

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71475

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Craig Searle, Cloyd Searle, Kent Searle, Clifford Searle, Kelly Searle Phone 678 159
 Post Office address and Ray Searle 474 E. 550 S., Burley, Idaho 83318

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide additional annual volume and discharge to an existing farm and permissible place of use and expand the permissible place of use.

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Department of Water Resources
Southern Region

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>43-4037</u>	<u>5-23-62</u>	<u>1.04/677.5</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>43-7126</u>	<u>9-04-98</u>	<u>5.91/1412.2</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
<u>See attached Exhibit 1 for additional rights</u>				
				to _____

2. Total amount of water being transferred 26.42 cubic feet per second and/or 7169.7* acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: See Attached Exhibit 2 *Subject to mitigation schedule 43-4037, 43-7126

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

5. Lands irrigated or place of use: P.P.U.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	23E	26																	
		32	39	40	41	40	40	39	30	41	40	40	39	40	40	41	40	39	48
		35	41	41	41	41									40	40			629
11S	24E	28									41	40	39	41	40	40	41	41	244
		30		40	41										40	40	41	41	323
		32									40			39	37	37	40	40	235
														39			39	38	156

PART 1

6. General Information:

- a. Description of diversion system Diversion with wells, buried pipe and sprinklers. Diversion from ground water with 10 wells. Agreement with Burley Irrig Dist allows use of canals and laterals to convey well water from eastern wells to lands in Sec 32 T11S R23E.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land under water rights 43-4037 and 43-7126 will no longer be irrigated.
Permissible place of use for existing rights will be expanded from 1555 to 1635 acres with allowed irrigation in any one season of 1635 acres.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

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

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-2383

Priority Date: 06/14/1951

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<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	9.49 CFS	2,560.0 AFA	
	Total Diversion		9.49 CFS	2,560.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWNW	11S	23E	32	CASSIA
GROUND WATER	NWSWSW	11S	24E	28	CASSIA
GROUND WATER	SWSWSW	11S	24E	28	CASSIA
GROUND WATER	SESESE	11S	24E	30	CASSIA
GROUND WATER	SESESE	11S	24E	32	CASSIA
GROUND WATER	NENESE	11S	24E	30	CASSIA
GROUND WATER	NENESW	11S	23E	32	CASSIA
GROUND WATER	NWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWNWNE	11S	23E	32	CASSIA
GROUND WATER	SWNWSW	11S	24E	28	CASSIA

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Department of Water Resources
Southern Region

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-2383

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 23E 26														1.0	33.0	14.0	48.0
11S 23E 32	39.0	40.0	41.0	40.0	40.0	39.0	30.0	41.0	40.0	40.0	39.0	40.0	40.0	41.0	40.0	39.0	629.0
11S 23E 35	41.0	41.0	41.0	41.0													164.0
11S 24E 28									41.0	40.0	39.0	41.0	40.0	40.0	41.0	41.0	323.0
11S 24E 30		40.0	41.0										37.0	37.0	40.0	40.0	235.0
11S 24E 32									40.0			39.0			39.0	38.0	156.0

Total Acres: 1555

Conditions/Remarks:

1. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
2. DIVERSION OF WATER FROM THE FOUR (4) POINTS OF DIVERSION LOCATED IN SECTION 32, T11S, R23E IN THE OAKLEY-KENYON CRITICAL GROUND WATER AREA SHALL NOT EXCEED A TOTAL ANNUAL DIVERSION VOLUME OF 2560 AF IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT IS SUBJECT TO THE REMARKS AND CONDITIONS CONTAINED IN APPROVED IDWR TRANSFER NUMBER NO. 70414.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 20.51 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5080 AF. COMBINED RIGHT NOS.: 45-2383, 45-7118, 45-7125, 45-7317
5. This right does not grant any right-of-way or easement across the land of another.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
8. Prior to the diversion and use of water under Transfer approval 70414, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

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Department of Water Resources
Southern Region

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-2383

9. 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.
10. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1270 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2383, 45-7118, 45-7125, 45-7317.
11. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 640 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
12. 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.
13. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval (before 6/24/2004).
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
None

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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Department of Water Resources
Southern Region

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-7118

Priority Date: 01/08/1973
Origin: Adjudication Recommendation
Basis: License
Status: Active

Source: GROUND WATER

Tributary to:

<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	4.80 CFS	960.0 AFA	
	Total Diversion		4.80 CFS	960.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNWNE	11S	23E	32	CASSIA
GROUND WATER	NWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWNWSW	11S	24E	28	CASSIA
GROUND WATER	NWSWSW	11S	24E	28	CASSIA
GROUND WATER	SESESE	11S	24E	30	CASSIA
GROUND WATER	SESESE	11S	24E	32	CASSIA
GROUND WATER	NENESW	11S	23E	32	CASSIA
GROUND WATER	SWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWSWSW	11S	24E	28	CASSIA
GROUND WATER	NENESE	11S	24E	30	CASSIA

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Department of Water Resources
Southern Region

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 45-7118

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 23E 26														1.0	33.0	14.0	48.0
11S 23E 32	39.0	40.0	41.0	40.0	40.0	39.0	30.0	41.0	40.0	40.0	39.0	40.0	40.0	41.0	40.0	39.0	629.0
11S 23E 35	41.0	41.0	41.0	41.0													164.0
11S 24E 28									41.0	40.0	39.0	41.0	40.0	40.0	41.0	41.0	323.0
11S 24E 30		40.0	41.0										37.0	37.0	40.0	40.0	235.0
11S 24E 32									40.0			39.0			39.0	38.0	156.0

Total Acres: 1555

Conditions/Remarks:

1. Rights 45-7118, 45-7125 and 45-7317 shall not be used on 102.0 acres if the surface water right(s) appurtenant to the same 102.0 acres is sold, transferred, leased or used on any other place of use.
2. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 45-7118, 45-7125 and 45-7317 on 102.0 acres and shall only divert groundwater under these rights on these 102.0 acres when water from the appurtenant surface water rights cannot be delivered to the right holder
4. The total instantaneous diversion of water from all points of diversion under Rights 45-2383, 45-7118, 45-7125 and 45-7317 shall not exceed 20.51 cfs, nor total combined annual volume of 5080.0 af.
5. Rights 45-7118, 45-7125, 45-7317 and surface water right(s) appurtenant to 102.0 acres of the same land shall not exceed the combined irrigation of 630.0 acres unless additional rights or shares are obtained in the future.
6. Rights 45-2383, 45-7118, 45-7125 and 45-7317 when combined shall not exceed the irrigation of 1270.0 acres in the place of use described above in a single irrigation season.
7. Diversion of water from the four (4) points of diversion located in Section 32, T11S, R23E in the Oakley-Kenyon Critical Ground Water Area shall not exceed a total annual maximum diversion volume of 2,560.0 af.
8. Rights 45-7118 and 45-7125 when combined shall not exceed a total diversion rate of 7.67 cfs.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-7118

9. Right 45-7118 is limited to the irrigation of 240.0 acres within the place of use described above in a single irrigation season.
10. This right does not grant any right-of-way or easement across the land of another.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. Prior to the diversion and use of water under Transfer approval 70414, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
14. 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.
15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval (before 6/24/2004).
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
None

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 45-7125

Priority Date: 01/31/1973

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<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	3.14 CFS	628.0 AFA	
	Total Diversion		3.14 CFS	628.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENESE	11S	24E	30	CASSIA
GROUND WATER	SWNWNE	11S	23E	32	CASSIA
GROUND WATER	NWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWNWSW	11S	24E	28	CASSIA
GROUND WATER	NWSWSW	11S	24E	28	CASSIA
GROUND WATER	SESESE	11S	24E	30	CASSIA
GROUND WATER	SESESE	11S	24E	32	CASSIA
GROUND WATER	NENESW	11S	23E	32	CASSIA
GROUND WATER	SWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWSWSW	11S	24E	28	CASSIA

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 45-7125

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 23E 26														1.0	33.0	14.0	48.0
11S 23E 32	39.0	40.0	41.0	40.0	40.0	39.0	30.0	41.0	40.0	40.0	39.0	40.0	40.0	41.0	40.0	39.0	629.0
11S 23E 35	41.0	41.0	41.0	41.0													164.0
11S 24E 28									41.0	40.0	39.0	41.0	40.0	40.0	41.0	41.0	323.0
11S 24E 30		40.0	41.0										37.0	37.0	40.0	40.0	235.0
11S 24E 32									40.0		39.0			39.0	38.0		156.0

Total Acres: 1555

Conditions/Remarks:

1. Rights 45-7118, 45-7125 and 45-7317 shall not be used on 102.0 acres if the surface water right(s) appurtenant to the same 102.0 acres is sold, transferred, leased or used on any other place of use.
2. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 45-7118, 45-7125 and 45-7317 on 102.0 acres and shall only divert groundwater under these rights on these 102.0 acres when water from the appurtenant surface water rights cannot be delivered to the right holder
4. The total instantaneous diversion of water from all points of diversion under Rights 45-2383, 45-7118, 45-7125 and 45-7317 shall not exceed 20.51 cfs, nor total combined annual volume of 5080.0 af.
5. Rights 45-7118, 45-7125, 45-7317 and surface water right(s) appurtenant to 102.0 acres of the same land shall not exceed the combined irrigation of 630.0 acres unless additional rights or shares are obtained in the future.
6. Rights 45-2383, 45-7118, 45-7125 and 45-7317 when combined shall not exceed the irrigation of 1270.0 acres in the place of use described above in a single irrigation season.
7. Diversion of water from the four (4) points of diversion located in Section 32, T11S, R23E in the Oakley-Kenyon Critical Ground Water Area shall not exceed a total annual maximum diversion volume of 2,560.0 af.
8. Rights 45-7118 and 45-7125 when combined shall not exceed a total diversion rate of 7.67 cfs.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-7125

9. Right 45-7125 is limited to the irrigation of 157.0 acres within the place of use described above in a single irrigation season.
10. USE OF THIS RIGHT IS SUBJECT TO THE REMARKS AND CONDITIONS CONTAINED IN APPROVED TRANSFER NO. 70414.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
14. Prior to the diversion and use of water under Transfer approval 70414, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
15. 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.
16. 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.
17. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval (before 6/24/2004).
18. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
None

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 45-7317

Priority Date: 07/11/1977

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<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	3.35 CFS	932.0 AFA	
	Total Diversion		3.35 CFS	932.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNWNE	11S	23E	32	CASSIA
GROUND WATER	NWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWNWSW	11S	24E	28	CASSIA
GROUND WATER	NWSWSW	11S	24E	28	CASSIA
GROUND WATER	SESESE	11S	24E	30	CASSIA
GROUND WATER	SESESE	11S	24E	32	CASSIA
GROUND WATER	NENESW	11S	23E	32	CASSIA
GROUND WATER	SWSWNW	11S	23E	32	CASSIA
GROUND WATER	SWSWSW	11S	24E	28	CASSIA
GROUND WATER	NENESE	11S	24E	30	CASSIA

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 45-7317

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 23E 26														1.0	33.0	14.0	48.0
11S 23E 32	39.0	40.0	41.0	40.0	40.0	39.0	30.0	41.0	40.0	40.0	39.0	40.0	40.0	41.0	40.0	39.0	629.0
11S 23E 35	41.0	41.0	41.0	41.0													164.0
11S 24E 28									41.0	40.0	39.0	41.0	40.0	40.0	41.0	41.0	323.0
11S 24E 30		40.0	41.0										37.0	37.0	40.0	40.0	235.0
11S 24E 32									40.0			39.0			39.0	38.0	156.0

Total Acres: 1555

Conditions/Remarks:

1. Rights 45-7118, 45-7125 and 45-7317 shall not be used on 102.0 acres if the surface water right(s) appurtenant to the same 102.0 acres is sold, transferred, leased or used on any other place of use.
2. The point of diversion located in the NENESE, S30, T11S, R24E is limited to a maximum diversion rate of 4.00 cfs.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rights 45-7118, 45-7125 and 45-7317 on 102.0 acres and shall only divert groundwater under these rights on these 102.0 acres when water from the appurtenant surface water rights cannot be delivered to the right holder
4. The total instantaneous diversion of water from all points of diversion under Rights 45-2383, 45-7118, 45-7125 and 45-7317 shall not exceed 20.51 cfs, nor total combined annual volume of 5080.0 af.
5. Right 45-7317 is limited to the irrigation of 233.0 acres within the place of use described above in a single irrigation season.
6. Rights 45-7118, 45-7125, 45-7317 and surface water right(s) appurtenant to 102.0 acres of the same land shall not exceed the combined irrigation of 630.0 acres unless additional rights or shares are obtained in the future.
7. Rights 45-2383, 45-7118, 45-7125 and 45-7317 when combined shall not exceed the irrigation of 1270.0 acres in the place of use described above in a single irrigation season.
8. Diversion of water from the four (4) points of diversion located in Section 32, T11S, R23E in the Oakley-Kenyon Critical Ground Water Area shall not exceed a total annual maximum diversion volume of 2,560.0 af.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 45-7317

9. USE OF THIS RIGHT IS SUBJECT TO THE REMARKS AND CONDITIONS CONTAINED IN APPROVED TRANSFER NO. 70414.
10. This right does not grant any right-of-way or easement across the land of another.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. Prior to the diversion and use of water under Transfer approval 70414, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
14. 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.
15. 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.
16. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval (before 6/24/2004).
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
None

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Transfer No. _____
 Receipt No. _____

Current Water Right No. 43-13364

Priority Date: 05/04/1978
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

Tributary to:

<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	6.26 CFS	1,496.0 AFA	
	Total Diversion		6.26 CFS	1,496.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	L4 (SWNWNW)	10S	26E	2	CASSIA
GROUND WATER	NWSWSE	10S	26E	3	CASSIA
GROUND WATER	SENE	10S	26E	11	CASSIA
GROUND WATER	NENWSW	10S	26E	2	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	1					40.0	40.0	16.0	2.1									98.1
10S	26E	11	38.0	25.0			L 3 37.0	L 4 25.0	3.7	4.6									133.3
10S	26E	12			38.0	33.0		40.0	40.0	39.0	33.0	33.0			33.0	33.0			322.0

Total Acres: 553.4

Conditions/Remarks:

- Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- Use of this right with right no. 43-13367 is limited to a total combined diversion rate of 6.26 cfs.
- Use of this right with right no. 43-13367 is limited to the irrigation of a combined total of 553.4 acres in a single irrigation season.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 43-13364

5. This right is limited to the irrigation of 374.0 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use

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

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

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

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Has been in CRP on the Water Bank for about 10 years

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 43-13364 Part

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

1. amount 5.91 cfs for Irrigation purposes from 8-15 to 11-15
 (cfs/ac-ft)
 amount 1412 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as decreed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Limited to 353 ac/yr within APN

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	1					40	40	16	2.1									98.1
		11	38	25			37	25	3.7	4.6									133.3
		12			38	33		9	40	29	33	33			33	33			291

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

Total acres 522.4

1. amount 0.35 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount 84.0 AFA for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same as decreed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	12					31												31

Total acres 31

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 43-13367

Priority Date: 05/23/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<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	1.10 CFS	717.6 AFA	
Total Diversion			1.10 CFS	717.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	L4 (SWNWNW)	10s	26e	2	CASSIA
GROUND WATER	NENWSW	10s	26e	2	CASSIA
GROUND WATER	SENENE	10s	26e	11	CASSIA
GROUND WATER	NWSWSE	10S	26E	3	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	1					40.0	40.0	16.0	2.1									98.1
10S	26E	11	38.0	25.0			37.0	25.0	3.7	4.6									133.3
10S	26E	12			38.0	33.0	40.0	40.0	39.0	33.0	33.0				33.0	33.0			322.0

Total Acres: 553.4

Conditions/Remarks:

1. Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. Use of this right with right no. 43-13364 is limited to a total combined diversion rate of 6.26 cfs.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 43-13367

5. Use of this right with right no. 43-13364 is limited to the irrigation of a combined total of 553.4 acres in a single irrigation season.
6. This right is limited to the irrigation of 179.4 acres within the place of use described above in a single irrigation season.

Documentation of Ownership of the Current Place of Use

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

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

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

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Has been in CRP on the Water Bank for about 10 years

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 43-13367 Part
 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.04 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft) 677.6 AFA for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as decreed

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: Limited to 167.4 ac/yr within pp4

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	1					40	40	16	2.1									98.1
		11	38	25			37	25	3.7	4.6									133.3
		12			38	33		9	40	39	33	33			33	33			291

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

Total acres 522.4

1. amount 0.06 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft) 40.0 AFA for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion: Same as decreed

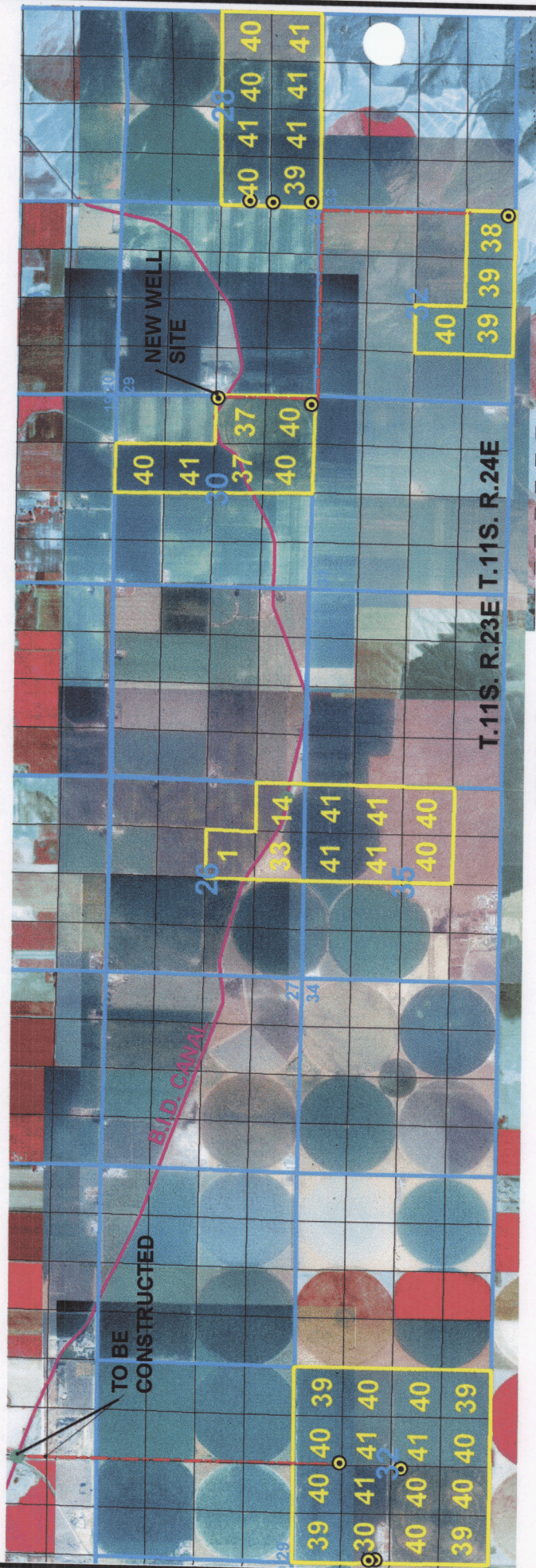
Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	26E	12					31												31

Total acres 31

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SEARLE
Irrigation Water Right Transfer
Aerial Photo 2002

-  Rediversion
 Irrigation P.O.D.
 Pipeline
 Irrigation Proposed P.P.U.
 Section Lines
 B.I.D. Canal
 T11s24e
 T.11S. R.23E.

BROCKWAY ENGINEERING, PLLC.
ALR FEB. 23. 2004

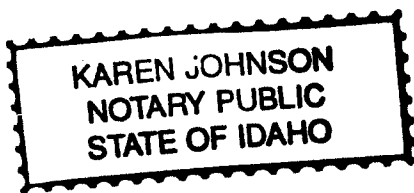
PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
None			_____ to _____
			_____ to _____
2. Quantity and quality of return flows and location of discharge:
None
3. Describe the effects on other water uses resulting from the proposed change:
This transfer will add 80 acres to the existing 1555 acres in the P.P.U. for water rights 45-02383, 45-7125, 45-7118, and 45-7317 making a total of 1635 acres allowed for irrigation in any one season

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.



(Signature of Applicant)

 (Signature of Applicant)

 (Signature of Applicant)

 (Signature of Applicant)

 (Signature of Applicant)

 (Signature of Applicant)

Subscribed and sworn to before me this 17th day of February, 2004

(Notary Public)

My commission expires 10-15-2005

Transfer

Searle Irrigation

REV 2/19/2004

Exhibit 1 Current Irrigation Water Rights

Water right	Priority	Amount cfs	af	Nature of Use	Period to
45-2383	6/14/51	9.49*	2560*	Irrigation	15-Mar 15-Nov
45-7118	1/8/73	4.80*	960*	Irrigation	15-Mar 15-Nov
45-7125	1/31/73	3.14*	628*	Irrigation	15-Mar 15-Nov
45-7317	7/11/77	3.35*	932*	Irrigation	15-Mar 15-Nov

*Combined limit of 20.51 cfs and 5080 af on 1270 acres in a single irrigation season

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Transfer**Searle Irrigation****Exhibit 2 Points of Diversion**

Source	Tract	Township	Range	Section	County
GROUND WATER	SWSWNW	11S	23E	32	CASSIA ✓
	NWSWSW	11S	24E	28	CASSIA ✓
	SWSWSW	11S	24E	28	CASSIA ✓
	SESESE	11S	24E	30	CASSIA ✓
	SESESE	11S	24E	32	CASSIA ✓
	NENESE	11S	24E	30	CASSIA ✓ Not Drilled
	NENESW	11S	23E	32	CASSIA ✓
	SWSWNW	11S	23E	32	CASSIA ✓
	SWNWNE	11S	23E	32	CASSIA ✓
	SWNWSW	11S	24E	28	CASSIA ✓

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Transfer**Searle Irrigation**

Sagewood Ranch LLC Split of Property and Water Rights

REV 2/19/2004

Township & Range	Section	Tract	Searle(s)	Partner Stoker	Ward	Total Section
10S 26E		1 NENW			40	40
		NWNW			40	40
		SWNW			16	16
		SENW			4	4
		NESW				
		NWSW	38			38
		SWSW	40			40
						178.0
	2	NENE			40	40
		NWNE			40	40
		SWNE			21	21
		SENE			25	25
		NENW		3.43	36.57	40
		NWNW		31		31
		SWNW		31		31
		SENW			28	28
		NESW			39	39
		NWSW			30	30
		SWSW			40	40
		SESW	22.14		17.86	40
		NESE	40			40
		SWSE	40			40
		SESE	40			40
						525.0
	3	SWNE		40		40
		SENE		30		30
		SENW		40		40
		NESW		28		28
		NWSW		13		13
		SWSW		40		40
		SESW		40		40
		NESE			30	30
		NWSE		26		26
		SWSE		40		40
		SESE			40	40
						367.0

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10	NENE			32	32
	NWNE		33		33
	NENW		35		35
	NWNW		26		26
					126.0
11	NENE	11.3	26.7		38
	NWNE		25		25
	NENW		37		37
	NWNW			34	34
	SWNW		3.7		4
	SENW		4.6		5
					142.3
12	SWNE	38			38
	SENE	33			33
	NWNW	40			40
	SWNW	40			40
	SENW	39			39
	NESW	33			33
	NWSW	33			33
	NESE	33			33
	NWSE	33			33
					322.0
1660.3		553.44	553.43	553.43	1660.3

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Transfer Searle Irrigation

Sagewood Ranch LLC Searle

REV 2/19/2004

Township	Section	Tract	Searle(s) Before Acres	Transfer to Dairy Acres	Transfer to Irrigation Acres
10S	26E	1 NENW NWNW SWNW SENW NESW NWSW SWSW	38 40	8.86	38 31.14
		2 NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW SESW	22.14	22.14	
		NESE SWSE SESE	40 40 40		40 40 40
		3 SWNE SENE SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE			

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10 NENE			
NWNE			
NENW			
NWNW			
11 NENE	11.3		11.3
NWNE			
NENW			
NWNW			
SWNW			
SENW			
12 SWNE	38		38
SENE	33		33
NWNW	40		40
SWNW	40		40
SENW	39		39
NESW	33		33
NWSW	33		33
NESE	33		33
NWSE	33		33
553.4	553.44	31	522.44

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Department of Water Resources
Southern Region

WATER RIGHTS IN THE WATER SUPPLY BANK

Managed by the Idaho Water Resource Board

April 2003

The water rights in the listing below or part thereof are available to rent from the Water Supply Bank ("bank") upon a determination by the Department of Water Resources that rental of water will not injure other water rights, will not enlarge the use of a water right, will place the water to a beneficial use, is sufficient for the intended use and is in the local public interest. The water source to be rented must be hydraulically connected to the water source at the proposed new point of diversion.

02-02267	-	US ECOLOGY IDAHO, INC
- Source	-	Snake River
- Priority	-	January 20, 1964
- Div rate	-	5.2 cubic feet per second ("cfs")
- Volume	-	1,300 Acre feet per annum ("AFA") - 260 acres total
- Pt of div	-	Sec 22, T4S, R2E, B.M.
- Term	-	April 15, 2003
02-10180	-	Robert Dirks
- Source	-	Snake River
- Priority	-	April 9, 1970
- Div rate	-	1.6 cfs for 80 acres
- Volume	-	320 AFA
- Pt of div	-	Section 34, T5S, R4E, B.M.
- Term	-	December 31, 2003
02-10181	-	ROBERT & CONNIE SMITH
- Source	-	Snake River
- Priority	-	April 9, 1970
- Div rate	-	3.2 cfs
- Volume	-	1,600 AFA
- Pt of div	-	Section 34, T5S, R4E, B.M.
- Term	-	December 31, 2003
02-07064	-	ROBERT & CONNIE SMITH
- Source	-	Snake River
- Priority	-	April 23, 1970
- Div rate	-	6.36 cfs
- Volume	-	1,590 AFA
- Pt of div	-	Section 34, T5S, R4E, B.M.
- Term	-	December 31, 2003
02-07065 C	-	US ECOLOGY IDAHO INC
- Source	-	Snake River
- Priority	-	May 14, 1970

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- Pt of div	-	Section 26, T2N, R18E, B.M.
- Term	-	Indefinite
37-02627D	-	BLAINE COUNTY RECREATION DISTRICT
- Source	-	Ground water
- Priority	-	December 9, 1959
- Div Rate	-	0.10 cfs for 5 acres in a 16 acre PPU
- Volume	-	17.5 AF Diversion volume
- Pt of div	-	Section 16, T3N, R18E, B.M.
- Term	-	Indefinite
43-02409B	-	US DEPT OF INTERIOR, BLM
- Source	-	Ground water
- Priority	-	April 23, 1954
- Div rate	-	3.2 cfs
- Volume	-	640 AFA -160 ac
- Pt of div	-	Sec 34, T13S, R27E, B.M. (within the Raft River CGWA)
- Term	-	Indefinite
43-04037	-	SAGEWOOD RANCH LLC 
- Source	-	c/o Dan Ward
- Priority	-	Ground water
- Div rate	-	May 23, 1962
- Volume	-	6.4 cfs
- Pt of div	-	2,560 AFA - 640 ac
- Term	-	Sec 3, T10S, R26E, B.M.
		Indefinite
43-07126	-	SAGEWOOD RANCH LLC 
- Source	-	c/o Dan Ward
- Priority	-	Ground water
- Div rate	-	May 4, 1978
- Volume	-	18.77 cfs
- Pt of div	-	4,648 AFA - 1,162 ac
- Term	-	Sec 2, 3 and 11, T10S, R26E
		Indefinite
43-02471	-	SUN VALLEY AGRIBUSINESS PARTNERS LLC
- Source	-	Ground water
- Priority	-	July 7, 1959
- Div rate	-	6.0 cfs
- Volume	-	360 acres
- Pt of div	-	Sec 1, T11S, R26E, B.M.
- Notes	-	Right 43-02569 overlaps the place of use
- Term	-	Indefinite
43-02472	-	SUN VALLEY AGRIBUSINESS PARTNERS LLC
- Source	-	Ground water

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Department of Water Resources
Southern Region

WATER TRANSPORT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2002 by and between MOO VIEW COW PALACE of Cassia County. 474 E 550 S, Burley, Idaho, hereinafter referred to as "Users" and Burley Irrigation District, an irrigation district duly organized under the laws of the State of Idaho, with its principal office in Burley, County of Cassia, State of Idaho, hereinafter referred to as "District."

W I T N E S S E T H :

WHEREAS, Landowner is the owner of certain real property located outside the boundaries of the District, described as follows, to-wit:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	ACRES
11 S	23 E	26	W $\frac{1}{2}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$		55
11 S	23 E	35	NE $\frac{1}{4}$		160
11 S	24 E	28	SW $\frac{1}{4}$ & SE $\frac{1}{4}$		320
11 S	24 E	30	SE $\frac{1}{4}$ & W $\frac{1}{2}$ NE $\frac{1}{4}$		237
11 S	24 E	32	E $\frac{1}{2}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ SE $\frac{1}{4}$		160
11 S	23 E	32			640

Containing 1572 irrigable acres: and,

Whereas, landowner has certain groundwater rights appurtenant to the above-described real property, which rights are described as follows, to wit:

License No. : 45-02118, 45-02125, 45-02312, 45-2383
Date of Priority: 1/8/73 1/31/73 7/11/77 6/14/51
Rate of Diversion: 11.02 cfs= 2520 AF
Point of Diversion: SEE ATTACHED
Acres irrigable under said right: 1270; and

WHEREAS, Landowner desires the District to transport water diverted under the above-described right(s) through an existing canal of District for use on the lands of Landowner above-described: and,

WHEREAS, the District has, from time to time, additional capacity within said canal that could be used for the delivery of water to landowners outside of the District; and,

WHEREAS, User desires the District to transport not more than 1100 gallons per minute of groundwater diverted by Users through the existing J Canal(s) of the District to a point on the J Canal of the District where said water will be diverted

POINT OF DIVERSION

NW¼SW¼	Sec 28	T11S	R24E
SW¼SW¼	Sec 28	T11S	R24E
SE¼SE¼	Sec 30	T11S	R24E
SE¼SE¼	Sec 32	T11S	R24E

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Southern Region

to Users water distribution system, the point of diversion into and from said canal being described as follows:

INTO: the J canal at the NE4 NE4 SE4 of Sec. 30 T11 Rq 24

FROM: the J canal at the SE4 SE4 of Sec. 26 T 12 Rq 23

and,

WHEREAS, DISTRICT is the owner of the J Canal which is a part of the facilities of the District for the transmission of decreed and storage waters for use on lands within the boundaries of said District and is willing to transport water for Users under the terms herein contained.

NOW, THEREFORE, it is mutually understood and agreed as follows:

1. For and in consideration of the covenants herein contained, Burley Irrigation District does hereby agree to transport water diverted by Users into the District's Canal from the point where said water is diverted into the J Canal to the point where said water will be diverted from the J Canal to Users, less two percent 2 % transportation loss, in an amount not greater than 1100 gallons per minute. Transportation loss may be adjusted from time to time during the term of this agreement when it is determined by the district that the actual loss is greater or less than herein provided.

2. Users are not to exceed the rate of diversion provided in Landowner's water rights hereinabove described and actually diverted into the District's canal, less losses for seepage and evaporation as hereinafter provided, for the irrigation of Landowner's lands above described.

3. Users shall construct and maintain at his sole cost and expense, all pipelines, pumps, headgates and other structures or other improvements necessary to divert water into the District's Canal and to redivert said water from the District's Canal, less transportation loss as hereinafter provided, and District assumes no responsibilities of whatsoever kind or nature for said water after it leaves the District's canal at the point of delivery above-described to Users. Users further hereby agrees to hold District harmless from all claims of whatsoever kind or nature arising from the transportation and use of said water by Users from the point of delivery from the District's canal.

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4. The right of Users under the terms of this agreement is subordinated to all existing and prior right for the transportation of water of the District and Minidoka Irrigation District in and through said Canals, and the right granted herein is granted only so long as there is sufficient additional capacity in the District's Canal beyond the needs and uses of the District and Minidoka Irrigation District to transport said water of Users. The determination of the availability of additional capacity in the Canal shall be the sole determination of District. In the event there is no additional capacity in the Canal for the transportation of said water under this agreement, Users agrees to construct at his sole expense any additional carrying capacity in the Canal, or to immediately cease diverting water into the Canal for transportation under this agreement. In the event Users decides to forego the use of the Canal when there is no additional capacity, this Agreement may be terminate at the request of ether District or Users.

5. Users shall be required to provide and maintain adequate measuring devices to measure the total quantity of water diverted into the District's Canal and the water diverted from the Canal by Users. Under no condition shall Users be entitled to withdraw or divert from the Canal under this agreement, a quantity of water in excess of the quantity of water diverted into the Canal by Users under the terms hereof, less transportation losses. No water may be diverted into the Canal by Users or diverted from the Canal by Users under this agreement without first providing to the District twenty-four (24) hours notice as to the diversion into the Canal and the amount to be diverted therein and the amount to be diverted from the Canal, and the diversion rate thereof.

6. In the event Users shall, upon notice, divert more water into the Canal, less transportation loss, than Users diverts from the Canal, the District will not grant to Users credit for such excess water.

7. Water Transportation for Landowner by the District under this agreement shall be limited to those periods of time in which the District is delivering water through its facilities for the irrigation of lands within the District.

8. For and in consideration of the transportation of water by the District, User does hereby agree to pay to the District, for the transportation of said water, a minimum monthly service fee of One Hundred Dollars (\$100.00) per month and the sum of \$1.00 for each acre-foot diverted from the Canal by Users. Said acre-foot charge shall be computed monthly, and Users shall pay to the District the transportation fee due within ten (10) days after

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receipt from the District showing the amount diverted by Users in the previous month under this Transportation Agreement.

9. No water rights, transmission rights, or ditch rights in the facilities of District shall accrue to Users by reason of this Agreement, the rights of Users being fully contained herein, and User does hereby waive any other claims he may have.

10. This Agreement shall be for a term of five (5) irrigation season, beginning on date hereof, and shall remain in full force and effect until December 31 2006, unless terminated as hereinafter provided.

11. Failure to pay all charges agreed to be paid by Users when due shall be considered a material breach of this Agreement. Failure of Users to accurately measure the water diverted into the District's Canal for transportation and the water diverted from the Canal by Users shall constitute a material breach of this Agreement. Any material breach of this Agreement shall constitute grounds for the District to terminate this Agreement upon mailing to Users at his address hereinabove provided, a ten (10) day notice of said breach and the intent of the District to terminate the agreement.

12. In the event the District is required to file suit to collect any past due charges under this agreement or to remedy any other breach of this agreement, Users hereby agrees to pay all costs and attorneys fees incurred by the District in the enforcement of this agreement.

13. It is mutually understood and agreed by the parties hereto that this Agreement is not assignable, and no transfer of this Agreement shall be recognized by the parties hereto.

14. This Agreement constitutes the full agreement of parties hereto and no amendments may be made hereto unless in writing, duly signed by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hand the day and year first above written.

BURLEY IRRIGATION DISTRICT

By: Cecil F. Blum
President

ATTEST;

Lucinda M. Leach
Secretary

Users

Moo-View Cow Palace
Craig E. Seale
Users

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Southern Region

TO IDWR

The system is currently set up in the following manner. The three farms to the east are tied together. The center farm in section 26 and 35 of T11S R23E is irrigated by transporting water down the canal and then pressurizing. Section 32 gets water from 4 wells in that section.

We may want to tie the total system together in the future to maintain our flexibility to put the water where it will benefit the whole farm and to minimize the risks inherent in the system

Craig Seash

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Southern Region



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

FILED

- State of IDAHO:

Moo View Cow Palace

- | <u>Name</u> | <u>Complete Address</u> |
|-----------------|--------------------------------------|
| Cloyd Searle | 490 East 550 South, Burley, ID 83318 |
| Kent Searle | 476 East 600 South, Burley, ID 83318 |
| Craig Searle | 522 East 600 South, Burley, ID 83318 |
| Clifford Searle | 500 East 500 South, Burley, ID 83318 |
| Kelly Searle | 739 South 50 West, Burley, ID 83318 |

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

- Cloyd Searle
490 East 550 South
Burley, Idaho 83318

- _____
- _____

(see instruction # 8 on back of form)

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

43040, SECRETARY OF STATE,

04/07/1999 09:00
CX: 2754 CT: 19514 DI: 204424

1 @ 28.00 = 28.00 ASSUM MORE @ 2

D 21814

Revision 1.200

560 **Uqnyydykoon, I**

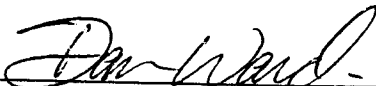
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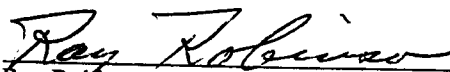
Department of Water Resources
Southern Region

January 29, 2003

Signatories below are owners of Sagewood Ranch LLC. I/we agree to Searles use of one third of the Water Rights for transfers to their property.



Dan Ward



Ray Robinson

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Southern Region

No. W 18766 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Apr 30, 2003 Annual Report Form 1 Mailing Address - Correct in this box, if applicable: SAGEWOOD RANCH, LLC DAN WARD 227 E 400 S BURLEY, ID 83318	2. Registered Agent and Office DAN WARD 227 E 400 S BURLEY, ID 83318 3. <u>New</u> Registered Agent Signature
--	---	---

4. Limited Liability Companies: Enter Names and Addresses of Members.

Office held	Name	Street or P.O. Address	City	State	Zip
Pres	Dan Ward	227 E 400 S	Burley	Id	83
	Laurel Stoken	Rabbit Run Road	Burley	Id	83
	Craig Sault	600 East 600 South	Burley	Id	83

5. Organized Under the Laws of: IDAHO W 18766	6. Signature <u><i>Dan Ward</i></u> Date <u>Feb 16</u> Name (Typed or Printed) <u>Dan Ward</u> Title <u>Presi</u>
---	--

Issued 02/03/2003

Do Not Tape or Staple



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY FILED EFFECTIVE

(Instructions on back of application)

1. The name of the limited liability company is: Sagewood Ranch, LLC STATE OF IDAHO
2. The address of the initial registered office is: 227 East 400 South, Burley,
Idaho 83318 and the name of the initial registered agent at that address is: Dan Ward
3. The mailing address for future correspondence: 227 East 400 South, Burley,
Idaho 83318
4. Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒. (please check the appropriate box)
5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

D & K Properties, general partnership

227 East 400 South, Burley, ID 83318

Alliance Land & Livestock, L.L.C.

725 East 500 South, Declo, ID 83323

Moo View Cow Palace, a general partnership

474 East 550 South, Burley, ID 83318

6. Signature of at least one person responsible for forming the limited liability company:

Signature

Dan Ward

Typed Name

Dan Ward

Capacity

General Partner of D & K Properties

Signature

Typed Name

Capacity

Secretary of State use only

g:\corp\forms\LLC form\articlesoforganization.pdf
Revised 01/2001

IDAHO SECRETARY OF STATE
04/08/2002 05:00
CK: 5127 CT: 93781 BH: 457517
1 @ 100.00 = 100.00 ORGAN LLC # 2

W18766

2/06/2002
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UNIFORM ASSESSMENT D
SOFTWARE SYST
PMB001

NUMERIC ROLL
BY SPECIFIC NAME

** PARCEL KEY **

TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIF

RP 11S23E323945 A

054-00 RP11S23E323945A

SEARLE, KELLY C, FAMILY TRUST

% SEARLE, KELLY C, TRUSTEE

& SEARLE, SHAWNA, TRUSTEE

739 SOUTH 50 WEST

BURLEY

ID 83318

T 7867 (SWNW)

S 32 T 11 R 23

CONTIGUOUS WITH 11

255636

194183

194181

194180

194179

TYPE: CL LOCATION: PROPERTY ADDRESS:

DEED CHANGE DATE: 1998/04/30

COMMENTS: SW IRR

S998

INSP YR: 1999

CONVERTED* 2001/10/12-08:30:20

CONVERTED* 2001/10/12-08:30:20

RP 11S23E327200 A

030-00 RP11S23E324800T

SEARLE, CRAIG E, FAMILY TRUST

% SEARLE, CRAIG E, TRUSTEE

& SEARLE, BEVERLY J, TRUSTEE

522 EAST 600 SOUTH

BURLEY

ID 83318

SE1/4

S 32 T 11 R 23

254938

226657

226653

DEED CHANGE DATE: 1998/03/25

COMMENTS: SW IRR

INSP YR: 1998

CONVERTED* 2001/10/12-08:30:20

RP 11S24E077200 A

006-00 RP11S24E077200A

SEARLE, RAYMOND C, FAMILY TRST

% SEARLE, RAYMOND C, TRUSTEE

& SEARLE, SHAROL W, TRUSTEE

& RICHMAN, VERA P L/E

655 SOUTH 650 EAST

BURLEY

ID 83318

E1/2SE

S 7 T 11 R 24

262044

212497

193788

DEED CHANGE DATE: 1999/04/02

COMMENTS: C691

CB

INSP YR: 1998

CONVERTED* 2001/10/12-08:30:21

CONVERTED* 2001/10/12-08:30:21

RP 11S24E180000 A

SEARLE, RAYMOND C, FAMILY TRST NENE LESS T 3298

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Southern Region

10:28:25

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SOFTWARE SYSTEM
PMB001

NUMERIC ROLL
BY SPECIFIC NAME

** PARCEL KEY **
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

DEED CHANGE DATE: 2001/03/02

COMMENTS: S101

INSP YR: 2001

CONVERTED* 2001/10/12-08:30:21

RP 11S24E307220 A

064-00 RP11S24E307220T

SEARLE, KENT, ETAL

% SEARLE, KENT R, FAMILY TRUST

% SEARLE, KENT R, TRUSTEE

& SEARLE, MARILYN, TRUSTEE

476 EAST 600 SOUTH

BURLEY

ID 83318

SE1/4 S/CANAL

S 30 T 11 R 24

CONTIGUOUS WITH 11S24E

254937

228985

226655

165654

122784

TYPE: CL LOCATION:

PROPERTY ADDRESS:

DEED CHANGE DATE: 1998/03/25

CAMA AREA #:

COMMENTS: S700

SW IRR2

INSP YR: 2001

CONVERTED* 2001/10/12-08:30:21

CONVERTED* 2001/10/12-08:30:21

RP 11S24E307395 A

064-00 RP11S24E307395T

SEARLE, KENT, ETAL

% SEARLE, KENT R, FAMILY TRUST

% SEARLE, KENT R, TRUSTEE

& SEARLE, MARILYN, TRUSTEE

476 EAST 600 SOUTH

BURLEY

ID 83318

NWNESE N/CANAL

S 30 T 11 R 24

CONTIGUOUS WITH 11S24E

254937

228985

226655

165654

122784

TYPE: CL LOCATION:

PROPERTY ADDRESS:

DEED CHANGE DATE: 1998/03/25

CAMA AREA #:

COMMENTS: S700

INSP YR: 2001

CONVERTED* 2001/10/12-08:30:21

RP 11S24E307800 A

064-00 RP11S24E307800A

SEARLE, KENT R, FAMILY TRUST

% SEARLE, KENT R, TRUSTEE

& SEARLE, MARILYN, TRUSTEE

476 EAST 600 SOUTH

BURLEY

ID 83318

NWSE N/C

S 30 T 11 R 24

239023

217241

INSP YR: 1999

PROPERTY ADDRESS:

650

S 500 E

8331

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SOFTWARE SYSTEM

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NUMERIC ROLL
BY SPECIFIC NAME

** PARCEL KEY **

TYPE PARCEL NO STATUS

CODE OLD PARCEL NO

MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

& SEARLE, GWENDOLYN F, TRUSTEE (RAYMOND)
474 EAST 550 SOUTH
BURLEY ID 83318

COMMENTS: COMBINATION
SW IRR2

INSP YR: 1999

PROPERTY ADDRESS:

CONVERTED* 2001/10/12-08:30:21

CONVERTED* 2001/10/12-08:30:21

RP 11S24E287201 A

026-00 RP11S24E287201T

SEARLE, CLIFFORD L, FAMILY TR

% SEARLE, CLIFFORD, TRUSTEE

& SEARLE, TERRI LOUISE, TRSTEE

500 EAST 500 SOUTH

BURLEY

ID 83318

NESE

S 28 T 11 R 24

254939

234977

210534

205843

160476

PROPERTY ADDRESS:

DEED CHANGE DATE: 1998/03/25

COMMENTS: S795

INSP YR: 2000

CONVERTED* 2001/10/12-08:30:21

RP 11S24E300600 A

064-00 RP11S24E300600T

SEARLE, KENT R, FAMILY TRUST

% SEARLE, KENT R, TRUSTEE

& SEARLE, MARILYN, TRUSTEE

476 EAST 600 SOUTH

BURLEY

ID 83318

T 822, W1/2NE

S 30 T 11 R 24

239023

217241

PROPERTY ADDRESS:

INSP YR: 2000

RP 11S24E302401 A

064-00 RP11S24E302400T

SEARLE, KENT R, FAMILY TRUST

& SEARLE, CRAIG E, FAMILY TRST

522 EAST 600 SOUTH

BURLEY

ID 83318

LOT 1, NENW LESS T 8372

S 30 T 11 R 24

273750

265368

261682

258650

256170

PROPERTY ADDRESS:

453

E 600 SOUTH

830

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Southern Region

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UNIFORM ASSESSMENT
SOFTWARE SYS

PMB001

NUMERIC ROLL
BY SPECIFIC NAME

** PARCEL KEY **

TYPE PARCEL NO STATUS

NAME/ADDRESS

CODE OLD PARCEL NO

LEGAL DESCR

MAP NUMBER

INSP YR: 2001

RP 11S24E324800 A

SEARLE, RAYMOND C, FAMILY TRST

E1/2SW, S1/2SE

026-00 RP11S24E324800T

% SEARLE, RAYMOND C, TRUSTEE

S 32 R 11 R 24

& SEARLE, SHAROL W, TRUSTEE

GALE

655 SOUTH 650 EAST

262044

BURLEY

ID 83318

138563

PROPERTY ADDRESS:

DEED CHANGE DATE: 1999/04/07

COMMENTS: SW IRR2

CONVERTED* 2001/10/12-08:30:2

INSP YR: 2000

NUMBER OF PARCELS-

23

TOTAL QUAN

REQUESTED NAMES

SEARLE, RAYMOND*

SEARLE, CRAIG*

SEARLE, KELLY*

**** PROMPT RESPONSES ****

LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS

FROM

TO

A

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Southern Region