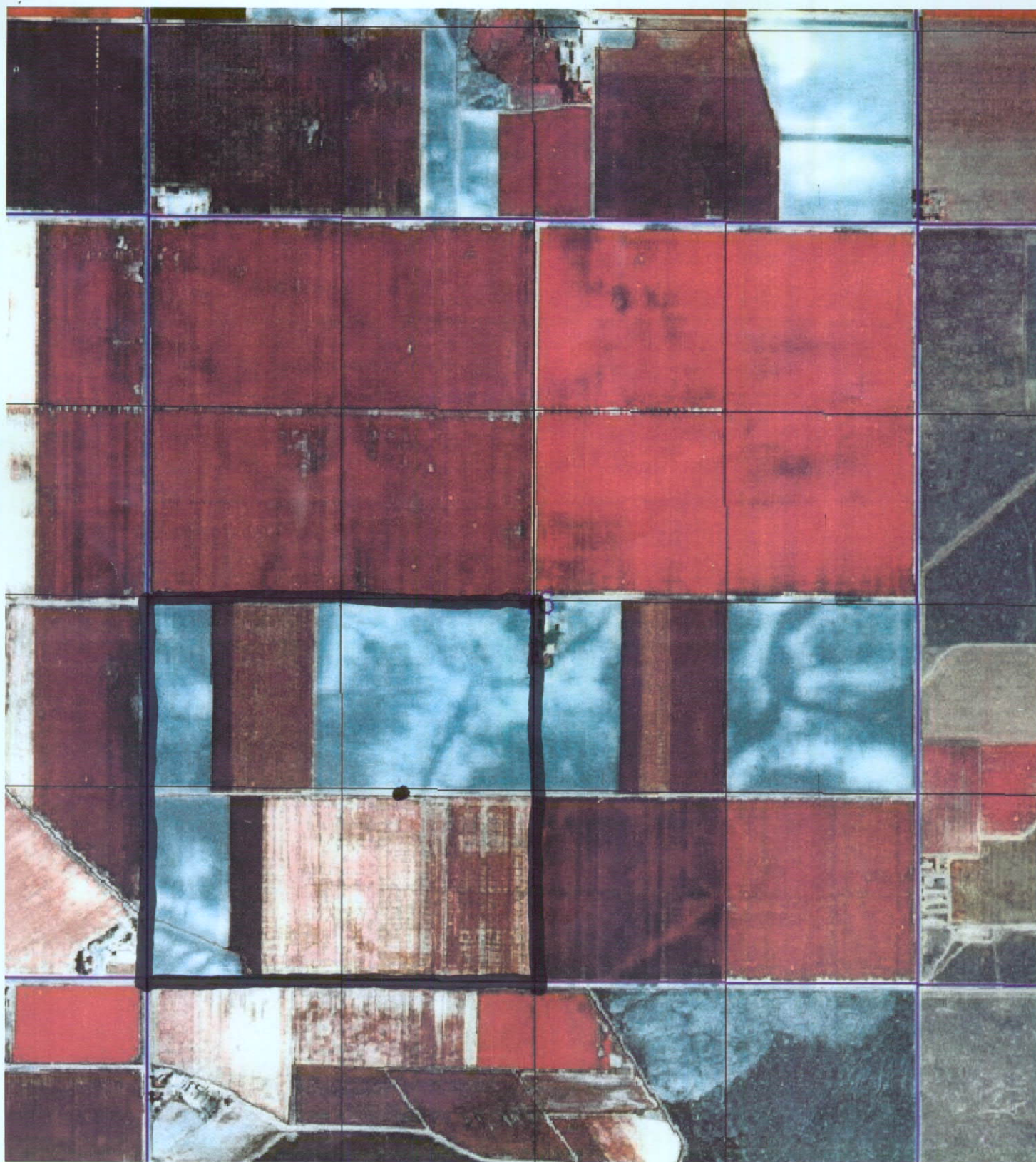




1320 0 1320 2640 Feet

Draw property boundaries
after proposed change.
Identify well locations that
will provide water to that land.

T9S R22E

MICROFILMED
JAN 09 2002



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 66096

This is to certify that: JIMMIE D TUCKNESS And/Or
LA VON L TUCKNESS
1251 W 300 N
PAUL ID 83347
(208)438-5826

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>
36-2110	WR/Decreed	02/20/1951	3.08 cfs	616.0 af	154.0	154.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

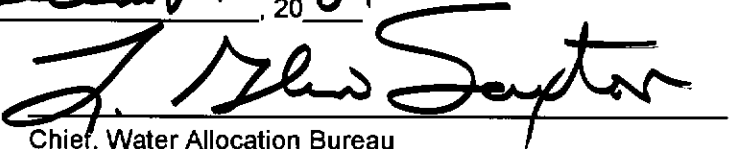
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2110	NO	NO	YES	NO	NO	NO

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>
36-2110	36-2110	3.08 cfs	616.0 af	N/A	154.0		N/A	N/A	N/A	N/A
TOTALS		3.08 cfs	616.0 af	N/A	154.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of December, 2001


Chief, Water Allocation Bureau

MICROFILMED

JAN 09 2002

WATER RIGHT NO. 36-2110
As Modified by Transfer No. 66096

In accordance with the approval of Transfer No. 66096, Water Right No. 36-2110 is now described as follows.

Right Holder: JIMMIE D TUCKNESS And/Or
 LA VON L TUCKNESS
 1251 W 300 N
 PAUL ID 83347

Priority Date: 02/20/1951

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	3.08 CFS	616.0 AF
		3.08 CFS	616.0 AF

LOCATION OF POINT(S) OF DIVERSION:
 GROUND WATER NWSESW Sec. 16 Twp 09S Rge 22E MINIDOKA 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	
09S 22E 16									39.0	38.0	38.0	39.0					154.0

Total Acres: 154

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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JAN 09 2002

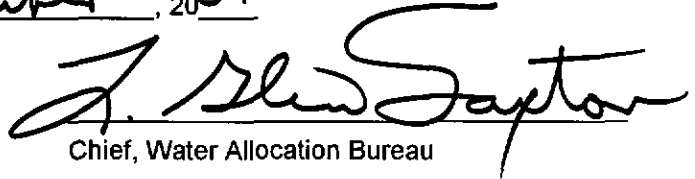
WATER RIGHT NO. 36-2110
As Modified by Transfer No. 66096

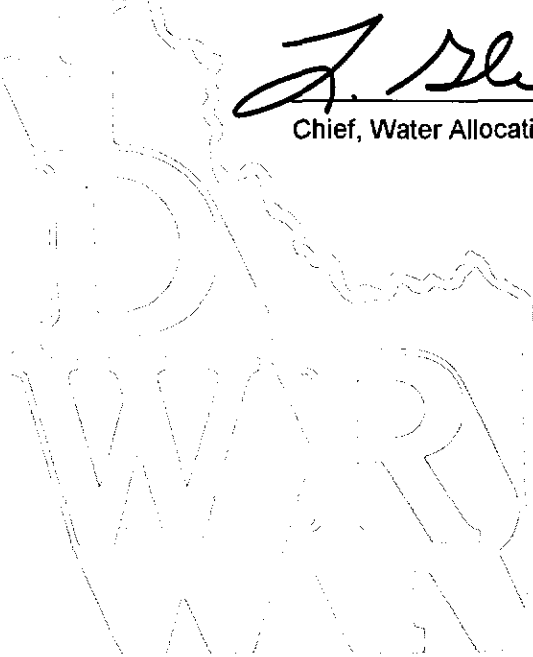
CONDITIONS OF APPROVAL

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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 26th day of December, 2001


Chief, Water Allocation Bureau



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JAN 09 2002

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED 5729

66096

JUL 18 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of Applicant Jimmy D. &/or Laverne L. Tuckness

Phone (208) 438-5826

Post Office address 1251 West 300 North, Paul, Idaho 83347

APR 26 2000

RECEIVED

A. PURPOSE OF TRANSFER

Department of Water Resources
Northern Region

APR 24 2000

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

Department of Water Resources

2. Describe the reason for the proposed changes The Tucknesses and Triple Ace Inc. have swapped 77 acres irrigated (80 total)
each so that each would have a full quarter of land on which to install pivot systems.
This makes irrigating the lands more efficient.

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

1. Right Number	Priority <u>20 J.F.</u>	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-02110</u>	<u>02/02/1951</u>	<u>3.08</u>	<u>irrigation</u>	<u>04-01</u> to <u>10-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.08 cubic feet per second and/or 616 acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SE	SW	16	9S	22E	Minidoka	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	22E	16									39	38	38	39					154
																	</		

MICROFILMED

JAN 03 2002

Total Acres 154

5729/66096

PART 1

6. General Information:

a. Description of diversion system The land is being irrigated with hand lines and wheel lines;
intends to put the land under a pivot system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The entire SW1/4 will be placed under a pivot system. This will provide less labor
costs and provide for more evenly irrigated crop.

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 the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

MICROFILMED

1997 11 23 2002

PART 2

TRANS NO.

T#5729

RECEIVED

APR 24 2000

Department of Water Resources

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02110

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.08 CFS	616.0 AF

SOURCE

GROUNDWATER

Priority: 02/20/1951

LOCATION OF POINT(S) OF DIVERSION: NWSESW , Sec. 16, Township 09S, Range 22E
MINIDOKA County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	:	-----	-----	-----	-----	-----	:	-----	
09S	22E	16	:					:					:			38	39	:			39	38	:	154.0		
																							TOTAL ACRES	154.0		

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

// Tax Notice

/ / Warranty Deed

/ / Other

Agreement

MICROFILMED

SEP 9 2012

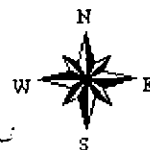


1320 0 1320 2640 Feet

Draw property boundaries
after proposed change.
Identify well locations that
will provide water to that land.

T9S R22E

MICROFILMED
JAN 09 2002



APR 26 2000

Transfer No. _____

PART 3

Department of Water Resources
Southern Region

B. CHANGES IN NATURE OF USE

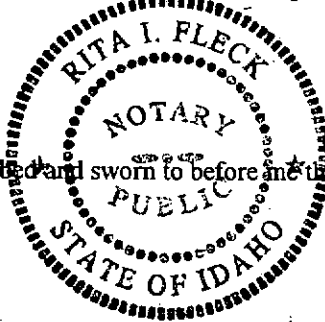
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

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

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.



Jimmie D. Luckness
 (Signature of Applicant)

Subscribed and sworn to before me this 21st day of April, 20 00

Rita I. Fleck
 (Notary Public)

My commission expires 1/25/2006

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 1 attachments
 Received by J. Masi Date 4-24-00 Protest filed by None
 Prelim. Check by JF Fee 100.00
 Receipted by J. Masi Date 4-24-00 C048903
 Published in Sp. ID Press Copies of protest forwarded by _____
 Pub. Dates 06/19 + 06/26/00 Hearing held by _____ Date _____
 Watermaster recommendations requested on N/A Recommended for ☒ approval ☐ denial
 _____ received _____ by MICHAEL W. LEE

JAN 09 2002

Copy of transfer sent to lien holder _____

LAND EXCHANGE AND EASEMENT AGREEMENT

THIS AGREEMENT entered the 1st day of October, 1999, by and between JIMMIE D. TUCKNESS and LaVON TUCKNESS, husband and wife, hereinafter known as Tuckness, of 1251 West 300 North, Paul, Idaho 83347, and TRIPLE ACE, INC., an Idaho corporation, of 1800 Z Street, Heyburn, Idaho 83336,

W I T N E S S E T H,

WHEREAS, Triple Ace, Inc. is the owner of eighty (80) acres of land, more or less, in Minidoka County, Idaho which is referred to as Parcel 1 on a survey prepared by Desert West Land Surveys as Job # 5299-99B1 dated September 9, 1999. Said property is described on Exhibit A which is attached hereto and incorporated by reference, and

WHEREAS, Jimmie D. Tuckness and LaVon Tuckness are the owners of eighty (80) acres of land, more or less, in Minidoka County, Idaho which is referred to as Parcel 2 on the Desert West Land Surveys survey. Said property is described on Exhibit B which is attached hereto and incorporated by reference, and

WHEREAS, Triple Ace, Inc. is the owner of the S $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, Idaho and the N $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16, and

WHEREAS, Jimmie D. Tuckness and LaVon Tuckness are the owners of the S $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16, and

WHEREAS, Triple Ace, Inc. wishes to acquire Parcel 2 from Tuckness so Triple Ace, Inc. can install a pivot irrigation system on the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, and Tuckness wishes to acquire Parcel 1, so Tuckness can install a pivot irrigation system on the SW $\frac{1}{4}$ of Section 16, and

WHEREAS, Triple Ace, Inc. will retain ownership of a well located in the easterly portion of Parcel 1 and adjacent to the East boundary of said Parcel 1, and

WHEREAS, Triple Ace, Inc. and Tuckness wish to create a permanent easement twenty feet (20') in width for the benefit of

themselves and their respective successors in interest in the SE $\frac{1}{4}$ of said Section 16, and the SW $\frac{1}{4}$ of said Section 16 along the common boundary of the Northwest Quarter and the Southwest Quarter of said Section 16, and along the common boundary of the Southwest Quarter and the Southeast Quarter of said Section 16 from the center of said Section 16 to the well of Triple Ace, Inc. which is located on the East boundary of Parcel 1. The easement is described on Exhibit C which is attached hereto and incorporated by reference,

NOW THEREFORE, in consideration of the foregoing, the parties agree to the following:

1. Upon execution of this agreement Triple Ace, Inc. will convey Parcel 1 to Jimmie D. Tuckness and LaVon Tuckness by warranty deed subject only to accruing 1999 real property taxes, the easement which is created by this agreement, assessments of the Magic Valley Groundwater District and two Power Line Easements described as exceptions 12 and 13 on Schedule B of the Commitment for Title Insurance issued by Commonwealth Land Title Insurance Co. as order # 32123 MC. Triple Ace, Inc. will receive ownership of the well and irrigation equipment located on the East boundary of Parcel 1 to provide irrigation water for the SE $\frac{1}{4}$ of said Section 16 and other property owned by Triple Ace, Inc. which is situated in the N $\frac{1}{2}$ of said Section 16.

2. Jimmie D. Tuckness and LaVon Tuckness shall convey Parcel 2 to Triple Ace, Inc. by warranty deed subject only to accruing 1999 real property taxes, assessments of the Magic Valley Groundwater District and two Power Line Easements described as items 12 and 13 on Schedule B of the Commitment for Title Insurance issued by Commonwealth Land Title Insurance Co. as order # 32125 MC.

3. Each party shall pay the 1999 real property taxes and assessments of Magic Valley Groundwater District on the parcel which said party is to convey to the other party. Said taxes and assessments shall be paid in full not later than December 20, 1999. Each party shall hold the other party harmless from any real property taxes or assessments for 1999 and prior years on the parcel said party is conveying to the other party.

4. Each party will be allowed to complete harvest operations on the parcel said party is conveying to the other party. When each party has completed harvest operations on the parcel to be conveyed to the other party, the party receiving said

LAND EXCHANGE AND EASEMENT AGREEMENT

Page 2

Tuckness-TripleAce.Agreement.lac.wpd

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JAN 09 2002

parcel shall be entitled to begin fall work and installation of irrigation equipment on the parcel of property said party is to receive.

5. Jimmie D. Tuckness and LaVon Tuckness and Triple Ace, Inc. hereby declare, create and grant to one another a permanent easement described on Exhibit C which is attached hereto and incorporated by reference. The purpose of the easement will be to allow each party to install, operate, maintain, repair and replace irrigation equipment and electrical lines and equipment related to operation of wells, pumps and irrigation systems on the respective parcels of property owned by the parties in the Southeast Quarter and the Southwest Quarter of Section 16, Township 9 South, Range 22 East of Boise Meridian, Minidoka County, Idaho. The easement shall also be available for use by the respective parties for access to their respective farming operations. The parties acknowledge and agree that the irrigation well of Triple Ace, Inc. which is located at the Southern end of the easement adjacent to the South Quarter section line of said Section 16 shall be owned by Triple Ace, Inc. and its successors in interest in the Southeast Quarter of said Section 16. Tuckness will be permitted to install electric utility poles, transformers, electric panels and switching gear within the easement so that Tuckness can supply electric energy to the pivot irrigation system to be installed in the SW $\frac{1}{4}$ of Section 16. The benefits and burdens of the easement shall run with the land inure to the benefit of the successors in interest of the respective parties in the Southeast Quarter and the Southwest Quarter of said Section 16.

6. Utility poles and buried pipe line shall be installed and maintained in a manner which will allow the easement to be used safely for ingress and egress by the parties to this agreement and their successors in interest in the parcels which are benefitted and burdened by this easement. The parties shall share equally in the reasonable cost of maintaining the easement in a manner satisfactory to allow adequate ingress and egress and use of the easement. Neither party shall cause or allow irrigation water to be discharged on the easement in a manner which will make the easement impassable.

7. Each party will provide the other party with a title insurance policy showing good and marketable title in the parcel which is to be acquired by each party hereunder, including the easement. The parties agree that the title insurance policies shall each be issued for the face amount of \$120,000. The title

LAND EXCHANGE AND EASEMENT AGREEMENT

Page 3

Tuckness-TripleAce.Agreement.lac.wpd

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JAN 09 2002

insurance shall insure the parties rights in the easement as long as the parcel shall be received by the parties.

8. The parties will bear equally the cost of the preparation of the survey by Desert West Land Surveys. The parties shall also bear equally the cost of preparation of this agreement and the other documents and conveyances in the cost of closing the transaction.

9. Closing shall take place at Land Title & Escrow, Inc. at Burley, Idaho not later than October 15, 1999. Each party shall obtain releases of any mortgages or other encumbrances on the parcel said party is to convey and encumbrances on the easement prior to the time of closing.

10. It is the intention of the parties that this transaction qualify as a tax deferred exchange of like-kind real property under § 1031 of the Internal Revenue Code. No irrigation equipment or other personal property is included in the sale.

11. Each party acknowledges that the party is familiar with the parcel being acquired from the other party, the said party is not relying upon any representations or warranties other than warranty of title.

12. It is the intention of the parties that the water rights owned by each party in the parcel of property currently owned by said party be retained and transferred to the parcel of property each party is to receive from the other party. Each party acknowledges that the parcel it receives from the other party will not include water rights which are currently appurtenant to the parcel said party is to receive.

13. A copy of this agreement will be submitted to the Idaho Department of Water Resources for preparation of appropriate applications for exchanging the place of beneficial use and/or points of diversion of the water rights of the respective parties to give effect to this agreement. Each party will pay its own application fees and other charges of the Idaho Department of Water Resources for its application.

14. This agreement has been prepared by Donald J. Chisholm at the request of Jimmie D. Tuckness and LaVon Tuckness. Triple Ace, Inc. acknowledges that it has been advised that Donald J. Chisholm is not acting as the attorney for Triple Ace, Inc. and

that Triple Ace, Inc. should have the documents examined by its own counsel if it desires to do.

15. Each party will execute any other documents and conveyances which may be required to give full force and effect to this agreement.

IN WITNESS WHEREOF the parties have set their hands the day and year first written above.

Jimmie D. Tuckness
Jimmie D. Tuckness
L.S.

LaVon Tuckness
LaVon Tuckness

TRIPLE ACE, INC.

by:

Russell V. Patterson
Russell Patterson,
President

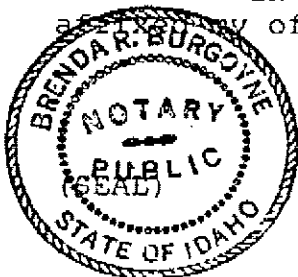
Attest:

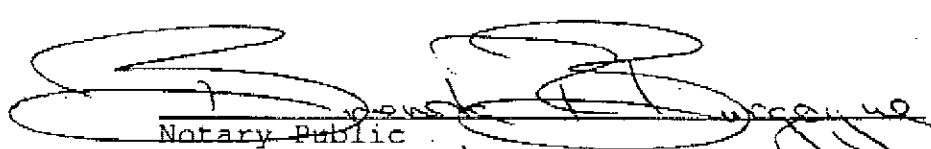
Lisa Patterson, Sec
Lisa Patterson,
Secretary

STATE OF IDAHO)
) ss.
County of Cassia)

On this 14th day of October, in the year of 1999, before me the undersigned notary public in and for said state, personally appeared JIMMIE D. TUCKNESS AND LAVON TUCKNESS, h&w, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

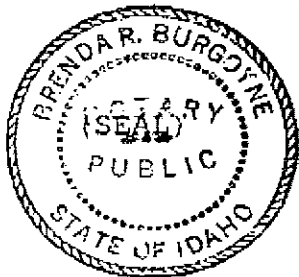


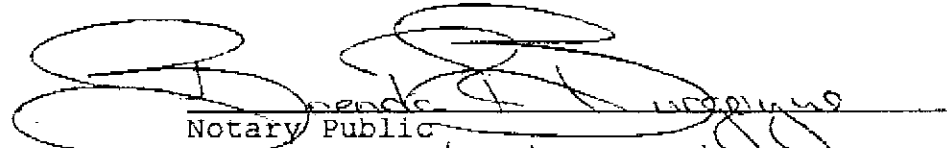

Notary Public
Residing at Heber-Idaho
My Commission expires 2-24-2005

STATE OF IDAHO)
) ss.
County of Cassia)

On this 1st day of October, 1999, before me the undersigned notary public in and for said state, personally appeared RUSSELL PATTERSON and LISA PATTERSON, known to me to be the president and secretary, respectively, of the corporation that executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.




Notary Public
Residing at Heber-Idaho
My Commission expires 2-24-2005

LAND EXCHANGE AND EASEMENT AGREEMENT
Page 6
Tuckness-TripleAce.Agreement.lac.wpd

MICROFILM

JAN 09 2002

EXHIBIT A

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

PARCEL 1

L E G A L D E S C R I P T I O N

Part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the West $\frac{1}{4}$ section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{1}{8}$ " rebar which shall be the Point of Beginning;

THENCE North 00 degrees 02 minutes 32 seconds West along the west line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 11.76 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 2625.31 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 37 minutes 48 seconds West for a distance of 587.80 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 12.97 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 04 minutes 56 seconds East for a distance of 744.49 feet to the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 89 degrees 20 minutes 55 seconds West along said line for a distance of 2631.44 feet to the Southwest corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE North 00 degrees 03 minutes 45 seconds West along the west line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 1319.88 feet to the Point of Beginning.

Said property contains 80.33 acres more or less and is subject to a county road right of way along the west side and subject to and together with an Access Easement for the benefit of both parties said easement being more particularly described as follows: (insert Access Easement legal description).

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



MICROFILMED

JAN 09 2002

EXHIBIT B

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

PARCEL 2

L E G A L D E S C R I P T I O N

Part of the S $\frac{1}{4}$ SW $\frac{1}{4}$ and all of the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the Southeast section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{1}{4}$ " rebar which shall be the Point of Beginning;

THENCE North 89 degrees 22 minutes 33 seconds West along the south line of the S $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 2641.54 feet to the South $\frac{1}{4}$ section corner marked by a $\frac{3}{4}$ " rebar;

THENCE North 89 degrees 20 minutes 00 seconds West along the south line of the S $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 9.45 feet to a $\frac{1}{4}$ " rebar;

THENCE North 00 degrees 04 minutes 56 seconds West for a distance of 1320.58 feet to the north line of the S $\frac{1}{4}$ SW $\frac{1}{4}$;

THENCE South 89 degrees 20 minutes 55 seconds East along said line for a distance of 9.45 feet to the Northwest corner of the S $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 89 degrees 22 minutes 11 seconds East along the north line of the S $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 2640.93 feet to the Northeast corner of the S $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 00 degrees 06 minutes 33 seconds East along the east line of the S $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 1320.31 feet to the Point of Beginning.

Said property contains 80.34 acres more or less and is subject to a county road right of way along the south and east sides and subject to any other easements or right of ways of record or use.

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



MICROFILMED

JAN 09 2002

EXHIBIT C

September 9, 1999
JOB # 5299-99B1
RUSSELL PATTERSON and
JIMMY TUCKNESS SURVEY

ACCESS EASEMENT

L E G A L D E S C R I P T I O N

Part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ and part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 16 of Township 9 South, Range 22 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the West $\frac{1}{4}$ section corner of Section 16 of T.9 S., R.22 E., B.M., said corner marked by a $\frac{3}{8}$ " rebar; Thence North 00 degrees 02 minutes 32 seconds West along the west line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 1.76 feet to a point which shall be the Point of Beginning;

THENCE North 00 degrees 02 minutes 32 seconds West continuing along said line for a distance of 20.00 feet;

THENCE South 89 degrees 21 minutes 49 seconds East for a distance of 2635.43 feet;

THENCE South 00 degrees 37 minutes 48 seconds West for a distance of 597.80 feet;

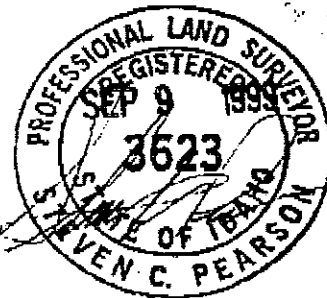
THENCE North 89 degrees 21 minutes 49 seconds West for a distance of 20.00 feet;

THENCE North 00 degrees 37 minutes 48 seconds East for a distance of 577.80 feet;

THENCE North 89 degrees 21 minutes 49 seconds West for a distance of 2615.19 feet to the Point of Beginning.

Said property contains 1.48 acres more or less.

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



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JAN 09 2002

2001 DEC -3 PM 4: 29
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Right 36-02110
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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JAN 09 2002

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 3, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
JAN 09 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02110

1997 DEC 29 PM 4:55

DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

NAME & ADDRESS: JIMMY D TUCKNESS
LAVONE L TUCKNESS
RT 2 BOX 2420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 3.08 CFS
616.0 AFY

PRIORITY DATE: 02/20/1951

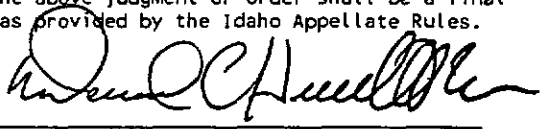
POINT OF DIVERSION: T09S R22E S16 NWSEW Within MINIDOKA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	3.08 CFS 616.0 AFY

PLACE OF USE:	IRRIGATION	Within MINIDOKA County			
	T09S R22E S16	SWSW 38	SESW 39	SWSE 39	SESE 38
	154 ACRES TOTAL				

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02110

MICROFILMED
JAN 09 2002

PAGE 1
DEC-17-1997



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

December 27, 2001

JIMMIE D TUCKNESS
LA VON L TUCKNESS
1251 W 300 N
PAUL ID 83347

RE: Transfer No.: 66096 - Water Right 36-2110 - 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.

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

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

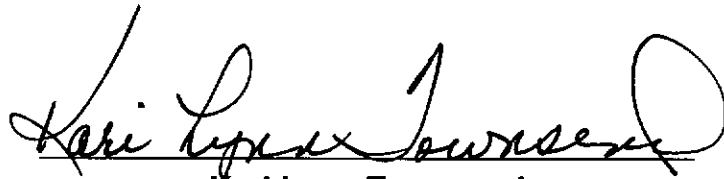
MICROFILMED
JAN 09 2002

CERTIFICATE OF MAILING

I hereby certify that on December 27, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 66096 - WATER RIGHT 36-2110

**JIMMIE D TUCKNESS
LA VON L TUCKNESS
1251 W 300 N
PAUL ID 83347**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
JAN 09 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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JAN 09 2002

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.

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JAN 09 2002

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5729/66096

DATE REVIEWED 12-26-2001

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

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

W/36-2110	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)		(Unchanged)	(Changed)
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 3-15 to 11-15 Standard Volume 4.0 / 3.0

- (1) ☒ Priority (2) ☒ Use (3) 3 Season/W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) ☒ P/D (8) 8 P/U (9) ☒ Proof/Owner (10) ☒ Map
 (11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
 Magic Valley GW Dist. per Amended + Partial Decree
 WM/Rcvd _____

- (3) Retain Season 3-15 to 11-15 per Amended Partial Decree + standard.
 (8) Change P/U - Shift 77 acres from S $\frac{1}{2}$ SE to N $\frac{1}{2}$ SW.

Conditions/Remarks 067, R64, T07, T08, T19

WRs for Update Comments — NA —

Database Updated to Reflect Final Action 12-26-2001 38

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

James D. Duckress

TRANSFER NO.

5729

1. Right number(s)

36-02110

66096

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: _____

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: None apparent

5729/66096

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

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) _____

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

INITIAL ALLOCATION REVIEW BY TF DATE _____
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT ☒ Yes 6/13/00

2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 6/12/00

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: 7/17/00

4. By AC Date 7/17/00

JUL 1951

Department of Water Resources

DATE: July 17, 2000

Water Right(s): 36-02110 36-02060
36-02558

JAN 09 2002

T 5729

36-02110

[illegible]

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and is a legal clerk of the South Idaho Press, a newspaper published at Burley, Idaho, in the county aforesaid. The paper is of general circulation therein. Deponent that the printed notice attached hereto was published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated June 19, 2000, and ending with the issue dated June 26, 2000.

Ruth Anne Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 26th day of June in the year of 2000, me, a Notary Public, personally appeared Ruth Holmes, identified to me to be the person whose name is subscribed within instrument, and being by me first duly sworn, the statements therein are true, and acknowledged executed the same.

Hay Moore
Notary Public for Idaho

Residing at: Paul, Idaho

My commission expires

Cost of Publication 103.68

Affidavit Fee 5.00

Total Cost 108.68

MICROFILMED

JAN 09 2002

00-213

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHTS**

Notice is hereby given that three (3) applications have been filed with the Department of Water Resources for changes to water rights within Minidoka County as described below.

Transfer No. 5737 by ACME Dairy, PO Box 189; OAKLEY ID 83346 involve Right No. 45-02434 (2.50 cfs) recorded with priority date of 01/27/1953 and Right No. A45-012909 (0.27 cfs) recorded with priority date of 04/01/1961 diverted within SENE, S8 for irrigation of a 195 acre permissible place of use within a 218.8 acre farm in Sections 5 & 8. The applicants propose to divert a combined total of 0.32 cfs from an existing well within NWSW, S32 and convert portions of the rights to year round stockwater/commercial uses within NESW, S31. Dairy wastes will be land applied within S1/2NE1/4 and SE1/4, S31. Designated Right No. 45-02434B (0.34 cfs) and Designated Right No. A45-12909B (0.03 cfs) will involve drying up 28.0 irrigated acres within NWSE, S05 & E1/2NE1/4, S08, all T13S, R22E; Cassia County. The remaining portions, Designated Right No. 45-02434A (2.18 cfs) and Designated Right No. A45-12909A (0.24 cfs) will continue to be used for irrigation at the original sites.

Transfer No. 5729 by Jimmie D. &/or LaVon Tuckness, 1251 W 300 N; PAUL ID 83347 involves Right No. 36-02110 recorded with a priority date of 02/20/1951 is authorized for diversion of 3.08 cfs from ground water within SESW for irrigation of 164 acres within S1/2, all S16. The applicants have swapped 77 acres of land with Triple Ace, Inc., and propose to change the place of use for 154 irrigated acres to SW, S16; all T09S, R22E. A pivot system will be installed for greater irrigation efficiency and diversion of 3.08 cfs from the same existing point of diversion listed above.

Transfer No. 5738 by Triple Ace, Inc. 1800 2nd Street HEYBURN ID 83336 involving Right No X36-02060 (4.42 cfs) recorded with a priority date of 02/03/1948 and Right No. X36-02558 (3.08 cfs) recorded with a priority date of 12/14/1962 have diversions within NWNE, NENW, NESW for irrigation of 459 acres; all S16. The applicants have swapped 77 acres of land with Jimmie &/or LaVon Tuckness and propose to change the place of use for 459 irrigated acres to SE1/4 & N1/2, S16; all T09S, R22E. A pivot system will be installed for greater irrigation efficiency and diversion of a combined total of 7.50 cfs from the same three (3) existing points of diversion listed above.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St. Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before July 7, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest.) The protestant must also send a copy of the protest to the applicant.

/s/ Karl J. Dreher, Director

Published in the South Idaho Press on June 19 and 26, 2000.

RECEIVED
JUN 28 2000
Department of Water Resources
Southern Region

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Karl J. Dreher, Director

Published in the South Idaho Press on 06/19 & 06/26/00.

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JAN 09 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

June 13, 2000

ATTN LEGALS DEPT
SOUTH IDAHO PRESS
230 E MAIN ST
BURLEY ID 83318

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin

Administrative Assistant

Enclosure

MICROFILMED

JAN 09 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2000

RECEIVED

APR 26 2000

Department of Water Resources
Southern Region

Jimmie and LaVon Tuckness
1251 West 300 North
Paul, Idaho 83347

Re: Transfer of Water Right No. 36-02110 - Jimmie and LaVon Tuckness

Dear Jimmie and LaVon:

Enclosed is a copy of the transfer I filed with the office this morning. It has been receipted (your copy also enclosed) and forwarded to the Southern Regional office for processing. Once completed, you will receive some paperwork showing the decision of the agency and, if approved, any conditions. The format will be a little different than the form it was prepared on, but the information should be the same.

As you know, I have left the paperwork for Triple Ace, Inc., Russell Patterson, to forward to the region for processing. Since the two transfers record a land swap, they must be processed simultaneously. Hopefully, he will get the attachments together and send it in soon.

Let me know if you have any concerns or questions.

Hope all goes well this year in the farming industry.

Sincerely,

Rita I. Fleck
Administrative Assistant
Director's Office

Enclosures - 2

c: IDWR - Southern Region
Donald J. Chisholm, Attorney at Law

MICROFILMED

JAN 09 2002

T # 5729

Donald J. Chisholm

Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone (208) 678-9181
Fax: (208) 678-4998

RECEIVED**APR 24 2000**

Department of Water Resources

October 4, 1999

RECEIVED**OCT 05 1999**Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301

Re: Jimmie D. Tuckness - Triple Ace, Inc. - Exchange of Properties
and Exchange of Points of Diversion and/or Beneficial Use

Dear Sir or Madam:

Mr. and Mrs. Jimmie D. Tuckness and Triple Ace, Inc. wish to exchange eighty (80) acre parcels in the South Half of Section 16, Township 9 South, Range 22 East of the Boise Meridian in Minidoka County, Idaho.

Triple Ace, Inc. owns the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$. Jimmie Tuckness owns the S $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$. In the exchange, Tuckness' will acquire the N $\frac{1}{2}$ SW $\frac{1}{4}$, so they will own the entire SW $\frac{1}{4}$. Triple Ace, Inc. will acquire the S $\frac{1}{2}$ SE $\frac{1}{4}$, so Triple Ace, Inc. will own all of the SE $\frac{1}{4}$.

Tucknesses have a well in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ which they wish to use to water the entire SW $\frac{1}{4}$. Triple Ace, Inc. has a well in the located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ which it wishes to retain to water all of the SE $\frac{1}{4}$ and other property it owns in NE $\frac{1}{4}$ of Section 16 after the exchange has been completed.

I am enclosing a copy of the agreement the parties are signing. The copy contains the exact legal descriptions of the properties being exchanged. I did not have the water license numbers for the existing wells. I would appreciate your advising me of the steps required to accomplish the objectives of the parties with respect to their water rights on the parcels which are being relinquished and the parcels which are being acquired in the exchange.

Very truly yours,



Donald J. Chisholm

lac

cc: Jimmie D. Tuckness
Enclosure

MICROFILMED

JAN 03 2002

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