

RECEIVED

MAR 11 2004

Water Supply Bank No. \_\_\_\_\_

Water Right No. 36-7932

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Duane R. Grant and Laura A. Grant Phone 208-531-5149  
Post office address 707 East 600 North Rupert Id 83350

1 DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 36-7932 Decreed to Duane R Grant and Laura A. Grant  
(Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water  
Resources
- c. Permit No. \_\_\_\_\_ issued by the Idaho Department of Water  
Resources

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,  
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: .13 cubic feet per second &/or  
26 acre-feet per annum
- b. Point of diversion: SW 1/4 NE 1/4 of NW 1/4 of Section 17 Township 07 S Range  
24E B M in Minidoka County.  
Additional points SW 1/4 NE 1/4 NE 1/4 Sec 17 Twp 7S Rge 24E

c. Place of use:

| TWP | RGE | SEC | N E |    |    |    | N W |     |    |    | S W |    |    |    | S E |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|-----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW  | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
|     |     |     |     |    |    |    |     | b.5 |    |    |     |    |    |    |     |    |    |    | b.5    |
|     |     |     |     |    |    |    |     |     |    |    |     |    |    |    |     |    |    |    |        |
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|     |     |     |     |    |    |    |     |     |    |    |     |    |    |    |     |    |    |    |        |

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 6.5

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Water right was decreed in adjudication. We still  
own the land. See attached deed.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

NR Decreed date 8/27/01

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

NA

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

NA

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

\_\_\_\_\_ For sale;

X For lease for a period from 3-15-04 to indefinite  
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

\_\_\_\_\_ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate. Owner reserves the  
right to rent out 55 acres

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

3/4/04  
Date

[Signature]  
Signature

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FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Received \_\_\_\_\_

Recommended for \_\_\_\_\_ approval \_\_\_\_\_ denial by \_\_\_\_\_

88

17

20

# WARRANTY DEED

462425

#16629

For Value Received

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,  
who acquired title as PRUDENTIAL INSURANCE COMPANY OF AMERICA**

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

**GRANT 4D FARMS, an Idaho General Partnership  
Address: 600 North 707 East, RUPERT, ID. 83350**

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

**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO**

**SECTION 17: All**

## SUBJECT TO:

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

Taxes for 2002 and subsequent years.

Assessments if any, levied or to be levied by the Magic Valley Ground Water District.

Power Line Easement from The Capital Co., a Corporation, to Idaho Power Company, a corporation, dated April 21, 1955, and recorded April 27, 1955 as Instrument No. 120460 in Book 36 of Deeds, Page 31, records of Minidoka County, Idaho, over and across the NW $\frac{1}{4}$  of Section 17 and W $\frac{1}{2}$ , NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ , SW $\frac{1}{4}$ , and Lot 3 of Section 7, all in Township 7 South, Range 24 East of the Boise Meridian.

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

Dated: November 25, 2002

**THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA**

BY:

*R.T. Robertson*  
**R.T. ROBERTSON  
VICE PRESIDENT**

**Instrument # 462425**

MINIDOKA COUNTY, RUPERT, IDAHO  
2002-11-29 03:01:17 No. of Pages: 2  
Recorded for: RUPERT LAND TITLE  
DUANE SMITH Fee: 6.00  
Ex-Officio Recorder Deputy *Lu*

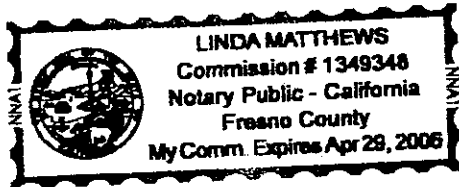
# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Fresno

On November 26, 2002, before me, Linda Matthews, Notary Public, personally appeared R.T. Robertson, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Linda Matthews  
Signature of Notary

## CAPACITY CLAIMED BY SIGNER

☒ Corporate Officer

Vice President

Title

## DESCRIPTION OF ATTACHED DOCUMENT

Warranty Deed

TITLE OR TYPE OF DOCUMENT

SIGNER IS REPRESENTING:

The Prudential Insurance Company of America

(Including Notary Acknowledgments)

2

No. of Pages

November 22, 2002

DATE OF DOCUMENT

462426

## QUITCLAIM DEED

#16629

For Value Received

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,  
which acquired title as PURDENTIAL INSURANCE COMPANY OF AMERICA**

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

**GRANT 4D FARMS, an Idaho General Partnership  
whose address is: 600 North 707 East Rupert, Idaho**

Hereinafter called the grantee, the following described premises, in **MINIDOKA** County, Idaho to-wit:

**Water Rights No.36-2198, 36-7932, and 36-2199 over the following described property:**

**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO**

**SECTION 17: All**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: **NOVEMBER 22, 2002**

**THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA**

BY: R.T. Robertson  
R.T. ROBERTSON, Vice President

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of NOVEMBER, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared R.T. ROBERTSON, known or identified to me to be the VICE PRESIDENT of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public  
Residing at:  
My Commission expires:

**Instrument # 462426**  
MINIDOKA COUNTY, RUPERT, IDAHO  
2002-11-29 03:03:04 No. of Pages: 2  
Recorded for : RUPERT LAND TITLE  
DUANE SMITH Fee: 6.00  
Ex-Officio Recorder Deputy LD

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Fresno

On November 26, 2002, before me, Linda Matthews, Notary Public, personally appeared R.T. Robertson, personally known to me, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Linda Matthews  
Signature of Notary

## CAPACITY CLAIMED BY SIGNER

☒ Corporate Officer

Vice President

Title

## DESCRIPTION OF ATTACHED DOCUMENT

Quitclaim Deed

TITLE OR TYPE OF DOCUMENT

## SIGNER IS REPRESENTING:

The Prudential Insurance Company of America

(Including Notary Acknowledgments)

2

No. of Pages

November 22, 2002

DATE OF DOCUMENT

462453

## QUITCLAIM DEED

#NONE

For Value Received

**GRANT 4D FARMS, an Idaho General Partnership**

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

**DUANE R. GRANT AND LAURA A. GRANT, husband and wife****whose address is:** 600 N 707 E Rupert, ID 83350Hereinafter called the grantee, the following described premises, in **MINIDOKA** County, Idaho to-wit:**TOWNSHIP 7 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO****SECTION 17: All**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: **NOVEMBER 26, 2002**

GRANT 4D FARMS

BY: [Signature]

DUANE R. GRANT

Managing Partner

BY: [Signature]

DOUGLAS E. GRANT

Partner

STATE OF IDAHO )  
) ss.  
COUNTY OF MINIDOKA )**Instrument # 462453**

MINIDOKA COUNTY, RUPERT, IDAHO

2002-12-02 03:38:09 No. of Pages: 1

Recorded for : RUPERT LAND TITLE

DUANE SMITH Fee: 3.00

Ex-Officio Recorder Deputy [Signature]On this 26<sup>th</sup> day of NOVEMBER, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared DUANE R. GRANT AND DOUGLAS E. GRANT, known or identified to me to be the partner or one of the partners in the Partnership of GRANT 4D FARMS, an Idaho General Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.[Signature]  
Notary Public

Residing at: RUPERT, ID.

My Commission expires: 6-20-08

JULIA G. COFFMAN  
NOTARY PUBLIC  
STATE OF IDAHO