

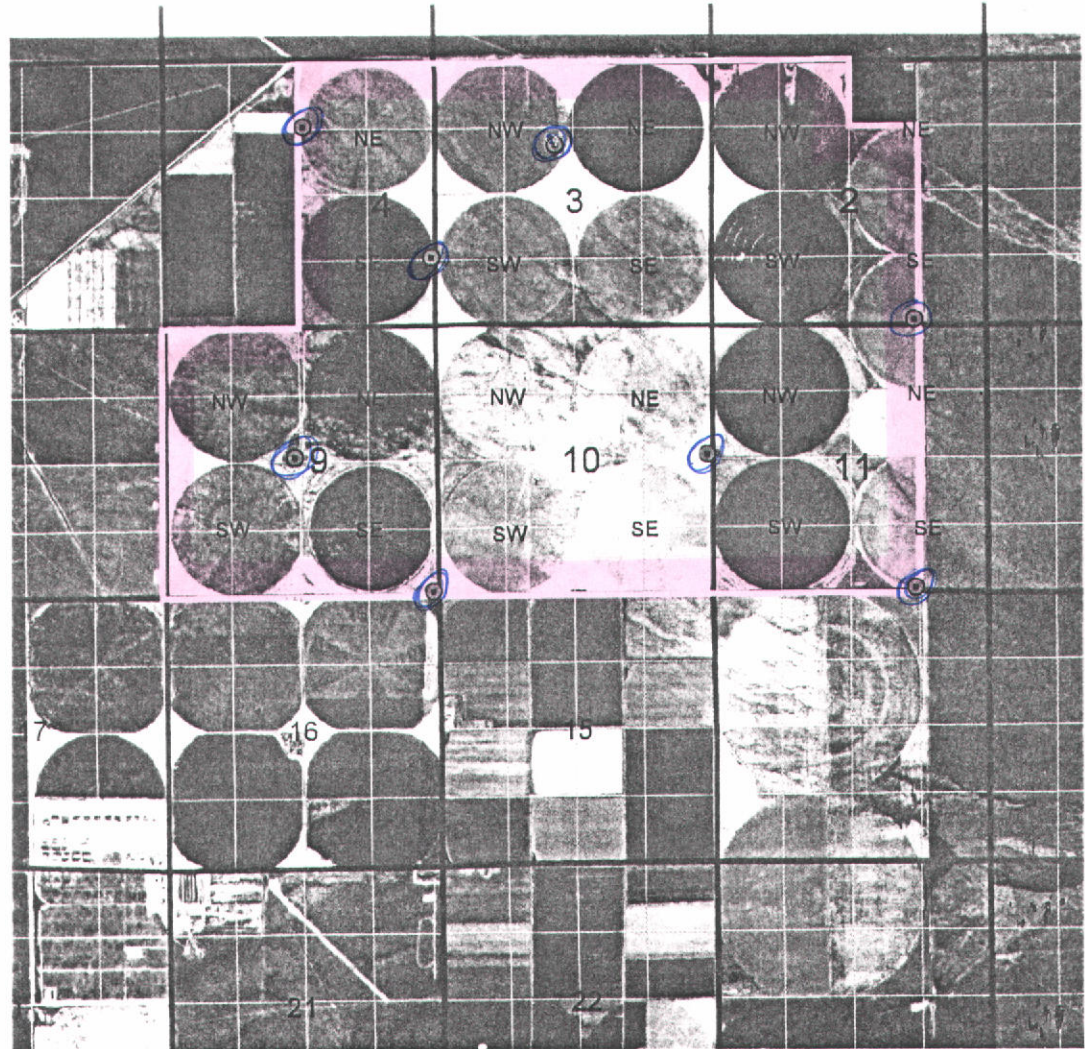
T69409

Todd Harris

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE

~~43-2368, 4028A, 10811, 10812,~~
~~11218 & 10190~~



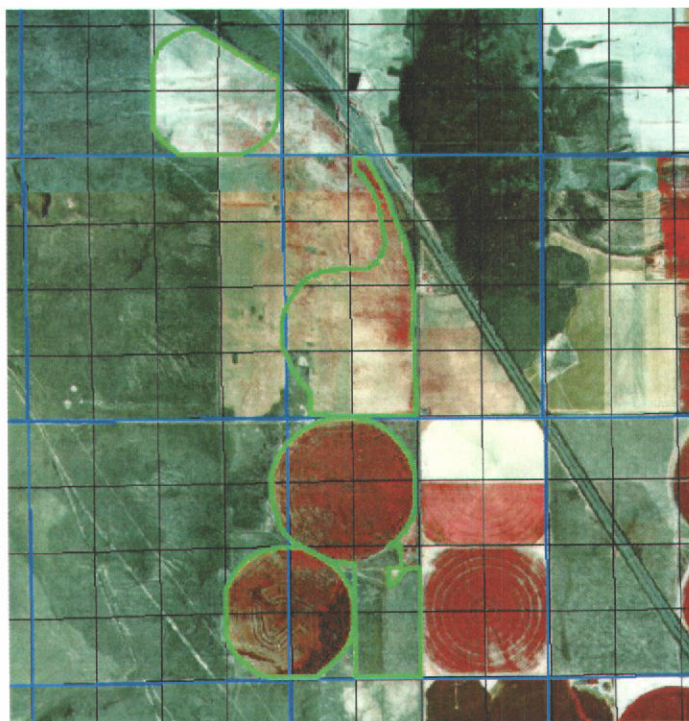
T13S, R27E
Sect 2, 3, 4, 9, 10 & 11

Map prepared by: Cbird
November 9, 2000
1987-1988 NAPP Photography

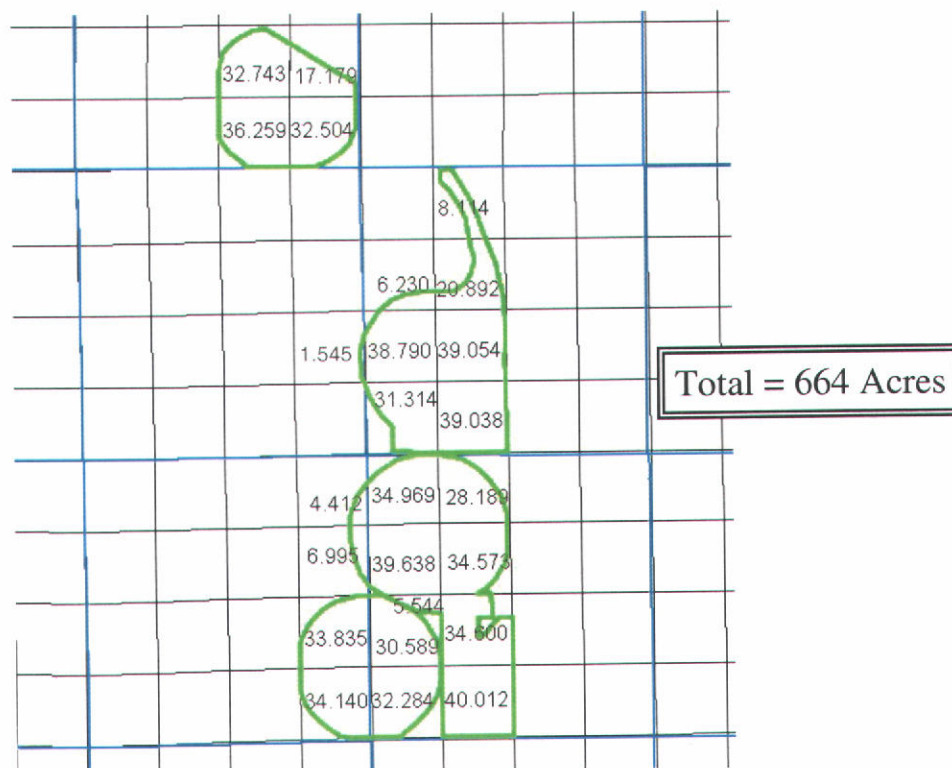
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SEP 19 2002

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUATER LINES



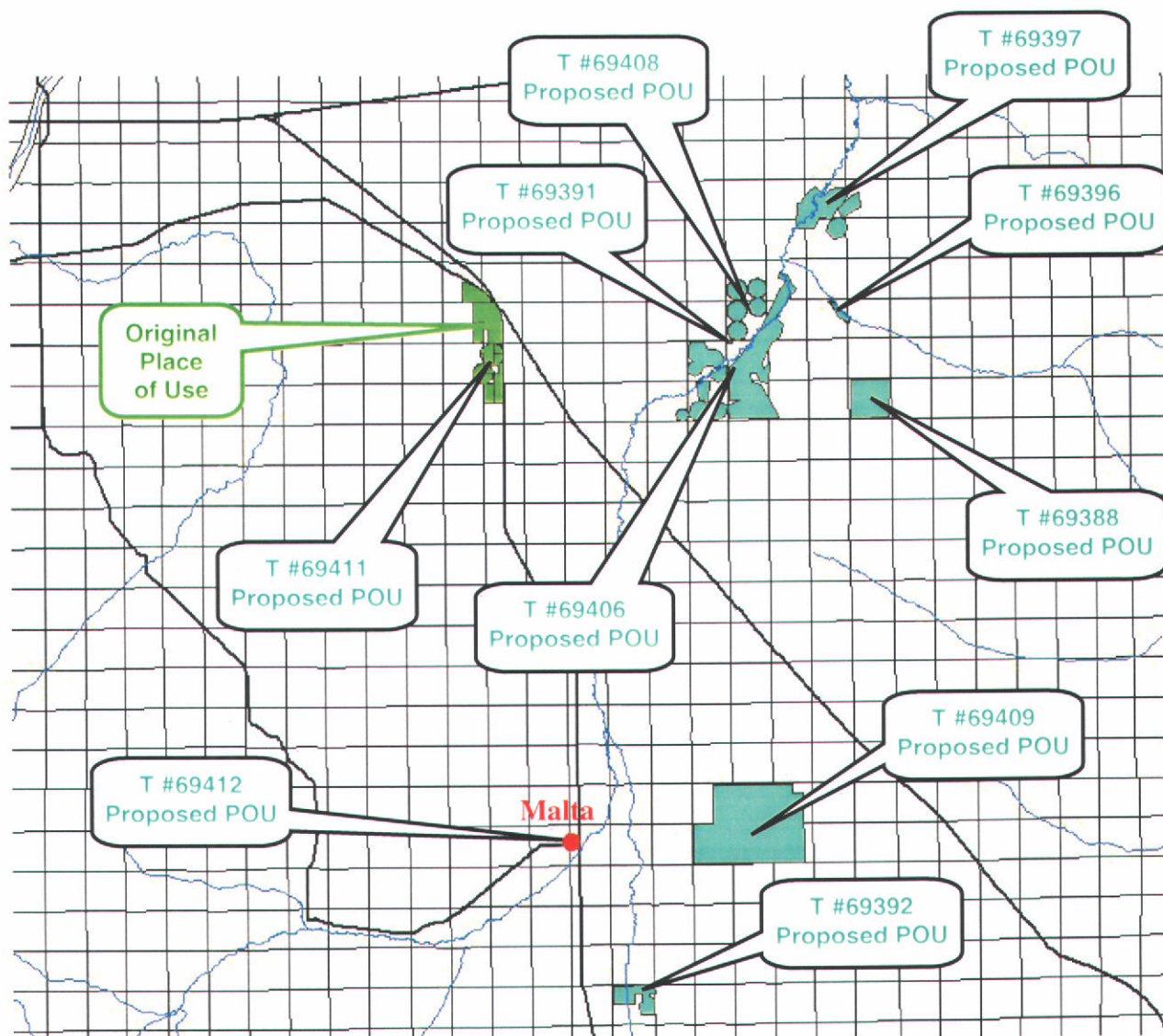


The acres per 40-acre tract as determined by ARCVIEW are shown below...



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A visual representation of the locations of the properties involved with the previously mentioned transfer applications is as follows...



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The rights involved with the enclosed transfers (43-2360, 43-2348, 43-2465A, and 43-2465B) have all been recommended in the Basin 43 Director's Report in the Snake River Basin Adjudication. The rights have been recommended as follows:

43-2360 for the diversion of 3.42 cfs for the irrigation of 314 acres.

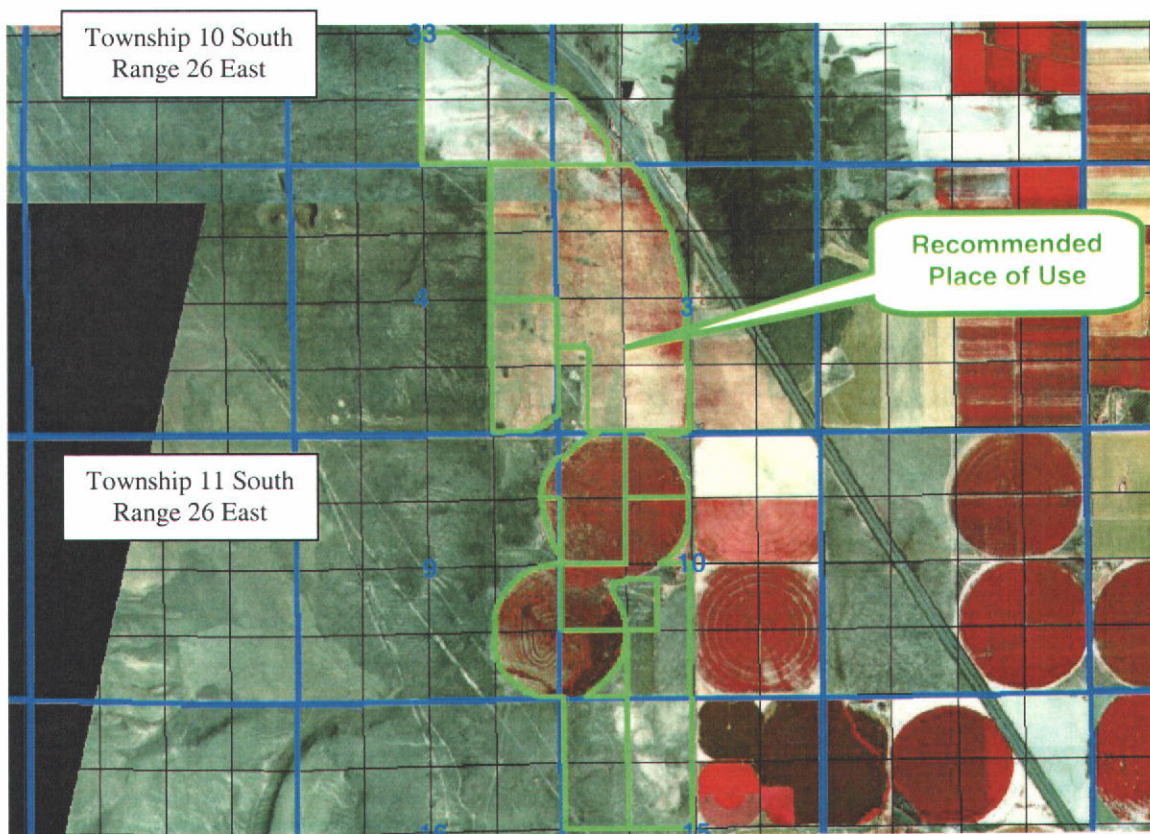
43-2348 for the diversion of 3.55 cfs for the irrigation of 208 acres.

43-2465A for the diversion of 3.40 cfs for the irrigation of 569 acres.

43-2465B for the diversion of 5.86 cfs for the irrigation of 569 acres.

(note that the 569 acres recommended for 43-2465A and 43-2465B are the same acres)

The total recommended diversion for the four rights is 16.23 cfs and the total recommended acreage is 1,091 acres as distributed below...



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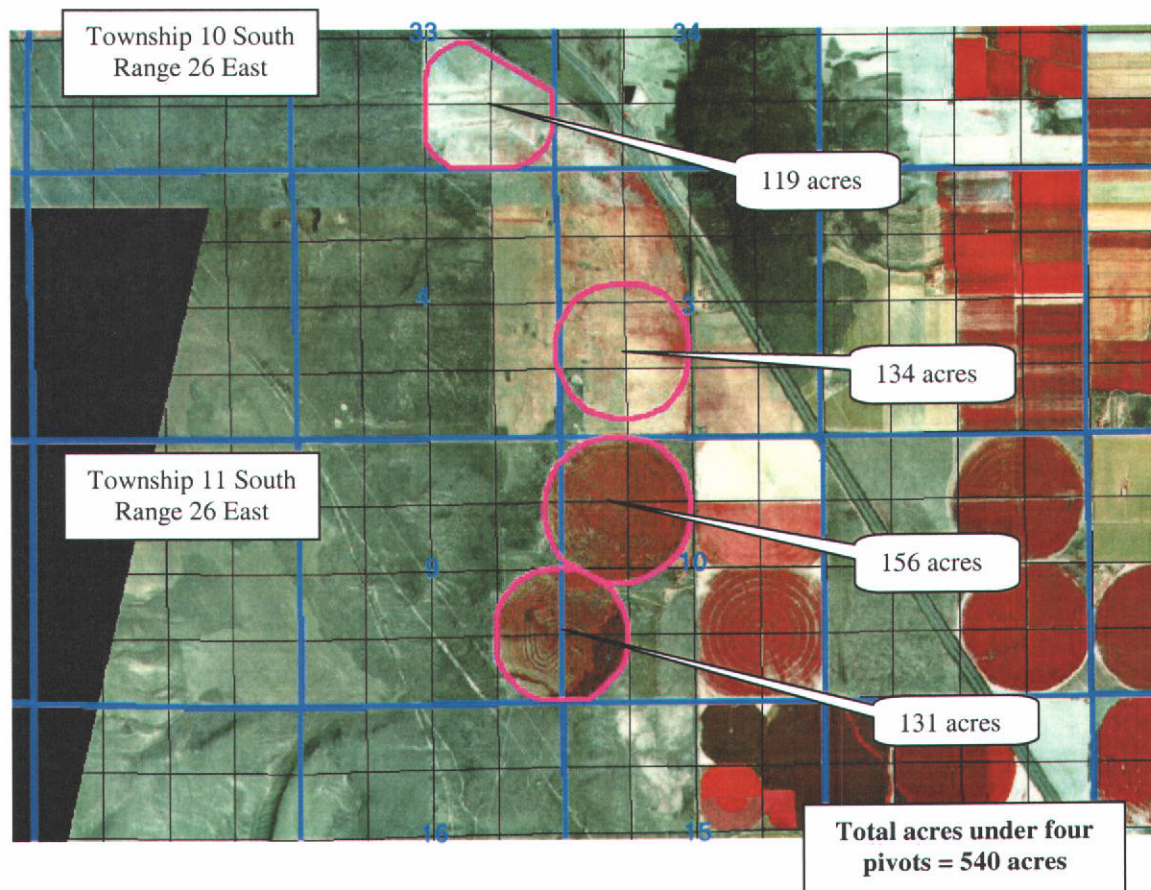
SEP 19 2002

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Transfer #69409 Memo

November 7, 2001

Review of the adjudication claim files for the four rights associated with the farm and the BYU transfers revealed that initial SRBA investigations indicated that significantly less than the recommended 1,091 acres were actually irrigated on the farm. The claim files indicate that when a field review was done in 1994 that only four pivots were irrigated on the farm. I talked with Jeanie Robertson (SRBA agent who reviewed the four claims) about this and she verified that she only found four pivots irrigated on the farm. Jeanie also said that the ranch manager indicated that only four pivots were irrigated on the farm. Jeanie estimated that somewhere in the neighborhood of 534 acres were actually irrigated by the four pivots. Jeanie indicated that the Director's Report recommendation of 1,091 acres for the four rights was based on transfer applications (#3533, #3534, and #3535) all approved on June 30, 1989. The Director's Report recommendations reflect these approved transfer applications. Looking through the SRBA claim files a copy of an ASCS aerial photo of the farm was found that indicated the location of the four pivots. Using this aerial photo, the Department's Arcview images, and aerial photos from the Farm Service Agency in Burley, the locations, and the sizes, of the four pivots on the farm were determined as follows...



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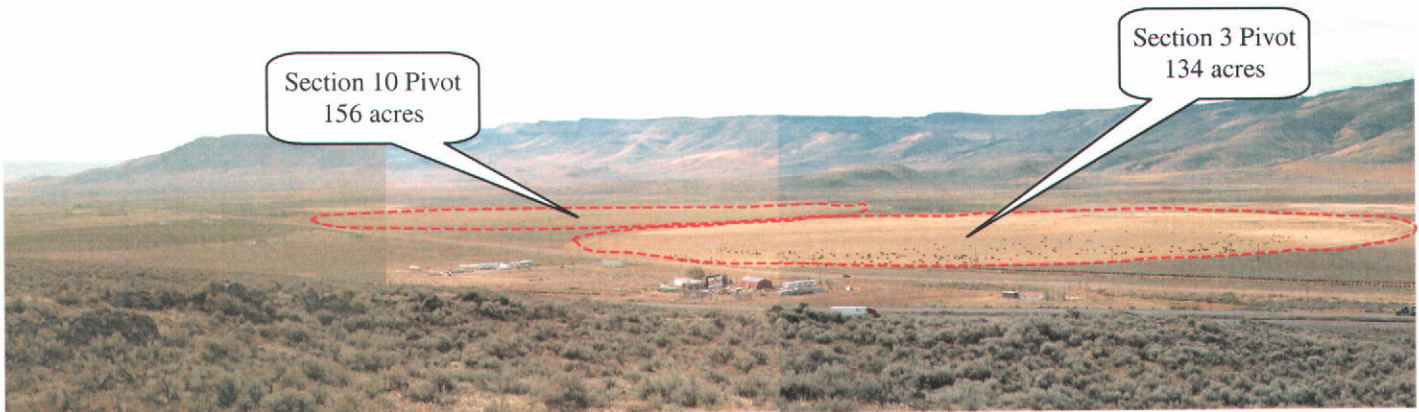
SEP 19 2002

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Transfer #69409 Memo

November 7, 2001

On October 25th, I visited the farm involved with the BYU transfers and observed that only three of the four pivots were in place. It appeared that only the land under two of the three pivots had been irrigated this past year. Driving and walking around the farm revealed that the ground on the vast majority of the farm had been worked sometime in the past, but other than the land under the pivots, there appeared to be little sign of irrigation. In addition, the northwest $\frac{1}{4}$ of Section 15 (Township 11 South, Range 26 East) showed no sign of being irrigated, and the vast majority of the vegetation on these 160 acres consisted of sagebrush ranging from approximately two to three feet in height. The following photos document my observations during the October 25th site visit...



ABOVE: View looking southwest towards the south end of the BYU farm showing two of the three pivots observed during the 10/25/2001 visit. Note the lack of irrigation outside the pivot boundaries.

BELOW: View looking northwest towards the north end of the BYU farm showing third pivot on the north end of the farm. Note the lack of irrigation outside the pivot boundaries.



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SEP 19 2002

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Transfer #69409 Memo
November 7, 2001



ABOVE: View from highway through the center of Section 15 (T11S, R26E) looking northwest across the northwest $\frac{1}{4}$ of Section 15. Note lack of irrigation and sagebrush growth in this area.

BELOW: View from near the northwest corner of Section 15 looking southeast across the northwest $\frac{1}{4}$ of Section 15. Note the lack of irrigation and the sagebrush growth in this area. The sagebrush growth was up to three feet in height.



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SEP 19 2002

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Transfer #69409 Memo
November 7, 2001



ABOVE: View from the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 10 (T11S, R26E) looking south through the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 10. Note the lack of irrigation in this view.

BELOW: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking southwest across the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of Section 4. Note the lack of irrigation in this view.



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Transfer #69409 Memo
November 7, 2001



ABOVE: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking southeast across the west $\frac{1}{2}$ of Section 3. Note the lack of irrigation in this view.

BELOW: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking northeast across the west $\frac{1}{2}$ of Section 3. Note the lack of irrigation in this view.

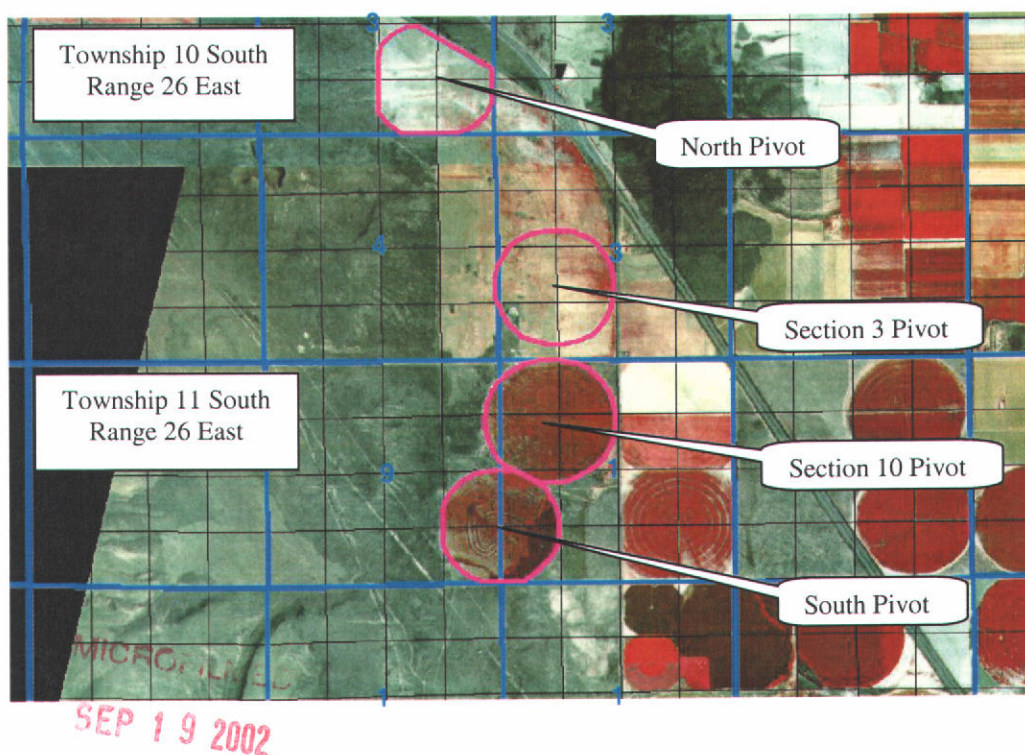


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After visiting the BYU farm, I stopped at the Cassia County Farm Service Agency office in Burley to look at the yearly aerial photo slides of the BYU farm. It was discovered that very little irrigation, if any, occurred outside the four pivots over the last six years. The following table summarizes my observations of the lands that were irrigated according to the aerial photo slides at the farm service office...

YEAR	North Pivot	Section 3 Pivot	Section 10 Pivot	South Pivot	Remarks
2001	Not Irrigated	Irrigated	Irrigated	Not Irrigated	≈ 5 additional irrigated acres in SESW ¼ Section 3
2000	Irrigated	Irrigated	Irrigated	Not Irrigated	No additional irrigation outside of pivots
1999	Irrigated	Irrigated	Irrigated	Irrigated	≈ 25 additional irrigated acres in South ½ of SW ¼ of Section 3
1998	Irrigated	Irrigated	Irrigated	Irrigated	No additional irrigation outside of pivots
1997	Irrigated	Irrigated	Irrigated	Irrigated	No additional irrigation outside of pivots
1996	Irrigated	Irrigated	Irrigated	Irrigated	Maybe 50 additional irrigated acres (iffy) in east ½ of west ½ of Section 3

A map showing the location of the above-mentioned pivots is as follows...



The 10 BYU transfers are based on the SRBA recommendations for rights 43-2360, 43-2348, 43-2465A, and 43-2465B that allow the irrigation of 1,091 acres. However, it appears that the extent of the irrigation of all of these 1,091 acres is questionable. Using the acreage estimates of the four pivots shown in this report and the additional 25 acres shown on the 1999 aerial photo slides at the farm service office, it appears that perhaps only 565 acres could be justified over the last five years. A breakdown, by individual water right, of these 565 acres compared to what has been recommended in the SRBA (and what the transfers are based on) would be as follows...

43-2360

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 26E 33													15.0	37.0	39.0	39.0	130.0
													17.0	33.0	36.0	33.0	119.0
10S 26E 34									1.0	25.0							26.0
									0.0	0.0							0.0
11S 26E 4													40.0			38.0	78.0
													2.0			0.0	2.0
11S 26E 9	5.0																5.0
	4.0																4.0
11S 26E 10							35.0	40.0									75.0
							35.0	40.0									75.0

Total Recommended Acres: 314
 Total "Actual 5-year" Acres: 200

43-2348

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 9													33.0			34.0	67.0
													34.0			34.0	68.0
11S 26E 10							31.0				32.0						63.0
							28.0				32.0						60.0
11S 26E 15							39.0	39.0									78.0
							0.0	0.0									0.0

Total Recommended Acres: 208
 Total "Actual 5-year" Acres: 128

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 SEP 19 2002

43-2465A & 43-2465B (Same POU)

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
							0.0	0.0	6.0	6.0	36.0	39.0	30.0	40.0					157.0
							L 3	L 4											
11S	26E	4	40.0			40.0													80.0
			0.0			0.0													0.0
11S	26E	9				6.0													6.0
						7.0													7.0
11S	26E	10								35.0	25.0	37.0		39.0					136.0
										34.0	3.0	36.0		0.0					73.0
11S	26E	15				39.0				39.0									78.0
						0.0				0.0									0.0

Total Recommended Acres: 569
 Total "Actual 5-year" Acres: 237

It appears that there may be significantly less acres that have been irrigated the last five years, compared to the 1,091 acres that were recommended in the SRBA and that the 10 BYU transfers are based on. BYU has filed these applications in an attempt to move water rights to various locations in the Raft River Valley. Some of these applications involve pending transactions between BYU and buyers of the respective water rights. If the Department ultimately determines that there are not 1,091 acres available to be transferred, then how to limit the applications, or which applications to limit, will become an issue. Due to the pending financial transactions involving the applicant and the purchasers of the rights, the applicant should be involved in the approval, or denial, process and the Department may want to be "flexible" in its final action regarding the applications. It should be noted that the rights and transfers are based on the idea that acres under specific rights are appurtenant to specific tracts of land as indicated in the above-described places of use. Examination of the SRBA claim files reveals that the vast majority of the BYU farm is an interconnected system, and the entire farm may possibly be interconnected. This would indicate that the rights have actually been used more along the lines of a permissible place of use, rather than being used on specific tracts of land. Considering this likely permissible place of use concept could allow the Department more "flexibility" in taking final action on the applications.

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 SEP 19 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69409

This is to certify that: BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333
(801)378-3080

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
43-13174	WR/Decreed	05/29/1950	0.55 cfs	128.0 af	32.0	208.0	GROUND WATER
43-13176	WR/Decreed	11/27/1957	1.18 cfs	575.7 af	196.0	569.0	GROUND WATER
43-13178	WR/Decreed	11/30/1957	2.01 cfs	784.0 af	196.0	569.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-13174	NO	YES	YES	NO	NO	NO
43-13176	YES	YES	YES	NO	NO	NO
43-13178	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-13174	43-13174	0.55 cfs	128.0 af	32.0	3,160.0		N/A	N/A	N/A	N/A
43-13176	43-13185	0.43 cfs	209.8 af	71.0	3,160.0	43-13184	0.75 cfs	365.9 af	125.0	569.0
43-13178	43-13187	0.73 cfs	284.0 af	71.0	3,160.0	43-13186	1.28 cfs	500.0 af	125.0	569.0
TOTALS		1.71 cfs	412.0 af	103.0	3,160.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

4-1-1-1-2002

69409

WATER RIGHT NO. 43-13174**As Modified by Transfer No. 69409**

In accordance with the approval of Transfer No. 69409, Water Right No. 43-13174 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

Priority Date: 05/29/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.55 CFS	128.0 AF
			0.55 CFS	128.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 2	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	NESENW	Sec. 3	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SWNWNE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SENESE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESESE	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENE	Sec. 10	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESWSE	Sec. 11	Twp 13S	Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			440.0
13S	27E	3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	4	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
13S	27E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0			480.0

Total Acres: 3160

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2000 11 2002

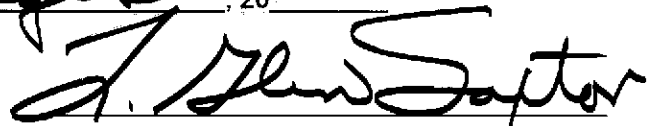
WATER RIGHT NO. 43-13174
As Modified by Transfer No. 69409

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13174, 43-13185 and 43-13187 shall not exceed 1.71 cfs, nor total combined annual volume of 412.0 af, for the irrigation of 103.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002



Chief, Water Allocation Bureau

RECORDED

SEP 16 2002

WATER RIGHT NO. 43-13184
As Modified by Transfer No. 69409

In accordance with the approval of Transfer No. 69409, Water Right No. 43-13184 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/27/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.75 CFS	365.9 AF
			0.75 CFS	365.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 33 Twp 10S Rge 26E	CASSIA County
GROUND WATER	NWSWNW	Sec. 3 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 3 Twp 11S Rge 26E	CASSIA County
GROUND WATER	NWNWNW	Sec. 10 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWNESW	Sec. 10 Twp 11S Rge 26E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 3					20.0 L 3	40.0 L 4	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S 26E 4	40.0 L 1			40.0													80.0
11S 26E 9				6.0													6.0
11S 26E 10								35.0	25.0	37.0		39.0					136.0
11S 26E 15					39.0			39.0									78.0

Total Acres: 569

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 SEP 11 1972

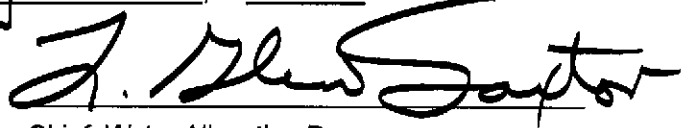
WATER RIGHT NO. 43-13184
As Modified by Transfer No. 69409

CONDITIONS OF APPROVAL

1. Rights 43-13184 and 43-13186 when combined shall not exceed a total annual maximum diversion volume of 500.0 af at the field headgate, and the irrigation of 125.0 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

RECORDED

SEP 10 2002

WATER RIGHT NO. 43-13185
As Modified by Transfer No. 69409

In accordance with the approval of Transfer No. 69409, Water Right No. 43-13185 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/27/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.43 CFS	209.8 AF
			0.43 CFS	209.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 2	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	NESENW	Sec. 3	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SWNWNE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SENESE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESESE	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENE	Sec. 10	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESWSE	Sec. 11	Twp 13S	Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	440.0
13S	27E	3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	4	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
13S	27E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

MICROFILMED

SEP 1 1999

WATER RIGHT NO. 43-13185
As Modified by Transfer No. 69409

CONDITIONS OF APPROVAL

1. Rights 43-13185 and 43-13187 when combined shall not exceed a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13174, 43-13185 and 43-13187 shall not exceed 1.71 cfs, nor total combined annual volume of 412.0 af, for the irrigation of 103.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

8th August 02

J. Drew Saxton

Chief, Water Allocation Bureau

RECORDED
SEP 10 2002

WATER RIGHT NO. 43-13186
As Modified by Transfer No. 69409

In accordance with the approval of Transfer No. 69409, Water Right No. 43-13186 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.28 CFS	500.0 AF
			1.28 CFS	500.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE	Sec. 33 Twp 10S Rge 26E	CASSIA County
GROUND WATER	NWSWNW	Sec. 3 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWSWSW	Sec. 3 Twp 11S Rge 26E	CASSIA County
GROUND WATER	NWNWNW	Sec. 10 Twp 11S Rge 26E	CASSIA County
GROUND WATER	SWNESW	Sec. 10 Twp 11S Rge 26E	CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S 26E 4	40.0			40.0	L 3	L 4											80.0
11S 26E 9				6.0													6.0
11S 26E 10								35.0	25.0	37.0		39.0					136.0
11S 26E 15					39.0			39.0									78.0

Total Acres: 569

MICROFILMED

SEP 19 2000

WATER RIGHT NO. 43-13186

As Modified by Transfer No. 69409

CONDITIONS OF APPROVAL

1. Rights 43-13184 and 43-13186 when combined shall not exceed a total annual maximum diversion volume of 500.0 af at the field headgate, and the irrigation of 125.0 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002

J. Shaw Saylor

Chief, Water Allocation Bureau

MICROFILMED

SEP 12 2002

WATER RIGHT NO. 43-13187
As Modified by Transfer No. 69409

In accordance with the approval of Transfer No. 69409, Water Right No. 43-13187 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.73 CFS	284.0 AF
			0.73 CFS	284.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESWSE	Sec. 2	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	NESENW	Sec. 3	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SWNWNE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SENESE	Sec. 4	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESESE	Sec. 9	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESENE	Sec. 10	Twp 13S	Rge 27E	CASSIA County
GROUND WATER	SESWSE	Sec. 11	Twp 13S	Rge 27E	CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	440.0
13S	27E	3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	4	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
13S	27E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S	27E	11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

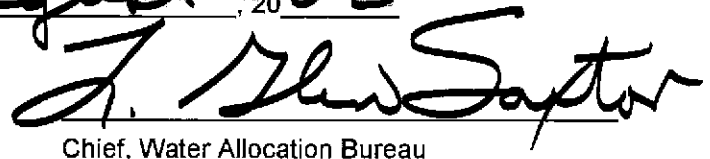
WATER RIGHT NO. 43-13187
As Modified by Transfer No. 69409

CONDITIONS OF APPROVAL

1. Rights 43-13185 and 43-13187 when combined shall not exceed a total annual maximum diversion volume of 284.0 af at the field headgate, and the irrigation of 71.0 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13174, 43-13185 and 43-13187 shall not exceed 1.71 cfs, nor total combined annual volume of 412.0 af, for the irrigation of 103.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 43-13187

SEP 10 2002

Transfer No. 69409

Receipt No. 5024349

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

1. Applicant Information BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 846021333
(801)378-3080

RECEIVED

OCT 05 2001

Department of Water Resources
Southern Region

Will this transfer result in an ownership change? _____ Yes ☒ No

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

	Origin/Basis	Rate	Volume	Acres	Total	Source
43-2360	AJC/License	3.42 cfs	1256.0 af	314.0	314.0	GROUND WATER
43-2348	AJC/License	3.55 cfs	832.0 af	208.0	208.0	GROUND WATER
43-2465A	AJC/License	3.40 cfs	2276.0 af	569.0	569.0	GROUND WATER
43-2465B	AJC/License	5.86 cfs	2276.0 af	569.0	569.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2360	YES	YES	YES	NO	NO	NO
43-2348	YES	YES	YES	NO	NO	NO
43-2465A	YES	YES	YES	NO	NO	NO
43-2465B	YES	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Desire to move water rights to more useful land

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

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SEP 14 2002

69409

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
43-13181	0.36 cfs	33.0	3,160.0	132.0 af
43-13183	0.26 cfs	15.0	3,160.0	60.0 af
43-13185	0.43 cfs	72.0	3,160.0	288.0 af
43-13187	0.74 cfs	72.0	3,160.0	288.0 af
TOTAL	1.79 cfs	120.0	3,160.0	480.0 af

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SEP 13 2007

Transfer No. 69409

Receipt No. _____

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Brad Farnsworth

(Signature of Applicant)

meu

Administrative Vice President

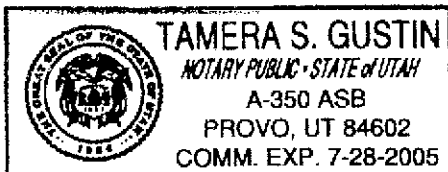
(Title or Office)

Subscribed and sworn to before me this 27th day of September, 2001.

Tamera S. Gustin

(Notary Public)

My commission expires 7-28-2005



MICROFILMED

SEP 11 2002

Transfer No. 69409

Receipt No. _____

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

Current Water Right No. 43-2360

Priority Date: 11/27/1950
Origin: Adjudication Claim
Basis: License
Status: Active

RECEIVED**OCT 05 2001**

Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.42 CFS	1,256.0 AFA	
	Total Diversion	3.42 CFS	1,256.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	33													15.0	37.0	39.0	39.0	130.0
10S	26E	34									1.0	25.0							26.0
11S	26E	4													40.0		38.0		78.0
11S	26E	9	5.0																5.0
11S	26E	10					35.0	40.0											75.0

Total Acres: 314

Conditions/Remarks:

MICROFILMED

SEP 13 2012

Page 5

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Documentation of Ownership of the Current Place of Use

QUITCLAIM DEEDS

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

NO

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

LAND WILL NO LONGER BE IRRIGATED

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

NO

MICROFILMED

SEP 11 2002

Transfer No. 69409

Receipt No. _____

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

Current Water Right No. 43-2348

Priority Date: 05/29/1950
Origin: Adjudication Claim
Basis: License
Status: Active

RECEIVED**OCT 05 2001**

Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.55 CFS	832.0 AFA	
	Total Diversion	3.55 CFS	832.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	9									33.0						34.0		67.0
11S	26E	10					31.0						32.0						63.0
11S	26E	15						39.0	39.0										78.0

Total Acres: 208

Conditions/Remarks:

MICROFILMED
SEP 12 2002

Page 7

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Documentation of Ownership of the Current Place of Use

QUITCLAIM DEED

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

NO

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

LAND WILL NO LONGER BE IRRIGATED

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

NO

MICROFILMED

SEP 10 2002

Transfer No. 69409

Receipt No. _____

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

Current Water Right No. 43-2465A

RECEIVED**OCT 05 2001**

Priority Date: 11/27/1957

Origin: Adjudication Claim

Basis: License

Status: Active

Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.40 CFS	2,276.0 AFA	
	Total Diversion	3.40 CFS	2,276.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S	26E	4	40.0			40.0	L 3	L 4											80.0
11S	26E	9				6.0													6.0
11S	26E	10							35.0		25.0	37.0		39.0					136.0
11S	26E	15				39.0			39.0										78.0

Total Acres: 569

Conditions/Remarks:

MICROFILMED

SEP 18 2002

Page 9

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 43-02465B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 569 ACRES IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH RIGHT NO. 43-02465B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2276 AF.

Documentation of Ownership of the Current Place of Use

QUITCLAIM DEEDS

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

NO

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

LAND WILL NO LONGER BE IRRIGATED

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

NO

MICROFILMED

DEC 4 9 2009

Transfer No. 69409

Receipt No. _____

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

Current Water Right No. 43-2465B

RECEIVED

Priority Date: 11/30/1957

Origin: Adjudication Claim

Basis: License

Status: Active

OCT 05 2001Department of Water Resources
Southern Region**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	5.86 CFS	2,276.0 AFA	
	Total Diversion	5.86 CFS	2,276.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S	26E	4	40.0				L3	L4											80.0
11S	26E	9				6.0													6.0
11S	26E	10							35.0	25.0	37.0		39.0						136.0
11S	26E	15				39.0			39.0										78.0

Total Acres: 569

Conditions/Remarks:

MICROFILMED
SEP 14 2002

Page 11

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 43-02465A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 569 ACRES IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH RIGHT NO. 43-02465A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2276 AF.

Documentation of Ownership of the Current Place of Use

QUITCLAIM DEEDS

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

NO

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

LAND WILL NO LONGER BE IRRIGATED

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

NO

MICROFILMED

SEP 12 2002

Transfer No. 69409

Receipt No. _____

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

Proposed Water Right No. 43-13181**RECEIVED**

Priority Date: 11/27/1950

Origin: Adjudication Claim

Basis: License

Status:

OCT 05 2001

**Department of Water Resources
Southern Region**

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	01/01 12/31	0.36 CFS	132.0 AFA	
	Total Diversion	0.36 CFS	132.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	13S	27E	2	SESWSE		CASSIA
GROUND WATER	13S	27E	3	NESENW		CASSIA
GROUND WATER	13S	27E	4	SWNWNE		CASSIA
GROUND WATER	13S	27E	9	SESENW		CASSIA
GROUND WATER	13S	27E	9	SESESE		CASSIA
GROUND WATER	13S	27E	10	SESENE		CASSIA
GROUND WATER	13S	27E	11	SESWSE		CASSIA
GROUND WATER	13S	27E	4	SENESE		CASSIA

Describe the proposed diversion system

Point of Diversion # 1 existing well
 Point of Diversion # 2 existing well
 Point of Diversion # 3 existing well
 Point of Diversion # 4 existing well
 Point of Diversion # 5 existing well
 Point of Diversion # 6 existing well
 Point of Diversion # 7 existing well
 Point of Diversion # 8 existing well

MICROFILMED

OCT 05 2002

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PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 27E 2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		440.0
13S 27E 3	40.0	40.0	40.0	40.0	L3 40.0	L4 40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 4	L1 40.0	L2 40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
13S 27E 9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

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RSP 1 3 2022

Transfer No. 69409

Receipt No. _____

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

Proposed Water Right No. 43-13183

Priority Date: 05/29/1950
Origin: Adjudication Claim
Basis: License
Status:

RECEIVED**OCT 05 2001**

Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.26 CFS	60.0 AFA	
	Total Diversion	0.26 CFS	60.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	13S	27E	2	SESWSE		CASSIA
GROUND WATER	13S	27E	3	NESENW		CASSIA
GROUND WATER	13S	27E	4	SWNWNE		CASSIA
GROUND WATER	13S	27E	9	SESENW		CASSIA
GROUND WATER	13S	27E	9	SESESE		CASSIA
GROUND WATER	13S	27E	10	SESENE		CASSIA
GROUND WATER	13S	27E	11	SESWSE		CASSIA
GROUND WATER	13S	27E	4	SENESE		CASSIA

Describe the proposed diversion system

Point of Diversion # 1 existing well
Point of Diversion # 2 existing well
Point of Diversion # 3 existing well
Point of Diversion # 4 existing well
Point of Diversion # 5 existing well
Point of Diversion # 6 existing well
Point of Diversion # 7 existing well
Point of Diversion # 8 existing well

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SEP 13 2002

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PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 27E 2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		440.0
13S 27E 3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 4	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
13S 27E 9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

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Transfer No. 69409

Receipt No. _____

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

Proposed Water Right No. 43-13185

Priority Date: 11/27/1957
 Origin: Adjudication Claim
 Basis: License
 Status:

RECEIVED**OCT 05 2001**

Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.43 CFS	288.0 AFA	
	Total Diversion	0.43 CFS	288.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	13S	27E	2	SESWSE		CASSIA
GROUND WATER	13S	27E	3	NESENW		CASSIA
GROUND WATER	13S	27E	4	SWNWNE		CASSIA
GROUND WATER	13S	27E	9	SESENW		CASSIA
GROUND WATER	13S	27E	9	SESESE		CASSIA
GROUND WATER	13S	27E	10	SESENE		CASSIA
GROUND WATER	13S	27E	11	SESWSE		CASSIA
GROUND WATER	13S	27E	4	SENESE		CASSIA

Describe the proposed diversion system

Point of Diversion # 1 existing well
 Point of Diversion # 2 existing well
 Point of Diversion # 3 existing well
 Point of Diversion # 4 existing well
 Point of Diversion # 5 existing well
 Point of Diversion # 6 existing well
 Point of Diversion # 7 existing well
 Point of Diversion # 8 existing well

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 SEP 24 2002

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PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 27E 2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		440.0
13S 27E 3	40.0	40.0	40.0	40.0	L3	L4	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 4	L1	L2			L3	L4											
13S 27E 9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

MICROFILMED

SEP 13 2002

Transfer No. 69409

Receipt No. _____

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

Proposed Water Right No. 43-13187**RECEIVED**

Priority Date: 11/30/1957

Origin: Adjudication Claim

Basis: License

Status:

OCT 05 2001Department of Water Resources
Southern Region**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.74 CFS	288.0 AFA	
	Total Diversion	0.74 CFS	288.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	13S	27E	2	SESWSE		CASSIA
GROUND WATER	13S	27E	3	NESENW		CASSIA
GROUND WATER	13S	27E	4	SWNWNE		CASSIA
GROUND WATER	13S	27E	9	SESENW		CASSIA
GROUND WATER	13S	27E	9	SESESE		CASSIA
GROUND WATER	13S	27E	10	SESENE		CASSIA
GROUND WATER	13S	27E	11	SESWSE		CASSIA
GROUND WATER	13S	27E	4	SENESE		CASSIA

Describe the proposed diversion system

Point of Diversion # 1 existing well
 Point of Diversion # 2 existing well
 Point of Diversion # 3 existing well
 Point of Diversion # 4 existing well
 Point of Diversion # 5 existing well
 Point of Diversion # 6 existing well
 Point of Diversion # 7 existing well
 Point of Diversion # 8 existing well

MICROFILMED

OCT 19 2001

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PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 27E 2			40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		440.0
13S 27E 3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 4	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
13S 27E 9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 10	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
13S 27E 11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0

Total Acres: 3160

MICROFILMED

SEP 10 2002

Transfer No. 69409

Receipt No. _____

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

PORTION OF RIGHT No. 43-2360 BEING TRANSFERRED

RECEIVED

Priority Date: 11/27/1950

Origin: Adjudication Claim

Basis: License

Status:

OCT 05 2001Department of Water Resources
Southern Region**Source: GROUND WATER**

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.36 CFS	132.0 AFA	
	Total Diversion	0.36 CFS	132.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	4																33.0	33.0

Total Acres: 33

MICROFILMED
OCT 05 2001

Transfer No. 69409

Receipt No. _____

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

PART 3B

PORTION OF RIGHT No. 43-2348 BEING TRANSFERRED

RECEIVED

Priority Date: 05/29/1950

Origin: Adjudication Claim

Basis: License

Status:

OCT 05 2001Department of Water Resources
Southern Region**Source:** GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.26 CFS	60.0 AFA	
	Total Diversion	0.26 CFS	60.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	10																15.0	

Total Acres: 15

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SEP 10 2002

Transfer No. 69409

Receipt No. _____

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

PORTION OF RIGHT No. 43-2465A BEING TRANSFERRED

Priority Date: 11/27/1957
Origin: Adjudication Claim
Basis: License
Status:

RECEIVED**OCT 05 2001**Department of Water Resources
Southern Region**Source: GROUND WATER**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.43 CFS	288.0 AFA	
Total Diversion		0.43 CFS	288.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
11S	26E	10																	
										19.0	31.0		22.0						72.0

Total Acres: 72

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OCT 05 2002

Transfer No. 69409

Receipt No. _____

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

PORTION OF RIGHT No. 43-2465B BEING TRANSFERRED

Priority Date: 11/30/1957
Origin: Adjudication Claim
Basis: License
Status:

RECEIVED
OCT 05 2001
Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.74 CFS	288.0 AFA	
Total Diversion		0.74 CFS	288.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S	26E	33	SESESE		CASSIA
GROUND WATER	11S	26E	10	NWNWNW		CASSIA
GROUND WATER	11S	26E	10	SWNESW		CASSIA
GROUND WATER	11S	26E	3	NWSWNW		CASSIA
GROUND WATER	11S	26E	3	SWSWSW		CASSIA

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
11S	26E	10									19.0	31.0		22.0					72.0

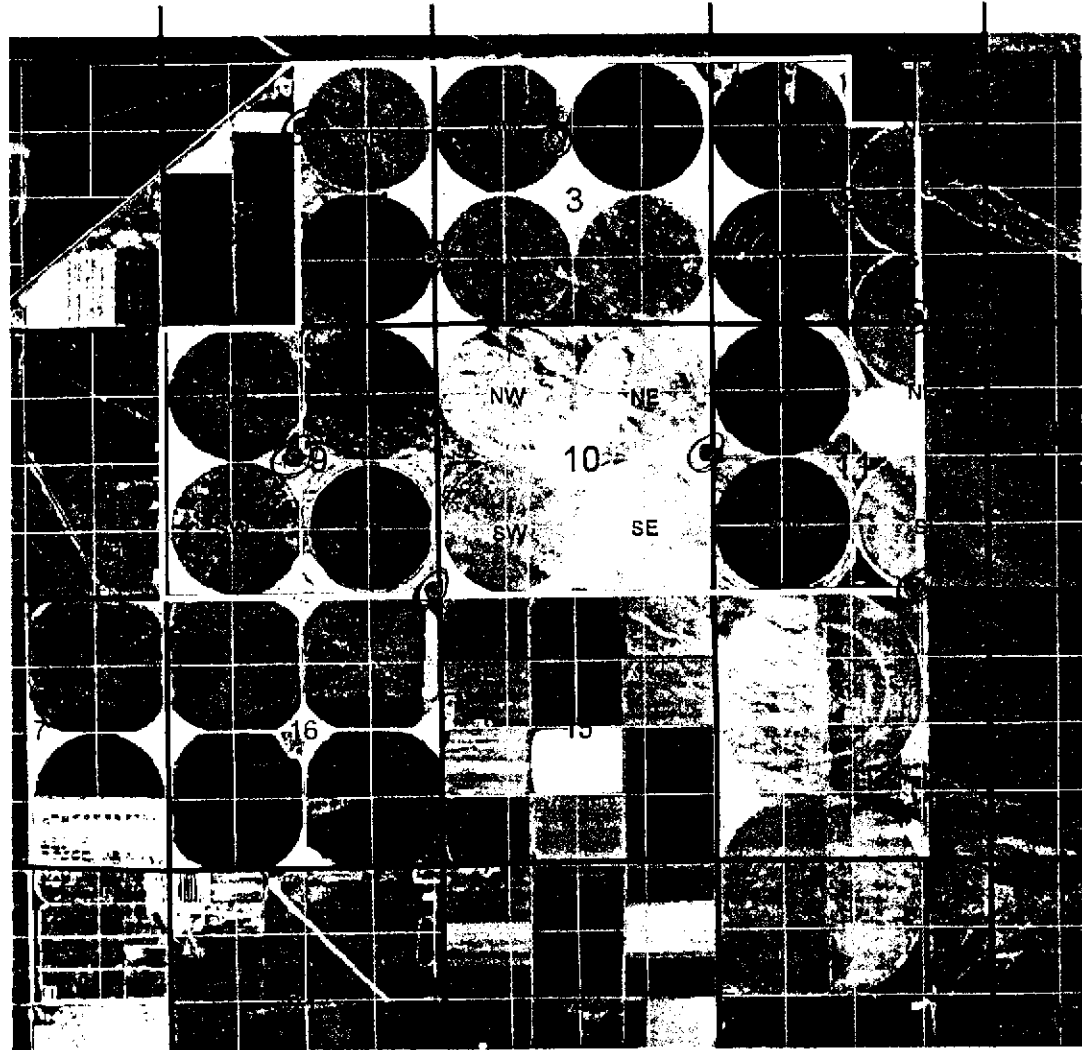
Total Acres: 72

MICROFILMED

OCT 16 2001

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE



T13S, R27E
Sect 2, 3, 4, 9, 10 & 11

Map prepared by: Cbird
November 9, 2000
1987-1988 NAPP Photography

MICROFILMED

NOV 13 2002

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



165854

QUITCLAIM DEED

QUITCLAIM DEED, made this 19 day of December, 1984, by
 LENNIE SAM SKAGGS and ALINE W. SKAGGS, husband and wife, (the
 "Grantor"), and BRIGHAM YOUNG UNIVERSITY, a Utah non-profit
 corporation, of Provo, Utah, 84602, (the "Grantee").

W I T N E S S E T H:

The Grantor by a charitable contribution to the Grantee,
 does by these presents remise, release and forever quitclaim unto
 the Grantee and to the successors and assigns of the Grantee, all
 of the interest of the Grantor in and to the following real
 estate in Cassia County, Idaho, to-wit:

That real estate particularly described on
 Exhibit A attached hereto and made a part
 hereof by reference.

TOGETHER with all water rights appurtenant to the
 described real property, including, but not limited to water
 licenses and permits identified as follows:

20542/43-2314	28925/43-2500
31113/43-2565	G-28937
20507/43-2312	43-2482
43-2029/4783	

TOGETHER with any and all mineral rights as to the
 described property, and all rights to geothermal energy and steam.

TOGETHER with all and singular the tenements, heredita-
 ments, and appurtenances thereunto belonging or in anywise apper-
 taining, the reversion and reversions, remainder and remainders,
 rents, issues, and profits thereof.

TO HAVE AND TO HOLD all and singular the above unto

25 rents, issues, and profits thereof.

26 TO HAVE AND TO HOLD all and singular the above unto

Page 1 - Quitclaim Deed

1 the Grantee and its successors and assigns forever.

2 IN WITNESS WHEREOF, the Grantor has executed this
3 Quitclaim Deed.

4 Lennie Sam Skaggs
5 Aline W. Skaggs
6

7 STATE OF UTAH)
8 County of Salt Lake) ss.

9 On this 19th day of December in the year 1984,
10 before me, the undersigned, a Notary Public in and for said State,
11 personally appeared LENNIE SAM SKAGGS and ALINE W. SKAGGS,
12 husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and acknow-
ledged to me that they executed the same.

13 Medora H. Skaggs
14 Notary Public for Utah
15 Residing at Salt Lake
16
17



PERSONS, SMITH, STONE & FLETCHER
LAWYERS
SUNSET, IDAHO

Page 2 - Quitclaim Deed

EXHIBIT A TO QUITCLAIM DEED
LENNIE SAM SKAGGS AND ALINE W. SKAGGS TO
BRIGHAM YOUNG UNIVERSITY

EXHIBIT A TO QUITCLAIM DEED
LENNIE SAM SKAGGS AND ALINE W. SKAGGS TO
BRIGHAM YOUNG UNIVERSITY

PARCEL NO. 1:

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

- Section 17: W-1/2, SE-1/4, S-1/2 NE-1/4
Section 18: E-1/2 E-1/2, SW-1/4 SE-1/4, SE-1/4 SW-1/4
Section 19: E-1/2, Lots 2, 3, and 4, E-1/2 SW-1/4, SE-1/4
NW-1/4
Section 20: W-1/2, NE-1/4, W-1/2 SE-1/4
Section 29: ALL
Section 30: E-1/2, NE-1/4 NW-1/4, Lot 1
Section 31: E-1/2 E-1/2, NW-1/4 NE-1/4
Section 32: N-1/2, SW-1/4

PARCEL NO. 2:

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

- Section 20: E-1/2 SE-1/4
Section 21: All
Section 27: NW-1/4
Section 28: N-1/2 and SW-1/4
Section 33: NW-1/4

PARCEL NO. 3:

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

Page 1 - Exhibit A

Section 27: SW-1/4, EXCEPTING that portion deeded to the
State of Idaho for highway purposes.

MICROFILMED

SEP 19 2002

PARCEL NO. 3:

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

Page 1 - Exhibit A

Section 27: SW-1/4, EXCEPTING that portion deeded to the
State of Idaho for highway purposes.

Section 28: SE-1/4

PARCEL NO. 4:

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

Section 16: All, EXCEPT railroad right of way.

RECORDED AT THE REQUEST OF
H. A. Smith
FILED *169*
DEC 20 4 05 PM '84
CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER
FEE *See DEPUTY*
161 See 910
dually

165854

Page 2 - Exhibit A

165855

ASSIGNMENT

MICROFILMED

SEP 10 2002

212609

QUITCLAIM DEED

THIS INDENTURE, made this 21st day of March, 1991,
between LENNIE SAM SKAGGS and ALINE W. SKAGGS, husband and
wife, of P.O. Box 2526, Salt Lake City, Utah 84110 ("Grantor"),
and BRIGHAM YOUNG UNIVERSITY, a Utah non-profit corporation,
qualified to do business in Idaho, having its principal place
of business at Provo, Utah 84602, ("Grantee").

W I T N E S S E T H:

The Grantor, for a charitable contribution, does by these
presents remise, release and forever quitclaim unto the Grantee
and to the successors and assigns of the Grantee, all of the
interest of the Grantor in that certain lot, piece or parcel of
land situated, lying and being in the County of Cassia, State
of Idaho, bounded and particularly described as follows, to-
wit:

That property described on Exhibit A
attached hereto and made a part hereof by
reference.

TOGETHER with all water rights appurtenant
identified as follows:

A43-02465A
A43-02465B
A43-04042
A43-10143
A43-10144
A43-10145
A43-02348

TOGETHER with any and all mineral rights not previously
reserved by predecessors in interest as to the real estate and
all rights to geothermal energy and steam.

TOGETHER with all and singular the tenements,
hereditaments, and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues, and profits thereof. To have
and to hold all and singular the said premises, together with
the appurtenances, unto the Grantee, and to the successors and
assigns of Grantee forever.

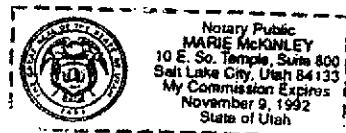
The Grantor expressly reserves the easements described on
Exhibit A.

IN WITNESS WHEREOF, the Grantor has executed this
Quitclaim Deed.

Lennie Sam Skaggs
Aline W. Skaggs

STATE OF UTAH)
 : ss.
COUNTY OF Salt Lake)

On this 21st day of March, in the year 1991, before me,
the undersigned, a Notary Public in and for said State,
personally appeared LENNIE SAM SKAGGS and ALINE W. SKAGGS,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.



Marie McKinley
Notary Public for Utah
Residing at Salt Lake City, Utah
My Commission Expires on 11-9-92

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

- Section 3: That part of the W $\frac{1}{2}$ lying South and West of U.S. Highway 30 South, also known as Highway 81.
- Section 4: E $\frac{1}{2}$ E $\frac{1}{2}$
- Section 9: E $\frac{1}{2}$ E $\frac{1}{2}$
- Section 10: W $\frac{1}{2}$, EXCEPT that portion deeded to the State of Idaho for highway purposes.
- Section 15: W $\frac{1}{2}$, EXCEPT that portion deeded to the State of Idaho for highway purposes.

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

- Section 33: That part of the E $\frac{1}{2}$ E $\frac{1}{2}$, lying South of the right of way of U.S. Highway 30 South, also known as Highway 81.
- Section 34: That part of the W $\frac{1}{2}$ W $\frac{1}{2}$, lying South of the right of way of U.S. Highway 30 South, also known as Highway 81.
- Section 34: Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34;
Thence North 342 feet, more or less, to the right-of-way of U.S. Highway No. 30 South;
Thence Southeasterly along the boundary line of said highway right-of-way 439 feet, more or less, to a point on the section line;
Thence West 267 feet, more or less, to THE POINT OF BEGINNING.

EXCEPTING FROM the above described property, the following parcel:

Part of Section 33 and 34 of Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest corner of Section 34 of Township 10 South, Range 26 East, Boise Meridian said corner marked by a U.S. General Land Office pipe with brass cap; thence North 0°38'06" East along section line for 285.33 feet to a point, which shall be THE POINT OF BEGINNING;
Thence North 89°49'13" West for 106.62 feet to a point;
Thence North 8°10'47" East for 208.71 feet to a point;
Thence South 89°49'13" East for 208.71 feet to a point;
Thence South 8°10'47" West for 208.71 feet to a point;
Thence North 89°49'13" West for 102.09 feet to THE POINT OF BEGINNING.

("WELL SITE")

ALSO EXCEPTING an easement for the installation and maintenance of an irrigation pipe line and ingress and egress thereto, and all necessary equipment therefor, on, over, across and under the following parcel of real estate in Cassia County,

Part of Section 33 of Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

-CONTINUED-

Beginning at the Southwest corner of Section 34 of Township 10 South, Range 26 East, Boise Meridian, said corner marked by a U.S. General Land Office Pipe with brass cap; thence North 0°38'06" East along section line for 285.33 feet to a point; thence North 89°49'13" West for 106.62 feet to a point; Thence North 0°10'47" East for 128.95 feet to THE TRUE POINT OF BEGINNING;
 Thence North 69°51'38" West for 1291.52 feet to a point on the West line of the E½SE¼ of Section 33;
 Thence North 0°37'56" East along the West line of the E½SE¼ for (26.52) feet to a point;
 Thence South 69°51'38" East for 1291.30 feet to a point;
 Thence South 0°10'47" West 26.60 feet more or less to THE POINT OF BEGINNING;

said Easement being for the benefit of the W½SE¼, and SW¼ Section 33, Township 10 South, Range 26 East, Boise Meridian, and adjacent property thereto receiving water from the well located on the parcel previously described herein as "Well Site".

("Pipeline Easement").

ALSO EXCEPTING an easement for ingress and egress to the "Well Site" and the "Pipeline Easement" and for installation and maintenance of electric service to the "Well Site", on, over, across and under the following parcel of real estate in Cassia County, Idaho, to-wit:

Part of Section 3 of Township 11 South, Range 26 East of the Boise Meridian, and part of Section 34 of Township 10 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest corner of Section 34 of Township 10 South, Range 26 East, Boise Meridian said corner marked by a U.S. General Land Office pipe with brass cap which shall be THE POINT OF BEGINNING;
 Thence North 0°38'06" East along section line for 285.33 feet to a point;
 Thence South 89°49'13" East for 40.00 feet to a point;
 Thence South 0°38'06" West for 285.37 feet to a point on the section line of Section 34;
 Thence South 89°45'44" East along section line for 1382.23 feet to a point on the highway right-of-way;

-CONTINUED-

Thence on a curve to the right for 49.63 feet to a point, said curve having a central angle of 0°30'51" with a radius of 5530.0' with a long chord bearing of South 36°03'34" East for 49.63 feet;

Thence North 89°45'44" West for 1436.88 feet, more or less, to a point on the West Section line of Section 3, Township 11 South, Range 26 East, Boise Meridian;

Thence North 0°38'06" East along the said Section line for 40.00 feet to THE POINT OF BEGINNING.

("Access Easement")

RECORDED
FILED
Mar 27 11 56 AM '91
CASSIA COUNTY CLERK
FRANK J. JONES
JULIEN
FEE \$500.00
RE: Box 910
Bucley

212609

222272

QUITCLAIM DEED

THIS INDENTURE, made this 24th day of September, 1992,
between LENNIE SAM SKAGGS and ALINE W. SKAGGS, husband and
wife, of Box 2526, Salt Lake City, Utah 84110, herein called the
"Grantor", and BRIGHAM YOUNG UNIVERSITY, a Utah non-profit
corporation, qualified to do business in Idaho, of A.S.
Building, A-357, Provo, Utah, 83602, herein called the
"Grantee".

W I T N E S S E T H:

The Grantor, for and a charitable contribution does by
these presents remise, release and forever quitclaim unto the
Grantee and to the successors and assigns of the Grantee, all of
the interest of the Grantor in that certain lot, piece or
parcel of real estate situated, lying and being in the County of
Cassia, State of Idaho, bounded and particularly described as
follows, to-wit:

The property more particularly described on
Exhibit A attached hereto and made a part
hereof by reference.

AND TOGETHER with all water rights appurtenant
identified as A-43-02360.

AND TOGETHER with all mineral rights not
previously reserved by predecessor in interest as
to the real estate and all rights to geothermal
energy and steam.

The Grantor hereby relinquishing and conveying the
following easements that were reserved to the Grantor in a
Quitclaim Deed dated March 21, 1991 and recorded as Instrument
No. 212609 on film 224, records of Cassia County, Idaho, on
March 27, 1991, and which easements are particularly described

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SEP 13 1992

1 on Exhibit B attached hereto and made a part hereof by
2 reference.

3 TOGETHER with all and singular the tenements,
4 hereditaments, and appurtenances thereunto belonging or in
5 anywise appertaining, the reversion and reversions, remainder
6 and remainders, rents, issues, and profits thereof and
7 additionally as to the easements the Grantor does relinquish the
8 same unto the Grantee from and after the recording of this deed
9 in the office of the County Recorder, County of Cassia, State of
10 Idaho. To have and to hold all and singular the said premises,
11 and the easements, together with the appurtenances, unto the
12 Grantee, and to the successors and assigns of Grantee forever.

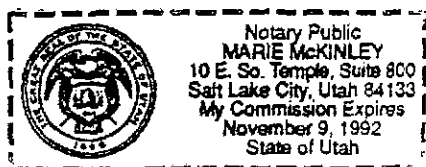
13 IN WITNESS WHEREOF, the Grantor has executed this
14 Quitclaim Deed.

Lennie Sam Skaggs

Alene W. Skaggs

18 STATE OF UTAH)
19 County of Salt Lake) ss

20 On this 29th day of September, in the year 1992, before
21 me, the undersigned, a Notary Public in and for said State,
22 personally appeared LENNIE SAM SKAGGS and ALINE W. SKAGGS,
23 husband and wife, known or identified to me to be the persons
24 whose names are subscribed to the within instrument, and
25 acknowledged to me that they executed the same.



Marie McKinley
Notary Public for Utah
Residing at *S.L.C. - Utah*
My commission expires on *11-9-92*

RECEIVED
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DEC 17 1992
MAR 03 1993

Department of Water Resources
Southern Region Office

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SEP 13 1992

EXHIBIT A

PARCEL NO. 1:

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

Section 33: W $\frac{1}{2}$ SE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.

Section 33: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ that lies South and West of the Southwest boundary line of U.S. Highway No. 30 South Right-of-Way.

PARCEL NO. 2:

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

Sections 33 and 34: Part of Sections 33 and 34, more particularly described as follows:

Beginning at the Southwest corner of Section 34 of Township 10 South, Range 26 East, Boise Meridian said corner marked by a U.S. General Land Office pipe with brass cap; thence North 0°38'06" East along section line for 285.33 feet to a point, which shall be THE POINT OF BEGINNING;
Thence North 89°49'13" West for 106.62 feet to a point;
Thence North 0°10'47" East for 208.71 feet to a point;
Thence South 89°49'13" East for 208.71 feet to a point;
Thence South 0°10'47" West for 208.71 feet to a point;
Thence North 89°49'13" West for 102.09 feet to THE POINT OF BEGINNING.

Exhibit ~~MACROFILMED~~

SEP 13 1992

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MAR 03 1993

Department of Water Resources
Southern Region Office

EXHIBIT B

1.

Part of Section 33 of Township 10 South, Range 26
East of the Boise Meridian, Cassia County, State of
Idaho.

Beginning at the Southwest corner of Section 34 of
Township 10 South, Range 26 East, Boise Meridian,
said corner marked by a U.S. General Land Office
Pipe with brass cap; thence North 0°38'06" East
along section line for 285.33 feet to a point;
thence North 89°49'13" West for 106.62 feet to a
point; Thence North 0°10'47" East for 128.95 feet
to THE TRUE POINT OF BEGINNING;
Thence North 69°51'38" West for 1291.52 feet to a
point on the West line of the E½SE¼ of Section
33;
Thence North 0°37'56" East along the West line of
the E½SE¼ for (26.52) feet to a point;
Thence South 69°51'38" East for 1291.30 feet to a
point;
Thence South 0°10'47" West 26.60 feet more or less
to THE POINT OF BEGINNING;

2.

Part of Section 3 of Township 11 South, Range 26
East of the Boise Meridian, and part of Section 34
of Township 10 South, Range 26 East of the Boise
Meridian, Cassia County, State of Idaho.

Beginning at the Southwest corner of Section 34 of
Township 10 South, Range 26 East, Boise Meridian
said corner marked by a U.S. General Land Office
pipe with brass cap which shall be THE POINT OF
BEGINNING;

Thence North 0°38'06" East along section line for
285.33 feet to a point;
Thence South 89°49'13" East for 40.00 feet to a
point;
Thence South 0°38'06" West for 285.37 feet to a
point on the section line of Section 34;
Thence South 89°45'44" East along section line for
1382.23 feet to a point on the highway right-of-
way;

Thence on a curve to the right for 49.63 feet to a
point, said curve having a central angle of
0°30'51" with a radius of 5530.0' with a long
chord bearing of South 36°03'34" East for 49.63
feet;

Thence North 89°45'44" West for 1436.88 feet, more
or less, to a point on the West Section line of
Section 3, Township 11 South, Range 26 East,
Boise Meridian;

Thence North 0°38'06" East along the said Section
line for 40.00 feet to THE POINT OF BEGINNING.

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Department of Water Resources
Southern Region Office

MAR 03 1993

Exhibit B

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SEP 1 1992

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 240

1992 DEC 14 A 10:46

222272

CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER

FEE 12.00 DEPUTY LM

LAND TITLE & ESCROW

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Department of Water Resources
Southern Region Office

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MAR 03 1993

WATER PURCHASE AGREEMENT

Brigham Young University, a Utah nonprofit corporation and educational institution ("Seller") and Harris AG ("Buyer") make this Agreement this 4 day of September, 2001.

1. BACKGROUND. Seller is the owner shown on the records of Idaho Department of Water Resources ("IDWR") with regard to certain water rights ("Water Rights") listed in paragraph 3 of this agreement. Buyer desires to purchase and Seller desires to sell the Water Rights to Buyer on the terms and conditions set forth below.

2. CONSIDERATION. The parties acknowledge the receipt and sufficiency of consideration for this agreement, including mutual promises and other good and valuable consideration.

3. WATER RIGHT TO BE PURCHASED. Seller owns water rights ("Water Rights") enumerated in the following list. Buyer shall purchase under the terms of this Agreement an interest in and divided portion of said Water Rights:

Water Right Nos. 43-2348, 43-2360, 43-2465A, and 43-2465B.

4. APPLICATION FOR TRANSFER OF WATER RIGHT. Seller intends to prepare an Application for Transfer of Water Right, in the name of the Seller, to obtain IDWR approval for a transfer of the water right for use on the Buyer's property. The application(s) to transfer shall be filed in the office of IDWR within 14 days of the date of this Agreement, and the Seller shall pay the statutory filing fee charged by the IDWR. Seller shall pursue and obtain a "Preliminary Order" of approval for the transfer of water rights. Buyer shall pursue the final approval of the transfer and change of ownership application(s), including any appeals, at its sole expense. Buyer shall consult with Seller regarding the contents of any documents, including court papers filed in appeals, that it may desire to make prior to filing such documents.

5. TRANSFER APPLICATION PROCEDURES. The Idaho Department of Water Resources will cause notice of the Application for Transfer of Water Right to be published in a newspaper of general circulation in accordance with Idaho law, whereupon interested parties may file protest. If a hearing is held, Buyer and Seller may participate at the hearing to support the approval of the transfer application. The decision of IDWR on the Application for Transfer of Water Right may be subject to review. If a protesting party files a judicial review action, Buyer may either terminate this Agreement or close on the purchase of the water right without receiving final approval of the transfer application. Buyer may provide notice of termination within 10 days of the filing of the judicial review action. The failure to provide notice of termination shall mean Buyer has decided not to terminate and will instead close on the purchase within 20 days of the filing of the judicial review action. Upon termination, all funds held in escrow as set forth in paragraph 8 below shall be returned to Buyer.

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SEP 13 2002

6. FINAL APPROVAL OF THE APPLICATION FOR TRANSFER OF WATER RIGHT.

- a) The decision on the Application for Transfer of Water Right shall be considered final when the time for filing a request for reconsideration with the IDWR office and the time for filing a judicial review action in the district court has run and no judicial review action has been filed, or any court proceedings have been finally terminated and appeal periods have run. If IDWR does not issue a decision approving the Application for Transfer of Water Right as to a particular water right within one year from the date of this Agreement, either party may terminate this Agreement as to that water right. Upon termination, the earnest money funds set forth in paragraph 8 below shall be returned to the Buyer in accordance with the one year time limit.
- b) The Buyer shall be responsible to file and to pay all filing fees to process the "Change of Ownership Application" to convey the water right from the Seller to the Buyer after the preliminary order for the "Transfer of Water Right" notice(s) has been issued by the IDWR.
- c) The Buyer shall accept the final "Transfer of Water Right(s)" with a full and complete understanding that IDWR approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- d) The Buyer shall forfeit the earnest money as set forth in paragraph 8, if Buyer terminates this agreement after the preliminary order of approval is granted by IDWR, given no judicial review action is pending. The Buyer shall also allow and agree to the processing by an Application for Transfer of Water Right(s) that will return to the Seller all water rights transferred to the Buyer's property, as listed in this agreement.

7. PURCHASE PRICE. The purchase price shall be **\$650.00** for each irrigated acre of water right approved for diversion from Buyer's well(s). **The total purchase price for 120.00 acres of an irrigation water right(s) shall be \$78,000.00.** The parties agree that the total purchase price is based on the quantity of water anticipated to be approved for diversion by the final decision on the Application for Transfer of Water Right as shown by the water right permit or license. If for any reason the final decision of IDWR reduces the quantity of water allowed for diversion under any particular water right to less than 80 percent of the water right in acre feet per year as of the preparation of this agreement, Seller or Buyer may terminate this Agreement as to that water right, or they may close the transaction at a mutually agreed upon reduced price. The reduced purchase price would be calculated by multiplying \$650.00 times the number of irrigated acres of water approved under the transfer application.

8. EARNEST MONEY DEPOSIT AND CLOSING.

- (a) Earnest Money deposit. Within ten days of the date of this Agreement, Buyer shall deliver into an interest bearing escrow account with an escrow agent mutually acceptable to the parties an earnest money deposit of **\$7,800.00**.
- (b) Closing of this Agreement. The closing shall occur at a mutually agreeable location within 10 days of the date of final approval of the application for transfer. At the closing, Buyer shall deliver to Seller certified funds or a wire transfer in the amount of the remaining unpaid balance

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SEP 13 2002

of the purchase price, the funds held in the escrow account (including accrued interest) shall be delivered to Seller, and Seller shall deliver to Buyer a fully executed water right deed. The form of the water right deed is attached to this Agreement as Exhibit A.

9. **SELLER'S CONVEYANCE INSTRUMENT.** Seller agrees to convey title by quitclaim deed. Seller shall pay all debts, taxes, charges, and assessments against the water right existing as of the date of closing. Seller does not warrant that the use which Seller has made of the water right is sufficient to establish that the water right has not been forfeited in whole or in part; or that the quantity or quality of water available from the water source will be suitable for Buyer's purpose. Notwithstanding the foregoing, Seller will at Buyer's request provide to Buyer any documents or information reasonably available to Seller to show the nature and extent to which the water has been applied to beneficial use.

10. **DUE DILIGENCE PERIOD.** Buyer shall have **30 days** from the date of this Agreement to perform due diligence to assess the validity, nature, extent, or status of title of the water right. During the due diligence period, Buyer may terminate the Agreement if Buyer, in its sole discretion, determines that a defect exists that would materially and adversely affect its intended use of the water right. Notice of termination must be delivered to Seller within 30 days of the date of this Agreement. The failure to provide notice of termination shall mean Buyer has decided not to terminate. Upon termination, all funds held in escrow as set forth in paragraph 6 above shall be returned to Buyer.

11. **TIME IS OF THE ESSENCE.** Time is of the essence regarding the dates and time constraints set forth in this Agreement. The parties must agree in writing to any extensions.

12. **NOTICES.** The parties agree when this agreement requires or authorizes a party to give notice to another party that the notice will be effective when in written form and when communicated personally or at the address established by this agreement. A party may send a notice by personal delivery, by transmission of a facsimile of the notice document by telephone, or by United States mail, certified or registered, postage prepaid. A party may establish a new address for purposes of notice to itself by giving notice of the new address in accordance with this section. Notice given personally will be effective upon receipt. Notice given by mail will be effective three days after deposit in the mail. Proof of service may be established by a tracking report from Federal Express or other comparable courier, by a return receipt for certified mail, or by the affidavit of a party making personal delivery or by other means authorized by law.

13. **INTERPRETATION.** Where appropriate to the context, the singular number shall include the plural, the plural number shall include the singular, and any gender shall include any other gender. The parties use the word "or" in this Agreement to mean "and/or" except where the context clearly indicates otherwise. Both the parties and their respective counsel have substantially participated in the negotiation, drafting, editing and preparation of this Agreement and therefore the court or arbiter shall construe the language of this Agreement simply according to its fair meaning and not strictly for or against any of the parties. The parties have inserted article and section headings ("captions") in this Agreement for convenience or reference only and not to limit, extend or explain the provisions of the Agreement, and a court or arbiter shall

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SEP 10 2002

interpret the provisions of this Agreement without reliance upon the captions.

14. AUTHORIZATION. The individuals signing below in their official capacities represent (a) that they are fully and lawfully authorized by the Articles, Bylaws or resolutions of their respective corporations to execute this Agreement for and in behalf of their respective corporations or partnership and that said corporations or partnerships are fully bound thereby; (b) that said corporations' or partnerships' performance hereunder will not breach any other contractual obligations which it may have to third parties nor infringe upon any third party's rights; and (c) that there are no actions, suits or proceedings pending or threatened against or affecting said corporations or partnerships which would have any material adverse affect upon the rights granted or property sold by said corporations or partnerships under this Agreement, or in any way adversely affect this Agreement's legality or enforceability.

15. NON-FIDUCIARY OR AGENCY RELATIONSHIP. The parties hereto expressly disclaim and disavow any partnership, joint venture, fiduciary, agency or employment status or relationship between them and expressly affirm that they have entered into this Agreement as independent contractors and that the same is in all respects an "arms-length" transaction. No party hereto has the authority to make any representation or warranty or incur any obligation or liability on behalf of any other party hereto, nor shall they make any representation to any third party inconsistent with this section, except to the extent expressly permitted elsewhere in this Agreement.

16. RESPECTIVE COSTS. All costs and expenses, including attorneys fees, incurred by each party in conjunction with the negotiation, preparation and execution of this Agreement shall be paid solely by the party incurring such costs and expenses.

17. APPROVAL. The terms and conditions of this agreement shall not become binding until it has received final approval of Seller's governing body.

18. AMENDMENTS. The parties may amend this agreement by a written amendment agreement signed by the parties. An amendment shall not be effective if it is not in writing or if it is not signed by all of the parties.

19. SEVERABILITY. In the event that any provision of this Agreement, or any operation contemplated hereunder, is found by arbitration or a court of competent jurisdiction to be inconsistent with or contrary to any applicable law, ordinance, or regulation, the latter shall be deemed to control and the Agreement shall be regarded as modified accordingly, and the remainder of this Agreement shall continue in full force and effect.

20. ENTIRE AGREEMENT. This Agreement, including all exhibits and schedules attached hereto, constitutes and represents the entire agreement of the parties hereto with respect to the subject matter hereof, and all other prior agreements, covenants, promises and conditions, oral or written, between these parties are incorporated herein or superseded in their entirety by this Agreement. No party hereto has relied upon any other promise, representation or warranty, other than those contained herein, in executing this Agreement.

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SEP 16 2002

21. COUNTERPARTS. This Agreement may be executed in any number of duplicate counterparts, each of which shall be deemed an original. All counterparts taken together shall constitute one and the same original Agreement, which shall be fully binding upon each party who executes any counterpart.

22. BINDING EFFECT. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, personal representatives, successors and permitted assigns.

23. EFFECTIVE DATE. This agreement shall take effect once all the parties have signed and as of the date of the signature of the last party to sign.

24. ATTORNEY'S FEES: In the event of any action at law or in equity between the parties to enforce any provisions or rights hereunder, the court shall award to the prevailing party all its costs and expenses incurred therein, including reasonable attorneys fees.

DATED and effective this 4 day of September, 2001.

SELLER: BRIGHAM YOUNG UNIVERSITY, a Utah non-profit corp./educational institution

By: Brad Farnsworth MRS
Its: Authorized Agent

BUYER: Harris AG

By: [Signature]

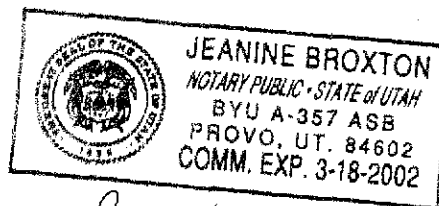
MICROFILMED

SEP 11 2002

STATE OF UTAH)
 : SS
COUNTY OF UTAH)

On this 6th day of Sept., 2001, personally appeared before me Brad W. Farnsworth, personally known to me to be the Authorized Agent of the Brigham Young University, a Utah nonprofit corporation and educational institution, who acknowledged to me that he signed the foregoing instrument as Authorized Agent for said Corporation, and the said signer acknowledged to me that the said Corporation executed the same.

Jeanine Broxton
Notary Public



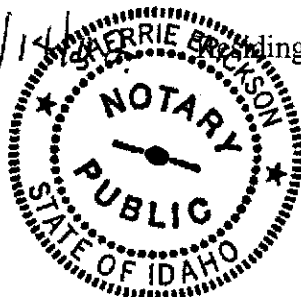
My commission expires: 3-18-02 Residing at: Provo UT

STATE OF IDAHO)
 : SS
COUNTY OF Cassia)

On the 20th day of August, 2001, personally appeared before me Todd Harris who acknowledged that she executed the foregoing as partner of Harris Ag

Shirley Erickson
Notary Public

My commission expires: 3/14/02 Residing at: Almo, ID



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SEP 11 2002

"EXHIBIT A"

WATER DEED

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, Brigham Young University, a Utah nonprofit corporation and educational institution, Grantor, bargains, sells, grants and conveys all of its right, title and interest in and to the following specified water rights located in Cassia County, State of Idaho, to _____, a Idaho corporation, Grantee:

[list of water rights]

To have and to hold unto the Grantee in fee simple.

Grantor covenants only unto the said Grantee to warrant its title to the same against all claiming or to claim by through or under it and against acts of itself, and that the water right is free of all liens and encumbrances suffered by it.. Grantor does not warrant: (1) that there are no third party water rights senior to Grantor's water right; (2) that diversion of water under Grantor's water right will not interfere with a senior third party water right; (3) that third parties will not file an application to appropriate water claimed to be available in the same water source; (4) that the use which Grantor has made of the water right is sufficient to establish that the water right has not been forfeited in whole or in part; (5) that junior appropriators will not interfere with the water right; or (6) that the quantity or quality of water available from the water source will be suitable for Buyer's purpose.

Grantors have caused this deed to be executed this _____ day of _____, 2001.

Seller: BRIGHAM YOUNG UNIVERSITY, a Utah nonprofit corporation/educational institution

By: _____
Its: Authorized Agent

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On this ____ day of _____, 2001, personally appeared before me _____, personally known to me to be the Authorized Agent of Brigham Young University, a Utah nonprofit corporation and educational institution, who acknowledged to me that he signed the foregoing instrument as Authorized Agent for said Corporation, and the said signer acknowledged to me that the said Corporation executed the same.

Notary Public

My commission expires:

Residing at:

SEP 1 11 2002

MARIE L. HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

T69409

PARCEL DESCRIPTION:

NW1/4 SWNE SW1/4 W1/2SE
S 2 T 13 R 27
2 HOUSES

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

2655 E 1400 SOUTH 83342

HARRIS TODD D. ETAL

BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E021200 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES		LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	359.500	AC	122,230	122,230
5 DRY GRAZING	80.000	AC	2,560	2,560
10 RURAL HOMESITE	1.000	AC	7,200	7,200
19 WASTE	1.500	AC		
31 RURAL RES BLDG			178,564	178,564
32 RURAL IMP ON AG			129,439	129,439
SUBTOTAL:		442.000	439,993	439,993
LESS HOMEOWNERS EXEMPTION:			89,282	89,282
NET TAXABLE PROPERTY VALUE:			350,711	350,711

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	1,149.58	1,149.58	208-878-1004	09/03/2001
SCH DIST 151	2,270.88	2,270.88	208-678-6600	06/07/2001
RAFT RIVER HWY	671.86	671.86	208-645-2627	09/04/2001
VALLEY VU CEM	138.52	138.52	208-645-2628	08/14/2001
RAFT RIV FIRE	204.94	204.94	208-645-2243	08/14/2001
FLOOD DIST 15	125.64	125.64		No Response
SUBTOTAL:		4,561.42		
FEES:		120.00		
TOTAL PROPERTY TAXES & FEES:		4,681.42		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILMED

SEP 19 2002

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

ALL
S 3 T 13 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D, ETAL

BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E030000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	619.720 AC	210,705	210,705
5 DRY GRAZING	20.000 AC	640	640
SUBTOTAL:		211,345	211,345
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		211,345	211,345

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	692.76	692.76	208-878-1004	09/03/2001
SCH DIST 151	1,368.48	1,368.48	208-678-6600	06/07/2001
RAFT RIVER HWY	404.88	404.88	208-645-2627	09/04/2001
VALLEY VU CEM	83.48	83.48	208-645-2628	08/14/2001
RAFT RIV FIRE	123.50	123.50	208-645-2243	08/14/2001
FLOOD DIST 15	75.70	75.70		No Response
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

MICROFILMED

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

SEP 11 2001

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL
DO NOT PAY.

PARCEL DESCRIPTION:

E1/2
S 4 T 13 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D. ETAL

BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E040000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION		LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1	IRRGTD AG	318.000 AC	108,120	108,120
19	WASTE	1.680 AC		
SUBTOTAL:		319.680	108,120	108,120
LESS HOMEOWNERS EXEMPTION:			108,120	108,120
NET TAXABLE PROPERTY VALUE:			108,120	108,120

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	354.40	354.40	208-878-1004	09/03/2001
SCH DIST 151	700.08	700.08	208-678-6600	06/07/2001
RAFT RIVER HWY	207.12	207.12	208-645-2627	09/04/2001
VALLEY VU CEM	42.70	42.70	208-645-2628	08/14/2001
RAFT RIV FIRE	63.18	63.18	208-645-2243	08/14/2001
FLOOD DIST 15	38.72	38.72		No Response
SUBTOTAL:	1,406.20	1,406.20		
FEES:				
TOTAL PROPERTY TAXES & FEES:	1,406.20	1,406.20		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILMED

SEP 13 2002

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

**ASSESSMENT NOTICE
& ESTIMATE OF TAX**

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
ALL S 9 T 13 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D, ETAL
BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E090000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION		LOTS/ACRES		LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1	IRRGTD AG	569.000	AC	193,460	193,460
5	DRY GRAZING	68.000	AC	2,176	2,176
19	WASTE	3.000	AC		
SUBTOTAL:		640.000		195,636	195,636
LESS HOMEOWNERS EXEMPTION:					
NET TAXABLE PROPERTY VALUE:				195,636	195,636

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	641.26	641.26	208-878-1004	09/03/2001
SCH DIST 151	1,266.76	1,266.76	208-678-6600	06/07/2001
RAFT RIVER HWY	374.78	374.78	208-645-2627	09/04/2001
VALLEY VU CEM	77.26	77.26	208-645-2628	08/14/2001
RAFT RIV FIRE	114.32	114.32	208-645-2243	08/14/2001
FLOOD DIST 15	70.08	70.08		No Response
SUBTOTAL:				
FEE:	2,544.46	2,544.46		
TOTAL PROPERTY TAXES & FEES:	2,544.46	2,544.46		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILMED

SEP 19 2002

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

**ASSESSMENT NOTICE
& ESTIMATE OF TAX**

**THIS IS NOT A BILL.
DO NOT PAY.**

PARCEL DESCRIPTION:

ALL
S 10 T 13 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D, ETAL
BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E100000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	600.000 AC	204,000	204,000
5 DRY GRAZING	40.000 AC	1,280	1,280
SUBTOTAL:		205,280	205,280
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		205,280	205,280

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	672.88	672.88	208-878-1004	09/03/2001
SCH DIST 151	1,329.20	1,329.20	208-678-6600	06/07/2001
RAFT RIVER HWY	393.26	393.26	208-645-2627	09/04/2001
VALLEY VU CEM	81.08	81.08	208-645-2628	08/14/2001
RAFT RIV FIRE	119.94	119.94	208-645-2243	08/14/2001
FLOOD DIST 15	73.54	73.54		No Response
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICRON LEVEL

SEP 19 2002

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE
& ESTIMATE OF TAX

PARCEL DESCRIPTION:
T 8297 (LOT 7)
S 6 T 14 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D. ETAL
BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 14S27E066130 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION		LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1	IRRIGTD AG	16.000 AC	5,413	5,440
5	DRY GRAZING	9.760 AC	312	312
SUBTOTAL:		25.760	5,725	5,752
LESS HOMEOWNERS EXEMPTION:				
NET TAXABLE PROPERTY VALUE:			5,725	5,752

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	18.76	18.84	208-878-1004	09/03/2001
SCH DIST 151	37.06	37.24	208-678-6600	06/07/2001
RAFT RIVER HWY	10.96	11.02	208-645-2627	09/04/2001
VALLEY VU CEM	2.26	2.26	208-645-2628	08/14/2001
RAFT RIV FIRE	3.34	3.36	208-645-2243	08/14/2001
FLOOD DIST 15	2.04	2.06		No Response
SUBTOTAL:				
FEES:	74.42	74.78		
TOTAL PROPERTY TAXES & FEES:	74.42	74.78		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

MICROFILMED

SEP 18 2002

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

**ASSESSMENT NOTICE
& ESTIMATE OF TAX**

**THIS IS NOT A BILL.
DO NOT PAY.**

PARCEL DESCRIPTION:

W1/2, W1/2E1/2
S 11 T 13 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D, ETAL
BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 13S27E110600 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION		LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1	IRRGTD AG	470.000 AC	159,800	159,800
5	DRY GRAZING	10.000 AC	320	320
SUBTOTAL:		480.000	160,120	160,120
LESS HOMEOWNERS EXEMPTION:				
NET TAXABLE PROPERTY VALUE:			160,120	160,120

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	524.86	524.86	208-878-1004	09/03/2001
SCH DIST 151	1,036.78	1,036.78	208-678-6600	06/07/2001
RAFT RIVER HWY	306.74	306.74	208-645-2627	09/04/2001
VALLEY VU CEM	63.24	63.24	208-645-2628	08/14/2001
RAFT RIV FIRE	93.56	93.56	208-645-2243	08/14/2001
FLOOD DIST 15	57.36	57.36		No Response
SUBTOTAL:				
FEES:	2,082.54	2,082.54		
TOTAL PROPERTY TAXES & FEES:	2,082.54	2,082.54		

MICROFILM

SEP 10 2002

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MARTELL HOLLAND, ASSESSOR
1459 OVERLAND AVENUE
BURLEY, IDAHO 83318
PH: 878-3540

2001

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NOTICE
& ESTIMATE OF TAX

PARCEL DESCRIPTION:

LOT 1
S 7 T 14 R 27

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

HARRIS TODD D, ETAL
BOX 1024
2655 EAST 1400 SOUTH
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 19, 2001

Tax Code Area: 16-00

Parcel Number: RP 14827E073000 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	24.000 AC	8,160	8,160
5 DRY GRAZING	23.000 AC	736	736
10 RURAL HOMESITE	1.000 AC	7,200	7,200
19 WASTE	1.020 AC		
32 RURAL IMP ON AG		59,454	59,454
SUBTOTAL:	49.020	75,550	75,550
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		75,550	75,550

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	247.64	247.64	208-878-1004	09/03/2001
SCH DIST 151	489.18	489.18	208-678-6600	06/07/2001
RAFT RIVER HWY	144.72	144.72	208-645-2627	09/04/2001
VALLEY VU CEM	29.84	29.84	208-645-2628	08/14/2001
RAFT RIV FIRE	44.14	44.14	208-645-2243	08/14/2001
FLOOD DIST 15	27.06	27.06		No Response
SUBTOTAL:	982.58	982.58		
FEES:				
TOTAL PROPERTY TAXES & FEES:	982.58	982.58		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILM

SEP 13 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69408

This is to certify that: BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333
(801)378-3080

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
43-13166	WR/Decreed	05/29/1950	1.01 cfs	236.0 af	59.0	208.0	GROUND WATER
43-13168	WR/Decreed	11/27/1957	1.53 cfs	746.5 af	255.0	569.0	GROUND WATER
43-13170	WR/Decreed	11/30/1957	2.62 cfs	1020.0 af	255.0	569.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-13166	YES	YES	YES	NO	NO	NO
43-13168	YES	YES	YES	NO	NO	NO
43-13170	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13166	43-13175	0.46 cfs	108.0 af	27.0	669.7	43-13174	0.55 cfs	128.0 af	32.0	208.0
43-13168	43-13177	0.35 cfs	170.8 af	59.0	669.7	43-13176	1.18 cfs	575.7 af	196.0	569.0
43-13170	43-13179	0.61 cfs	236.0 af	59.0	669.7	43-13178	2.01 cfs	784.0 af	196.0	569.0
TOTALS		1.42 cfs	344.0 af	86.0	669.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 8th day of August, 2002

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED

SEP 11 2002

69408

WATER RIGHT NO. 43-13174
As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13174 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 05/29/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.55 CFS	128.0 AF
		0.55 CFS	128.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE Sec. 33 Twp 10S Rge 26E CASSIA County
GROUND WATER	NWSWNW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWSWSW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNW Sec. 10 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWNESW Sec. 10 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
11S 26E 9													33.0				34.0	67.0
11S 26E 10					31.0					32.0								63.0
11S 26E 15						39.0	39.0											78.0

Total Acres: 208

MICROFILMED
 SEP 13 2012

WATER RIGHT NO. 43-13174
As Modified by Transfer No. 69408

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 10 2002

WATER RIGHT NO. 43-13175
As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13175 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 05/29/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.46 CFS	108.0 AF
			0.46 CFS	108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 3 Twp 11S Rge 27E CASSIA County

GROUND WATER SWNWSW Sec. 3 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 27E 34			16.0	16.0					32.5	32.5	32.5	32.5	38.0	39.0	22.0	25.0	286.0
11S 27E 2						1.0											1.0
11S 27E 3	39.7	36.0	12.0	14.0	37.0	36.0	33.0	34.0	37.0	36.0	33.0	35.0					382.7
	L1	L2			L3	L4											

Total Acres: 669.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 27.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13175, 43-13177 and 43-13179 shall not exceed 1.42 cfs, nor total combined annual volume of 344.0 af, for the irrigation of 86.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

MICROFILMED

SEP 19 2002

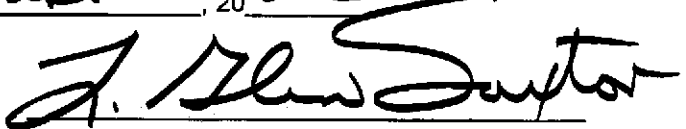
WATER RIGHT NO. 43-13175
As Modified by Transfer No. 69408

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 16 2002

WATER RIGHT NO. 43-13176
As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13176 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/27/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	1.18 CFS	575.7 AF
			1.18 CFS	575.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE Sec. 33 Twp 10S Rge 26E CASSIA County
GROUND WATER	NWSWNW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWSWSW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNW Sec. 10 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWNESW Sec. 10 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S 26E 4	40.0			40.0	L 3	L 4											80.0
11S 26E 9				6.0													6.0
11S 26E 10								35.0	25.0	37.0		39.0					136.0
11S 26E 15					39.0			39.0									78.0

Total Acres: 569

MICROFILMED
 SEP 11 1982

WATER RIGHT NO. 43-13176
As Modified by Transfer No. 69408

CONDITIONS OF APPROVAL

1. Rights 43-13176 and 43-13178 when combined shall not exceed a total annual maximum diversion volume of 784.0 af at the field headgate, and the irrigation of 196.0 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 13 2002

WATER RIGHT NO. 43-13177
As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13177 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
 C/O OFFICE OF GENERAL COUNSEL
 A-357 ASB
 PO BOX 21333
 PROVO UT 84602-1333

Priority Date: 11/27/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	0.35 CFS	170.8 AF
		0.35 CFS	170.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 3 Twp 11S Rge 27E CASSIA County

GROUND WATER SWNWSW Sec. 3 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 27E 34			16.0	16.0					32.5	32.5	32.5	32.5	38.0	39.0	22.0	25.0	286.0
11S 27E 2						1.0											1.0
						L4											
11S 27E 3	39.7	36.0	12.0	14.0	37.0	36.0	33.0	34.0	37.0	36.0	33.0	35.0					382.7
	L1	L2			L3	L4											

Total Acres: 669.7

CONDITIONS OF APPROVAL

1. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13175, 43-13177 and 43-13179 shall not exceed 1.42 cfs, nor total combined annual volume of 344.0 af, for the irrigation of 86.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

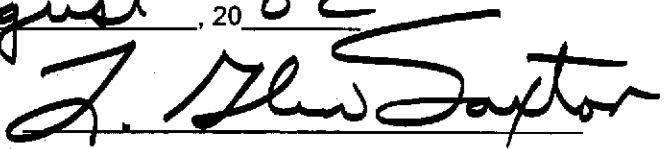
MICROFILMED
 SEP 13 2002

WATER RIGHT NO. 43-13177
As Modified by Transfer No. 69408

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8th day of August, 2002

Chief, Water Allocation Bureau

MICROFILMED
SEP 14 2002

WATER RIGHT NO. 43-13178

As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13178 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

Priority Date: 11/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.01 CFS	784.0 AF
			2.01 CFS	784.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESESE Sec. 33 Twp 10S Rge 26E CASSIA County
GROUND WATER	NWSWNW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWSWSW Sec. 3 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNW Sec. 10 Twp 11S Rge 26E CASSIA County
GROUND WATER	SWNESW Sec. 10 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
11S 26E 4	40.0			40.0	L3	L4											80.0
11S 26E 9	L1			6.0													6.0
11S 26E 10								35.0	25.0	37.0		39.0					136.0
11S 26E 15					39.0			39.0									78.0

Total Acres: 569

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SEP 13 1982

WATER RIGHT NO. 43-13178
As Modified by Transfer No. 69408

CONDITIONS OF APPROVAL

1. Rights 43-13176 and 43-13178 when combined shall not exceed a total annual maximum diversion volume of 784.0 af at the field headgate, and the irrigation of 196.0 acres.
2. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this

8th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

SEP 18 1981

WATER RIGHT NO. 43-13179

As Modified by Transfer No. 69408

In accordance with the approval of Transfer No. 69408, Water Right No. 43-13179 is now described as follows.

Right Holder: BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

Priority Date: 11/30/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.61 CFS	236.0 AF
			0.61 CFS	236.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNESW Sec. 3 Twp 11S Rge 27E CASSIA County

GROUND WATER SWNWSW Sec. 3 Twp 11S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 27E 34			16.0	16.0					32.5	32.5	32.5	32.5	38.0	39.0	22.0	25.0	286.0
11S 27E 2						1.0											1.0
						L4											
11S 27E 3	39.7	36.0	12.0	14.0	37.0	36.0	33.0	34.0	37.0	36.0	33.0	35.0					382.7
	L1	L2			L3	L4											

Total Acres: 669.7

CONDITIONS OF APPROVAL

1. Rights 43-13177 and 43-13179 when combined shall not exceed a total annual maximum diversion volume of 236.0 af at the field headgate, and the irrigation of 59.0 acres.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-13175, 43-13177 and 43-13179 shall not exceed 1.42 cfs, nor total combined annual volume of 344.0 af, for the irrigation of 86.0 total acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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SEP 19 2002

WATER RIGHT NO. 43-13179
As Modified by Transfer No. 69408

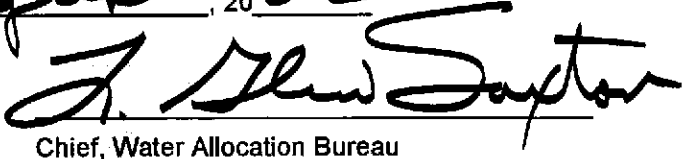
CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

8th August 2002



Chief, Water Allocation Bureau

MICROFILMED
SEP 19 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 9, 2002

BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

RE: Transfer No.: 69409 - Water Rights 43-13174, 43-13176, 43-13178,
43-13184, 43-13185, 43-13186, 43-13187 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

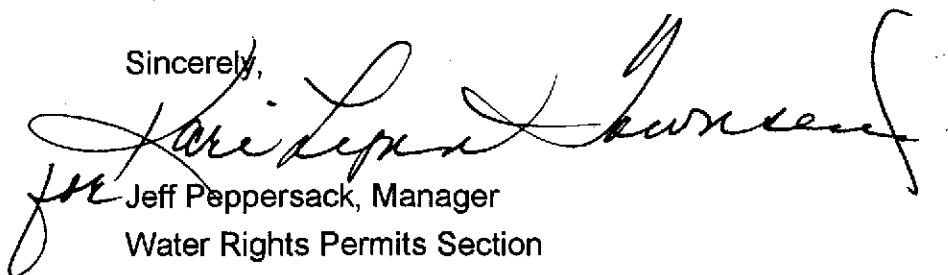
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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SEP 19 2002

If you have any questions, please contact me at 208-327-7940.

Sincerely,



Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Brigham Young University
c/o Mark Darrington
887 E 500 S
Declo, ID 83323

Real Estate Division
Twelfth Floor East #540-4088
50 E North Temple St
Salt Lake City, UT 84150-5670

Harris Ag
2655 E 1400 S
Malta, ID 83342

MICROFILMED
SEP 11 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

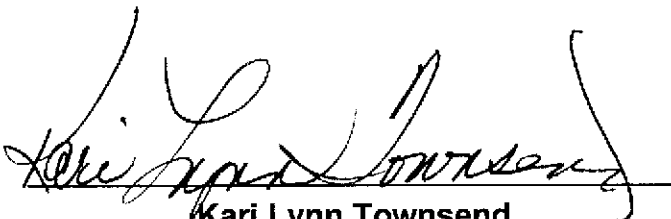
RE: TRANSFER NO. 69409
WATER RIGHTS 43-13174, 43-13176, 43-13178, 43-13184, 43-13185,
43-13186, 43-13187

BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 84602-1333

BRIGHAM YOUNG UNIVERSITY
C/O MARK DARRINGTON
887 E 500 S
DECLO ID 83323

REAL ESTATE DIVISION
TWELFTH FLOOR EAST #540-4088
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-5670

HARRIS AG
2655 E 1400 S
MALTA ID 83342


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 19 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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SEP 13 2001

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(07-02)

TRANSFER # 69409

DATE REVIEWED 8-5-2002 CS

(801-9 BYU transfers)

SPLIT ☒ POD ☒ ADD POD ☐ POU ☒ PERIOD ☐ or NATURE ☐ of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/43-13174</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

Original Rts	PART OF RIGHTS(S)	(Unchanged)	(Changed)
43-2348	<u>W/43-13174</u>	to <u>W/43-13182</u>	<u>W/43-13183</u> No Split
43-2445A	<u>W/43-13176</u>	to <u>W/43-13184</u>	<u>W/43-13185</u>
43-2445B	<u>W/43-13178</u>	to <u>W/43-13186</u>	<u>W/43-13187</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>
	<u>/</u>	to <u>/</u>	<u>/</u>

Standard Season 3-15 to 11-15

Standard Volume 4.0 / 3.0

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map
 (11) ☒ Water District Raft River CGWA (12) ☒ Pertinent Conditions Tax Notices - Harris
WM/Rcvd (13) ☒ Expansion w/limits

⑦ Change P/Ds - 8 existing wells

⑧ Change P/U - 103 acres w/in 3160 acre PP/U

Western AgCredit - Lender agrees to proposed transfer to Harris Ag. 10-15-01

Conditions/Remarks W27, W35, W34, T17, O20, R64, T07, T08, T19

WRs for Update Comments - NA -

Database Updated to Reflect Final Action 8-8-2002 CS

Send copy to: Harris Ag
 2655E 1400S
 Malta ID 83342



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

HARRIS AG

2655 E 1400 S
MALTA, ID 83342

Type of Business: ASSUMED BUSINESS NAME

Status: CURRENT 12 May 2000

State of Origin: IDAHO

Date of 12 May 2000

Origination/Authorization:

File Number: D35706

Amendments:

Amendment 0 filed 12 May 2000 ORIGINAL FILING

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[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

MICROFILMED

SEP 13 2002

CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly. See instructions on reverse.)



To the SECRETARY OF STATE, STATE OF IDAHO
Pursuant to Section 53-504, Idaho Code, the undersigned
gives notice of adoption of an Assumed Business Name.

FILED EFFECTIVE

MAY 12 2008

STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Harris Ag

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name is/are:

Name	Complete Address
Todd Harris	2655 E 1400 S. Malta ID 83342

Ruel Harris	2651 E 1400 S. Malta ID 83342
-------------	-------------------------------

McGee Harris	1501 Cleft Mile Cr. Rd. Soda Springs ID 83376
--------------	---

Wade Harris	13895 Northern Rd Soda Springs, ID 83376
-------------	--

3. The general type of business transacted under the assumed business name is:
(mark only those that apply)

- | | | |
|--|---|--|
| ☐ Retail Trade | ☐ Manufacturing | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☒ Agriculture | ☐ Finance, Insurance, and Real Estate |
| ☐ Services | ☐ Construction | ☐ Mining |

4. The name and address to which future correspondence should be addressed:

Phone number (optional) (208) 645-2382

Harris Ag 90 Cindy Harris
2655 E 1400 So
Malta ID 83342

5. Name and address for this acknowledgment copy is (if other than it is above):

Submit Certificate of
Assumed Business
Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

Signature

Cindy Harris Todd Harris

Printed Name

CINDY HARRIS TODD HARRIS

Capacity

SECRETARY/OWNER

(see instruction # 8 on back of form)

IDAHO SECRETARY OF STATE

05/12/2008 09:00
CK: 6520 ET: 130997 PH: 317415

1 @ 20.00 = 20.00 ASSUM NAME # 2

D35706

MICROFILMED

8/8/2002

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

BGU

TRANSFER NO.

69409

1. Right number(s)

43-2360 etc

2. Type of right

☐ Decree ☒ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☒ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: TRANSFER BASED ON SRBA RECOMMENDATIONS

NO OVERLAPPING RIGHTS AT CURRENT POV OTHER THAN RIGHTS

INVOLVED WITH THIS TRANSFER

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☐ All of right
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: EXTENT OF
PAST USE OF WATER AT CURRENT PLACE OF
USE IS QUESTIONABLE.

69409

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): 43-2369, 43-4028A, 43-10811, 43-10812, 43-11219, 43-10490

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) TRANSFER BASED ON SRBA RECOMMENDATIONS

k. ☒ Comment letters ☒ Yes ☐ No
If yes ☒ Water District #
☒ Lienholder, others, see #2 below for name and address

INITIAL ALLOCATION REVIEW BY R. SKINNER DATE 10/29/2001
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☐ Yes
2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 11/6/01

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es):

3. Transfer published correctly? ☐ Yes ☐ No
4. Affidavit of publication received? ☐ Yes ☐ No
5. Protests received? ☐ Yes ☐ No; Acknowledgement sent? ☐ Yes
6. Copies made for Region file (see attached supplemental page)? ☐ Yes

RECOMMENDED ACTION

1. ☐ Approve
2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: _____

4. By _____ Date _____

✓ # 69409

BYU

43-2360 etc

[illegible]

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SEP 13 2002

MEMORANDUM

TO: BYU Transfer Files (Transfer Numbers 69388, 69391, 69392, 69396, 69397, 69406, 69408, 69409, 69411, and 69412)

FROM: Corey Skinner *CS*

DATE: June 25, 2002

SUBJECT: Transfer Amendments and Final Processing

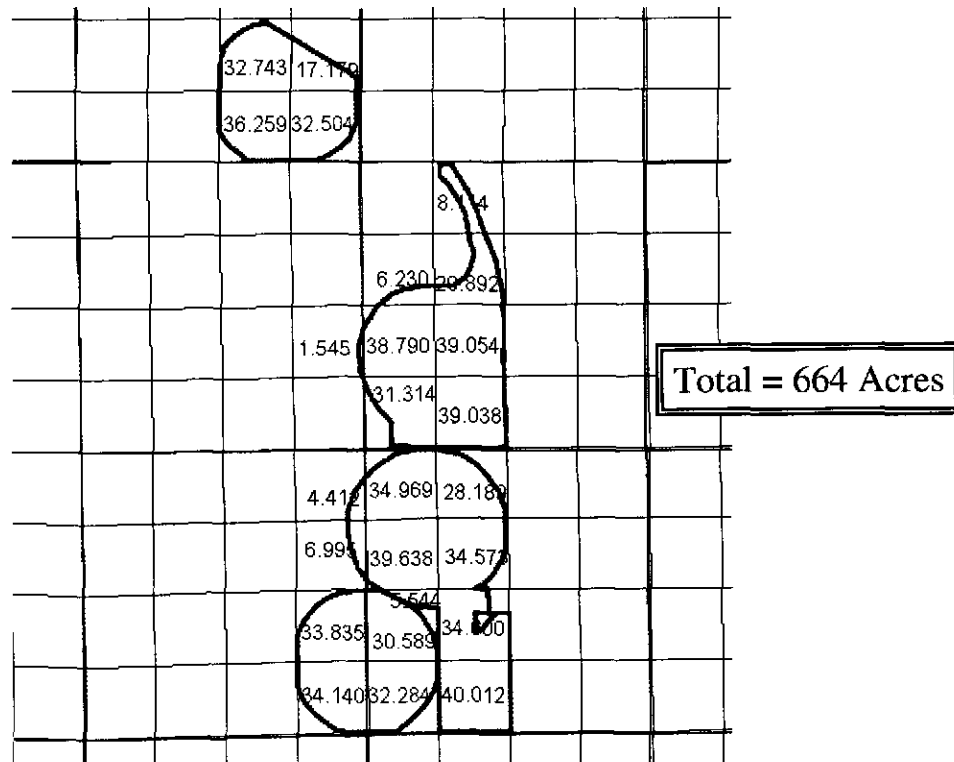
The enclosed transfer application is one of ten transfer applications filed by Brigham Young University (BYU) regarding a farm they own located 2 miles west and 11 to 14 miles north of Malta within the Raft River Critical Groundwater Area. The ten applications involve ground water rights 43-2360, 43-2348, 43-2465A, and 43-2465B that have been recommended in the SRBA Director's Report for a total diversion of 16.23 cfs for irrigation of a total of 1,091 acres on the above mentioned farm. Nine of the ten applications propose moving portions of the four groundwater rights to other properties in the Raft River Critical Groundwater area, and the tenth application (Transfer # 69411) proposes modifying the remaining portions of the recommended rights on the original BYU farm. Preliminary review of the applications indicated that over the last several years significantly less than the recommended 1,091 acres have actually been irrigated on the BYU farm, which would reduce the actual amount of water rights that could actually be transferred by the ten applications. Note that the November 7, 2001 memo in the transfer files goes into more detail regarding the individual applications and results from the preliminary review of the applications.

The applicant &/or their representatives were made aware of the possible problem with less acres being actually irrigated than what was recommended throughout the processing of the transfers. Several meetings were held discussing the extent of actual historical water use and possible options with regard to processing the transfer applications. On March 27, 2002 Grant Cooper (engineer representing BYU), Allen Merritt (Southern Region Manager), and I met and determined that 664 acres have been irrigated over the last five years prior to BYU filing the transfer applications (October 5, 2001). This acreage total was determined by analysis of aerial photos, surveys, and by an affidavit from Mark Darrington (BYU ranch manager) that was provided by Mr. Cooper. Note that the preliminary review of the applications revealed that approximately 565 acres appeared to be irrigated over the last five years. The increase in irrigated acres from 565 acres to 664 acres resulted from the affidavit that covered previously unaccounted for ground (72 additional acres), recognizing additional acres irrigated in 1996 from a Farm Service Agency photo (26 additional acres), and using BYU survey results of the pivots for acre amounts (1 additional acre). ARCVIEW was used to create an agreed upon outline of the 664 acres that are available to be transferred. The ARCVIEW shape for the 664 acres available to be transferred from the BYU farm is shown on the next page...

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The acres per 40-acre tract as determined by ARCVIEW are shown below...



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SEP 18 2002

After having the critical allowable amount of acres to be transferred established, and agreed upon, there were still decisions to be made regarding the ten transfer applications. As previously mentioned the four rights appurtenant to the farm were recommended for a total diversion of 16.23 cfs for irrigation of a total of 1,091 acres. The four rights were recommended for distinct separate parcels within the 1,091 acres, but in reality the water rights at the farm are utilized in a permissible place of use due to interconnected systems. Since the four rights have different priority dates and different rates per acre, decisions had to be made regarding what combination of various amounts of the four rights would be recognized as being the rights that irrigated the 664 acres that could be allowed to be transferred. In addition, the ten applications involved all 16.23 cfs and 1,091 acres as recommended under the rights. The applicant would have to give the Department direction on what transfers should be approved as proposed, approved in part, or denied. Allen and I asked Mr. Cooper to have the applicant submit a "letter of intent" to address how they would like the Department to proceed in the processing of the applications. This would enable the applicant to consider how they wanted to proceed, and an opportunity to discuss options with the various buyers of the water rights the applicant was selling.

On May 3, 2002, the Department received a letter from the applicant giving direction on how to proceed with the ten applications. The letter basically acknowledges and outlines the following...

- Only 664 acres and 10.97 cfs are available to be transferred broken down as follows...
 - All of 43-2348 (3.55 cfs for 208 acres)
 - Approximately 80.14% of rights 43-2465A (2.72 cfs) and 43-2465B (4.70 cfs) for 456 overlapping acres.
 - All of right 43-2360 will be abandoned based on non-use.
 - Transfers #69391 (for LDS church property) and #69412 (for school property in Malta) will not be amended and processed as proposed.
 - Transfer #69411 (proposes modifying leftover portions of rights on original BYU farm will be withdrawn.

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SEP 16 2002

- The remaining seven transfers will be amended to equally divide on a proportionate basis the previously described portions of rights 43-2348, 43-2465A, and 43-2465B (minus those portions accounted for in transfers #69391 and #69412) for specific acre amounts as described below...

Transfer #69388 for 155 total acres

43-2348 for 0.84 cfs and 204 acres
43-2465A for 0.63 cfs and 106 acres
43-2465B for 1.09 cfs and 106 acres

Transfer #69392 for 46 total acres

43-2348 for 0.24 cfs and 14 acres
43-2465A for 0.19 cfs and 32 acres
43-2465B for 0.33 cfs and 32 acres

Transfer #69396 for 5 total acres

43-2348 for 0.03 cfs and 2 acres
43-2465A for 0.02 cfs and 3 acres
43-2465B for 0.03 cfs and 3 acres

Transfer #69397 for 167 total acres

43-2348 for 0.90 cfs and 53 acres
43-2465A for 0.68 cfs and 114 acres
43-2465B for 1.18 cfs and 114 acres

Transfer #69406 for 86 total acres

43-2348 for 0.46 cfs and 27 acres
43-2465A for 0.35 cfs and 59 acres
43-2465B for 0.61 cfs and 59 acres

Transfer #69408 for 86 total acres

43-2348 for 0.46 cfs and 27 acres
43-2465A for 0.35 cfs and 59 acres
43-2465B for 0.61 cfs and 59 acres

Transfer #69409 for 103 total acres

43-2348 for 0.55 cfs and 32 acres
43-2465A for 0.43 cfs and 71 acres
43-2465B for 0.73 cfs and 71 acres

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Page 5
BYU Transfers Memo
June 25, 2002

The transfers have been amended (data entry) to reflect the amendments as outlined in the applicant's "letter of intent". It should be noted that right 43-2360 is still listed on each of the applications in the database. Note that this particular right has been abandoned/forfeited according to the applicant's "letter of intent". It should also be noted that the information listed in the "water use to remove" and the "POU to remove" tabs was not changed to reflect the most recent amendments according to the applicant's "letter of intent". Basically, if the transfers are approved as amended, including the forfeiture of right 43-2360, all the rights should "zero out" and be reflected in the proposed places of use described on each of the transfers (except transfer #69411 which is being withdrawn).

A small side issue with one of the applications, #69397, relates to a slight change in the proposed place of use. This particular transfer originally included 1.2 acres of BLM land (as recommended in SRBA) as part of the proposed permissible place of use. The transfer was amended (pursuant to June 25, 2002 letter from applicant) to not include the 1.2 acres of BLM land as part of the proposed permissible place of use. Therefore the proposed permissible place of use was reduced from the original 735.5 acres to 734.3 acres, in order to reduce ownership issues with the BLM. Note that the existing rights on the proposed permissible place of use (as listed in November 7, 2001 memo in file) have since been split and renumbered through the SRBA process. This is outlined in the "objection resolution BLM vs Webb Bros" spreadsheet in the transfer #69397 file, prepared by Kelly Christensen.

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SEP 13 2002

BRAD W. FARNSWORTH

Administrative Vice President

BRIGHAM YOUNG UNIVERSITY

8-307 ASB

PO BOX 21336

PROVO, UTAH 84602-1336

(801) 378-3941



April 30, 2002

RECEIVED
MAY 03 2002
Department of Water Resources
Southeast Region

Mr. Corey Skinner, P.E.
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Letter of Intent: BYU Skaggs Ranch, Malta, Idaho
Applications for Transfer, #540-4088

Dear Mr. Skinner:

On 27 March 2002, a meeting was held between Mr. Grant S. Cooper Jr., Mr. Allen Merritt and yourself concerning the pending "Applications for Transfer of Water Rights" on the Brigham Young University (BYU) Skaggs Ranch, North Farm, located in the Malta ID Area. During the meeting, preliminary findings were discussed on the applications and related water right issues of non-use. It was determined that the applications would have to be revised to reflect several changes in the water rights before final approval is granted. It was also discussed that these changes could be made without re-advertising the applications. Per our discussion, you requested that BYU provide a "LETTER OF INTENT" to the Idaho Department of Water Resources (IDWR) on the proposed application changes.

This letter is sent to outline the proposed changes to "Applications for Transfer Nos. 69388, 69391, 69392, 69396, 69397, 69406, 69408, 69409, 69411, and 69412. It is our understanding that the following changes and actions will be implemented regarding these applications:

- 1) Total approved irrigated acreage for all applications equals 664 acres under Water Rights Nos. 43-2348, 43-2464A, and 43-2464B. All active irrigation water rights shall be used to cover the pending applications for final processing and approval.
- 2) Combined flowrate for approved water rights equals 10.971 cubic feet per second.
- 3) Water Right No. 43-2360 will be abandoned based on the premise of non-use.)

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SEP 13 2002

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MAY 03 2002

Department of Water Resources
Southern Region

Mr. Corey Skinner, P.E.
April 30, 2002
Page 2

- 4) Process all applications as soon as possible; final approval by IDWR is desired on 15 August 2002 or as soon thereafter as possible.
- 5) Make no changes or revisions to applications: No. 69391 and No. 69412.
- 6) Withdraw and terminate the following application: No. 69411.
- 7) The following seven applications shall be revised and changed by equally dividing on a proportional basis Water Rights No. 43-2348, 43-2465A, and 43-2465B between the applications for the specified irrigated acreage as listed below:
 - a) Revise Application No. 69388 to transfer new water rights for 155 acres.
 - b) Revise Application No. 69392 to transfer new water rights for 46 acres.
 - c) Revise Application No. 69396 to transfer new water rights for 5 acres.
(Note: Permission is given to Mr. Todd Webb to coordinate the location of acreage for #69396)
 - d) Revise Application No. 69397 to transfer new water rights for 167 acres.
 - e) Revise Application No. 69406 to transfer new water rights for 86 acres.
 - f) Revise Application No. 69408 to transfer new water rights for 86 acres.
 - g) Revise Application No. 69409 to transfer new water rights for 103 acres.

Finally, it is the intention of BYU to continue to irrigate 157 acres under Center Pivot No. 10 located in the NE $\frac{1}{4}$ of SEC 9, NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SEC 10, T 11 S, R 26 E, by transferring water rights from the South Farm of Skaggs Ranch under an "Application for Transfer". This new application will be filed in the future after approval of the pending applications.

Your help and assistance in processing these applications is much appreciated. If you have any questions or need further information concerning these filings, please contact Mr. Grant S. Cooper Jr. by telephone at (801) 240-4074.

BRIGHAM YOUNG UNIVERSITY, a Utah non-profit corp./educational institution

By: Bradley J. Farnsworth mro
Its: Authorized Agent

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SEP 19 2002

Mr. Corey Skinner, P.E.
April 30, 2002
Page 3

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MAY 03 2002

Department of Water Resources
Southern Region

STATE OF UTAH)
 : ss
COUNTY OF UTAH)

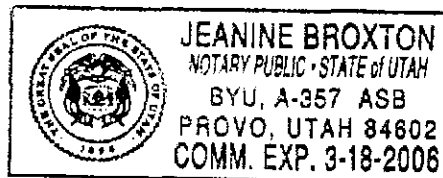
On this 30th day of April, 2002, personally appeared before me Brad W. Farnsworth, personally known to me to be the Authorized Agent of the Brigham Young University, a Utah nonprofit corporation and educational institution, who acknowledged to me that he signed the foregoing instrument as Authorized Agent for said Corporation, and the said signer acknowledged to me that the said Corporation executed the same.

Jeanine Broxton
Notary Public

My commission expires: 3-18-06

Residing at: Provo, UT

c: R. Kent Crookston
Grant S. Cooper Jr.
Michael R. Orme



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SEP 13 2002

State of Idaho)
 : ss. Affidavit of Mark Darrington
County of Cassia)

Mark Darrington, being first duly sworn, deposes and says:

1. He is a resident of Declo, County of Cassia, State of Idaho; his home address is 887 East 500 South Declo Idaho 83323; he is the contract manager of the Skaggs Ranch, a property operated by Brigham Young University, a nonprofit corporation; and he makes this affidavit relative to water usage at the Skaggs Ranch on personal knowledge.

2. He irrigated and supervised the work of irrigating a parcel of land at the Ranch, about 80 acres, described as the NE 1/4 SW 1/4 and SE 1/4 SW 1/4, Section 10, T 11 S, R 26 E, Boise Meridian, in August and September 1999, with portable aluminum pipe using water from water permits 43-2465A and 43-2465B.

3. The land had been seeded with a stand of crested wheatgrass and the entire 80 acres was irrigated twice in order to establish the stand of crested wheatgrass.

4. David Andreason assisted Affiant in performing the work and there were some BYU interns who also helped move the pipe.


Mark Darrington

Subscribed and sworn to before me this 20 day of March, 2002.


Notary Public 6-01-03

#610335 v1 - Mark Darrington Affidavit

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SEP 19 2002

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

Department of Water Resources
Southern Region

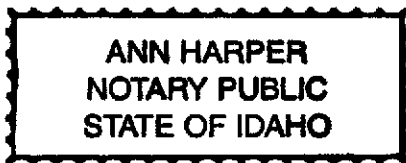
County of Cassia)
) ss
STATE OF IDAHO)

Ruth Anne Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated November 12, 2001 and ending with the issue dated November 19, 2001.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
Cassia)

On this 19th day of November in the year of 2001 before me, a Notary Public, personally appeared Ruth Anne Holmes, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Ann Harper
Notary Public for Idaho
Residing at: Burley, Idaho
My commission expires: 9-14-2007

OK
MB
11/21/01
See
Reverse
side

Cost of Publication 153.01
Affidavit Fee 5.00
Total Cost 158.01

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NOV 21 2001
Department of Water Resources
Southern Region
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SEP 19 2002

01-473

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several applications for transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Cassia County, as listed below:

MARK T. NEWCOMB, 251 E 200 S; RUPERT ID 83350 filed Application No. 69448 on 7/6/01 for diversion of 1.22 cfs from ground water (existing well) for the purpose of changing the Place of Use for 61 acres to a more productive farm located 4 to 5 miles North and between 1 to 2 miles East of Declo, ID. The land being dried up is 5 miles North and 20 miles East of Declo.

BRIGHAM YOUNG UNIVERSITY, C/O OFFICE OF GENERAL COUNSEL, A-357 ASB, PO BOX 21333; PROVO UT 846021333 filed ten Applications for Transfer on 10/05/01. These transfers dry up land on the BYU farm located 11 to 14 miles North and 2 miles West of Malta and move the water to other farms, described as follows.

Transfer No. 69388 proposes to divert a combined total of 2.63 cfs from ground water (two existing wells) for irrigation of 180 acres in a 672 acre permissible Place of Use located 11 miles North and 7.5 miles East of Malta, ID.

Transfer No. 69391 proposes to divert 0.07 cfs from ground water (existing well) for irrigation of 4 acres at the Raft River LDS church located approximately 12.5 miles North and 4 miles East of Malta, ID.

Transfer No. 69392 proposes to divert a combined total of 0.78 cfs from ground water (three existing wells) for irrigation of 53 acres in an existing 362 acre permissible Place of Use located 4 miles South and 1.5 miles east of Malta, ID.

Transfer No. 69396 proposes to divert a combined total of 0.29 cfs from ground water (five existing wells) for irrigation of 20 acres located 13 miles North and 7 miles East of Malta, ID.

Transfer No. 69397 proposes to divert a combined total of 2.61 cfs from ground water (two existing wells) for irrigation of 180 acres in a 735.5 acre permissible Place of Use located 15.5 miles North and 6.5 miles East of Malta, ID.

Transfer No. 69406 proposes to divert a combined total of 1.49 cfs from ground water (twelve existing wells) for irrigation of 100 acres in a 2212.7 acre permissible Place of Use located 10.5 miles to 14 miles North and 3 miles to 5.5 miles East of Malta, ID.

Transfer No. 69408 proposes to divert a combined total of 1.49 cfs from ground water (two existing wells) for irrigation of 100 acres in a 669.7 acre permissible Place of Use located 13.5 miles North and 4.5 miles East of Malta, ID.

Transfer No. 69409 proposes to divert a combined total of 1.79 cfs from ground water (eight existing wells) for irrigation of 120 acres in an existing 3,160 acre permissible Place of Use located 3 to 6 miles due East of Malta, ID (South of Sublett Road).

Transfer No. 69411 proposes to divert a combined total of 4.89 cfs from ground water (four existing wells) for irrigation of a 322 acre permissible Place of Use on the same farm located 2 miles West and 11 to 14 miles North of Malta, ID (South and West of Highway 81).

Transfer No. 69412 proposes to divert a combined total of 0.19 cfs from ground water (one existing well) for irrigation of 12 acres at the public school located near the West edge of Malta, ID.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 30, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
November 12 and 19, 2001.

OK MB 11/21/01

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NOTARY PUBLIC
CHANDLER, IDAHO



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Grant Cooper
Real Estate Division
50 East North Temple Street
Salt Lake City, UT 84150

Dear Mr. Cooper:

As you recall you recently filed 10 water right transfer applications on behalf of Brigham Young University involving a farm owned by BYU located two miles west, and eleven to fourteen miles north of Malta, Idaho. As we discussed the other day, there seems to be an issue relating to the extent of the historical irrigation of the farm.

For your reference, I have included a copy of a memo that will be included in each of the transfer application files. This memo outlines the pending transfer applications, and the Department's preliminary findings relating to the extent of the actual historical irrigation on the property. As indicated in the memo, it appears that possibly only a maximum of 565 acres have been irrigated on the farm over the last five years, instead of the 1,091 acres that the transfer applications are based on. Pursuant to §42-222, IDAHO CODE, the Department cannot approve transfer applications that result in an enlargement in use of the right(s) involved with the transfer.

The Department requests your cooperation in providing additional evidence relating to the extent of the irrigation on the farm involved with the transfer applications. This evidence could consist of power records for the wells on the farm, photographs, affidavits, or other evidence that may help determine the extent of irrigation on the property. It appears that there is a strong possibility that less than 1,091 acres will ultimately be recognized as being available to be transferred. You may also want to start considering how the acreage amount could be distributed amongst the transfer applications if it is ultimately determined that less than the 1,091 acres are available to be transferred.

If you have any questions, or need any further assistance, feel free to contact me, or Allen Merritt, at this office.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosure

cc: Brigham Young University

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SEP 18 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 5, 2001

BRIGHAM YOUNG UNIVERSITY
C/O OFFICE OF GENERAL COUNSEL
A-357 ASB
PO BOX 21333
PROVO UT 846021333

RE: Applications for Transfer Nos. 69388, 69391, 69392, 69396, 69397, 69406, 69408, 69409, 69411 & 69412

Dear Applicants:

The Department of Water Resources acknowledges receipt of your ten applications. Please refer to the numbers in all correspondence regarding the above referenced applications.

This office has scheduled advertising the applications in the South Idaho Press for 11/12 and 11/19/01. The advertisement will be published for two weeks, and **a period of ten calendar days following the second publication will be allowed for the submittal of protests. (November 30, 2001)**

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

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SEP 13 2002

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For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before November 30, 2001. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 11/12 & 11/19/01.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301

Phone: 736-3033

Fax: 736-3037

November 5, 2001

ATTN KAY MOORE
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Dear Ms. Moore:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

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SEP 19 2002



2072 North Main Suite 201
North Logan, UT 84341-1993
(435) 752-2146
1-800-748-5071
(435) 752-9180 (Fax)

RECEIVED
OCT 15 2001
Department of Water Resources
Southern Region

October 12, 2001

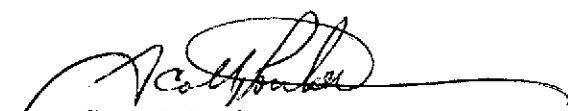
Department of Water Resources
c/o Cory Skinner
1341 Fillmore Street Suite 200
Twin Falls, Idaho 83301

RE: Harris Ag Partnership purchase of water rights

Mr. Skinner:

This letter is for the purpose of informing the Department of Water Resources that Harris Ag Partnership, c/o Todd Harris at 2655 East 1400 South Malta, ID has informed their mortgage lender, Western AgCredit, of the intent to purchase an irrigation water right equivalent to an annual supply of 800 gallon/minute. Western AgCredit is not only aware of this purchase, but is also willing to approve the necessary funding for the purchase of this water right. Should there be any questions regarding this matter, please do not hesitate to contact me at 1-800-748-5071.

Sincerely,



Scott J. Poulsen
Area Manager

cc: Todd Harris

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The Farm Credit System

OCT 15 2002

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

T69409

RECEIVED

OCT 05 2001

**Department of Water Resources
Southern Region**

REAL ESTATE DIVISION

Twelfth Floor East
50 East North Temple Street
Salt Lake City, Utah 84150-6320
Phone: 1-801-240-3840
Facsimile: 1-801-240-2913

October 4, 2001

Reference reply to:

Skaggs Ranch Malta Idaho,
Applications for Transfer of
Water Right, #540-4088
Writer's Direct Line
(801) 240-4074

MR COREY SKINNER, P.E.
IDAHO DEPT. OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380

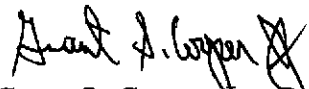
Dear Mr. Skinner:

Please, find enclosed ten (10) "Applications for Transfer of Water Right" for the Brigham Young University (BYU) Skaggs Ranch in Malta, Idaho, for filing and processing. Seven (7) applications pertain to transfers to properties located in the Raft River Basin for six contracted buyers, one application for an internal transfer on the Skaggs Ranch, one application for the Raft River LDS Meetinghouse, and one application for the Cassia Co. School District. The applications for transfer were prepared in cooperation with you, the contracted recipients, ranch managers, and myself. Some attachments are being sent directly to you, please insert those items into the appropriate applications.

The filing fees for the "Applications for Transfer of Water Right" are enclosed (2 checks) in the amounts of \$2,440.00 for eight (8) applications and \$100.00 for the Raft River LDS Meetinghouse, respectively. A check in the amount of \$100.00 from the school district should have been received by hand delivery as the date of this letter.

Your help and assistance in the preparation of these applications has been much appreciated. If you have any questions or need further information concerning these filings, please contact me by telephone as your earliest convenience.

Sincerely,
NATURAL RESOURCE SECTION



Grant S. Cooper Jr., P.E.
Water Resources Group

c: R. Kent Crookston, Michael R. Orme, Larry Roberts
enclosure

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SEP 10 2002

T69409

STAFF ANALYSIS SUPPLEMENT

☐

At the grid address listed on application.

☐

Local Description of new proposed site:

_____ miles N/S and _____ miles EW of _____

(City or local landmark).

☐

Other:

TRANSFER PROPOSES MOVING PORTIONS OF RIGHTS
43-2360, 43-2348, 43-2465A, AND 43-2465B FROM A
FARM LOCATED 2 ~~1/2~~ MILES WEST AND 11-14 MILES
NORTH OF MALTA (SOUTH AND WEST OF HIGHWAY 81)
TO A FARM LOCATED 3-6 MILES DUE EAST OF
MALTA (SOUTH OF SUBLETT ROAD) FOR THE IRRIGATION
OF 120 ACRES. IN AN EXISTING 3,160 ACRE
PERMISSIBLE PLACE OF USE.

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SEP 19 2002

MEMORANDUM

TO: Transfer Application #69409 File

FROM: Corey Skinner *CS*

DATE: November 7, 2001

SUBJECT: Staff Review

The enclosed transfer application is one of ten transfer applications filed by Brigham Young University (BYU) regarding a farm located 2 miles west and 11 to 14 miles north of Malta. BYU currently owns a farm at this location served by groundwater rights 43-2360, 43-2348, 43-2465A, and 43-2465B. The ten transfer applications filed by BYU seek to move portions of all, or some, of these rights to different locations located within the Raft River Critical Ground Water Area. A brief summary of the ten transfer applications is as follows:

- **Transfer #69388** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 2.63 cfs and 180 acres into a 672 acre permissible place of use that overlaps an existing 512 acre permissible place of use served by rights 43-2417E, 43-2418E, 43-4060E, 43-4060G, 43-4063E, 43-4063G, 43-4061E, 43-4062E, 43-4064E, 43-10643, 43-10642, and 43-10645 (in the name of Cleft of the Rock Farms).
- **Transfer #69391** proposes moving a 0.07 cfs and 4-acre portion of right 43-2348 to property owned by the Raft River LDS Church.
- **Transfer #69392** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 0.78 cfs and 53 acres into a 362 acre permissible place of use currently served by rights 43-171B, 43-173D, 43-177F, 43-178F, 43-2295H, 43-2330, 43-2528, 43-4166, and 43-11235 (in the name of Jay Harper).
- **Transfer #69396** proposes moving a 0.29 cfs and 20 acre portion of rights 43-2360, 43-2348, 43-2465A, and 43-2465B to land owned by Webb Brothers Land & Livestock.

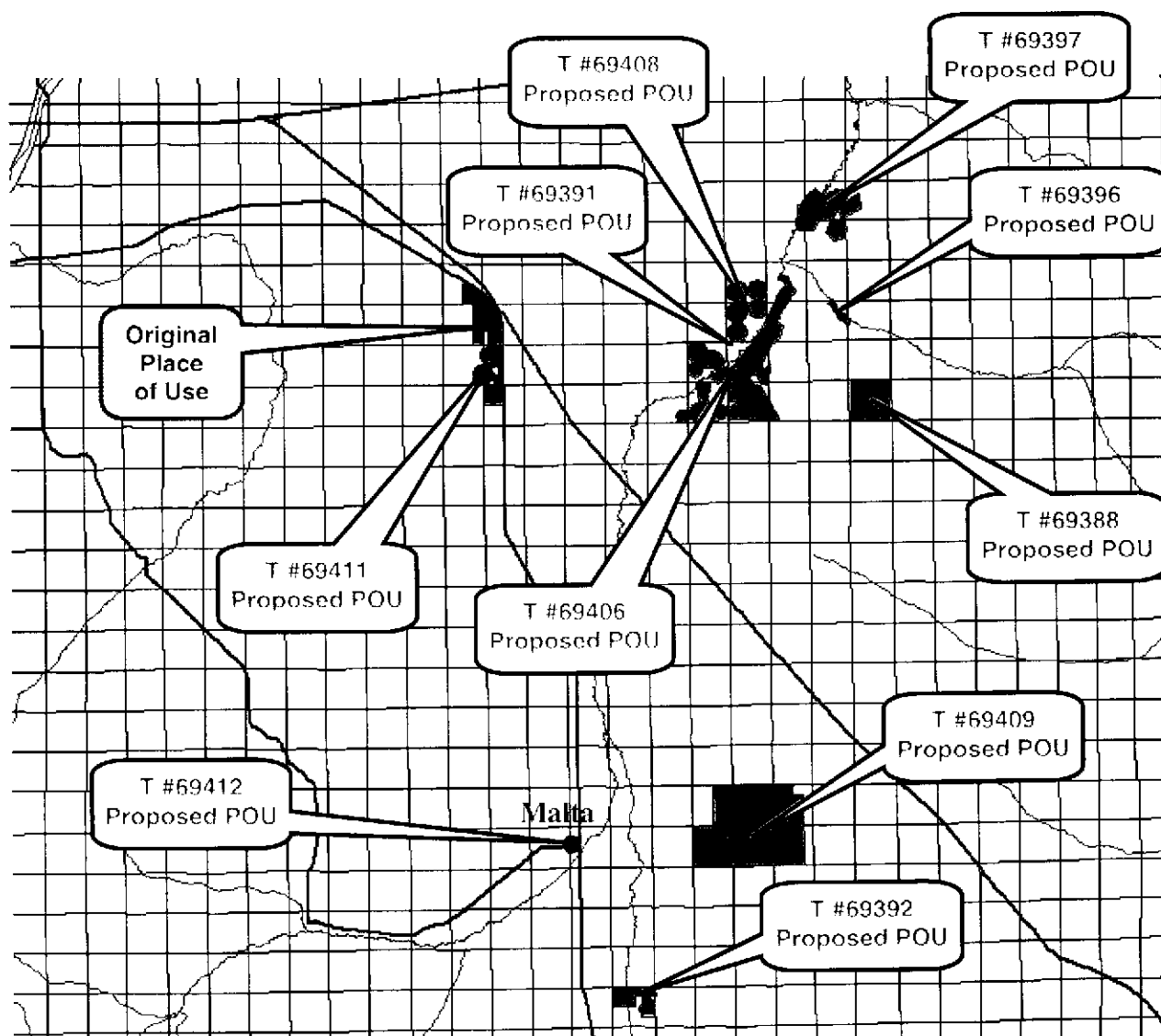
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SEP 19 2002

- **Transfer #69397** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 2.61 cfs and 180 acres into a 735.5 acre permissible place of use currently served by rights 43-13071, 43-13073, 43-13063, 43-10087, 43-2084, 43-2180, and 43-2264 (in the name of Webb Brothers Land & Livestock).
- **Transfer #69406** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 1.49 cfs and 100 acres into a 2, 212.7 acre permissible place of use currently served by rights 43-2321B, 43-2574B, 43-2576B, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4015B, 43-10045, and 43-10046 (in the name of Preston Allen).
- **Transfer #69408** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 1.49 cfs and 100 acres into a 669.7 acre permissible place of use that overlaps an existing 623.7 acre permissible place of use served by rights 43-2511 and 43-4146 (in the name of Michael Garner).
- **Transfer #69409** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 1.79 cfs and 120 acres into a 3,160 acre permissible place of use currently served by rights 43-2368, 43-4028A, 43-10811, 43-10812, 43-11218, and 43-10490 (in the name of Harris Ag).
- **Transfer #69411** proposes moving portions of rights 43-2360, 43-2348, 43-2465A, and 43-2465B totaling 4.89 cfs and 322 acres into a 322 acre permissible place of use on the original BYU place of use.
- **Transfer #69412** proposes moving a 0.19 cfs and 12-acre portion of rights 43-2465A and 43-2465B to Cassia School District property in Malta.

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A visual representation of the locations of the properties involved with the previously mentioned transfer applications is as follows...



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Transfer #69409 Memo
November 7, 2001

The rights involved with the enclosed transfers (43-2360, 43-2348, 43-2465A, and 43-2465B) have all been recommended in the Basin 43 Director's Report in the Snake River Basin Adjudication. The rights have been recommended as follows:

43-2360 for the diversion of 3.42 cfs for the irrigation of 314 acres.

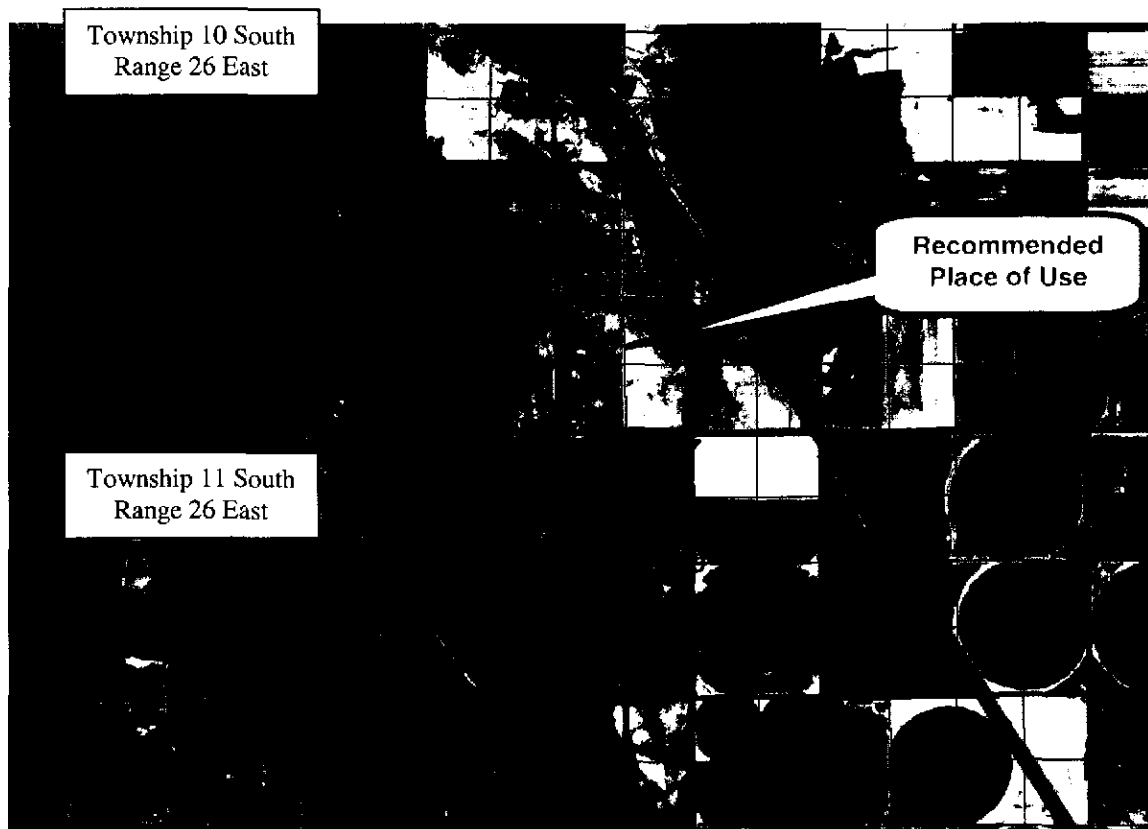
43-2348 for the diversion of 3.55 cfs for the irrigation of 208 acres.

43-2465A for the diversion of 3.40 cfs for the irrigation of 569 acres.

43-2465B for the diversion of 5.86 cfs for the irrigation of 569 acres.

(note that the 569 acres recommended for 43-2465A and 43-2465B are the same acres)

The total recommended diversion for the four rights is 16.23 cfs and the total recommended acreage is 1,091 acres as distributed below...



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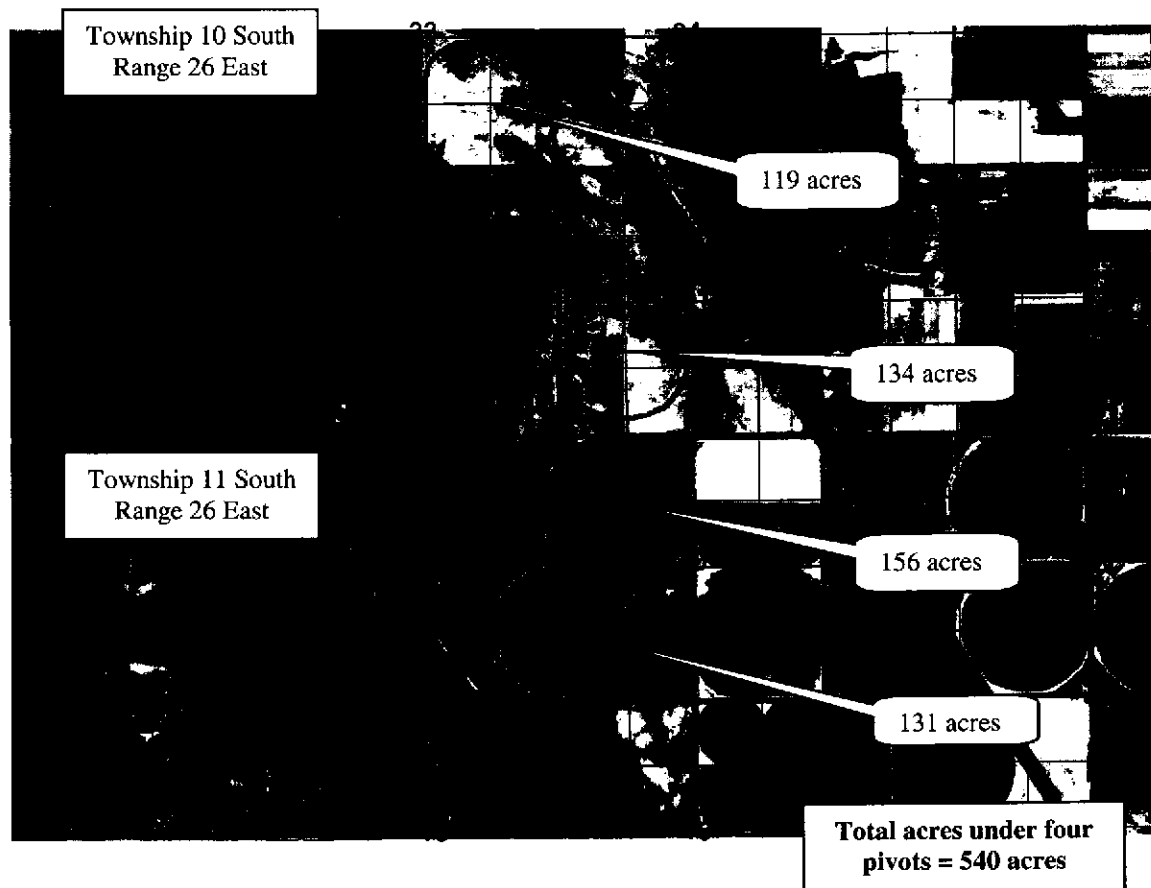
SEP 18 2002

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Transfer #69409 Memo

November 7, 2001

Review of the adjudication claim files for the four rights associated with the farm and the BYU transfers revealed that initial SRBA investigations indicated that significantly less than the recommended 1,091 acres were actually irrigated on the farm. The claim files indicate that when a field review was done in 1994 that only four pivots were irrigated on the farm. I talked with Jeanie Robertson (SRBA agent who reviewed the four claims) about this and she verified that she only found four pivots irrigated on the farm. Jeanie also said that the ranch manager indicated that only four pivots were irrigated on the farm. Jeanie estimated that somewhere in the neighborhood of 534 acres were actually irrigated by the four pivots. Jeanie indicated that the Director's Report recommendation of 1,091 acres for the four rights was based on transfer applications (#3533, #3534, and #3535) all approved on June 30, 1989. The Director's Report recommendations reflect these approved transfer applications. Looking through the SRBA claim files a copy of an ASCS aerial photo of the farm was found that indicated the location of the four pivots. Using this aerial photo, the Department's Arcview images, and aerial photos from the Farm Service Agency in Burley, the locations, and the sizes, of the four pivots on the farm were determined as follows...



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SEP 10 2002

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Transfer #69409 Memo

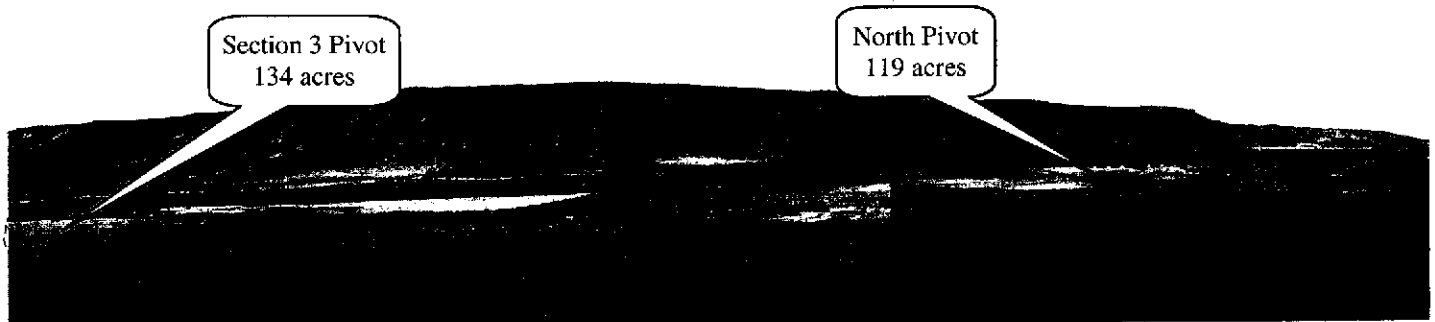
November 7, 2001

On October 25th, I visited the farm involved with the BYU transfers and observed that only three of the four pivots were in place. It appeared that only the land under two of the three pivots had been irrigated this past year. Driving and walking around the farm revealed that the ground on the vast majority of the farm had been worked sometime in the past, but other than the land under the pivots, there appeared to be little sign of irrigation. In addition, the northwest $\frac{1}{4}$ of Section 15 (Township 11 South, Range 26 East) showed no sign of being irrigated, and the vast majority of the vegetation on these 160 acres consisted of sagebrush ranging from approximately two to three feet in height. The following photos document my observations during the October 25th site visit...



ABOVE: View looking southwest towards the south end of the BYU farm showing two of the three pivots observed during the 10/25/2001 visit. Note the lack of irrigation outside the pivot boundaries.

BELOW: View looking northwest towards the north end of the BYU farm showing third pivot on the north end of the farm. Note the lack of irrigation outside the pivot boundaries.



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Transfer #69409 Memo
November 7, 2001



ABOVE: View from highway through the center of Section 15 (T11S, R26E) looking northwest across the northwest 1/4 of Section 15. Note lack of irrigation and sagebrush growth in this area.

BELOW: View from near the northwest corner of Section 15 looking southeast across the northwest 1/4 of Section 15. Note the lack of irrigation and the sagebrush growth in this area. The sagebrush growth was up to three feet in height.



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NOV 13 2001

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Transfer #69409 Memo
November 7, 2001



ABOVE: View from the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 10 (T11S, R26E) looking south through the east $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of Section 10. Note the lack of irrigation in this view.

BELOW: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking southwest across the east $\frac{1}{2}$ of the east $\frac{1}{2}$ of Section 4. Note the lack of irrigation in this view.



WICHITA

SEP 18 2001

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November 7, 2001



ABOVE: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking southeast across the west $\frac{1}{2}$ of Section 3. Note the lack of irrigation in this view.

BELOW: View from the well located in the southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3 (T11S, R26E) looking northeast across the west $\frac{1}{2}$ of Section 3. Note the lack of irrigation in this view.



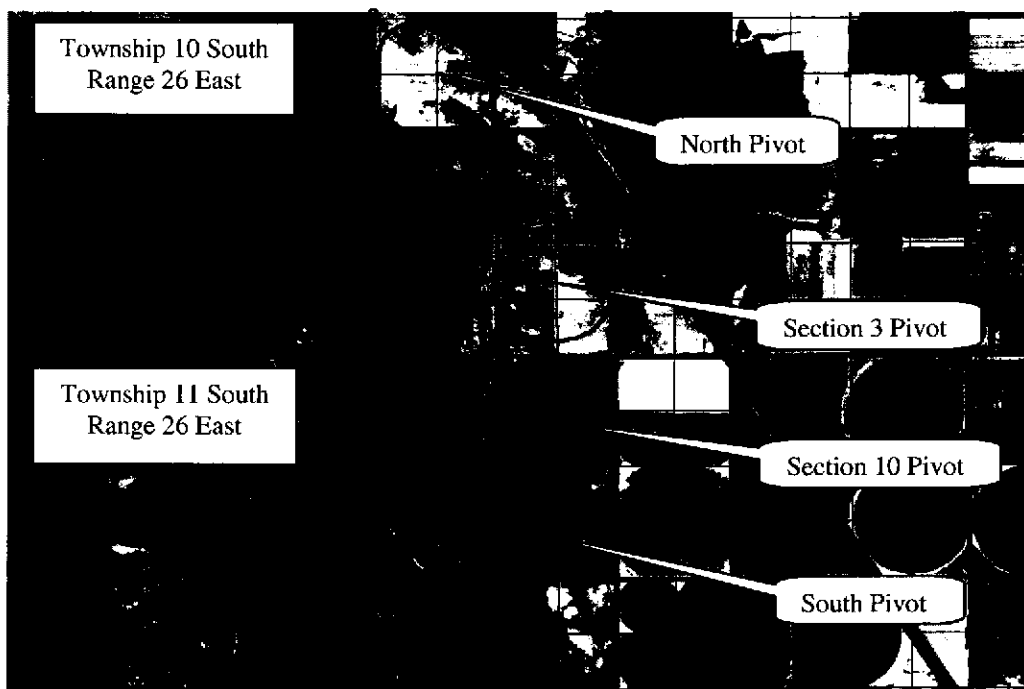
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SEP 18 2002

After visiting the BYU farm, I stopped at the Cassia County Farm Service Agency office in Burley to look at the yearly aerial photo slides of the BYU farm. It was discovered that very little irrigation, if any, occurred outside the four pivots over the last six years. The following table summarizes my observations of the lands that were irrigated according to the aerial photo slides at the farm service office...

YEAR	North Pivot	Section 3 Pivot	Section 10 Pivot	South Pivot	Remarks
2001	Not Irrigated	Irrigated	Irrigated	Not Irrigated	≈ 5 additional irrigated acres in SESW ¼ Section 3
2000	Irrigated	Irrigated	Irrigated	Not Irrigated	No additional irrigation outside of pivots
1999	Irrigated	Irrigated	Irrigated	Irrigated	≈ 25 additional irrigated acres in South ½ of SW ¼ of Section 3
1998	Irrigated	Irrigated	Irrigated	Irrigated	No additional irrigation outside of pivots
1997	Irrigated	Irrigated	Irrigated	Irrigated	No additional irrigation outside of pivots
1996	Irrigated	Irrigated	Irrigated	Irrigated	Maybe 50 additional irrigated acres (iffy) in east ½ of west ½ of Section 3

A map showing the location of the above-mentioned pivots is as follows...



November 7, 2001

The 10 BYU transfers are based on the SRBA recommendations for rights 43-2360, 43-2348, 43-2465A, and 43-2465B that allow the irrigation of 1,091 acres. However, it appears that the extent of the irrigation of all of these 1,091 acres is questionable. Using the acreage estimates of the four pivots shown in this report and the additional 25 acres shown on the 1999 aerial photo slides at the farm service office, it appears that perhaps only 565 acres could be justified over the last five years. A breakdown, by individual water right, of these 565 acres compared to what has been recommended in the SRBA (and what the transfers are based on) would be as follows...

43-2360

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 26E 33													15.0	37.0	39.0	39.0	130.0
													17.0	33.0	36.0	33.0	119.0
10S 26E 34									1.0	25.0							26.0
									0.0	0.0							0.0
11S 26E 4													40.0			38.0	78.0
													2.0			0.0	2.0
11S 26E 9	5.0																5.0
	4.0																4.0
11S 26E 10					35.0	40.0											75.0
					35.0	40.0											75.0

Total Recommended Acres: 314

Total "Actual 5-year" Acres: 200

43-2348

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 9													33.0			34.0	67.0
													34.0			34.0	68.0
11S 26E 10					31.0				32.0								63.0
					28.0				32.0								60.0
11S 26E 15					39.0	39.0											78.0
					0.0	0.0											0.0

Total Recommended Acres: 208

Total "Actual 5-year" Acres: 128

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JUN 15 2002

43-2465A & 43-2465B (Same POU)

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	3					20.0	40.0	40.0	34.0	38.0	35.0	22.0	40.0					269.0
							0.0	0.0	6.0	6.0	36.0	39.0	30.0	40.0					157.0
							L 3	L 4											
11S	26E	4	40.0			40.0													80.0
			0.0			0.0													0.0
			L 1																
11S	26E	9				6.0													6.0
						7.0													7.0
11S	26E	10								35.0	25.0	37.0		39.0					136.0
										34.0	3.0	36.0		0.0					73.0
11S	26E	15				39.0				39.0									78.0
						0.0				0.0									0.0

Total Recommended Acres: 569
 Total "Actual 5-year" Acres: 237

It appears that there may be significantly less acres that have been irrigated the last five years, compared to the 1,091 acres that were recommended in the SRBA and that the 10 BYU transfers are based on. BYU has filed these applications in an attempt to move water rights to various locations in the Raft River Valley. Some of these applications involve pending transactions between BYU and buyers of the respective water rights. If the Department ultimately determines that there are not 1,091 acres available to be transferred, then how to limit the applications, or which applications to limit, will become an issue. Due to the pending financial transactions involving the applicant and the purchasers of the rights, the applicant should be involved in the approval, or denial, process and the Department may want to be "flexible" in its final action regarding the applications. It should be noted that the rights and transfers are based on the idea that acres under specific rights are appurtenant to specific tracts of land as indicated in the above-described places of use. Examination of the SRBA claim files reveals that the vast majority of the BYU farm is an interconnected system, and the entire farm may possibly be interconnected. This would indicate that the rights have actually been used more along the lines of a permissible place of use, rather than being used on specific tracts of land. Considering this likely permissible place of use concept could allow the Department more "flexibility" in taking final action on the applications.

MICRO
 11/7/01

MEMORANDUM

TO: FILE 43-13174

FROM: VAULT

RE: TRANSFER # 69408

DATE: 8.6.02

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 43-13166

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SEP 19 2002