

Form 222
1-87

RECEIVED

MAY 13 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern RegionName of Applicant Mickelsen Properties, LLC Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes Land formerly owned by Everett T. Acor, Jr., Kurt Acor and Cannon-Shelley Property Limited Partnership has been conveyed to applicant. Water Rights records need to be revised to reflect actual practice and to permit more efficient use.

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>34-13659</u>	<u>June 1, 1889</u>	<u>0.97cfs</u>	<u>Irrigation</u>	<u>05/1 to 10/15</u>
•	<u>34-13661</u>	<u>June 1, 1896</u>	<u>1.00 cfs</u>	<u>Irrigation</u>	<u>05/1 to 10/15</u>
•	<u>34-618</u>	<u>Sept. 1, 1884</u>	<u>3.20 cfs</u>	<u>Irrigation</u>	<u>05/1 to 10/15</u>
•	<u>34-2330B</u>	<u>June 1, 1977</u>	<u>1.75 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
✓	<u>34-13663</u>	<u>April 6, 1982</u>	<u>1.93 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
	<u>34-7077</u>	<u>Sept. 5, 1974</u>	<u>8.00 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7080B</u>	<u>Sept. 23, 1974</u>	<u>5.33 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7092</u>	<u>Jan. 14, 1975</u>	<u>12.00 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7120</u>	<u>Dec. 17, 1975</u>	<u>1.20 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7121A</u>	<u>Jan. 9, 1976</u>	<u>0.46 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7121B</u>	<u>Jan. 9, 1976</u>	<u>3.74 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-7179</u>	<u>April 6, 1982</u>	<u>2.78 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>
•	<u>34-12376</u>	<u>June 1, 1977</u>	<u>1.25 cfs</u>	<u>Irrigation</u>	<u>04/15 to 10/15</u>

2. Total amount of water being transferred 43.61 cubic feet per second and/or 7,434 acre-feet per annum.
3. Source of water For rights nos. 34-13659, 34-13661 and 34-618, the source is the Big Lost River which is tributary to Sinks. For all other rights, the source is groundwater.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte	MOORE DIVERSION FOR 34-13659, 34-13661 AND 34-618
	SE	NW	SE	29	5N	26E	Butte	HAROLD BABCOCK WELL FOR 34-2330B AND 34-12376
	SW	SE	NE	32	5N	26E	Butte	* North McAfee well, South McAfee well, North Neiderer well (north Neiderer well will be abandoned) and "Dad's Place" well for 34-13663, 34-7080B, 34-7092, 34-7121A, 34-7121B and 34-7179
	SE	SW	NE	32			Act GPS	

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SE NW SE 32 AST OPS

	SW	NE	SE	32	5N	26E	Butte	*(See above)
3	NE	NE	NW	5	4N	26E	Butte	*(See above)
2	NE	NW	NE	4	4N	26E	Butte	*(See above)
	<u>SW</u> NW	NW	NW	21	5N	26E	Butte	BURNETT WELL FOR 34-7077 AND 34-7120

5. Lands irrigated or place of use: **FOR ALL RIGHTS EXCEPT 34-618:**

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	25E	12	39	40	40	39	40	40	40	40	31	32	31	32	39	40	36	36	595
3N	26E	17	11	25			37	39	13	5									130
		18	35	39	36	25	38	26	37	40	17	10				2			305
4N	25E	35	40	40	40	40									40	40	40	40	320
		36	38	40	40	39	40	40	40	40	40	40	40	40	39	40	40	39	635

Total Acres 1985

Lands irrigated or place of use for 34-618 and 34-7179:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	4	35	36	36	32													139

Total Acres 139 ACRES FOR 34-618
1,985 PLUS 139 = 2124 ACRES FOR 34-7179

6. General Information:

- Description of diversion system All water from Big Lost River and wells is transported to and introduced into the Timberdome Canal Company system and thence to the places of use.
- 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. **See enclosed notarized statement from Farm Credit Services**
- Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
There will be no effect.
- Remarks:
Cannon-Shelley Property Limited Partnership purchased 1,665 acres of this land from Acors in 1999 and entered into an agreement for division of water rights and related property rights, a copy of which is attached hereto. Applications for transfer were filed on behalf of Acors and Cannons and were assigned numbers 67029 (formerly 5609) and 67031 (formerly 5611). A third application for transfer was filed by Cannon-Shelley Property

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Limited Partnership to make some changes in the points of diversion in February of 2003. None of these three applications has been processed by IDWR and all have now been withdrawn by the new owner, Mickelsen Properties, LLC. Mickelsen Properties, LLC succeeded to all of the rights of Cannon-Shelley Property Limited Partnership under the Agreement for Division of Water Rights and Related Property Rights, a copy of which is attached hereto. In addition, Mickelsen Properties, LLC has succeeded to all of the rights of Cannon-Shelley Property Limited Partnership under the terms of a well use agreement between Cannon-Shelley Property Limited Partnership and Harold and Marjorie Babcock, a copy of which is attached hereto. Finally, we need to point out that in 1999 when Cannon-Shelley Property Limited Partnership purchased the Acor land, there was a proposal for Cannon-Shelley Property Limited Partnership to later purchase 360 acres from Kurt Acor (formerly referred to as the Burnett place). Cannon never purchased that land, but Mickelsen Properties, LLC has purchased 320 of the 360 acres from Kurt Acor. The other 40 acres was purchased by Mitchell D. Sorensen who agreed with Kurt Acor that the only water right which would be appurtenant to the 40 acres purchased by Sorensen was 0.8 cfs of water right number 34-7120. See attached documents regarding the purchase by Sorensen of said 40 acres from Kurt Acor. Mickelsen Properties, LLC has also purchased 139 acres from Acors, also known as "Dad's place". A copy of that deed is also attached.

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 _____, 2004.

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04/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13659

WATER RIGHT NUMBER: 34-13659

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138
Original Owner	G A HODGES , ID
Original Owner	SHERMAN F FUREY SR MAY, ID

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01	10/15	0.970 CFS	
	<u>Total Diversion:</u>		0.970 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4SE1/4SE1/4	Sec. 4,	Twp 05N,	Rge 26E, B.M.
BUTTE 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	
05N	26E	28											7.0	36.0					43.0

Total Acres: 43

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR.

Remarks:

(Handwritten signature)
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13659

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-02330B AND 34-13661.
USE OF THIS RIGHT WITH RIGHT NO. 34-13661 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL
3. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-256.

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date: 11/16/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2277
Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	8087.5	
Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376 , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		2307
Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13661

WATER RIGHT NUMBER: 34-13661

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BURTON HANEY
	, ZZ
Original Owner	IDA M KERN
	, ID
Original Owner	ELISA HANEY
	, ID
Original Owner	ELLA M HANEY
	, ID
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 06/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4SE1/4SE1/4	Sec. 4,	Twp 05N,	Rge 26E, B.M.
BUTTE County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
05N	26E	28	NE	NW	SW	SE	43.0
					7.0	36.0	

Total Acres: 43

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13661

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-02330B AND 34-13659.
USE OF THIS RIGHT WITH RIGHT NO. 34-13659 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL
3. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-00416.

Comments:

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04/26/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-618

WATER RIGHT NUMBER: 34-618

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	B A PEARSON
	, ID
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 09/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	to 10/15	3.200 CFS	
	<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER

BUTTE County


 NE1/4SE1/4SE1/4

Sec. 4, Twp 05N, Rge 26E, B.M.

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	
04N	26E	4	35.0	36.0	36.0	32.0													139.0
			L 1	L 2															

Total Acres: 139

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-618

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-02330B, 34-00692C, 34-13659 AND 34-13661.
2. Explanatory WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL

Comments:

1. VERNER 5/6/1992 NOTICE OF ERROR-SEE R34-02330B
Comment:

2. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:

3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 7/15/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

2277

Combined Use Limits:

Rate	Volume	Acres
		2307

Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663

Rate	Volume	Acres
		2277

Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2330B

WATER RIGHT NUMBER: 34-2330B

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138
Original Owner	CARL J RINDFLEISCH MOORE, ID

Priority Date: 06/01/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.750 CFS	
	<u>Total Diversion:</u>	1.750 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 29, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0				2.0			305.0
04N	25E	35	40.0	40.0	40.0	40.0					20.0			20.0	40.0	40.0	40.0	40.0	360.0
04N	25E	36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 2025

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2330B

Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
3. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120.
2. Explanatory WATER DELIVERED THROUGH THE MOORE AND TIMBERDOME CANALS. RIGHT NOS. 34-02330A, 34-12376 AND 34-12377 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 122.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. KEEN 5/22/1992 DELETED PRIORITY CHANGE REMARK.
Comment:

2. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:

3. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, MODIFIED ENTRY FOR KENT W FOSTER

4. CFRITSCH 7/22/1997 COPIED FROM REMARKS
Comment: WATER DELIVERED THROUGH THE MOORE AND TIMBERDOME CANALS. RIGHT NOS. 34-02330A, 34-12376 AND 34-12377 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 122.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-00256 AND 34-00416. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120. 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

5. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13663

WATER RIGHT NUMBER: 34-13663

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JESSE W JENSEN
	MOORE, ID 83255
Original Owner	CHESTER EDWIN HARPER
	MOORE, ID 83255
Original Owner	ALBERT B PEARSON
	MOORE, ID
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138
Original Owner	LLOYD A BINGHAM RT 1 BOX 21 MOORE, ID 83255 (208)554-3203

Priority Date: 04/06/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.930 CFS	381.50 AF
	<u>Total Diversion:</u>	1.930 CFS	381.50 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SW1/4	Sec. 28, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-13663

03N 26E 17	11.0	25.0			37.0	39.0	13.0	5.0										130.0
03N 26E 18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0					305.0
04N 25E 35	40.0	40.0	40.0	40.0					20.0			20.0	40.0	40.0	40.0	40.0		360.0
04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0		635.0
04N 26E 9					35.0	35.0												70.0
05N 26E 28										7.0	36.0							43.0

Total Acres: 2138

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
3. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 7968.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-02330B, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-02330B, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 109 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory RIGHT NOS. 34-02426A, 34-02426B AND 34-13664 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH WESTSIDE AND TIMBERDOME CANALS.
4. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 34-002426C.

Comments:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7077 V2

WATER RIGHT NUMBER: 34-7077 V2

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BOYD B BURNETT RT 1 BOX 5 MOORE, ID 83255 (208)554-4943
Current Owner	KURT P ACOR PO BOX 63C MOORE, ID 83255 (208)527-3528
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION PO BOX 656 ARCO, ID 83213

Priority Date: 09/05/1974

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	8.000 CFS	
	<u>Total Diversion:</u>	8.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NW1/4	Sec. 21, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7077 V2

04N 25E 35	40.0	40.0	40.0	40.0					20.0		20.0	40.0	40.0	40.0	40.0	360.0
04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-02330B, AND 34-07120.
THIS RIGHT AND RIGHT NO. 34-07120 ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 9.26 CFS.
2. Explanatory RIGHT NO. 34-07120 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH THE TIMBER DOME CANAL.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-02330B, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. MCCARTHY 5/10/1992 REMARKS CHANGED
Comment: CHANGES PER LYNN K-H.
2. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, ADDED ATTORNEY KENT W FOSTER
3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSS IN DELIVERY OF THIS RIGHT AND ALL OF THE RIGHTS LISTED PREVIOUSLY.
4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

8.46

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7080B

WATER RIGHT NUMBER: 34-7080B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	THOMAS J PERKES RT 1 BOX 50A MOORE, ID 83255 (208)527-3316
Original Owner	JOHN E MC AFFEE RT 1 BOX 26 ARCO, ID 83213
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 09/23/1974

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	5.330 CFS	
	<u>Total Diversion:</u>	5.330 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0				2.0			305.0
04N	25E	35	40.0	40.0	40.0	40.0					20.0			20.0	40.0	40.0	40.0	40.0	360.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7080B

04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0
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Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-02330B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120.
2. Explanatory RIGHT NO. 34-07121A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH THE TIMBER DOME CANAL.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-02330B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 286 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK

Comment:

2. CFRITSCH 7/23/1997 COPIED FROM REMARKS

Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

3. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. pskaggs 10/8/2002 11:07:28 AM Water Right

Comment: This water right record was updated by decree record from old RightID 29004 to new RightID 372095

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7092

WATER RIGHT NUMBER: 34-7092

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	GRANT DANIELS HC 30 MOORE, ID 83255
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 01/14/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	12.000 CFS	
<u>Total Diversion:</u>		12.000 CFS	

Location of Point(s) of Diversion

GROUND WATER L3 (NE1/4NE1/4NW1/4) Sec. 5, Twp 04N, Rge 26E, B.M.
BUTTE 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		
04N	25E	36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 635

Conditions of Approval:

1. C18 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.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7092

2. M04 A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks:

1. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T04N, R26E, S05, LOT 3, (NENENW).
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663 34-07080B, 34-07121A, 34-07121B, 34-02330B, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.
3. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-02330B, 34-07179, 34-07077, AND 34-07120.
4. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
5. Explanatory WATER DELIVERED THROUGH THE TIMBER DOME CANAL.

Comments:

1. CARLSON 5/10/1992 ADDED COND. M04
Comment:

2. BAUMHOFF 5/22/1992 ADDED REMARK D03
Comment:

3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7120 V2

WATER RIGHT NUMBER: 34-7120 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KURT P ACOR PO BOX 63C MOORE, ID 83255 (208)527-3528
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION PO BOX 656 ARCO, ID 83213
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	BOYD B BURNETT RT 1 BOX 5 MOORE, ID 83255 (208)554-4943

Priority Date: 12/17/1975

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NW1/4 Sec. 21, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7120 V2

04N 25E 35	40.0	40.0	40.0	40.0		20.0	20.0	40.0	40.0	40.0	40.0	360.0		
04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-02330B.
THIS RIGHT AND RIGHT NO. 34-07077 ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 9.26 CFS.
2. Explanatory RIGHT NO. 34-07077 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH THE TIMBER DOME CANAL.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-02330B, 34-00618, 34-00692C, 34-13659 AND 34-13661.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 180 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:

2. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, ADDED ATTORNEY KENT W FOSTER

3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7121A

WATER RIGHT NUMBER: 34-7121A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN E MC AFFEE
	DARLINGTON, ID 83231
Current Owner	EVERETT T ACOR JR
	3196 N YELLOWSTONE HWY
	IDAHO FALLS, ID 83401
	(208)524-5138

Priority Date: 01/09/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.460 CFS	
	<u>Total Diversion:</u>	0.460 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12					40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0					286.0

Total Acres: 286

Conditions of Approval:

- C18 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.

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-02330B, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7121A

2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Explanatory RIGHT NO. 34-07080B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH THE TIMBER DOME CANAL.
4. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-02330B, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK

Comment:

2. DSHAW 5/24/1995 ADDRESS CORRECTION

Comment: DATA ENTRY ON 11/17/92 WAS AN ADDRESS CORRECTION

3. CFRITSCH 7/23/1997 COPIED FROM REMARKS

Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED. POU THE PLACE OF USE OF THIS RIGHT WAS CHANGED TO MATCH THE POU FOUND IN THE FIELD EXAM THAT WAS CONDUCTED 10-03-1990 AND THE LICENSE THAT WAS ISSUED 07-29-1994. CONDITION CODES A01 AND C05 WERE DELETED.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

5. pskaggs 10/8/2002 11:22:08 AM Water Right

Comment: This water right record was updated by decree record from old RightID 99857 to new RightID 372097

Dates and Other Information:

Licensed Date:

Decreed Date: 7/15/2002

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7121A

Rate Volume Acres
2307

Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663

Rate Volume Acres
8087.5

Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376 , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659

Rate Volume Acres
8087.5

Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13663

Rate Volume Acres
2277

Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	3/22/2002 8:58:50 AM	cfritsch	Edited shape boundary

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7121B

WATER RIGHT NUMBER: 34-7121B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN E MC AFFEE RT 1 BOX 26 ARCO, ID 83213
Original Owner	CLYDE MC AFFEE MOORE, ID 83255
Original Owner	BERT H HANSEN S HOLMES RD IDAHO FALLS, ID 83401
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 01/09/1976

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.740 CFS	
	<u>Total Diversion:</u>	3.740 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NE1/4 Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7121B

04N 25E 35	40.0	40.0	40.0	40.0					20.0		20.0	40.0	40.0	40.0	40.0	360.0	
04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-02330B, 34-07092, 34-07179, 34-07077, AND 34-07120.
2. Explanatory WATER DELIVERED THROUGH THE TIMBER DOME CANAL.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-02330B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 316 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:
2. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, MODIFIED ENTRY FOR ATTORNEY KENT W FOSTER
3. CFRITSCH 7/22/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.
4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. pskaggs 10/8/2002 11:49:27 AM Water Right
Comment: This water right record was updated by decree record from old RightID 29049 to new RightID 372052

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7179

WATER RIGHT NUMBER: 34-7179

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 04/06/1982

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.780 CFS	
	<u>Total Diversion:</u>	2.780 CFS	

Location of Point(s) of Diversion

GROUND WATER L2 (NE1/4NW1/4NE1/4) Sec. 4, Twp 04N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0
04N	25E	35	40.0	40.0	40.0	40.0					20.0			20.0	40.0	40.0	40.0	40.0	360.0
04N	25E	36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0
04N	26E	4	35.0	36.0	36.0	32.0													139.0
			L 1	L 2															

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7179

05N 26E 33	14.0	36.0					50.0
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Total Acres: 2214

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
3. C18 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.

Remarks:

1. Explanatory RIGHT NO. 34-07201 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
WATER DELIVERED THROUGH WEST-SIDE WEST CANAL TO TIMBERDOME CANAL.
2. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13659, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, AND 34-07120.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:

2. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, MODIFIED ENTRY FOR ATTORNEY KENT W FOSTER

3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7179

Dates and Other Information:

Licensed Date:
 Decreed Date: 11/24/2000
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	8087.5	

Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-7080B ,
 34-7121A , 34-7092 , 34-7179 , 34-13663

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	2277	

Combined Water Rights: 34-2330B , 34-7121B , 34-12376 , 34-618 , 34-692C ,
 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 , 34-13661 , 34-13663

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	2307	

Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376
 , 34-618 , 34-692C , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659 ,
 34-13661 , 34-13663

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	8087.5	

Combined Water Rights: 34-7077 , 34-7120 , 34-2330B , 34-7121B , 34-12376
 , 34-7080B , 34-7121A , 34-7092 , 34-7179 , 34-13659

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12376

WATER RIGHT NUMBER: 34-12376

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 1000 RIVER WALK DR STE 200 PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Current Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 06/01/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.250 CFS	
<u>Total Diversion:</u>		1.250 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 29, Twp 05N, Rge 26E, B.M.
BUTTE 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0
04N	25E	35	40.0	40.0	40.0	40.0					20.0			20.0	40.0	40.0	40.0	40.0	360.0
04N	25E	36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0

Total Acres: 2025

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-12376Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
3. C18 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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-02330B, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-07120.
2. Explanatory RIGHT NOS. 34-02330A, 34-02330B AND 34-12377 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. WATER DELIVERED THROUGH THE MOORE AND TIMBERDOME CANALS.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02330B, 34-013663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-07120, 34-00618, 34-00692C, 34-13659 AND 34-13661. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 87.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. KEEN 5/22/1992 DELETED CHANGE IN PRIORITY REMARK.

Comment:

2. BAUMHOFF 5/22/1992 ADDED D03 REMARK

Comment:

3. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)

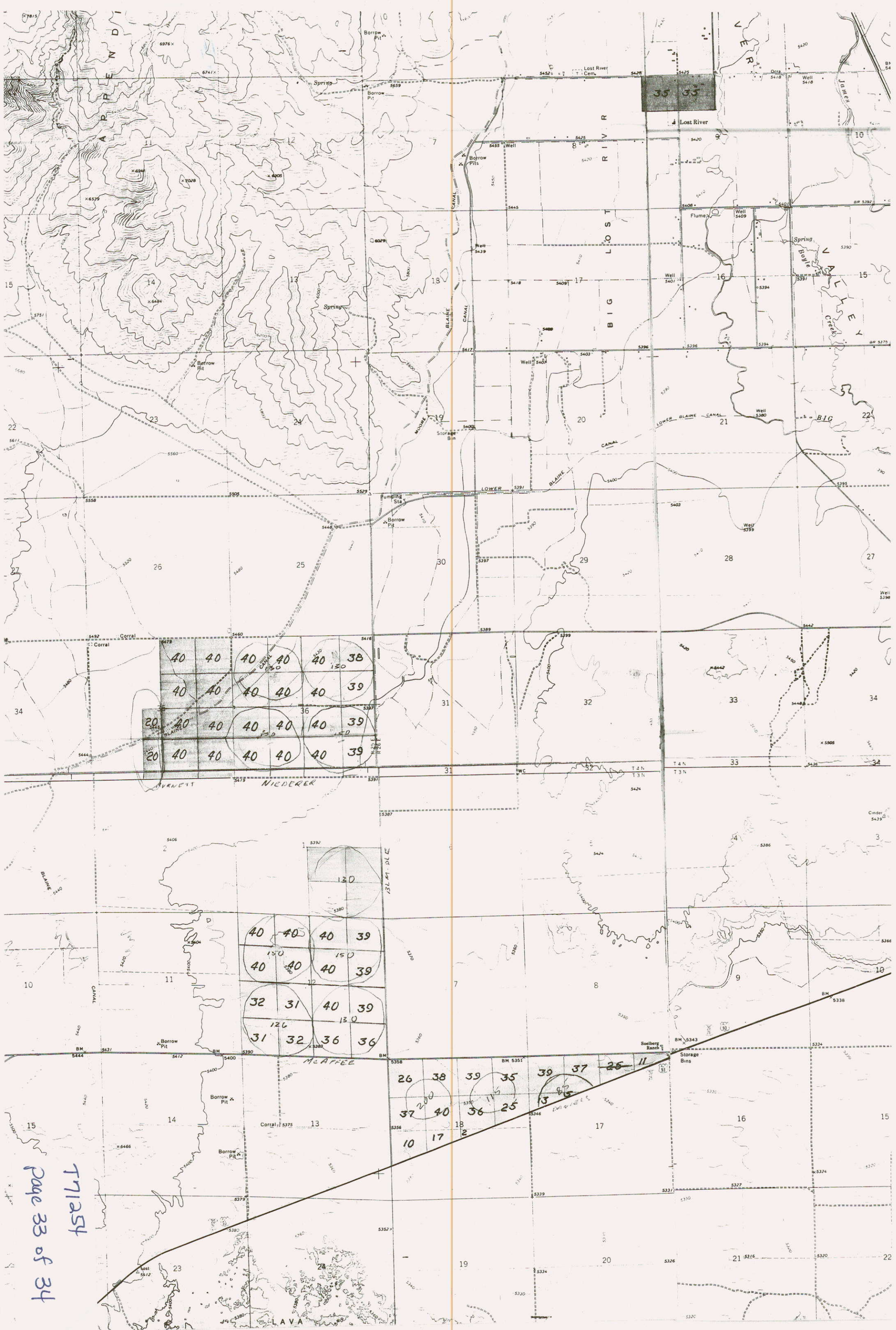
Comment: PER NOA REC'D 1/24/94, MODIFIED ENTRY FOR ATTORNEY KENT W FOSTER

4. CFRITSCH 7/23/1997 COPIED FROM REMARKS

Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.

5. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.



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T71254

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> |
|----|--|------------------------------|------------------------|----------------------|
| | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ to _____ |
| 2. | Quantity and quality of return flows and location of discharge: | | | |
| | <u>No return flows</u> | | | |
| | _____ | | | |
| | _____ | | | |
| 3. | Describe effects on other water uses resulting from the proposed change: | | | |
| | <u>There will be no effect on other water uses.</u> | | | |
| | _____ | | | |

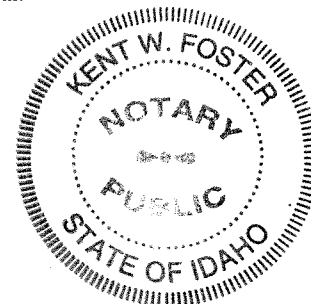
I hereby asset that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Mark Mickelsen
Mark Mickelsen, Managing Member
Mickelsen Properties, LLC

Subscribed and sworn to before me this 27th day of April, 2004.

Notary Public
Residing at: DAHO FALLS
My Commission Expires 11/20/2004

**FOR DEPARTMENT USE ONLY**

Transfer contains 34 pages and 22 attachments

Received by 5/13/04 Date _____ Protest filed by _____

Prelim. check by DC Fee 1490 2029

Received by _____ Date _____

Received by _____ Date _____
Published in Arco Advertiser, Post Register, Times News, ID Statesman, Lewiston Tribune
Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

rec'd by

Copy of transfer sent to lien holder _____

AGREEMENT FOR DIVISION OF WATER RIGHTS AND RELATED PROPERTY RIGHTS

This agreement is made and entered into as of the 21st day of September, 1999, by and between EVERETT T. ACOR, JR. and EYLEEN P. ACOR, husband and wife, and KURT P. ACOR and CORALEE ACOR, husband and wife, and DARYN P. ACOR and SHANNA A. ACOR, husband and wife, herein collectively referred to as "Sellers", and CANNON SHELLEY LIMITED PARTNERSHIP, an Idaho limited partnership having as general partners Alan N. Cannon, Jr. and Katherine B. Cannon, husband and wife, and Seth Alan Cannon herein referred to as "Buyer", witnesseth:

Explanatory Recitals:

1. By separate agreements and documents which have been and will be executed by the parties, Sellers have agreed to sell to Buyer and Buyer have agreed to purchase from Sellers, certain farms located in the Big Lost River Valley, and known to the parties as the "Soelberg Place", the "Daniels Place", the "McAfee Place", the "Niederer Place" and the "Burnett Place" pursuant to the terms and conditions provided in said separate agreements and documents.

2. There are several water rights appurtenant to said farms and to farms being retained by Sellers, all of which have been and still are subject to a general adjudication proceeding being conducted by Idaho Department of Water Resources (hereafter IDWR) and the Fifth Judicial District Court in Twin Falls, Idaho, in civil Case No. 39576, which proceeding has been designated and is known as the "Snake River Basin Adjudication Proceeding" (hereafter SRBA).

3. The processing which has taken place in the SRBA has reached a point where a special master, appointed by the SRBA court has filed with the court some "Special Master's Report and Recommendations", dated February, 1999, recommending to the SRBA court that a partial decree, describing the nature and extent of the elements of each of the water rights referenced therein, be awarded to the Sellers for the benefit and irrigation of the above referenced farms.

4. Each of the recommended partial decrees, except with respect to right no. 34-10028, which has been recommended for the "Soelberg Place", contains a reference that the water diverted pursuant to the water right described therein is to be used in some manner for the irrigation and benefit of 2.307 acres of land. The 2,307 acres of land is the acreage on each farm authorized by the recommended partial decrees to be irrigated with the combination of the several water rights. The 2,307 acres authorized to be irrigated is allocated among the several farms as follows:

Name of Farm	Number of Acres Authorized for Irrigation
Home place	73
Dad's place	139
Sorensen place	70
Burnett place	360
Niederer place	635
McAfee place	595
Daniels place	435
Total	2,307

2025

5. Pursuant to the referenced purchase and sale agreement, Buyer is acquiring title to the "Burnett", "Niederer", "McAfee" and "Daniels" places, containing 2,025 acres of the acreage authorized for irrigation, and Sellers are retaining the "Home", "Dad's" and "Sorensen" places, containing 282 of the authorized acres (except for 30 acres of the "Home Place" which was sold to Dexter Douglas in 1994 with 28.6 miners inches (.572 cfs) of right no. 34-02426C, 25 miners inches (.5 cfs) of right no. 34-00256, and 30 miners inches (.6 cfs) of right no. 34-00416, leaving 252 of the authorized acres which will actually be retained by Sellers). Buyer is also acquiring title to the "Soelberg place", which has water rights independent from the list of water rights which is appurtenant to the above described 2,307 acres. The recommended partial decrees for the "Soelberg place" include right no. 34-10028, a ground water right under which 4.36 cfs is diverted from a well located on the "Soelberg place", and which, when combined with right no. 34-10896, an enlargement right, is used for irrigation of 239 acres on the "Soelberg Place".

6. The water rights recommended for partial decree which reference the above described 2,307 acres include 4 surface water rights under which water is diverted from Big Lost River at the Moore diversion, and 10 ground water rights under which water is diverted from 8 wells in various locations in the Big Lost River Valley. The IDWR identification number, source, priority and amount of each such right is shown in the following chart:

ID Number	Source	Priority	Amount in cfs
34-00256	Big Lost River	June 1, 1889	1.472

34-00416	Big Lost River	June 1, 1896	1.600
34-00618	Big Lost River	September 1, 1884	3.200
34-00692C	Big Lost River	July 15, 1884	1.600
34-02330B	Groundwater	June 1, 1977	1.750
34-02426C	Groundwater	April 6, 1982	2.500
34-07077	Groundwater	September 5, 1974	8.000
34-07080B	Groundwater	September 23, 1974	5.330
34-07092	Groundwater	January 14, 1975	12.000
34-07120	Groundwater	December 17, 1975	2.000
34-07121A	Groundwater	January 9, 1976	0.460
34-07121B	Groundwater	January 9, 1976	3.740
34-07179	Groundwater	April 6, 1982	2.780
34-12376	Groundwater	June 1, 1977	1.250

7. The parties have agreed to divide the above listed water rights and other related property rights in connection with the sale and purchase of the referenced farms as provided hereafter.

Agreement:

In consideration of the referenced sale and purchase of farms by Sellers and Buyer, and the mutual covenants and promises herein set forth, the parties hereto agree as follows:

1. The above described water rights are to be divided between the Sellers and Buyer as follows:

a. Sellers shall retain:

Right Number	Portion
34-00692C	1.60 cfs
34-07179	2.78 cfs
34-02426C	0.67 cfs

b. Buyer is hereby acquiring:

34-13659
34-13661

Right Number	Portion
34-00256	0.972 cfs
34-00416	1.000 cfs
34-00618	3.200 cfs
34-02330B	1.750 cfs
34-02426C	1.258 cfs
34-07077	8.000 cfs
34-07080B	5.330 cfs
34-07092	12.000 cfs
34-07120	2.000 cfs
34-07121A	0.460 cfs
34-07121B	3.740 cfs
34-12376	1.250 cfs

c. In addition, Buyer is acquiring the "Soelberg place", with water rights nos. 34-10028 and 34-10896.

2. In addition to, and in connection with, the sale of the farms by Sellers to Buyer and the above described division of water rights, the Sellers hereby agree to transfer to Buyer, by the appropriate method of conveyance, whether deed, bill of sale, endorsement or assignment, the following:

a. 1.258 cfs of Right No. 34-02426C, the point of diversion for which shall be a well to be designated by Buyer and the formal transfer of which by IDWR is hereby consented to by Sellers.

b. Any and all rights of Sellers under that written or verbal well use agreement for the sharing of water diverted from the Harold Babcock well located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T5N, R26E.

c. Any and all leases or special use permits from the United States Bureau of Land Management for the location, operation, maintenance, inspection, repair, rehabilitation or replacement of the North and South McAfee wells, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ respectively of Section 32, T5N, R26E.

d. Any and all rights of Sellers in and to the wells water system and easement which are associated with the above referred to water rights to be received by Buyer, which are commonly referred to as the Niederer wells and which are located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T4N, R26E, Boise Meridian.

e. All shares of seller of the common stock of Timberdome Canal Company.

f. Any and all transport agreements with Big Lost River Irrigation District for the conveyance of water diverted from Big Lost River or from wells which inject water into the canal system of said canal district.

3. Sellers agree that any and all costs which may be due and owing in connection with the sharing of the Harold Babcock well, lease or other payments to the Bureau of Land Management, or assessments which may be due and owing to the Timberdome Canal Company or the Big Lost River Irrigation District shall be paid and brought current by Sellers in connection with the closing of the referenced land sale and water rights division transactions.

4. Sellers and Buyer hereby mutually consent to any transfer of any of the above described water rights or any portion thereof which may be required or recommended by IDWR in connection with carrying out the intent and the provisions of this agreement. In the event the parties are unsuccessful in obtaining the formal approval of IDWR for the contemplated changes in points of diversion or places of use of the above described water rights to accomplish the division of water rights as agreed herein, then, and in such event, the parties agree that said water rights shall be and remain appurtenant to the same Property for the irrigation of the above referenced several farms in accordance with the pertinent decree or decrees of court and the records and determinations of IDWR.

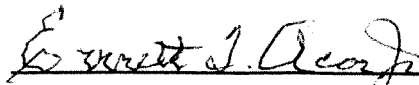
5. Sellers and Buyer agree that as soon as reasonably possible they shall take whatever action may reasonably be required in order to obtain the consent and approval of IDWR for the contemplated changes in points of diversion or places of use of the above described water rights to accomplish the division of water rights as agreed herein. Sellers and Buyer agree that Buyer shall pay the initial \$3,000.00 of the legal fees and costs incurred in connection with obtaining such approval from IDWR. Seller and Buyer shall each pay one-half of any additional fees and costs which may be incurred in connection with obtaining

such approval from IDWR. The legal fees incurred with Seller's attorney and the legal fees incurred with Buyer's attorney for such purpose shall be combined and Buyer shall pay the first \$3,000.00 of such costs and fees and then Seller and Buyer shall each pay one-half of the remaining balance.

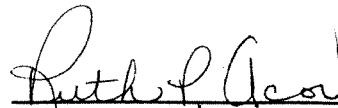
6. Simultaneous with the execution of this Agreement Buyer is entering into a Purchase and Sale Agreement with Kurt P. Acor and Coralee Acor to purchase what is known as the "Burnett Place". The division of the water rights referred to herein is based on the assumption that the sale of the Burnett Place to Buyer shall be completed. In the event such sale is not completed then the parties agree that the division of water rights referred to herein shall be modified so that Kurt P. Acor and Coralee Acor shall retain the appropriate water rights associated with the Burnett Place.

In witness whereof the parties have hereunto set their hands as the day of the first above written.

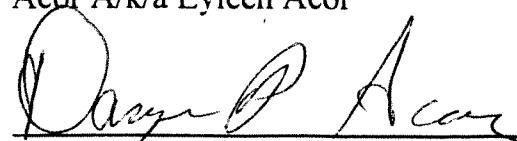
SELLER:



Everett T. Acor, Jr. A/k/a Everett T. "Bud" Acor, Jr.



Eyleen P. Acor A/k/a Ilene Acor A/k/a Ruth P. Acor A/k/a Eyleen Acor



Daryn P. Acor



Shanna A. Acor a/k/a Shanna Acor



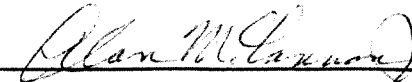
Kurt P. Acor



Coralee J. Acor

BUYER:

CANNON SHELLEY PROPERTY
LIMITED PARTNERSHIP



Alan M. Cannon, Jr., General Partner



Katherine B. Cannon, General Partner



Seth Alan Cannon, General Partner

G:\WPDATA\CA\115974\BUDTRGHT.AGR bc/jht

NO. 0039432
RECORDED

BT 19881A

MAY 23 2003

WARRANTY DEED

AM 3:10 PM
BUTTE COUNTY RECORDER

Shayla Moore
THIS INDENTURE is made this 23rd day of May, 2003, by CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP, an Idaho limited partnership having as its general partners Alan N. Cannon, Jr. and Katherine B. Cannon, husband and wife, and Seth Alan Cannon, the "Grantor", to MICKELSEN PROPERTIES, LLC, an Idaho limited liability company, whose mailing address is 1050 W. Riverwood Dr. LF, the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America; and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described real property in the County of Butte, State of Idaho, to-wit:

TRACT 1:

Township 3 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

Section 2: S $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 11: NW $\frac{1}{4}$ lying North of the State Highway

EXCEPTING THEREFROM THE FOLLOWING PROPERTY:

Beginning at a point 819.8 feet West of the NE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 11; thence South 1055 feet to the Northerly boundary line of Highway 93; thence South 70°07' West along the boundary line of said Highway 86.5 feet; thence North 1085.77 feet; thence East 81.4 feet to the point of beginning.

ALSO EXCEPTING THEREFROM: Beginning at a point on the North section line 254.5 feet East of the North $\frac{1}{4}$ corner of said Section 11, which is the point of beginning; running thence South 89°50' West 400 feet; thence

South 826.6 feet to the Northerly boundary line of State Highway 93; thence in a Northeasterly direction along a one degree curve on said Highway right-of-way 437.5 feet; thence North 649.1 feet to the point of beginning.

TRACT 2:

Township 3 North, Range 26 East of the Boise Meridian, Butte County, Idaho.

That portion of Section 17 and 18 lying North of the Arco-Carey Highway.

TRACT 3:

Township 3 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

Section 12: All

TRACT 4:

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

Section 36: All except the North 32 feet

TRACT 5:

A parcel of land generally described as a portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 25, Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho, being more particularly described as follows: Beginning at the Southeast corner of said Section 25; thence North 0°30'04" East, along the East boundary of said Section 25, a distance of 205.17 feet; thence North 89°39'08" West, parallel to the South boundary of said Section 25, a distance of 529.88 feet; thence South 56°00'23" West 363.69 feet to the South boundary of said Section 25; thence South 89°39'08" East, along the South boundary of said Section 25, a distance of 829.63 feet to the point of beginning, subject to a 43 foot wide county road right-of-way easement parallel to and along the East boundary thereof.

SUBJECT TO the following:

1. Liens of taxes and assessments not yet due and payable.

2 - Warranty Deed

2. Rights reserved in federal patents, state or railroad deeds.
3. All existing easements or claims of easements, rights-of-way, protective covenants, and other matters of record.
4. All zoning ordinances, any applicable building codes, laws and regulations.
5. All encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
6. Agreements for the providing of electrical power.

TOGETHER with all pumps, motors, electrical control panels, mainline, associated water rights, and irrigation equipment, including but not limited to:

12 Pivots
3 Wheelines

ALSO TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the property and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's successors shall warrant and defend the property in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the property as of the date hereof, subject to the matters set forth above.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

CANNON SHELLEY PROPERTY
LIMITED PARTNERSHIP

By: Alan N. Cannon
Alan N. Cannon, General Partner

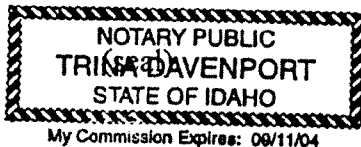
By: Katherine B. Cannon
Katherine B. Cannon, General
Partner

By: Seth A. Cannon
Seth Alan Cannon, General Partner

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23 day of May, 2003, before me the undersigned, a notary public in and for said State, personally appeared Alan N. Cannon, known or identified to me to be one of the general partners in the limited partnership of Cannon Shelley Property Limited Partnership, and the general partner or one of the general partners who subscribed said limited partnership name to the foregoing instrument, and acknowledged to me that such general partner executed the same in said limited partnership name.

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



Tina Davenport
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 9/11/2004

DEC 28 1999

10:30 AM
BUTTE COUNTY RECORDER
Sally Moore

WELL USE AGREEMENT

This agreement is made and entered into this 24th day of September, 1999, by and between HAROLD BABCOCK and MARJORIE BABCOCK, his wife, of Butte County, Idaho, hereinafter referred to as **FIRST PARTY** and CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP, an Idaho Limited Partnership Having As Its General Partners Alan M. Cannon Jr. and Katherine B. Cannon, husband and wife and Seth Alan Cannon, of Bingham County, Idaho, hereinafter referred to as **SECOND PARTY**,

WITNESSETH

That for and in consideration of the mutual covenants and agreements herein set forth, the parties hereto agree as follows:

1. **FIRST PARTY** is the record owner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, T5N R26E, BM upon which an irrigation well, together with the pump, motor, electrical panel and other necessary and attendant equipment and facilities essential for diverting ground water and introducing the same into the delivery facilities, is located. Water has for many years been diverted from said well pursuant to water rights nos. 34-02230A and 34-12377, held by **FIRST PARTY**, and nos. 34-02330B and 34-12376, previously held by Everett T. Acor, Jr., and Eyleen Acor, his wife, and used for irrigation purposes by **FIRST PARTY** and the Acors on their respective farms. **SECOND PARTY** has purchased the interests of Acors and the parties hereto have agreed to restate, in writing, their relationship with respect to the operation, maintenance, inspection, repair, rehabilitation and replacement of said well and the attendant facilities and equipment.

2. **FIRST PARTY** hereby formally grants to **SECOND PARTY** a right-of-way and easement for access to the referenced well and facilities for the above described purposes and for the existing facilities for delivery of water under rights nos. 34-02330B and 34-12376 into the Moore Canal, and the operation, maintenance, inspection, repair, rehabilitation and replacement of the same.

3. The parties agree to share any and all electrical costs for operation of the motor and pump by means of which water is diverted from said well, on the basis of the amount of water diverted by and for the use of either party. Any and all rebates or credits from the supplier of electrical power for operation of the pump and motor shall be shared equally, as well as all costs of operation, maintenance, inspection, repair, rehabilitation and replacement of the well or any of the common equipment and facilities attendant thereto and used in connection therewith. It is understood that the bills or invoices from the electrical power provider presently come directly to **FIRST PARTY**, and upon receipt by **SECOND PARTY** of a legible copy thereof, together with a brief written division of the amount in accordance

with the power used by each, at **SECOND PARTY**'s address (707 East 1500 North, Shelley, Idaho 83274), **SECOND PARTY** shall pay **SECOND PARTY**'s proportionate share to the power provider forthwith. The parties agree to consult one another and to arrive at a mutual decision with respect to all other costs in advance of incurring any such.

4. Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney's fee, including such fees on appeal, which the offended party may incur in enforcing this agreement or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.

5. This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

Harold Babcock
Harold Babcock

Marjorie Babcock
Marjorie Babcock
FIRST PARTY

CANNON SHELLEY PROPERTY
LIMITED PARTNERSHIP

Alan M. Cannon, Jr.
Alan M. Cannon, Jr., General Partner

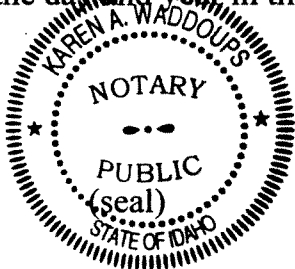
Katherine B. Cannon
Katherine B. Cannon, General Partner

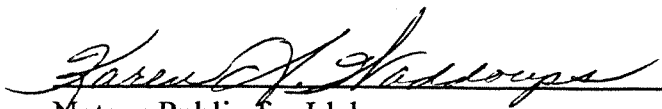
Seth A. Cannon
Seth Alan Cannon, General Partner
SECOND PARTY

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23 day of ~~September~~ ^{November}, 1999, before me, the undersigned, a notary public in and for said State, personally appeared **HAROLD BABCOCK**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



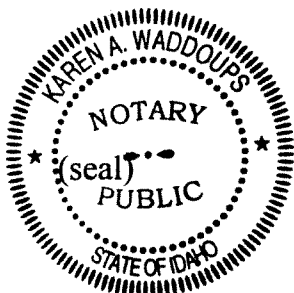

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires:

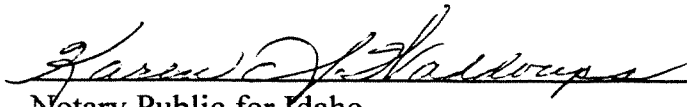
NOTARY PUBLIC COMMISSION EXPIRES
SEPTEMBER 1, 2003
BONDED BY THE NOTARY PUBLIC UNDERWRITERS

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23 day of ~~September~~ ^{November}, 1999, before me, the undersigned, a notary public in and for said State, personally appeared **MARJORIE BABCOCK**, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



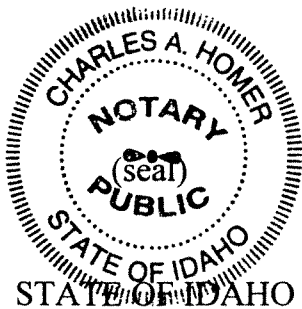

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires:

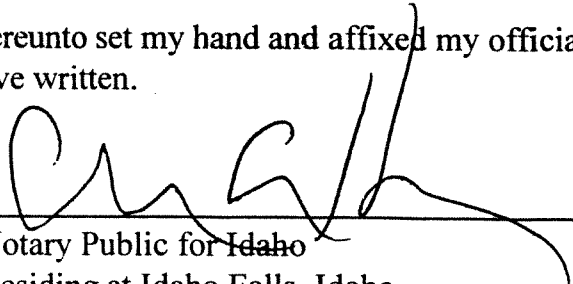
NOTARY PUBLIC COMMISSION EXPIRES
SEPTEMBER 1, 2003
BONDED BY THE NOTARY PUBLIC UNDERWRITERS

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 24th day of September, 1999, before me the undersigned, a notary public in and for said State, personally appeared **ALAN M. CANNON, JR.**, known or identified to me to be one of the general partners in the partnership of **CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP**, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such partnership executed the same in said limited liability company name.

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



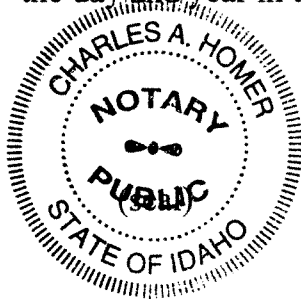


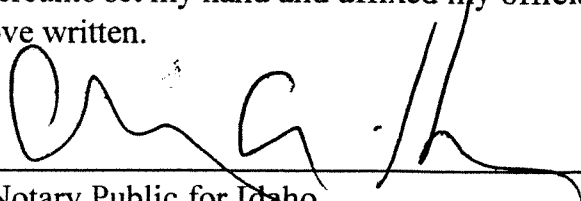
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/2004

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 24th day of September, 1999, before me the undersigned, a notary public in and for said State, personally appeared **KATHERINE B. CANNON**, known or identified to me to be one of the general partners in the partnership of **CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP**, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such partnership executed the same in said limited liability company name.

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



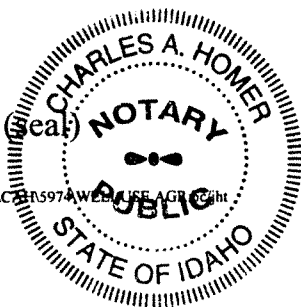


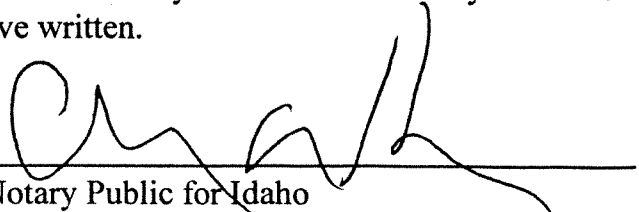
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/2004

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 24th day of September, 1999, before me the undersigned, a notary public in and for said State, personally appeared **SETH ALAN M. CANNON**, known or identified to me to be one of the general partners in the partnership of **CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP**, who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that such partnership executed the same in said limited liability company name.

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





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12/6/2007

BLT CB-1406

WARRANTY DEED

Order # 5576

KURT P. ACOR a.k.a. KURT ACOR and CORALEE J. ACOR a.k.a. CORALEE ACOR, husband and wife, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **MICKELSEN PROPERTIES, LLC, an Idaho Limited Liability Company, as GRANTEE,** whose address is P. O. Box 438, Rigby, Idaho 83442 and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho.

Section 35: N1/2NE1/4; SW1/4NE1/4; SE1/4NE1/4; SE1/4.

EXCEPTING THEREFROM a road easement across the North 32 feet of said NE1/4.

SUBJECT TO the 2004 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: January 6, 2004.

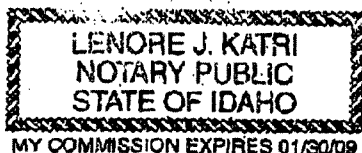
Kurt P. Acor
Kurt P. Acor
Coralee J. Acor By Kurt P. Acor
Coralee J. Acor her Atty in fact

STATE OF IDAHO

COUNTY OF Bonneville

On January 6, 2004, before me, the undersigned, personally appeared Kurt P. Acor a.k.a. Kurt Acor known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]
Notary Public for the State of Idaho
Commission Expiration Date: _____



NO. 0040205
RECORDED

JAN 12 2004

AM 2:56 PM
BUTTE COUNTY RECORDER
[Signature]

STATE OF IDAHO)

) ss

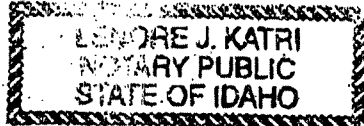
COUNTY OF Bonneville)

On January 6, 2004, before me, the undersigned, personally appeared Kurt P. Acor known or identified to me to be the person whose name is subscribed to the within instrument as the Attorney-in-Fact of Coralee J. Acor, and acknowledged to me that he subscribed the name of Coralee J. Acor thereto as Principal, and his own name as Attorney-in-Fact.

[Signature]

Notary Public for the State of Idaho

Commission Expiration Date: _____



MY COMMISSION EXPIRES 01/30/09

T 71254

ATTACHMENT 18 OF 22

349127

WARRANTY DEED

For Value Received Everett T. Acor Jr. and Eyleen P. Acor, husband and wife

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

Mickelsen Properties LLC *[Signature]*

whose address is:

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

The NE $\frac{1}{4}$ of Section 4, Township 4 North, Range 26, E.B.M., Butte County, Idaho.
 LESS: Beginning at the SW corner of the NE $\frac{1}{4}$ of Section 4, Township 4 North, Range 26
 E.B.M., Butte County, Idaho; thence North 100 feet; thence East 435.6 feet; thence South 100
 feet; thence West 435.6 feet to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning
 ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments
 as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's
 heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is
 the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes,
 levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible
 upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 2003

Everett T. Acor Jr.
 Everett T. Acor Jr.

Eyleen P. Acor
 Eyleen P. Acor

NO. 0040188
 RECORDED

JAN 05 2004

AM 10:53 PM
 BUTTE COUNTY RECORDER

Tally S. H. H. H.

STATE OF IDAHO

COUNTY OF BINGHAM

On this 31st day of December, 2003, before me *Benjamin L. Monson*, personally appeared Everett T. Acor Jr. and Eyleen P.
 Acor, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the
 within instrument, and acknowledged to me that they executed the same.

Benjamin L. Monson
 Notary Public of Idaho
 Residing at Blackfoot, Idaho Idaho Falls, ID
 Commission Expires 04/14/06 07-17-2008



MODE = MEMORY TRANSMISSION

START=MAR-16 15:14

END=MAR-16 15:17

FILE NO. = 226

NO. COM ABBR/NTWK STATION NAME/ TELEPHONE NO. PAGES PRG.NO. PROGRAM NAME

001 OK 12142627665 009/009

-HOLDEN KIDWELL HAHN CRAPO-

***** -208 523 9518 - *****

Detailed Calling Cost By Extensions

March 8, 2004
8:53:02AM

Outbound call records which took place in between the dates 03/01/04 and 03/07/04 by Main at Site 1.

Ext.	Date	Time	Direction	Duration	Name	Number	Line	Account Code	Amount
Toll Calls									
Group: All									
1060									
	3/2/2004	10:22 AM	Out	0 hrs. 15 mins. 10 secs.		(307) 883-4195	31	11	\$1.28
	3/2/2004	11:03 AM	Out	0 hrs. 4 mins. 13 secs.		(801) 254-9700	33	9900039	\$0.40
	3/2/2004	3:05 PM	Out	0 hrs. 10 mins. 34 secs.		(801) 362-6200	34	11973000	\$0.88
	3/3/2004	11:19 AM	Out	0 hrs. 0 mins. 53 secs.		(215) 567-7660	35	10682000	\$0.88
	3/4/2004	4:25 PM	Out	0 hrs. 7 mins. 45 secs.		(000) 000-6200	35	1197300	\$0.64
	3/4/2004	4:40 PM	Out	0 hrs. 1 mins. 10 secs.		(801) 362-6200	34	11973000	\$0.16
	Ext. Total		6 Calls	0 hrs. 39 mins. 45 secs.					\$3.44
						<Enter a description here>		0.00% Adjustment	\$0.00
								Surcharge / Discount	\$0.00
						Total Before Tax			\$3.44
						<Enter a description here>		0.00% Adjustment	\$0.00
								Surcharge / Discount	\$0.00
						Total Bill Amount			\$3.44

ATTN: Brian

Pages: Lots

From Marty C.

Per Plan Selected: TOLL CALLS IN

Per Call (%): 21:0.00, 22:0.00, 23:0.00, 24:0.00

Per Call Sur / Dis: 21:0.00, 22:0.00, 23:0.00, 24:0.00

Page: 8 / 23

ATTACHMENT 20 OF 22

0335000

ZIONS BANK

2000

FILE No. 5546LRT

INSTRUMENT NO.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED KURT P. ACOR and KURT ACOR and CORALEE J. ACOR aka CORALEE ACOR, husband and wife Grantor(s), do hereby grant, bargain, sell and convey unto MITCHELL D. SORENSON and KLAINE R. SORENSON, Husband and Wife Grantee(s), whose current address is 3871 W 2500 N, Moers ID 83255, the following described real estate situated in BUTTE County, State of Idaho, to wit:

**Township 4 North Range 25 East of the Boise Meridian,
Butte County, Idaho**

Section 35: E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$

TO HAVE AND TO HOLD the described premises, together with all improvements, hereditaments and appurtenances thereto belonging, unto the Grantee, his/her successors and assigns forever, Grantor does hereby covenant to and with the Grantee that he/she is the owner to the simple of said premises and that he/she will warrant and defend the same from all lawful claims whatsoever.

DATED: May 16, 2003

Kurt P. Acor
KURT P. ACOR

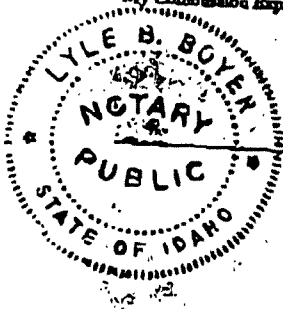
Coralee J. Acor
CORALEE J. ACOR

STATE OF IDAHO

COUNTY OF BUTTE

On this 16th day of May, 2003, before me, the undersigned, a Notary Public in and for the State, personally appeared KURT P. ACOR, AKA KURT ACOR and CORALEE J. ACOR, AKA CORALEE ACOR HUSBAND AND WIFE, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same.

Lyle B. Boyer
Notary Public
Residing at Arco ID
My Commission Expires 5-31-2003



THIS SPACE FOR COUNTY RECORDERS USE ONLY

NO. 0039394
RECORDED

MAY 19 2003

9:52 AM PM
BUTTE COUNTY RECORDER

Tully S. McAffee

Idaho Title & Trust
400 Memorial Drive, PO BOX 50367, Idaho Falls, ID 83402

One Vision Falls 888/777-7777 Fax 888/777-7777

ATTACHMENT T 71254
21 OF 22

EXHIBIT "A"

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho:
Section 35: E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$

Together with any and all water rights and ditch rights thereunto appertaining.

- .80 cfs of water right No. 34-07120
- 28 shares of Timberdome Canal Company Stock
- No diversion equipment
- Buyer will be entitled to .80cfs from well until the necessary applications for transfer of water right are completed and approved by IDWR.

G:\WPDATA\KWF\7151.01\MTCH0412.FL:sjw