determine the number of

hours the system operated, and that an analysis estimating power consumption coefficients would be more accurate.

We know that the well and the booster pump were both being used during these periods. However, even with this PCC approach, it still will be impossible to show the duration in which each pump was used during these periods. Thus, in the PCC analysis three separate scenarios were completed in order to obtain a valid range of volume in which was pumped from the well.

Scenario #1 assumes that the well was never used and that power meter (13S22E2030) only records the southern booster pump. This assumption is not valid and the scenario does show that the well was used during these periods. The southern booster pump has a rating of 30 HP, and one would expect to see peak demands of 18-25 kW. During 1998-2000, and 1995 the peak demand is well over 18-25 kW; therefore, the well was utilized in conjunction with the booster pump for some duration during these periods. In addition, the irrigation water requirement (IWR) was calculated for these periods, by using monthly CIR data from Allen and Brockway (1983) and assuming an irrigation efficiency of 75%. The IWR was then compared to the total volume that was estimated from the theoretical PCC analysis of the north and south booster. When comparing the IWR with the PCC analysis it was determined that the scenario either vastly shorted the crop of water or vastly applied too much water to the crop, except in 1996 and 1997. The reason that the comparison in 1996 and 1997 was favorable was because the power records, or peak demand, show that the well never was used during these two years.

Scenario #2 assumes that the south booster pump was never used and that power meter (13S22E2030) only records the use of the well. This assumption is also not valid, but does give us a maximum average volume in which the well ever supplied. This only takes into account the times in which the peak demand is above 30 kW. The well has a rating of 50 HP, and one would expect to see peak demands of 30-40 kW. However, as your prior analysis stated there are periods in the power records that do not show a peak demand of at least 35 kW. When comparing the IWR with the PCC analysis it was also determined that the scenario vastly shorted the crop of water during all of the years, except in 1996 and 1997. However, this scenario does show that the maximum average volume withdrawal from the well would be approximately 43.5 ac-ft annually (afa).

Scenario #3 assumes that whenever the peak demand is above 30 kW, both the well and the pump were running simultaneously. This scenario is also probably not correct, but when comparing the IWR to the PCC analysis the values are much closer, even though 1995 and 1999 still show a large deficit. This scenario does not include all the periods in which the well was not used, or peak demand was less than 30 kW. This scenario estimates that the maximum average volume used would be approximately 29.5 afa. The south booster pump and the well are simultaneously being used. Thus, the south booster use is included in this volume of 29.5 afa. However, without any further data it is impossible to know how much of this volume would be considered a component of the south booster or the well. If the well was not used as much as the booster pump this average value would be greater (as shown in Scenario #1); however, if the well was used

more than the booster pump this average would also be greater (as shown in Scenario #2). Therefore, since the duration of use of the well component versus the booster pump component of this volume cannot be determined, this volume of 29.5 afa should be a relatively conservative value of use.

Based on the consumptive use of wheat at the Oakley station (Allen and Brockway, 1983), approximately 14.89 acres would need to be dried up in order to transfer 29.5 afa of these supplemental rights for stockwater. When the land was sold to Pickett Ranch and Sheep Co., the acres were dried up according to water rights 45-2444B and 45-11164. As before mentioned, when this land was sold additional shares of OCC water were moved to the property from other lands in the OCC service area. In addition, since the well has not been used on the eastern portion of the property since 2000 the acres appurtenant to these rights have already been dried up. These two rights were partially decreed in 2005 and were still claims in 1999 so they could not be subject to forfeiture. Thus, it appears that no additional land would need to be dried up in this transfer. If additional lands were asked to be dried up in the transfer, the applicant would be over-mitigating.

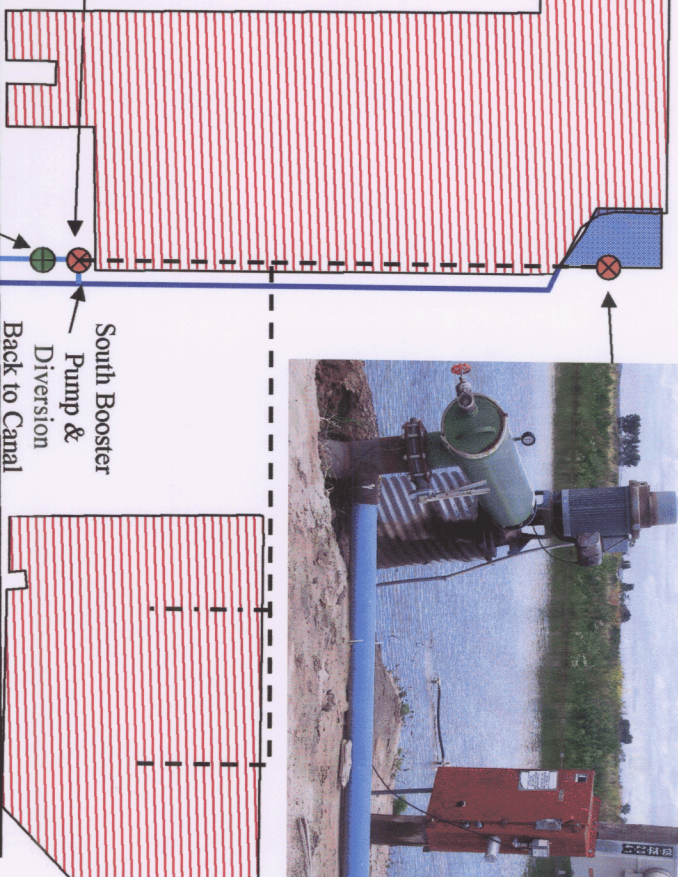
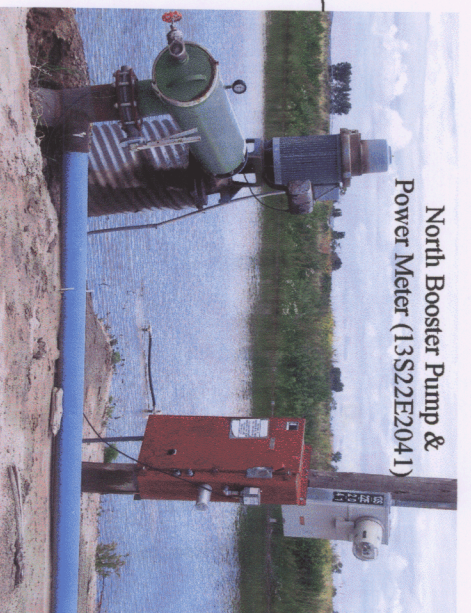
Thank you for your time and thorough review of this transfer. We would appreciate if this transfer could be processed as soon as possible. If you have any questions concerning this narrative or the transfer, please do not hesitate to contact our office.

DENNIS SMITH'S IRRIGATION SYSTEM

Power Meter (13S22E2030)
Supplies Power to South
Booster Pump and Well



North Booster Pump &
Power Meter (13S22E2041)



NOTES: Irrigation System at Time of Use—Changed since 1999

1. Canal Deliveries were delivered from the main canal via headgate 17E and along a ditch to the sump box
2. The south booster pumped the water from the sump to the entire system (booster is still operating but the water from the ditch now flows directly to booster pump and only irrigates eastern POU)
3. Both the well and the South booster pump was supplied from the same power meter (13S22E2030).
4. If water was not used at the sump box water overflowed back into the main canal and to the Oakley Canal Pond to the North (which may include surface water, ground water, or combined diversions).
5. Water (additional water from main canal and/or overflow from south system) pumped from North booster pump to the entire system (power meter 13S22E2041)
6. North booster is no longer connected to Eastern portion of land, and is now also connected to another plot of land to the north
7. The last time the well was used was in the year 2000



Groundwater Well/Pump &
Sump Box



Headgate 17E & Ditch

IDWR ANALYSIS

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WR Div Rate	cfs-afa	Hours/Year
0.6	723.9669	8760

Total Power Use

Year	Estimated Hours of Operation	Ac-Ft/annually
1995	270	13.38842897
1996	275	13.63636284
1997	1045	51.8181788
1998	1055	52.31404654
1999	453	22.46280861
2000	1021	50.62809623

AVG	34.04132033
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Only When Well in Use (No Booster)

Year	Estimated Hours of Operation	Ac-Ft/annually
1995	241	11.95041253
1996	0	0
1997	0	0
1998	962.5	47.72726995
1999	252.8	12.53553646
2000	1021	50.62809623

AVG	20.47355253
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This analysis should not be considered valid since the hours of operation was estimated by dividing the Peak kW demand by the total kWh. The system did not always run at this peak demand, thus an analysis utilizing theoretical values of PCC was completed. for each booster pump and the well.

The original analysis did not include the years 1995 and 2000

Hawker - Smith - Transfer

Water Use Requirement

Brockway Engineering, PLLC

Daren T. Nelson, Hydrologist

Transfer of 45-2444B & 45-11164		
Stockwater - Expansion		
Head of Beef Cattle	2193	Head of Beef Cattle
	12	gpd/head
Total Water Use	26316	gpd
	0.04	cfs
	29.48	afa

Total Required	0.04	cfs
Total Required	29.48	afa

Wheat-S IR (Oakley)*	1.98	ac-ft/ac
(Wheat-S) Irr. Ac. to Dry Up	14.89	ac

* CIR value from (Allen and Brockway, 1983)

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POWER RECORDS ANALYSIS

Hawker Transfer

Brockway Engineering, PLLC

Aug 2005

Scenario #1 No Well Use

Year	IWR	N Booster	S Booster	Total	Amount of Water Crop was Shorted
1995	392.5	213.0	68.4	281.5	111.1
1996	392.5	342.2	0.0	342.2	50.3
1997	390.9	294.1	66.8	360.9	30.0
1998	392.5	272.9	234.4	507.3	-114.8
1999	392.5	202.7	55.9	258.6	133.9
2000	392.5		197.7		
Average			103.9		

Scenario #2 No S Booster Pump Use

Year	IWR	N Booster	Well	Total	Amount of Water Crop was Shorted
1995	392.5	213.0	32.6	213.0	179.5
1996	392.5	342.2	0.0	342.2	50.3
1997	390.9	294.1	0.0	294.1	96.8
1998	392.5	272.9	107.7	272.9	119.6
1999	392.5	202.7	26.7	202.7	189.8
2000	392.5		94.3		
Average			43.5		

Scenario #3 Combination of S Booster and Well

Year	IWR	N Booster	Well/Booster	Total	Amount of Water Crop was Shorted
1995	392.5	213.0	22.1	235.1	157.4
1996	392.5	342.2	0.0	342.2	50.3
1997	390.9	294.1	0.0	294.1	96.8
1998	392.5	272.9	72.9	345.8	46.7
1999	392.5	202.7	18.1	220.7	171.8
2000	392.5		63.8		
Average			29.5		

Theoretical PCC:	KWH / ac-ft
N BOOSTER:	204.20
WELL:	429.14
S BOOSTER:	204.64
COMBINED S SYSTEM:	633.79

Note: All values are in acre-feet/annually
S Booster was assumed to need ~ 18 kW to run
Well was assumed to need ~ 35 kW to run

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Department of Water Resources
Southern Region

-Booster

Account No: 0366-025824-0-0
Rate (Tariff): 24S (ID)
Status, Bal: Inactive, \$ 0.00
Customer: Dennis K Smith
Address: 550 W 1750 S 1786
Map ID: Oakley, ID 83346
Phone: 208-862-3876
Co-App: 208-670-3348
C/D Date: 02/11/2000
SIC:
Tax ID: 518665364

Billing History

Graphs: KW C3 KWH C3 Amount C3

Meter	Meter ID	From Date	To Date	Code	PLC	KW	KWH	Amount	Rate
1	62070049G	01/24/2000	02/11/2000	0	0.0	0.0	0	\$2.50	24S
1	62070049G	12/23/1999	01/24/2000	0	0.0	0.0	0	\$2.50	24S
1	62070049G	11/24/1999	12/23/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	10/26/1999	11/24/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	09/27/1999	10/26/1999	0	0.0	31.0	0	\$187.89	24S
1	62070049G	08/26/1999	09/27/1999	0	0.0	32.0	0	\$298.35	24S
1	62070049G	07/27/1999	08/26/1999	0	0.0	0.0	0	\$10.07	24S
1	62070049G	06/25/1999	07/27/1999	0	0.0	35.0	14.845	\$525.39	24S
1	62070049G	05/26/1999	06/25/1999	0	0.0	35.0	10.991	\$424.14	24S
1	62070049G	04/26/1999	05/26/1999	0	0.0	35.0	1.559	\$179.12	24S
1	62070049G	03/26/1999	04/26/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	02/24/1999	03/26/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	01/25/1999	02/24/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	12/24/1998	01/25/1999	0	0.0	0.0	0	\$2.50	24S
1	62070049G	11/25/1998	12/24/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	10/27/1998	11/25/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	09/26/1998	10/27/1998	0	0.0	33.0	5.304	\$201.54	24S
1	62070049G	08/26/1998	09/26/1998	0	0.0	34.0	4.770	\$181.50	24S
1	62070049G	07/27/1998	08/26/1998	0	0.0	35.0	15.028	\$582.42	24S
1	62070049G	06/25/1998	07/27/1998	0	0.0	35.0	21.931	\$791.83	24S
1	62070049G	05/27/1998	06/25/1998	0	0.0	35.0	3.477	\$237.94	24S
1	62070049G	04/27/1998	05/27/1998	0	0.0	35.0	5.221	\$279.20	24S
1	62070049G	03/26/1998	04/27/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	02/24/1998	03/26/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	01/23/1998	02/24/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	12/24/1997	01/23/1998	0	0.0	0.0	0	\$2.50	24S
1	62070049G	11/24/1997	12/24/1997	0	0.0	0.0	0	\$2.50	24S
1	62070049G	10/24/1997	11/24/1997	0	0.0	0.0	0	\$2.50	24S
1	62070049G	09/25/1997	10/24/1997	0	0.0	36.0	13	\$2.94	24S
1	62070049G	08/26/1997	09/25/1997	0	0.0	30.0	1.047	\$394.45	24S
1	62070049G	07/28/1997	08/26/1997	0	0.0	35.0	9.860	\$310.60	24S
1	62070049G	06/26/1997	07/28/1997	0	0.0	36.0	10.527	\$415.60	24S
1	62070049G	05/28/1997	06/26/1997	0	0.0	35.0	13.115	\$481.83	24S
1	62070049G	04/28/1997	05/28/1997	0	0.0	38.0	7.441	\$257.67	24S
1	62070049G	03/27/1997	04/28/1997	0	0.0	0.0	0	\$2.00	IPS
1	62070049G	02/25/1997	03/27/1997	0	0.0	0.0	0	\$2.00	IPS
1	62070049G	01/24/1997	02/25/1997	0	0.0	0.0	0	\$2.00	IPS
1	62070049G	12/26/1996	01/24/1997	0	0.0	0.0	0	\$2.00	IPS
1	62070049G	11/26/1996	12/26/1996	0	0.0	0.0	0	\$2.00	IPS
1	62070049G	10/28/1996	11/26/1996	0	0.0	0.0	0	\$2.00	IPS

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1	62070049G	09/27/1996	10/28/1996	0	0.0	36.0	3.187	\$ 111.31	IPS
1	62070049G	08/28/1996	09/27/1996	0	0.0	36.0	18.814	\$ 654.05	24S
1	62070049G	07/30/1996	08/28/1996	0	0.0	0.0	0	\$ 10.00	24S
1	62070049G	06/28/1996	07/30/1996	0	0.0	36.0	14.381	\$ 520.28	24S
1	62070049G	05/30/1996	06/28/1996	0	0.0	36.0	16.253	\$ 570.04	24S
1	62070049G	04/30/1996	05/30/1996	0	0.0	36.0	13.647	\$ 517.04	24S
1	62070049G	04/17/1996	04/30/1996	0	0.0	36.0	3.603	\$ 136.52	24S
1	62070049G	10/30/1995	04/17/1996	0	0.0	0.0	0	\$ 0.00	24S
1	62070049G	09/28/1995	10/30/1995	0	0.0	36.0	1.820	\$ 76.76	24S
1	62070049G	08/28/1995	09/28/1995	0	0.0	32.0	8.415	\$ 245.32	24S
1	62070049G	07/28/1995	08/28/1995	0	0.0	30.0	8.096	\$ 349.56	24S
1	62070049G	06/28/1995	07/28/1995	0	0.0	37.0	13.098	\$ 516.51	24S
1	62070049G	05/30/1995	06/28/1995	8	0.0	37.0	7.456	\$ 354.43	24S
1	62070049G	04/28/1995	05/30/1995	0	0.0	37.0	6.620	\$ 332.85	24S
1	62070049G	04/27/1995	04/28/1995	0	0.0	0.0	0	\$ 2.50	24
1	62070049G	10/03/1994	04/27/1995	0	0.0	0.0	0	\$ 0.00	24



**IDAHO
POWER**

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IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707

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Southern Region

Account #4073461032

Dennis K. Smith

13S22E2030, Oakley

Usage	Read Date	Days	Rate	Cycle	Code	kW	kWh	Amount
	12/1999	11/24/99	29	24S	03	0	0.0	0
	11/1999	10/26/99	29	24S	03	0	1.0	80
	10/1999	09/27/99	32	24S	03	0	1.0	80
	09/1999	08/26/99	30	24S	03	0	1.0	40
	08/1999	07/27/99	32	24S	03	0	43.0	2,680
	07/1999	06/25/99	30	24S	03	0	46.0	8,760
	06/1999	05/26/99	30	24S	03	0	0.0	0
	05/1999	04/26/99	31	24S	03	9	0.0	0
	04/1999	03/26/99	30	24S	03	0	0.0	0
	03/1999	02/24/99	30	24S	03	0	0.0	0
	02/1999	01/25/99	32	24S	03	0	0.0	0
	01/1999	12/24/98	29	24S	03	0	0.0	0
	12/1998	11/25/98	29	24S	03	8	0.0	0
	11/1998	10/27/98	32	24S	03	8	0.0	0
	10/1998	09/25/98	30	24S	03	0	0.0	0
	09/1998	08/26/98	30	24S	03	0	48.0	22,480
	08/1998	07/27/98	32	24S	03	0	48.0	23,720
	07/1998	06/25/98	29	24S	03	0	19.0	1,760
	06/1998	05/27/98	30	24S	03	8	0.0	0
	05/1998	04/27/98	32	24S	03	0	0.0	0
	04/1998	03/26/98	30	24S	03	0	0.0	0
	03/1998	02/24/98	32	24S	03	0	0.0	0
	02/1998	01/23/98	30	24S	03	0	0.0	0
	01/1998	12/24/97	30	24S	03	0	0.0	0
	12/1997	11/24/97	31	24S	03	0	0.0	0
	11/1997	10/24/97	29	24S	03	0	0.0	0
	10/1997	09/25/97	30	24S	03	0	0.0	0
	09/1997	08/26/97	29	24S	03	0	17.0	2,120
	08/1997	07/28/97	32	24S	03	0	18.0	7,080
	07/1997	06/26/97	29	24S	03	0	18.0	4,480
	06/1997	05/28/97	30	24S	03	0	1.0	279
	05/1997	04/28/97	32	24S	03	8	0.0	0
	04/1997	03/27/97	30	IPS	03	8	0.0	0
	03/1997	02/25/97	32	IPS	03	0	0.0	0



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02/1997 01/24/97	29	IPS	03	0	0.0	0	\$ 2.00
01/1997 12/26/96	30	IPS	03	0	0.0	0	\$ 2.00
12/1996 11/26/96	29	IPS	03	0	0.0	0	\$ 2.00
11/1996 10/28/96	31	IPS	03	0	1.0	1	\$ 2.03
10/1996 09/27/96	30	24S	03	0	1.0	54	\$ 10.61
09/1996 08/28/96	29	24S	03	0	0.0	0	\$ 10.00
08/1996 07/30/96	32	24S	03	0	1.0	49	\$ 14.85
07/1996 06/28/96	29	24S	03	0	1.0	169	\$ 18.04
06/1996 05/30/96	30	24S	03	0	1.0	2	\$ 13.60
05/1996 04/30/96	7	24S	03	0	0.0	0	\$ 2.50

Estimate of N BOOSTER Withdrawal Volume

Brockway Engineering, PLLC
C. G. Brockway, P.E.

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Well: HAWKER - N BOOSTER

Pumping water level and efficiency were used to develop theoretical PCC.

Motor HP: 40
Pumping level: 6 feet
Discharge pressure: 59 psi
Discharge line diameter: 8 inches
Pump efficiency: 75%
Electrical efficiency: 95%

Theoretical Q: 1.77 cfs = 793 gpm
Discharge line velocity: 5.06 ft/s
TDH: 142.5 feet
Theoretical PCC: 204.2 KWH / ac-ft

POWER RECORDS FROM IDAHO POWER

Usage Date	Read Date	kW	kWh	Ac-Ft	Ac-Ft/Anually
09/27/99	10/26/99	31.0	5,448	26.68	
08/26/99	09/27/99	32.0	8,547	41.86	
06/25/99	07/27/99	35.0	14,845	72.70	
05/26/99	06/25/99	35.0	10,991	53.82	
04/26/99	05/26/99	35.0	1,559	7.63	202.69
09/25/98	10/27/98	33.0	5,304	25.97	
08/26/98	09/25/98	34.0	4,770	23.36	
07/27/98	08/26/98	35.0	15,028	73.59	
06/25/98	07/27/98	36.0	21,931	107.40	
05/27/98	06/25/98	35.0	3,477	17.03	
04/27/98	05/27/98	35.0	5,221	25.57	272.92
09/25/97	10/24/97	36.0	13	0.06	
08/26/97	09/25/97	30.0	1,047	5.13	
07/28/97	08/26/97	35.0	9,860	48.29	
06/26/97	07/28/97	35.0	18,051	88.40	
05/28/97	06/26/97	36.0	10,527	51.55	
04/28/97	05/28/97	35.0	13,115	64.23	
03/27/97	04/28/97	36.0	7,441	36.44	294.09
09/27/96	10/28/96	36.0	3,187	15.61	
08/28/96	09/27/96	36.0	18,814	92.13	
06/28/96	07/30/96	36.0	14,381	70.43	
05/30/96	06/28/96	36.0	16,253	79.59	
04/30/96	05/30/96	36.0	13,647	66.83	
04/17/96	04/30/96	36.0	3,603	17.64	342.23
09/28/95	10/30/95	36.0	1,820	8.91	
08/29/95	09/28/95	32	6,415	31.41	
07/28/95	08/29/95	30	8,096	39.65	
06/28/95	07/28/95	37	13,098	64.14	
05/30/95	06/28/95	37	7,456	36.51	
04/28/95	05/30/95	37	6,620	32.42	213.05
AVERAGE					277.98

Estimate of S BOOSTER Withdrawal Volume

Brockway Engineering, PLLC
C. G. Brockway, P.E.

Well: HAWKER - S BOOSTER

Use pumping water level and efficiency to develop theoretical PCC.

Motor HP: 30
Pumping level: 4 feet
Discharge pressure: 60 psi
Discharge line diameter: 8 inches
Pump efficiency: 75.0%
Electrical efficiency: 95.0%

Theoretical Q: 1.32 cfs = 594 gpm
Discharge line velocity: 3.79 ft/s
TDH: 142.6 feet
Theoretical PCC: 204.6 KWH / ac-ft

POWER RECORDS FROM IDAHO POWER

Usage Date	kW	kWh	Ac-Ft	Ac-Ft/Anually
12/01/04	0.0	0.00	0.00	
10/01/04	20.0	5300.00	25.90	
07/01/04	26.0	10880.00	53.17	
06/01/04	26.0	5160.00	25.21	
05/01/04	26.0	4900.00	23.94	128.22
11/01/03	22.0	480.00	2.35	
10/01/03	26.0	5540.00	27.07	
07/01/03	26.0	9900.00	48.38	
06/01/03	26.0	4420.00	21.60	97.05
09/01/02	0.0	0.00	0.00	
08/01/02	25.0	2880.00	14.07	
07/01/02	26.0	8160.00	39.87	
06/01/02	26.0	4740.00	23.16	77.11
11/01/01	0.0	0.00	0.00	
10/01/01	0.0	0.00	0.00	
09/01/01	0.0	0.00	0.00	
08/01/01	0.0	0.00	0.00	
07/01/01	0.0	0.00	0.00	
06/01/01	0.0	0.00	0.00	
05/01/01	0.0	0.00	0.00	0.00
11/01/00	0.0	0.00	0.00	
10/01/00	0.0	0.00	0.00	
09/01/00	0.0	0.00	0.00	
08/01/00	32.0	3440.00	16.81	
07/01/00	41.0	19120.00	93.43	
06/01/00	40.0	17900.00	87.47	
05/01/00	0.0	0.00	0.00	197.71
12/01/99	0.0	0.00	0.00	
11/01/99	1.0	80.00	0.39	
10/01/99	1.0	80.00	0.39	
09/01/99	1.0	40.00	0.20	
08/01/99	43.0	2680.00	13.10	
07/01/99	46.0	8760.00	42.81	
01/01/99	0.0	0.00	0.00	55.90
09/01/98	48.0	22480.00	109.85	
08/01/98	48.0	23720.00	115.91	
07/01/98	19.0	1760.00	8.60	
01/01/98	0.0	0.00	0.00	234.36
09/01/97	17	2120.00	10.36	
08/01/97	18	7080.00	34.60	
07/01/97	18	4480.00	21.89	
06/01/97	1	279.00	1.36	
01/01/97	0	0.00	0.00	66.85
10/01/96	1	54.00	0.26	
09/01/96	0	0.00	0.00	
08/01/96	1	49.00	0.24	
07/01/96	1	169.00	0.83	
06/01/96	1	2.00	0.01	
05/01/96	0	0.00	0.00	0.00
11/01/95	0	0.00	0.00	
10/01/95	3	360.00	1.76	
09/01/95	4	120.00	0.59	
08/01/95	57	8840.00	43.20	
07/01/95	59	4800.00	23.46	
06/01/95	81	360.00	1.76	
05/01/95	0	0.00	0.00	68.41
11/1/1994	86	1880.00	9.19	9.19

AVERAGE 103.87

Estimate of Well Withdrawal Volume

Brockway Engineering, PLLC

C. G. Brockway, P.E.

Well: HAWKER - WELL

Use pumping water level and efficiency to develop theoretical PCC.

Motor HP: 50
Pumping level: 160 feet
Discharge pressure: 60 psi
Discharge line diameter: 8 inches
Pump efficiency: 75.0%
Electrical efficiency: 95.0%

Theoretical Q: 1.05 cfs = 472 gpm
Discharge line velocity: 3.01 ft/s
TDH: 298.6 feet
Theoretical PCC: 429.1 KWH / ac-ft

POWER RECORDS FROM IDAHO POWER

Usage Date	kW	kWh	Ac-Ft	Ac-Ft/Anually
12/01/04	0.0	0.00	0.00	
10/01/04	20.0	5300.00	12.35	
07/01/04	26.0	10880.00	25.35	
06/01/04	26.0	5160.00	12.02	
05/01/04	26.0	4900.00	11.42	61.15
11/01/03	22.0	480.00	1.12	
10/01/03	26.0	5540.00	12.91	
07/01/03	26.0	9900.00	23.07	
06/01/03	26.0	4420.00	10.30	46.28
09/01/02	0.0	0.00	0.00	
08/01/02	25.0	2880.00	6.71	
07/01/02	26.0	8160.00	19.01	
06/01/02	26.0	4740.00	11.05	36.77
11/01/01	0.0	0.00	0.00	
10/01/01	0.0	0.00	0.00	
09/01/01	0.0	0.00	0.00	
08/01/01	0.0	0.00	0.00	
07/01/01	0.0	0.00	0.00	
06/01/01	0.0	0.00	0.00	
05/01/01	0.0	0.00	0.00	0.00
11/01/00	0.0	0.00	0.00	
10/01/00	0.0	0.00	0.00	
09/01/00	0.0	0.00	0.00	
08/01/00	32.0	3440.00	8.02	
07/01/00	41.0	19120.00	44.55	
06/01/00	40.0	17900.00	41.71	
05/01/00	0.0	0.00	0.00	94.28
12/01/99	0.0	0.00	0.00	
11/01/99	1.0	80.00	0.19	
10/01/99	1.0	80.00	0.19	
09/01/99	1.0	40.00	0.09	
08/01/99	43.0	2680.00	6.25	
07/01/99	46.0	8760.00	20.41	
01/01/99	0.0	0.00	0.00	26.66
09/01/98	48.0	22480.00	52.38	
08/01/98	48.0	23720.00	55.27	
07/01/98	19.0	1760.00	4.10	
01/01/98	0.0	0.00	0.00	107.66
09/01/97	17	2120.00	4.94	
08/01/97	18	7080.00	16.50	
07/01/97	18	4480.00	10.44	
06/01/97	1	279.00	0.65	
01/01/97	0	0.00	0.00	0.00
10/01/96	1	54.00	0.13	
09/01/96	0	0.00	0.00	
08/01/96	1	49.00	0.11	
07/01/96	1	169.00	0.39	
06/01/96	1	2.00	0.00	
05/01/96	0	0.00	0.00	0.00
11/01/95	0	0.00	0.00	
10/01/95	3	360.00	0.84	
09/01/95	4	120.00	0.28	
08/01/95	57	8840.00	20.60	
07/01/95	59	4800.00	11.19	
06/01/95	81	360.00	0.84	
05/01/95	0	0.00	0.00	32.62
11/1/1994	86	1880.00	4.38	4.38

AVERAGE

43.54

Estimate of Well + S BOOSTER Withdrawal Volume

Brockway Engineering, PLLC
C. G. Brockway, P.E.

Well: HAWKER - WELL + S BOOSTER

Use pumping water level and efficiency to develop theoretical PCC.

Theoretical WELL PCC: 429.14 KWH / ac-ft

Theoretical S BOOSTER PCC: 204.64 KWH / ac-ft

Theoretical COMBINED PCC: 633.79 KWH / ac-ft

POWER RECORDS FROM IDAHO POWER

Usage Date	kW	kWh	Ac-Ft	Combined Ac-Ft/Anually	When Well Only On Ac-Ft/Anually
12/01/04	0.0	0.00	0.00		
10/01/04	20.0	5300.00	25.90		
07/01/04	26.0	10880.00	53.17		
06/01/04	26.0	5160.00	25.21		
05/01/04	26.0	4900.00	23.94	128.22	
11/01/03	22.0	480.00	2.35		
10/01/03	26.0	5540.00	27.07		
07/01/03	26.0	9900.00	48.38		
06/01/03	26.0	4420.00	21.60	97.05	
09/01/02	0.0	0.00	0.00		
08/01/02	25.0	2880.00	14.07		
07/01/02	26.0	8160.00	39.87		
06/01/02	26.0	4740.00	23.16	77.11	
11/01/01	0.0	0.00	0.00		
10/01/01	0.0	0.00	0.00		
09/01/01	0.0	0.00	0.00		
08/01/01	0.0	0.00	0.00		
07/01/01	0.0	0.00	0.00		
06/01/01	0.0	0.00	0.00		
05/01/01	0.0	0.00	0.00	0.00	
11/01/00	0.0	0.00	0.00		
10/01/00	0.0	0.00	0.00		
09/01/00	0.0	0.00	0.00		
08/01/00	32.0	3440.00	5.43		
07/01/00	41.0	19120.00	30.17		
06/01/00	40.0	17900.00	28.24		
05/01/00	0.0	0.00	0.00	63.84	63.84
12/01/99	0.0	0.00	0.00		
11/01/99	1.0	80.00	0.00		
10/01/99	1.0	80.00	0.00		
09/01/99	1.0	40.00	0.00		
08/01/99	43.0	2680.00	4.23		
07/01/99	46.0	8760.00	13.82		
01/01/99	0.0	0.00	0.00	18.05	18.05
09/01/98	48.0	22480.00	35.47		
08/01/98	48.0	23720.00	37.43		
07/01/98	19.0	1760.00	8.60		
01/01/98	0.0	0.00	0.00	81.50	72.90
09/01/97	17	2120.00	10.36		
08/01/97	18	7080.00	34.60		
07/01/97	18	4480.00	21.89		
06/01/97	1	279.00	0.00		
01/01/97	0	0.00	0.00	66.85	0.00
11/01/96	1	1.00	0.00		
10/01/96	1	54.00	0.00		
09/01/96	0	0.00	0.00		
08/01/96	1	49.00	0.00		
07/01/96	1	169.00	0.00		
06/01/96	1	2.00	0.00		
05/01/96	0	0.00	0.00	0.00	0.00
11/01/95	0	0.00	0.00		
10/01/95	3	360.00	0.57		
09/01/95	4	120.00	0.19		
08/01/95	57	8840.00	13.95		
07/01/95	59	4800.00	7.57		
06/01/95	81	360.00	0.57		
05/01/95	0	0.00	0.00	22.09	22.09
11/1/1994	86	1880.00	2.97	2.97	
AVERAGE				42.05	29.48

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

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AUG 02 2005
Department of Water Resources
Southern Region

I, Rick Hawker and Sharon Hawker, hereby nominate and appoint
Daren T Nelson (Brockway Engineering, PLLC) as my attorney-in-fact with full
authority to act for and on my behalf to undertake any and all acts or matters pertaining to water
right transfers before the Idaho Department of Water Resources for the following water right
transactions:

Water right transfer for the conversion of irrigation rights (45-2444B and 45-11164)
for stockwater use

in Cassia County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 14 day of 2005, 2001.

Sharon Hawker Signature
Sharon Hawker Signature

State of Idaho)

County of Twin Falls) ss.

On this 14TH Day of June, 2005, before me, a Notary Public
in and for said County and State, personally appeared Rick & Sharon Hawker,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he 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 above written.

S
E
A
L



Jill
Notary Public
In and for said State and County
November 18, 2010
My Commission Expires

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AUG 02 2005
Department of Water Resources
Southern Region

WATER RIGHTS AND TRANSFER AGREEMENT

This agreement is made on the 13 day of June, 2005, among (a) Rick and Sharon Hawker, individuals, ("Hawker") and (b) Dennis K. Smith, an individual, ("Smith").

In exchange for the promises, performance and other consideration given by each to the other, the parties hereto agree as follows:

1. Scope of the Agreement.

The water rights covered by this agreement include certain groundwater identified by Hawker, Smith and the Idaho Department of Water Resources ("IDWR") as Right No. 45-11164 and Right No. 45-2444B.

The agreement does not cover other water rights in which Hawker and/or Smith may hold an interest in, including without limitation other rights that are used in conjunction with or on the same places of use as the water rights covered by this agreement.

The agreement also addresses the use and transfer of the rights covered, including by imposing on each party the obligation to cooperate in, and not object to, the transfers of the rights in proceedings before the IDWR pursuant to I.C. §42-222 and other law applicable to such proceedings.

2. Agreement to Purchase and Sell Right Nos. 45-11164 and 45-2444B.

Hawker agrees to purchase from Smith and Smith agrees to sell to Hawker the rights identified above on the terms set forth below for the price set forth in Exhibit A, which is incorporated into this agreement as if set forth fully herein. In consideration for this agreement, Smith acknowledges he has received \$1.00 and other valuable consideration.

By this Agreement, Smith grants Hawker the irrevocable right to seek and obtain approval to transfer the said rights from their present uses to uses suitable to Hawker from any agency or other entity that regulates the rights. These rights shall remain irrevocable as long as Hawker is prosecuting final approval of any transfer.

3. Future Quit Claim and Transfers of Right Nos. 45-11164 and 45-2444B.

If, after obtaining final approval of these transfers, meaning IDWR has approved the transfers and no appeals have been filed within the time allowed by law, the transfers are approved on terms acceptable to Hawker, Hawker shall pay Smith the price agreed and Smith shall convey the water rights to Hawker by quit claim deed with no warranties, whatsoever.

This conveyance shall occur within ninety (90) days after the last transfer is finally approved and no appeals have been filed within the time allowed by law.

4. No Protests or Objections.

Each party agrees not to object to or contest in the contemplated transfer proceedings, in the Snake River Basin Adjudication or elsewhere, any applications or claims made by the parties to this agreement to the water rights covered, to the extent such objection, response or other position would be inconsistent with this agreement.

5. Cooperation.

Each party agrees to cooperate to accomplish the purposes of this agreement including by timely preparing and filing all documents necessary to convey ownership and accomplish the transfers pursuant to proceedings before IDWR.

6. Document preparation and interpretation.

This agreement and related documents have been prepared through negotiations among the parties and their counsel. Each party has had the opportunity to investigate, discover the facts, seek legal advice, and otherwise understand and negotiate the terms of the agreement. The agreement shall not be interpreted for or against any party on account of who drafted the documents.

7. This Agreement survives.

This agreement and all covenants, promises and representations herein shall survive the transfer or conveyance of any covered property. Neither the agreement nor any term within it shall be deemed waived or be merged into any such deed or other document.

8. Specific Enforcement.

This agreement may be specifically enforced by the parties to it, as damages at law are not an adequate remedy. Temporary or permanent equitable relief may be granted to accomplish its purposes or enforce its terms. This paragraph shall not be construed as a limitation on other rights and remedies any party may have. Each party specifically reserves all other rights and remedies.

9. Attorney Fees.

If any legal action arises to enforce, interpret or avoid this Agreement or the obligations, promises or covenants set forth herein, the prevailing party, in addition to being entitled to any judgment so entered, shall be entitled to the award of reasonable attorney fees and costs against the non-prevailing party.

10. No oral modification.

This agreement may be modified only by a writing signed by each of the parties hereto.

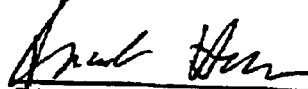
11. State Law.

This Agreement is made and shall be construed under the laws of the State of Idaho.

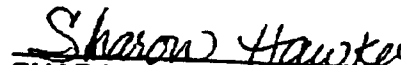
12. Merger of prior or contemporaneous understandings.

This Agreement is the sole and entire Agreement being entered into by and between the parties to it. Any descriptions, representations, agreements, negotiations or other discussions predating this Agreement are expressly waived and shall not be a part of this Agreement.

Dated this 13 day of June, 2005.


RICK HAWKER

Dated this 13 day of June, 2005.


SHARON HAWKER

Dated this 13 day of June, 2005.

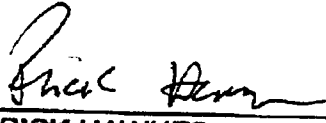

DENNIS K. SMITH

EXHIBIT A

13 This page is Exhibit A to the Water Rights and Transfer Agreement entered into on June 13, 2005, among (a) Rick and Sharon Hawker, individuals, ("Hawker") and (b) Dennis K. Smith, an individual, ("Smith").

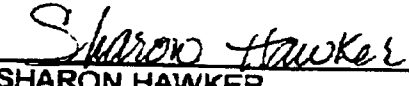
The price Hawker shall pay Smith under paragraph 2 is \$12,500.00.

Dated this 13 day of June, 2005.



RICK HAWKER

Dated this 13 day of June, 2005.



SHARON HAWKER

Dated this 13 day of June, 2005.



DENNIS K. SMITH



ADDENDUM/AMENDMENT # 1 (1,2,3, etc.)



THIS IS AN ADDENDUM/AMENDMENT TO A PURCHASE AND SALE AGREEMENT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS, CAREFULLY BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY OR ACCOUNTANT BEFORE SIGNING.

This is an ADDENDUM ☒ or an AMENDMENT ☐ to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money.

Earnest Money Dated: December 9, 1999

ID# 1585

ADDRESS: Oakley, Idaho

BUYER(S): Pickett Ranch & Sheep Co.

SELLER(S): Dennis K. Smith

The undersigned Parties hereby agree as follows:

1.) Seller agrees to place sprinkler hand lines so that purchaser may inspect and inventory equipment included in this transaction.

2.) Seller agrees to disconnect the well and booster pump from the irrigation system of the subject property. This to be done with no expense to the buyer.

* 3.) Buyer expressly agrees that no water rights appurtenant to the subject property from the well located on the south end of property are to be included in the sale.

4.) Seller agrees to transfer to the buyer 100 shares of Oakley Canal Co. water upon closing this transaction.

5) ALL REFERENCES HEREIN TO THE WORD "BUYER" SHALL BE INTERPRETED TO REFER TO PICKETT RANCH & SHEEP COMPANY ENTERING INTO A 1031 TAX DEFERRED EXCHANGE WITH CUMMINS FARMS ACTING AS THE ACTUAL BUYER OF THE REAL PROPERTY HEREIN.

The herein agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement.

[Signature] BUYER

[Signature] SELLER

[Signature] BUYER

DATED: 12/11/99

DATED: 12-11-99

TIME: 8:00 ☐ A.M. ☐ P.M.

TIME: 5:35 ☒ A.M. ☐ P.M.

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Addendum/Amendment Revised - April 22, 1999

ROKER: RE/MAX Keystone Realty Group AGENT: Glen Jensen

FOR Dennis Smith
Post-It Fax Note 7671

Date	3-21-05	# of pages	1
To	EDWR	From	PS&S
Co./Dept		Co.	
Phone #		Phone #	
Fax #		Fax #	

Oakley Consumptive Use from Allen and Brockway 83

** Monthly average daily (mm/day) and Seasonal Totals (mm) **

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
ETr									
MEAN ETr	2.01	4.54	6.09	7.77	8.35	6.94	5.38	3.61	1361.
STDV ETr	0.37	0.49	0.54	0.51	0.32	0.34	0.39	0.39	42.
Alfalfa Hay									
MEAN CU		1.59	5.39	6.90	6.85	5.22	3.25	1.09	924.
MEAN IR		0.97	4.35	5.89	6.33	4.72	2.84	0.69	784.
STDEV CU		0.17	0.48	0.45	0.26	0.26	0.23	0.12	30.
STDEV IR		0.46	0.87	1.00	0.52	0.64	0.52	0.41	62.
Dry Beans									
MEAN CU				2.44	5.99	5.99	1.31		483.
MEAN IR				1.79	5.57	5.53	1.01		425.
STDEV CU				0.16	0.23	0.30	0.09		15.
STDEV IR				0.56	0.43	0.61	0.35		35.
Silage Corn									
MEAN CU			1.83	2.66	6.62	6.55	4.45		677.
MEAN IR			1.04	1.93	6.12	6.02	4.04		583.
STDEV CU			0.16	0.18	0.25	0.33	0.32		21.
STDEV IR			0.52	0.63	0.49	0.70	0.60		47.
Sweet Corn									
MEAN CU			1.83	2.59	6.45	6.34			529.
MEAN IR			1.04	1.86	5.96	5.82			448.
STDEV CU			0.16	0.17	0.25	0.32			18.
STDEV IR			0.52	0.63	0.49	0.68			41.
Peas									
MEAN CU		1.36	2.50	6.56	4.16	1.16			478.
MEAN IR		0.81	1.74	5.69	3.77	0.82			386.
STDEV CU		0.15	0.22	0.43	0.16	0.06			19.
STDEV IR		0.40	0.54	0.90	0.37	0.39			47.
Potatoes									
MEAN CU			1.84	4.65	7.00	5.51	3.47		687.
MEAN IR			1.23	4.00	6.60	5.13	3.17		613.
STDEV CU			0.16	0.31	0.27	0.27	0.25		21.
STDEV IR			0.43	0.66	0.43	0.53	0.45		40.
Sugar Beets									
MEAN CU		1.36	1.83	3.08	7.53	6.88	4.79	2.56	858.
MEAN IR		0.76	1.03	2.31	7.00	6.33	4.35	2.12	730.
STDEV CU		0.15	0.16	0.20	0.29	0.34	0.34	0.28	23.
STDEV IR		0.44	0.53	0.67	0.54	0.73	0.63	0.55	53.
Spring Grain									
MEAN CU		1.36	2.93	7.49	8.22	2.97			701.
MEAN IR		0.83	2.18	6.59	7.73	2.60			604.
STDEV CU		0.15	0.26	0.49	0.31	0.15			25.
STDEV IR		0.40	0.57	0.96	0.53	0.46			52.
Winter Grain									
MEAN CU	0.65	3.36	6.02	7.77	8.21	2.64			872.
MEAN IR	0.23	2.70	5.02	6.78	7.68	2.24			746.
STDEV CU	0.12	0.36	0.54	0.51	0.31	0.13			34.
STDEV IR	0.25	0.62	0.89	1.03	0.55	0.47			66.
Pasture									
MEAN CU		1.95	4.69	5.98	6.43	5.34	4.14	2.78	955.
MEAN IR		1.33	3.74	5.07	5.94	4.86	3.73	2.35	822.
STDEV CU		0.21	0.42	0.39	0.25	0.27	0.30	0.30	28.
STDEV IR		0.48	0.78	0.90	0.49	0.63	0.57	0.57	58.

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- 2.01

3.99

- 1.98

- 2.70

End of Data Set

FSA-578 (02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1996

FARM NUMBER: 3590

FARM AND TRACT DETAIL LISTING

DATE:

Operator Name and Address ID

Original: _____

DENNIS K SMITH 5364

Revision: _____

PO BOX 451

JAKLEY, ID

83346

Cropland: 454.7

Farmland: 535.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Land Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	PitPr FCIC	Prod Share	Prod ID
268	1	Ir	WHEAT	SWS	Grain		17.40			1	2	1.0000	5364
	2	Ir	WHEAT	SWS	Grain		7.00			1	2	1.0000	5364
	3	Ir	WHEAT	SWS	Grain		64.90			1	2	1.0000	5364
	4	Ir	WHEAT	SWS	Grain		5.10			1	2	1.0000	5364
		Crop	WHEAT		Nirr		94.4						

Photo Number/Legal Description: M26 S20 T13 R22

Cropland: 94.4 Reported: 94.4 Difference: .0 Reported D.B.S.R.A.: .0

271	1	N1	SUMFL - Summer Fallow			OCROP	2.00			1		1.0000	5364
	2	N1	SUMFL			OCROP	1.30			1		1.0000	5364
	3	Ir	WHEAT	SWS	Grain		17.00			1	2	1.0000	5364
	4	Ir	WHEAT	SWW	Grain		30.60			1	2	1.0000	5364
	5	N1	OTHER			OCROP	1.10			1		1.0000	5364
		Crop	OCROP		Nirr	Ir	Crop	WHEAT		Nirr	Ir		
												47.6	

Photo Number/Legal Description: M26 S20 T13 R22

Cropland: 54.0 Reported: 52.0 Difference: -2.0 Reported D.B.S.R.A.: .0

278	1	Ir	FALLOW			OCROP	1.30			1		1.0000	5364
	2	Ir	SBEET		Proces		34.30			1	2	1.0000	1907
		Crop	OCROP		Nirr	Ir	Crop	SBEET		Nirr	Ir		
												34.3	

Photo Number/Legal Description: M28 S28 T13 R22

Cropland: 35.6 Reported: 35.6 Difference: .0 Reported D.B.S.R.A.: .0

313	1	Ir	WHEAT	SWW	Grain		27.00			1	2	1.0000	5364
	1A	Ir	WHEAT	SWS	Grain		13.00			1	2	1.0000	5364
	1B	Ir	FALLOW			OCROP	7.00			1		1.0000	5364
	2	Ir	FALLOW			OCROP	5.50			1		1.0000	5364
	3	Ir	PTATC	GRA	Fresh	Y FAV	57.70			1	2	1.0000	7075

PAGE 1

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FSA-578 (02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1997

FARM NUMBER: 3590

FARM AND TRACT DETAIL LISTING

DATE: 04-22-05

Operator Name and Address ID

Original: _____

DENNIS K SMITH 5364

Revision: _____

PO BOX 451

JAKLEY, ID

83346

Cropland: 454.7

Farmland: 535.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Land Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	PltPr FCIC	Prod Share	Prod ID
258	1	Ir	PTATO	GRA	Fresh	F FAV	17.40			I		1.0000	2579
	2	Ir	PTATO	GRA	Fresh	F FAV	7.00			I		1.0000	2579
	3	Ir	PTATO	GRA	Fresh	F FAV	64.90			I		1.0000	2579
	4	Ir	PTATO	GRA	Fresh	F FAV	5.10			I		1.0000	2579

Crop OFAV Mirr Irr
94.4

Photo Number/Legal Description: M26 S20 T13 R22

Cropland: 94.4 Reported: 94.4 Difference: .0 Reported O.B.S.R.A.: .0

271	1	Ir	WHEAT	SWW	Grain		2.00			I		1.0000	5364
	2	Nr	SUMFL			OCROP	1.30			I		1.0000	5364
	3	Ir	WHEAT	SWW	Grain		17.00			I		1.0000	5364
	4	Ir	WHEAT	SWW	Grain		30.60			I		1.0000	5364
	5	Nr	SUMFL			OCROP	1.10			I		1.0000	5364

Crop OCROP Mirr Irr Crop WHEAT Mirr Irr
2.4 49.6

Photo Number/Legal Description: M26 S20 T13 R22

Cropland: 54.0 Reported: 52.0 Difference: -2.0 Reported O.B.S.R.A.: .0

278	1	Nr	SUMFL			OCROP	1.30			I		1.0000	5364
	2	Ir	WHEAT	SWW	Grain		34.30			I		1.0000	5364

Crop OCROP Mirr Irr Crop WHEAT Mirr Irr
1.3 34.3

Photo Number/Legal Description: M28 S28 T13 R22

Cropland: 35.6 Reported: 35.6 Difference: .0 Reported O.B.S.R.A.: .0

313	1	Ir	WHEAT	SWW	Grain		47.30			I		1.0000	5364
	2	Nr	SUMFL			OCROP	5.50			I		1.0000	5364
	3	Ir	SBEET		Proces		37.70			I		.5000 5000	1807 2579

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p.3

8726-862-9243

Craig and Renae Hawker

APR 27 05 09:14

FSA-578 (Producer Print)

REPORT OF ACREAGE

PROGRAM YEAR 1998

DATE: 04-22-2005

Producer Name and Address ID
 DENNIS K SMITH 5364
 PO BOX 451
 OAKLEY, ID 83346

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The Agricultural Adjustment Act of 1939, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR FSA COUNTY OFFICE.

Farm Number	Tract Number	Field Num ID	Irr Prc	Crop	Var/ Int Type Use	Reported Acreage	Determined Acreage	Planting Date	Prod Share	Prod Name
3590	271	2	NI	SUMFL		1.30			1.0000	DENNIS K SMITH
		5	NI	SUMFL		1.10			1.0000	DENNIS K SMITH
	278	1	NI	SUMFL		1.30			1.0000	DENNIS K SMITH
	313	1	Ir	WHEAT	SWW Grain	47.30			1.0000	DENNIS K SMITH
		2	NI	SUMFL		5.50			1.0000	DENNIS K SMITH
		3	Ir	WHEAT	SWW Grain	37.70			1.0000	DENNIS K SMITH
	314	1	Ir	WHEAT	SWW Grain	14.40			1.0000	DENNIS K SMITH
		2	Ir	WHEAT	SWW Grain	4.80			1.0000	DENNIS K SMITH
	315	1	Ir	WHEAT	SWW Grain	101.20			1.0000	DENNIS K SMITH
	316	1	Ir	WHEAT	SWW Grain	4.90			1.0000	DENNIS K SMITH
		2	Ir	WHEAT	SWW Grain	6.60			1.0000	DENNIS K SMITH
	321	1	Ir	ALFAL	Hay	16.00			1.0000	DENNIS K SMITH
	8474	3	NI	SUMFL		1.10			1.0000	DENNIS K SMITH

PRODUCER'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Producer's Signature

Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

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 Southern Region

SRBA

PARTIAL DECREE 45-02444B

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Department of Water Resources
Southern Region

Issued on 05-06-2005.

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Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: DENNIS K SMITH
201 E SOUTH TEMPLE #116
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.60 CFS
292.80 AFY

PRIORITY DATE: USE OF THIS RIGHT WITH RIGHT NO. 45-11164 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 292.8 AF.

POINT OF DIVERSION: 04/30/1953

PURPOSE AND PERIOD OF USE: T13S R22E S20 SESESW Within Cassia County

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.60 CFS
		292.80 AFY

PLACE OF USE: Irrigation

	SWNW 9.7	SENW 16.0
T13S R22E S20	NESW 39.0	SESW 30.0
	SWSE 15.0	SESE 38.0

147.7 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-11164 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 94.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
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.

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. I.C. SECTION 42-1412(6).

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SRBA PARTIAL DECREE 45-11164

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NAME AND ADDRESS: DENNIS K SMITH
201 E SOUTH TEMPLE #116
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 0.22 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-2444B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.60 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 292.8 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T13S R22E S20 SESESW Within Cassia County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.22 CFS

PLACE OF USE: Irrigation

T13S R22E S20	SWNW 9.7	SENW 16.0
	NESW 39.0	SESW 30.0
	SWSE 15.0	SESE 38.0

147.7 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 45-2444B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147.7 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 45-2444B PURSUANT TO SECTION 42-1416B, IDAHO CODE.

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. I.C. SECTION 42-1412(6).

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