

Form 222
12-92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

SEP 04 2001

Department of Water Resources
Eastern RegionName of Applicant Cannon-Shelley Properties Ltd. Partnership Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, PO Box 50130, Idaho Falls, ID 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 To provide commercial use water for Cannon Dairy.
12% of transferred portion of rights sacrificed as mitigation.

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

1. Right Number Priority Amount (cfs/ac-ft) of Use Nature Period of Use

35-13326 ← 35-2501 4/24/1957 ~~26 cfs-80 afy~~ 0.23 cfs Commercial 1-1 to 12-31
 35-13328 ← 35-2575 4/15/1959 ~~27 cfs-80 afy~~ 0.24 cfs Commercial 1-1 to 12-31
 35-13330 ← 35-2595 5/13/1960 0.27-31 cfs (-46 cfs and 148.5 afy) Commercial 1-1 to 12-31
 35-13332 ← 35-7784 2/7/1978 0.37-43 cfs (0.40 cfs combined) Commercial 1-1 to 12-31

2. Total amount of water being transferred 0.87 cfs cubic feet per second and/or 308.5 acre-feet per annum.
 But at 3.0 acre feet per acre consumptive volume, 77 acres are being dried up to obtain 231 acre feet per year consumptive volume (203.3 for commercial dairy and 27.7 for mitigation for downstream water users).
3. Source of water ground water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	20	1N	37E	Bingham	dairy well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	37E	20								C									

Total Acres _____

6. General Information:

- a. Description of diversion system well and pump at dairy
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes _____ No X. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land now irrigated has been converted to pivot sprinkler irrigation and 77 acres of corners will no longer be irrigated.
- d. Remarks:
203.3 acre feet per annum will be diverted for use at Cannon Dairy (considered 100% consumptive). Balance of 27.7 acre feet per annum will no longer be diverted, but will remain in aquifer to offset (mitigate) anticipated effects on Snake River, Shelley-Neeley reach.

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:

Witnesseth my hand this _____ day of _____, 2000.

According to Mr. Brockway Memo 12% is mitigation for the transfer.

$$\frac{27.7af}{231.0af} = 0.1199 \text{ or } 11.9\% \text{ (i.e. } 12\%)$$

Remaining Div. Rate

$$35-2501 \quad \alpha_s = [0.26 \text{ cfs} - (0.26 \times 11.9\%)] = 0.23 \text{ cfs}$$

$$35-2575 \text{ cfs} = [0.27 \text{ cfs} - (0.27 \times 11.9\%)] = 0.24 \text{ cfs}$$

$$\frac{35-2595 \frac{1}{2}}{35-7784} \left] \text{ cfs} = \frac{[0.46 \text{ cfs} - (0.46 \times 11.98)]}{0.25} = 0.40 \text{ cfs}$$

0.87 fs

Keith C. Wells
9/4/2001

CANNON SHELLEY PROPERTIES TRANS.

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

Current Water Right No. 35-2501

Priority Date: 04/24/1957
Origin: Adjudication Recommendation
Basis: License
Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	4.16 CFS	1,280.0 AFA	
Total Diversion		4.16 CFS	1,280.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u> <u>Range</u> <u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	04N 37E 33	SE		JEFFERSON

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 37E 33	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0									320.0

Total Acres: 320

Conditions/Remarks:

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

Documentation of Ownership of the Current Place of Use

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

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

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No.
If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

35-2501 (TRANSFERRED)

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

1. amount .26 cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	33	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	33	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5									20

Total Acres 20

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

35-2501 (REMAINING)

1. amount 3.9 cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	33	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	33	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5									300

Total Acres 300

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

Current Water Right No. 35-2575

Priority Date: 04/15/1959
Origin: Adjudication Recommendation
Basis: License
Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	4.39 CFS	1,280.0 AFA	
	Total Diversion	4.39 CFS	1,280.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u> <u>Range</u> <u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	04N 37E 33	NESW		JEFFERSON

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	37E	33									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0

Total Acres: 320

Conditions/Remarks:

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

Documentation of Ownership of the Current Place of Use

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

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

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No
If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

35-2575 (TRANSFERRED)

1. amount 27cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	33	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	33									2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	20

Total Acres 20**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)35-2575 (Remaining)

1. amount 4.12 cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	33	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	33									37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	300

Total Acres 300

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

Current Water Right No. 35-2595

Priority Date: 05/13/1960
Origin: Adjudication Recommendation
Basis: License
Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	2.29 CFS	1,280.0 AFA	
	Total Diversion	2.29 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u> <u>Range</u> <u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	04N 37E 28	SWSE		JEFFERSON

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 37E 28									40.0		35.0	40.0	40.0	40.0	40.0	40.0	275.0

Total Acres: 275

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 35-07784 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.43 CFS. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1100 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07784 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 275 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 35-07784 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-2595

Documentation of Ownership of the Current Place of Use

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

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

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No
If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED 35-2595 (TRANSFERRED)
(If the entire right is to be changed by the applicant, omit part B and C)

1. amount .31cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	28									7.5		7		7.5	7.5		7.5	37

Total Acres 37

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) (REMAINING) 35-2595

1. amount 1.98 cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	28									32.5		28	40	32.5	32.5	40	32.5	238

Total Acres 238

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

Current Water Right No. 35-7784

Priority Date: 02/07/1978
Origin: Adjudication Recommendation
Basis: License
Status: Active

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	3.21 CFS	1,280.0 AFA	
Total Diversion		3.21 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	04N	37E	28	SWSE		JEFFERSON

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 37E 28									40.0		35.0	40.0	40.0	40.0	40.0	40.0	275.0

Total Acres: 275

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 35-02595 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.43 CFS. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1100 AF.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02595 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 275 ACRES IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 35-02595 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- 4.
5. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7784

Documentation of Ownership of the Current Place of Use

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

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

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No
If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C)*(35-7784)

1. amount .43cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	28									7.5		7		7.5	7.5		7.5	37

Total Acres 37**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount 2.78 cfs for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	28	4N	37E	Jefferson	

3. Lands irrigated or place of use:

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	37E	28									32.5		28	40	32.5	32.5	40	32.5	238

Total Acres 238

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

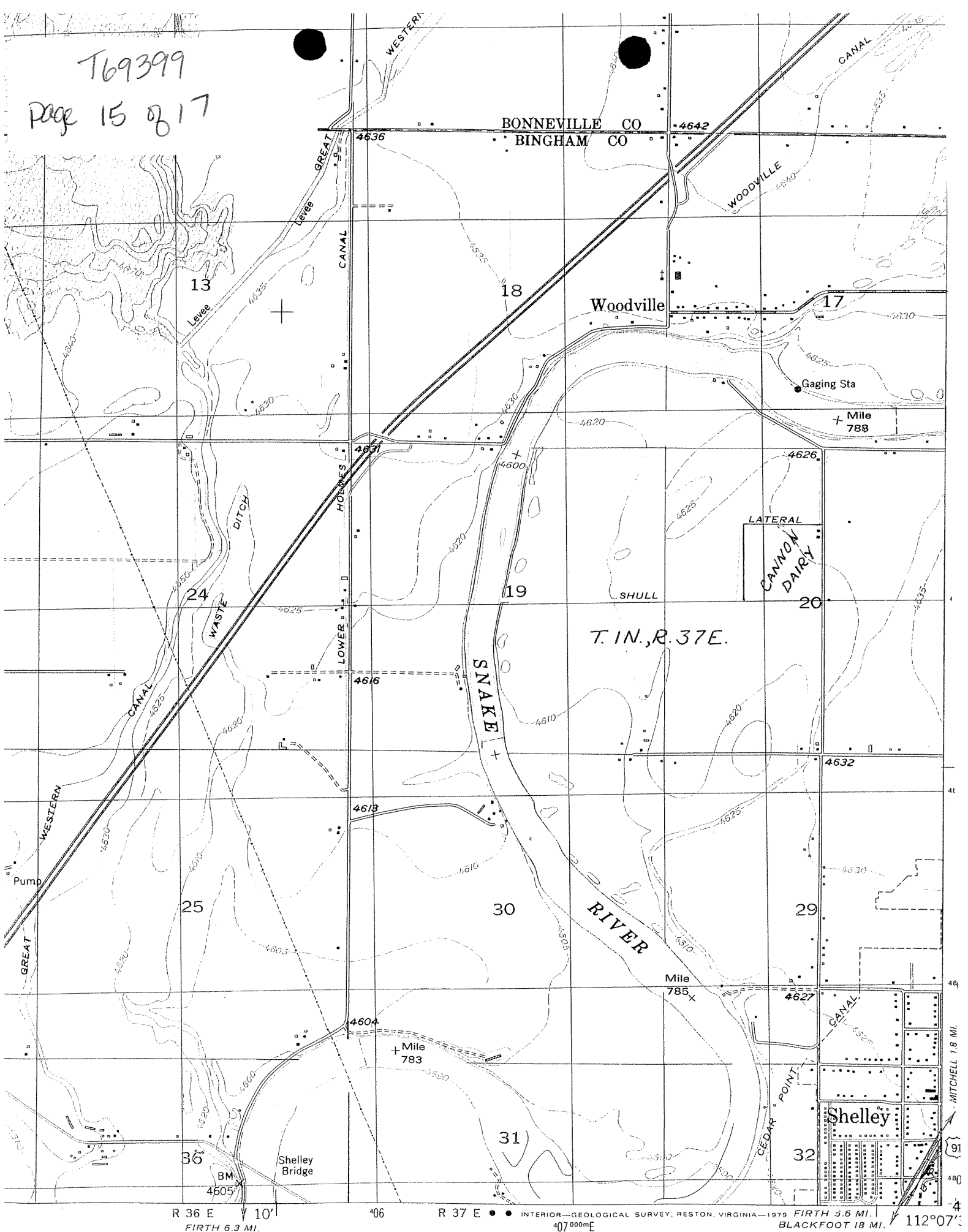
- A. Draw a map or attach a USGS map indication the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

				SEE ATTACHED MAPS										

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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R 36 E Y 10' FIRTH 6.3 MI.

R 37 E

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1979 FIRTH 3.5 MI. BLACKFOOT 18 MI.

407000ME

112°07'

1 MILE

ROAD CLASSIFICATION

13°37'30" 
112°07'30"

PART 3

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Commercial (dairy)</u>	<u>203.3</u>		<u>1-1</u> to <u>12-31</u>
	<u>Mitigation</u>	<u>27.7</u>		<u>1-1</u> to <u>12-31</u>

2. Quantity and quality of return flows and location of discharge:

Nothing will change on irrigated lands except drying up 77 acres. Water from dairy use goes to treatment ponds and some is then sprinkled on other farm lands of applicant.

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

Proposal is designed to have no effects on other water uses. 27.7 acre feet under these rights will remain in the aquifer to mitigate possible effects of transfer on Snake River flows in Shelley-Neeley reach anticipated to occur in next 100 years. See attached analysis prepared by Charles E. Brockway, Ph.D.

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.

Subscribed and sworn before me this 17 day of July, 2000.



(Signature of Applicant)

Notary Public

My Commission Expires 4/28/2004

FOR DEPARTMENT USE ONLY

Transfer contains 17 pages and 9 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by Kew 9/4/2001 Fee 250⁰⁰

Receipted by HWT#E026989 Date 8-6-01

Published in Morning News Copies of protest forwarded by _____

Pub. dates Sept 20 & 27, 2001 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

FILE NUMBER -----
REVIEWER -----

Cannon-Shelley Trans 35-02501 etc.
Keith C. Wilson 09/04/01

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE -----	2300
NUMBER OF NONMILKING CATTLE -----	2300
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;	
IF ANAEROBIC, ENTER ZERO -----	4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) -----	4
ENTER 0 FOR RECYCLED WATER USE, 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS -----	1
NUMBER OF MILKINGS PER DAY -----	3
FLOW OF WATER FOR IN-BARN USE (GPM) -----	390
DURATION OF MILKING (MINUTES/DAY)-----	720
DURATION OF CLEAN-UP (MINUTES/MILKING)-----	60
HOURS PUMP IS ON -----	20.0

CALCULATIONS

DAILY VOLUME FOR STOCKWATER (GALLONS):

MILKING CATTLE @35 GPD/HD -----	80500
NONMILKING CATTLE @12 GPD/HD -----	27600
TOTAL (GALLONS)-----	108100
FLOW RATE REQUIRED (CFS)-----	2.00

DAILY VOLUME IN BARN USE (GALLONS):

IN BARN RATE * DURATION (GALLONS) -----	280800
FLOW RATE REQUIRED (GPM)-----	390
FLOW RATE REQUIRED (CFS)-----	0.87
TOTAL FLOW RATE REQUIRED (CFS)-----	2.87

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD **-----	90.2
NONMILKING CATTLE @12 GPD/HD** -----	30.9
TOTAL VOLUME -----	121.1

COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT -----	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR -----	78.6
CATTLE WASHING BASED UPON METHOD OF WASHING -----	3.9
COOLER PLATE USAGE-----	20.6
TOTAL VOLUME -----	103.6

TOTAL DIVERSION VOLUME -----	224.7
------------------------------	-------

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING -----	13.3
NONMILKING -----	0.0
TOTAL -----	13.3

COMMERCIAL -----	16.0
------------------	------

TOTAL CONSUMPTIVE USE -----	29.3
-----------------------------	------

9/4/2001

Cannon-Shelley Trans 35-02501 etc.

T 69399
ATTACHMENT 1 OF 9

FILE NUMBER ----- Cannon-Shelley Trans 35-02501 etc.
 REVIEWER ----- Keith C. Wilson 09/04/01

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE -----	2300
NUMBER OF NONMILKING CATTLE -----	2300
IF LAGOON IS AEROBIC, ENTER ITS SURFACE AREA IN ACRES;	
IF ANAEROBIC, ENTER ZERO -----	4.0
EVAPOTRANSPIRATION FACTOR FOR AREA (AC-FT/AC-YR) -----	4
ENTER 0 FOR RECYCLED WATER USE, 1 FOR MANUAL COW WASHING,	
2 FOR AUTOMATIC, OR 3 IF SPRINKLERS ARE USED TO FLUSH HOLDING	
PEN AND WASH COWS -----	1
NUMBER OF MILKINGS PER DAY -----	3
FLOW OF WATER FOR IN-BARN USE (GPM) -----	390
DURATION OF MILKING (MINUTES/DAY)-----	720
DURATION OF CLEAN-UP (MINUTES/MILKING)-----	60
HOURS PUMP IS ON -----	20.0

CALCULATIONS

DAILY VOLUME FOR STOCKWATER (GALLONS):

MILKING CATTLE @35 GPD/HD -----	80500
NONMILKING CATTLE @ 12 GPD/HD -----	27600
TOTAL (GALLONS)-----	108100
FLOW RATE REQUIRED (CFS)-----	2.00

DAILY VOLUME IN BARN USE (GALLONS):

IN BARN RATE * DURATION (GALLONS) -----	280800
FLOW RATE REQUIRED (GPM)-----	390
FLOW RATE REQUIRED (CFS)-----	0.87
TOTAL FLOW RATE REQUIRED (CFS)-----	2.87

DIVERSION VOLUME (AFA):

STOCKWATER	
MILKING CATTLE @35 GPD/HD **-----	90.2
NONMILKING CATTLE @ 12 GPD/HD** -----	30.9
TOTAL VOLUME -----	121.1

COMMERCIAL	
WASHING OF BULK TANK AND RELATED EQUIPMENT -----	0.5
PARLOR FLOOR AND MILKHOUSE FLOOR -----	78.6
CATTLE WASHING BASED UPON METHOD OF WASHING -----	3.9
COOLER PLATE USAGE-----	20.6
TOTAL VOLUME -----	103.6
TOTAL DIVERSION VOLUME -----	224.7

CONSUMPTIVE USE VOLUME (AFA):

STOCKWATER	
MILKING -----	13.3
NONMILKING -----	0.0
TOTAL -----	13.3
COMMERCIAL -----	16.0
TOTAL CONSUMPTIVE USE -----	29.3

9/4/2001

Cannon-Shelley Trans 35-02501 etc.

T 69399
 ATTACHMENT 2 OF 9

Dairy Facility Information Sheet

Complete each blank to the best of your knowledge.
Brockway Engineering, January 1999

GENERAL INFORMATION

Owner ALAN M. CANNON, JR.
Address _____
Phone number _____
Date _____

Legal description of dairy site

Twp 1N Rge 37E Sec 20
Qtr NW

COW NUMBERS

Number of milking cows 2300
Number of dry cows 400
Number of other adult dry animals 0

Number of calves at age:

1 month 100
2 months 100
3 months 100
4 months 100

Number of heifers at age:

5 months-15 1000
15 - 18 months 300
18 - 24 months 600

LACTATING ANIMAL INFORMATION

Leave blank if not known

Average body weight 1350 lbs Annual milk yield per animal 23,000 lbs/year
Milk fat percentage 3.5 % Percent dry matter in ration 50 %
Average days dry 60 days Number of milkings per day 3

WASTE LAGOON INFORMATION

Lagoon	Top width (ft)	Top length (ft)	Max depth (ft)	Describe how often this lagoon receives water
1	<u>100'</u>	<u>345'</u>	<u>10'</u>	<u>every milking</u>
2	<u>100'</u>	<u>345'</u>	<u>10'</u>	<u>"</u>
3	_____	_____	_____	_____
4	_____	_____	_____	_____
5	_____	_____	_____	_____

T 69399
ATTACHMENT 3 OF 8

FACILITY INFORMATION

This information is very important - enter as accurately as possible

no sprinkling

	Holding Pen 1	Holding Pen 2
Number of sprinklers	_____	_____
Average line pressure, psi	_____ psi	_____ psi
Sprinkler nozzle size - primary nozzle	_____ in.	_____ in.
Sprinkler nozzle size - secondary nozzle	_____ in.	_____ in.
Total daily operation time of sprinklers	_____ min.	_____ min.
Percent of days cows are washed	_____ %	_____ %

Number of milkings per day _____

Leave this column
blank if you have only
one holding pen

Number of free stalls 2000
Length of each free stall 8'
Width of each free stall 4'

Is the feeding area flushed to the lagoon? Yes / No

Is the housing area flushed to the lagoon? Yes / No

What percentage of the flushing water is recycled water? 0 %

CLEANING WATER VOLUMES

Enter your best estimates or manufacturer's amounts, or leave blank if not known.

Use remarks section to describe the type of cleaning equipment

and holding pen

Cleaning parlor/floor	<u>30,000</u> gal/day	Cleaning pipeline	<u>300</u> gal
Cleaning milkroom	<u>1000</u> gal	Cleaning equipment	<u>400</u> gal
Cleaning bulk tank	<u>300</u> gal		

LAND APPLICATION OF WASTE INFORMATION

Type of system Center pivot ^{90 acres} / Wheel lines / Hand lines / Flood ^{150 acres} rest by tank w/ spray nozzle

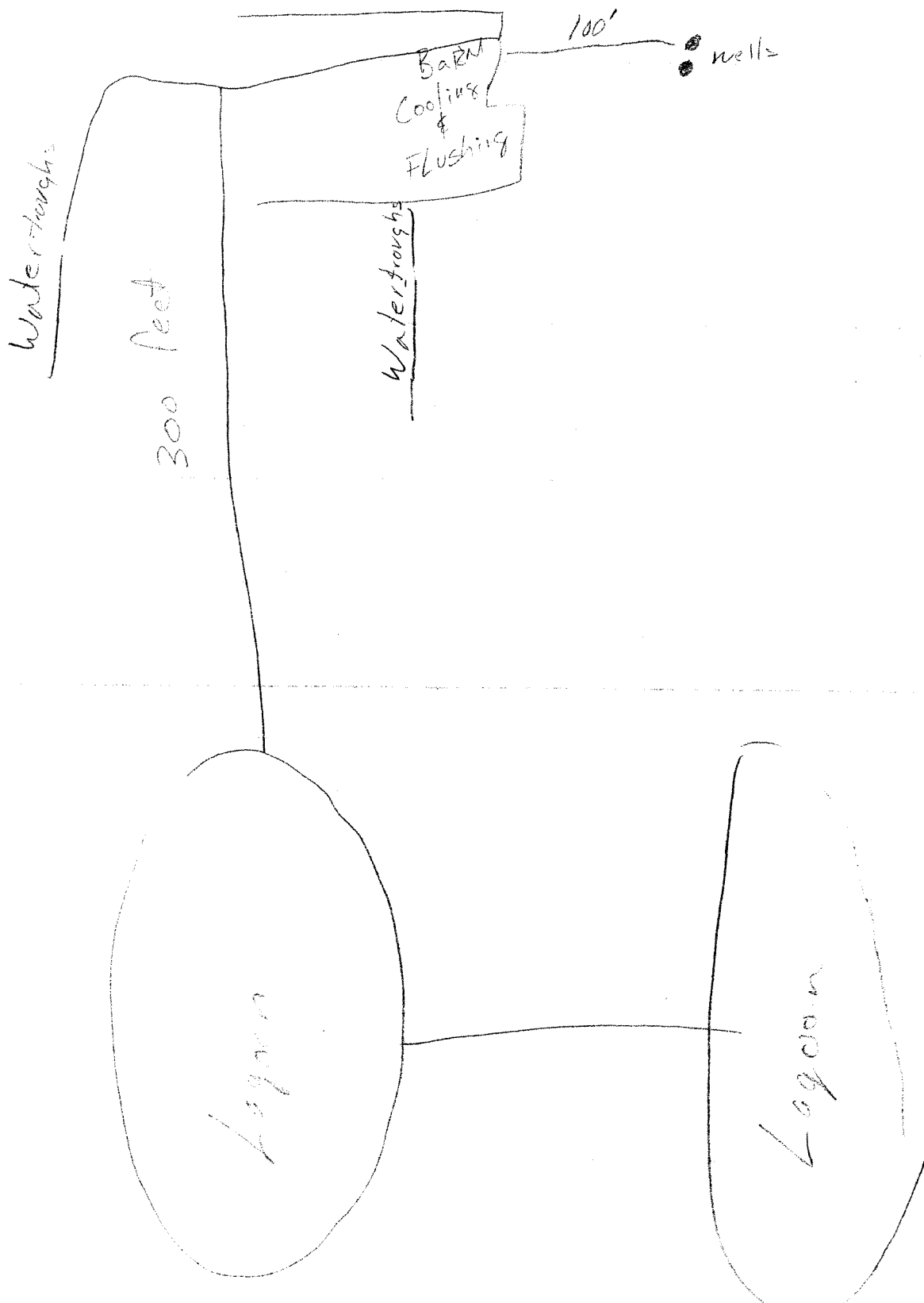
Number of acres 400

Predominant crop CORN

Remarks

See rough schematic

T 69399
ATTACHMENT 4 OF 9



COPY

JUL 27 2001

Memo

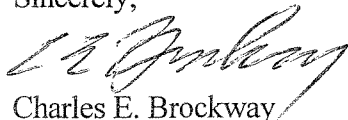
To: Kent Foster – Holden, Kidwell, Hahn and Crapo
From: Charles E. Brockway P.E. PhD.
Brockway Engineering P.L.L.C.
CC:
Date: July 25, 2001
Re: Preliminary Evaluation of Cannon to Cannon Water Transfer

Donna Cosgrove supplied a print out of the steady state results by cell identification of the Snake River Plain Aquifer Model response functions. Using this method, an analysis was done to determine a site to site response of the aquifer. The print out Ms. Cosgrove supplied is in a table (spreadsheet) format. With the cell identification (Section #, Township and Range = row and column number) the response for that particular cell for each reach of river was determined, see attached table.

The attached table presents the percentages of impact for the averaged area of the response zones and the cell-by-cell recorded impact. The cell-by-cell recorded impact shows some variation with each different well location or cell location. Analysis indicates that from the Cannon irrigation site to the Cannon Dairy site approximately 63.5 to 74.9 percent of depletion is in the Shelly to Neeley reach. Cumulatively, the depletion is approximately 12%. Therefore, by using this method, mitigation acreage for the Cannon to Cannon transfer can be reduced as presently recorded on the transfer you sent dated July 20, 2001. For instance, in the previously mentioned transfer approximately 22.4% of the acres were dried up for downstream water users. Using the steady state method described above only 12% of the total acreage needs to be dried up for mitigation. As a result, the Cannon Dairy needs to transfer a total of 76.7 acres (230 afa) of which 12% (9.2 acres, 27.6 afa) is mitigation for transfer. The easiest route to amend the transfer appears to be with the stacked water rights, 35-2595 and 35-7784.

Two other items caught my attention. One is in Part 1, A; the purpose of transfer should also note a change in nature of use, because the Cannon's are transferring irrigation water to be used commercially in a dairy. Secondly, there seems to be a typo on the total acres for Part 2, C of the split right 35-7784. The total acres for 35-7784 should read 228 instead of 300.

Sincerely,



Charles E. Brockway

Response Zone - Cell X Cell SRPAM model - Snake River Plain Aquifer Model - Steady State
 All responses are in percent

Cannon Irrigation - drying up acres from corners

Township	Range	Section	Row	Column	All Responses are in %				
					Shell-Neel	Neel-Min	Mil-King	H	Ashton-Lewis
4N	37E	33	29	52	63.50	2.70	4.15	29.60	
4N	37E	28	29	52	63.50	2.70	4.15	29.60	
Cannon Dairy									
1N	37E	20	24	52	74.90	3.13	4.76	17.20	
Difference between sites					-11.40	-0.43	-0.61	12.40	

Plus (+) sign equals injection or aquifer recharge
 Negative (-) sign equals withdrawal or aquifer depletion

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

August 9, 2001

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AUG 10 2001

Department of Water Resources
Eastern Region

Harold Jones
IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208)525-7161

Re: *Application for Transfer on behalf of Cannon-Shelley Properties, Ltd.
Partnership*

Dear Mr. Jones:

We have made some minor changes to the Application for Transfer on behalf of Cannon-Shelley Properties that we sent to you last week. Enclosed is a new Page 1, a new Page 8, and a new Page 10 which we would ask you to substitute for the pages that were sent last week. We have also made some minor changes on Page 12 and one is enclosed to show those changes. We have also enclosed a memo from Dr. Brockway and an attached chart which we intended to enclose with the Application and which appears to have been omitted.

We apologize for the confusion and appreciate your continued assistance.

Yours very truly,



Kent W. Foster

Enclosures

cc: Chuck Brockway

G:\WPDATA\KWF\5974\Correspondence\IDWRCannonTransferChanges.ltr.wpd.bfc

T 69399
ATTACHMENT 8 OF 9

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
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(1907-1988)

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AUG 06 2001

Department of Water Resources
Eastern Region

August 3, 2001

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208)525-7161

Dear Ladies and Gentlemen:

We are enclosing with this letter a Notice of Change of Water Right Ownership on behalf of Cannon-Shelley Properties Ltd., Partnership, and an application for Transfer of Water Right on behalf of the same partnership. We've enclosed our check in the amount of \$250.00 for the filing fee and will very much appreciate it if you will let us know if there is anything further that we need to do to have this application processed.

Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosures

cc: Dr. Charles E. Brockway

G:\WPDATA\KWF\5974\Correspondence\IDWR\transfer073001.ltr.wpd

T 69399
ATTACHMENT 9 OF 9

Vina

RIGHT NUMBER: 35-2501

NAME AND ADDRESS: CANNON-SHELLEY PROPERTIES LTD
1470 N 750 E
SHELLEY ID 83274

TRIBUTARY:

POINT OF
DIVERSION: T04N R37E S33 SENW Within JEFFERSON County

<u>QUANTITY</u>	
4.160	CFS
1,280.00	AFY

T04N R37E S33	NENE	40.0	T04N R37E S33	NWNE	40.0
T04N R37E S33	SWNE	40.0	T04N R37E S33	SENE	40.0
T04N R37E S33	NENW	40.0	T04N R37E S33	NWNW	40.0
T04N R37E S33	SWNW	40.0	T04N R37E S33	SENW	40.0

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 31, 2001

ALAN M CANNON
CANNON-SHELLEY PROPERTIES LTD
1470 N 750 E
SHELLEY ID 83274

RE: Notice of Change of Water Right Ownership (NCO) for 35-2501, 35-2575,
35-2595, 35-7784 and Notice of Completed Administrative Proceeding
(NCAP)

Dear Mr. Cannon:

On August 6, 2001, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Peter M. Cannon

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

In Re SRBA

)

Water Rights: 35-2501, 35-2575,
35-2595, 35-7784

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party CANNON – CANNON/SHELLEY PROPERTIES LTD
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 30, 2001

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Aug 31, 2001, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
PETER CANNON
2001 S WOODRUFF STE 4
IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
CANNON-SHELLEY PROPERTIES LTD
1470 N 750 E
SHELLEY ID 83274

4. One copy to:

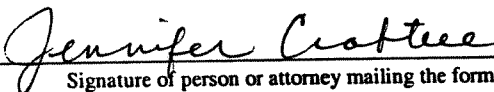
Each party in the subcase, or attorney of record
JEFFREY FEREDAY JERRY RIGBY JOHN SIMPSON
GIVENS PURSLEY PO BOX 250 ROSHOLT ROBERTSON & TUCKER
PO BOX 2720 REXBURG ID 83440 PO BOX 2139
BOISE ID 83701-2720 BOISE ID 83701

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

AUG 06 2001

Department of Water Resources
Eastern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 35-02501, 35-02575, 35-02595, 35-07784 (NAPs required)
Adjudication Claim No(s): same as above
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water rights or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.
3. Name and Address of Former Owner/Claimant Peter M. Cannon
2001 So. Woodruff, Suite 4 Idaho Falls, ID 83404
4. New Owner/Claimant(s) Cannon-Shelley Properties Ltd. Partnership
Name connector (check one): ☐ and ☐ or, ☐ and/or
New Mailing Address 1470 N 750 E
City, State and ZIP Code Shelley, ID 83274
New Telephone Number (208) 357-7030
5. Date you acquired the property _____
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigated with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) Or Claimant(s) Alan M. Cannon for General Partner
- Corporations or other organizations must submit list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WARRANTY DEED

309235

THIS INDENTURE is made this 19th day of July, 2001, by PETER M. CANNON and ARLENE P. CANNON, husband and wife, the "Grantor", to CANNON SHELLEY PROPERTY LIMITED PARTNERSHIP, whose mailing address is 1470 North 750 East, Shelley, Idaho 83274, 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 property in the County of Jefferson, State of Idaho, to-wit:

Township 4 North, Range 37 East of the Boise Meridian, Jefferson County, Idaho.

Section 28: SE $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$

Excepting therefrom: Beginning at a point South 400.5 feet from the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28; thence North 52° East 339.7 feet; thence South 28°42' East 138.5 feet; thence South 54°15' West 411.8 feet; thence North along the Section line 153 feet to the point of beginning.

Also excepting therefrom: That portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28, lying North and West of a certain Irrigation Ditch, more particularly described as follows: Starting at the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 28; thence Easterly along the existing fence 412.0 feet to the NW bank of said Irrigation Ditch; thence Southwesterly along said ditch bank 534.7 feet; thence North 349.7 feet to the point of beginning.

Section 33: All

Section 34: Beginning at the SE corner of said Section 34 and running thence North 300 feet; thence West 930 feet; thence South 300 feet; thence East 930 feet to the point of beginning.

RECEIVED
ADVISORY
7/23/01 4:28

Excepting therefrom: Beginning at the SE corner of said Section 34 and running thence North 24 feet; thence North 89°01'29" West 940.136 feet; thence South 40 feet to the South line of said Section 34; thence East along the South line of said Section 34 a distance of 940 feet to the point of beginning.

SUBJECT only to the following matters:

1. Taxes, including any assessments collected therewith, for the year 2001, which are a lien not yet payable.
2. The right, title and interest of the public in and to that portion of the above described premises falling within the bounds of roads and highways.
3. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: State of Idaho and Martin E. Portmann and Ocile Portmann, husband and wife.
Purpose: Road Purposes and the right of ingress and egress to adjoining property.
Recorded: August 9, 1967.
Instrument/File No. 145145.

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.

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.



Peter M. Cannon

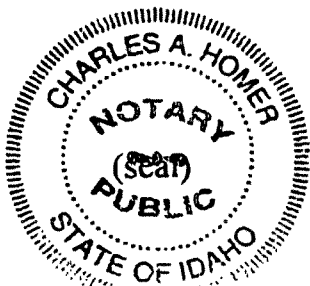


Arlene P. Cannon

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19th day of July, 2001, before me, the undersigned, a notary public in and for said State, personally appeared Peter M. Cannon and Arlene P. Cannon, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



G:\WPDATA\TWC\8474\cannon0716.wd.wpd



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

COPY

CERTIFICATE OF LIMITED PARTNERSHIP

To the: STATE OF IDAHO SECRETARY OF STATE
CORPORATIONS DIVISION

PHONE: (208) 334-5355 FAX: (208) 334-2282
700 WEST JEFFERSON, ROOM 203 • P.O. BOX 83720 • BOISE, ID 83720-0080



67 JUN -5 AM 9:16
SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership is: Cannon Shelley Property Limited Partnership
(Must include, without abbreviation, the words "Limited Partnership.")

2. The name and business address of the registered agent are:

Seth Alan Cannon 1468 North 750 East, Shelley, ID 83274
(not a P.O. Box)

3. The name and business address of each general partner are:

Name	Address
<u>Alan M. Cannon, Jr.</u>	<u>1470 North 750 East</u> <u>Shelley, ID 83274</u>

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is: December 31, 2050

5. Other matters (optional):

6. Signatures of all general partners:

Alan M. Cannon, Jr.

ENTERED.
JUN 9 1997

Secretary of State use only
IDAHO SECRETARY OF STATE
DATE 06/09/1997
0900 100244 2
CK #: 59627 CUST# 2367
LTD PTR DM 1e 100.00= 100.00

#:

L 3449

**CANNON SHELLEY PROPERTY
AMENDMENT NO. 1 TO LIMITED PARTNERSHIP AGREEMENT**

The undersigned partners of Cannon Shelley Property Limited Partnership hereby amend that limited partnership agreement executed by them earlier in the following respects:

1. Section 1.7 is hereby amended in its entirety to read as follows:

1.7 The Partners. The status, name and address of each partner are as follows:

GENERAL PARTNERS	BUSINESS ADDRESS
Alan M. Cannon, Jr. and Katherine B. Cannon, husband and wife	707 East 1500 North Shelley, ID 83274
Seth Alan Cannon	1470 North 750 East Shelley, ID 83274
LIMITED PARTNERS	BUSINESS ADDRESS
Alan M. Cannon, Jr. and Katherine B. Cannon, husband and wife	707 East 1500 North Shelley, ID 83274
The Alan M. Cannon, Jr. Grantor Retained Annuity Trust dated November 3, 1997	1470 North 750 East Shelley, ID 83274

2. Section 2.2 is hereby amended in its entirety to read as follows:

2.2 Interests in Capital. The capital interests of the Partnership (i.e., the ownership of the Partnership) shall be divided into units, with one thousand (1,000) units representing one hundred percent (100%) of the Partnership. The interests of the partners in the capital of the Partnership are as follows:

3. In all other respects, the Cannon Shelley Property Limited Partnership Agreement as previously executed is hereby ratified and reaffirmed in its entirety.

GENERAL PARTNERS

Dated: 1-29-98

Alan M. Cannon, Jr.
Alan M. Cannon, Jr.

Dated: 1-29-98

Katherine B. Cannon
Katherine B. Cannon

Dated: 1-29-98

Seth Alan Cannon
Seth Alan Cannon

LIMITED PARTNERS

Dated: 1-29-98

Seth Alan Cannon
Seth Alan Cannon, Trustee of the Alan M.
Cannon, Jr. Grantor Retained Annuity Trust dated
November 3, 1997

Dated: 2-3-98

Anne Schiess
Anne Schiess, Trustee of the Alan M. Cannon, Jr.
Grantor Retained Annuity Trust dated November
3, 1997

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