STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87434

This is to certify that: DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON, ID 83459

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
31-2328	WR/DECREED	7/3/1953	5.000 cfs	1400.0 af	400.0	596.0	GROUND WATER
31-2360	WR/DECREED	1/2/1957	2.680 cfs	749.0 af	214.0	596.0	GROUND WATER
31-2375B	WR/DECREED	10/10/1960	0.740 cfs	140.0 af	40.0	596.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
31-2328	NO	NO	YES	NO	NO	NO
31-2360	NO	NO	YES	NO	NO	NO
31-2375B	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
31-2328	31-2328	5.000 cfs	1400.0 af	400.0	596.0	N/A	N/A	N/A	N/A	N/A
31-2360	31-2360	2.680 cfs	749.0 af	214.0	596.0	N/A	N/A	N/A	N/A	N/A
31-2375B	31-2375B	0.740 cfs	140.0 af	40.0	596.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**8.420 cfs**	**2289.0 af**	**596.0**	**596.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 27th day of January, 2023.

Regional Manager

Transfer No. 87434

SUPPORT DATA
IN FILE # 31-2328

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2328

As Modified by Transfer No. 87434

In accordance with the approval of Transfer No. 87434, Water Right No. 31-2328 is now described as follows:

Right Holder: DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON, ID 83459

Priority Date: 7/3/1953

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	10/31	5.000 cfs	1400.0 af
				5.000 cfs	1400.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENW	Sec 23 Twp 06N Rge 35E	JEFFERSON County
GROUND WATER	SWNENW	Sec 26 Twp 06N Rge 35E	JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	23.0	30.0	19.0	32.0	33.0	36.0	38.0	33.0	34.0	34.0	33.0	34.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 400.0
POU Total Acres: 596.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 400.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-2328, 31-2360, and 31-2375B when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2086.0 af at the field headgate, and the irrigation of 596.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2328

As Modified by Transfer No. 87434

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87434, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2360

As Modified by Transfer No. 87434

In accordance with the approval of Transfer No. 87434, Water Right No. 31-2360 is now described as follows:

Right Holder: DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON, ID 83459

Priority Date: 1/2/1957

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	2.680 cfs	749.0 af
			2.680 cfs	749.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENW	Sec 23 Twp 06N Rge 35E JEFFERSON County
GROUND WATER	SWNENW	Sec 26 Twp 06N Rge 35E JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	23.0	30.0	19.0	32.0	33.0	36.0	38.0	33.0	34.0	34.0	33.0	34.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 214.0
POU Total Acres: 596.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 214.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-2328, 31-2360, 31-2375B when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2086.0 af at the field headgate, and the irrigation of 596.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2360

As Modified by Transfer No. 87434

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87434, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2375B

As Modified by Transfer No. 87434

In accordance with the approval of Transfer No. 87434, Water Right No. 31-2375B is now described as follows:

Right Holder: DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON, ID 83459

Priority Date: 10/10/1960

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	0.740 cfs	140.0 af
			0.740 cfs	140.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENENW	Sec 23 Twp 06N Rge 35E JEFFERSON County
GROUND WATER	SWNENW	Sec 26 Twp 06N Rge 35e JEFFERSON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	23.0	30.0	19.0	32.0	33.0	36.0	38.0	33.0	34.0	34.0	33.0	34.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 40.0
POU Total Acres: 596.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40.0 acres within the authorized place of use in a single irrigation season.
2. Rights 31-2328, 31-2360, and 31-2375B when combined shall not exceed a total diversion rate of 8.42 cfs, a total annual maximum diversion volume of 2086 af at the field headgate, and the irrigation of 596.0 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 110.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

SCANNED
JAN 27 2023

WATER RIGHT NO. 31-2375B

As Modified by Transfer No. 87434

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under Transfer approval 87434, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 27 2023

Attachment to Transfer Approval 87434

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet

N
W E
S

SCANNED
JAN 27 2023

Date: 1/27/2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
DEC 08 2022
Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Desert Deep Properties, LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes	N/A	
		* Means the item is always required and must be included with the application.
☑	*	Completed Application for Transfer of Water Right form, Part 1.
☑	*	Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
☑	*	Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
☐	☑	Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
☑	*	Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
☑	*	Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

☐	☑	#1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
☑	☐	#2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
☑	☐	#2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
☐	☑	#3 Documentation of authority to make the change if the applicant is not the water right owner.
☐	☑	#4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
☐	☑	#5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
☐	☑	#6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
☑	*	#7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
☑	☐	#7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
☐	☑	#8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
☐	☑	#8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
☐	☑	#9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
☐	☑	#10 Other. Please describe: _____

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JAN 25 2023

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 08 2022
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Desert Deep Properties, LLC Phone (208) 317-6080

Mailing address 1344 N 1900 E Terreton, ID 83459 Email

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☑ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☑ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Phone

Mailing address Email

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	Manager	12/08/2022
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

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 Change ownership

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
   We propose to change the place of use for water rights 31-2328, 31-2360, and 31-2375B to reflect current irrigation practices. The transfer application also acts as the notice of change of ownership.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑ ☐	31-2328	5.0 / 1400	IRRIGATION	04/01 to 10/31	GROUND WATER
☑ ☐	31-2360	2.68 / 749	IRRIGATION	04/01 to 10/31	GROUND WATER
☑ ☐	31-2375B	0.74 / 140	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.42 cfs and/or 2289.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.2 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☑ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	35E	23	23.0	30.0	19.0	32.0	33.0	36.0	38.0	33.0	34.0	34.0	33.0	34.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0
																			Total Acres (for irrigation use) 596.0

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JAN 25 2023

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The diversion system consist of two irrigation wells. Each diversion has a department approved flow meter installed and are lockable with a main power switch.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land will not be irrigated.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐ ☑ undergone a period of five or more consecutive years of non-use,
☐ ☑ currently leased to the Water Supply Bank,
☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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JAN 25 2023

IDAHO DEPARTMENT OF WATER RESOURCES 11/30/2022
Proof Report

Water Right 31-2328

Owner Type	**Name and Address**
Current Owner	KENT O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 663-4355
Current Owner	HARVARD A BITTER 9336 S 15TH W IDAHO FALLS, ID 83402 (208) 524-2791
Current Owner	DAREN O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 524-2791

Priority Date: 7/3/1953
Basis: Decreed
Status: Active

Source	**Tributary**
GROUND WATER	

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/01	10/31	5.000 CFS	1,400.0 AF
	Total Diversion		5.000 CFS	1,400.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SWNENW	Sec. 26, Twp 06N, Rge 35E, JEFFERSON County
GROUND WATER	SENENW	Sec. 23, Twp 06N, Rge 35E, JEFFERSON County

Place Of Use:
IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	24.0	30.0	16.0	31.0	32.0	36.0	38.0	31.0	27.0	38.0	40.0	36.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 400.00
POU Total Acres: 596.0

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

31-2328

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SCANNED
JAN 25 2023

2.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 400 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 596 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2328, 31-2360, 31-2375B.
4.	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.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.	E54	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2086 AF. COMBINED RIGHT NOS.: 31-2328, 31-2360, 31-2375B.

Dates and Other Information:
Decreed Date: 2/22/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 110
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
	2,086.0	596.0	31-2328 ,31-2360 ,31-2375B

SubCase:
N/A

Water Supply Bank:

N/A

SCANNED
JAN 25 2023

87434

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 31-2360

Owner Type	Name and Address
Current Owner	KENT O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 663-4355
Current Owner	DAREN O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 524-2791
Current Owner	HARVARD A BITTER 9336 S 15TH W IDAHO FALLS, ID 83402 (208) 524-2791

Priority Date: 1/2/1957
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.680 CFS	749.0 AF
	Total Diversion		2.680 CFS	749.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SENENW	Sec. 23, Twp 06N, Rge 35E, JEFFERSON County
GROUND WATER	SWNENW	Sec. 26, Twp 06N, Rge 35E, JEFFERSON County

Place Of Use:
IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	24.0	30.0	16.0	31.0	32.0	36.0	38.0	31.0	27.0	38.0	40.0	36.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 214.00
POU Total Acres: 596.0

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 214 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

31-2360

SCANNED
JAN 25 2023

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2.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4.	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.
5.	E54	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2086 AF. COMBINED RIGHT NOS.: 31-2328, 31-2360, 31-2375B.
6.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 596 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2328, 31-2360, 31-2375B.

Dates and Other Information:
Decreed Date: 2/22/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 110
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
	2,086.0	596.0	31-2328 ,31-2360 ,31-2375B

SubCase:
N/A

Water Supply Bank:

N/A

31-2360
SCANNED
JAN 25 2023

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

Water Right 31-2375B

Owner Type	Name and Address
Current Owner	DAREN O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 524-2791
Current Owner	HARVARD A BITTER 9336 S 15TH W IDAHO FALLS, ID 83402 (208) 524-2791
Current Owner	KENT O BITTER 1344 N 1900 E TERRETON, ID 83450 (208) 663-4355

Priority Date: 10/10/1960
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.740 CFS	140.0 AF
	Total Diversion		0.740 CFS	140.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SENENW	Sec. 23, Twp 06N, Rge 35E, JEFFERSON County
GROUND WATER	SWNENW	Sec. 26, Twp 06N, Rge 35e, JEFFERSON County

Place Of Use:
IRRIGATION within JEFFERSON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	35E	23	24.0	30.0	16.0	31.0	32.0	36.0	38.0	31.0	27.0	38.0	40.0	36.0					379.0
06N	35E	26					33.0	39.0	39.0	34.0	34.0	38.0							217.0

Right Acre Limit: 40.00
POU Total Acres: 596.0

Conditions of Approval:

1.	E54	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2086 AF. COMBINED RIGHT NOS.: 31-

SCANNED
JAN 25 2023

87434

		2328, 31-2360, 31-2375B.
2.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 596 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2328, 31-2360, 31-2375B.
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.
4.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates and Other Information:
Decreed Date: 2/22/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 110
Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres	Water Rights
	2,086.0	596.0	31-2328 ,31-2360 ,31-2375B

SubCase:
N/A

Water Supply Bank:

N/A

SCANNED
JAN 25 2023

87434

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☑ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b.**

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid $275.00 Date 12/8/22 Receipted by CH Receipt # E048775

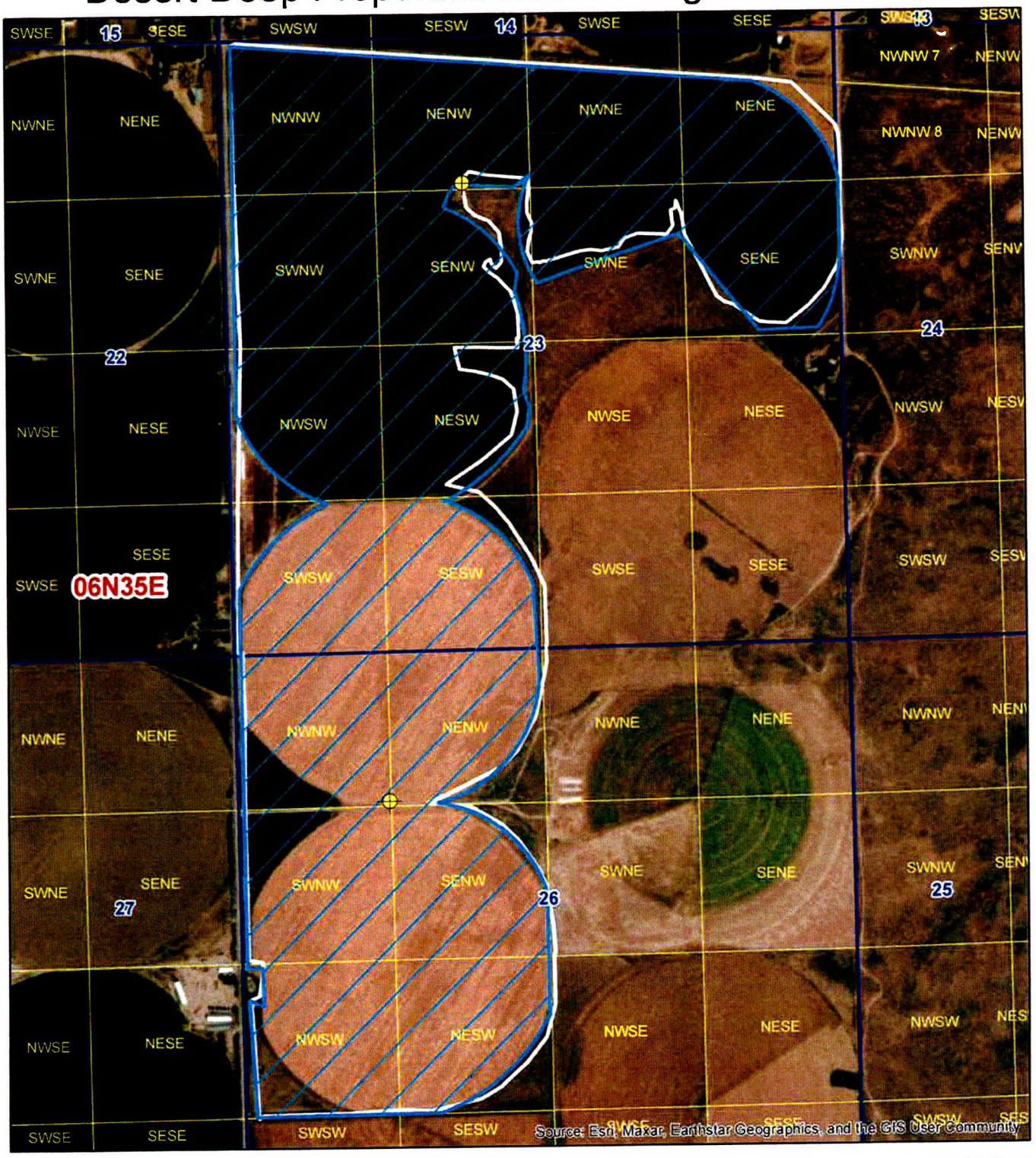
Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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JAN 25 2023

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Desert Deep Properties LLC: Change Place of Use



0 750 1,500 3,000 Feet

- Point of Diversion
- Proposed Place of Use
- WaterRightPOU
- Township/Range
- Sections
- QQ

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JAN 25 2023

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JAN 17 2023

Department of Water Resources
Eastern Region

Instrument # 390782
RIGBY, JEFFERSON, IDAHO
3-30-2011 03:02:00 No. of Pages: 2
Recorded for : SCOTT P ESKELSON
CHRISTINE BOULTER Fee: 13.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

GRANT DEED

THIS INDENTURE is made this 22 day of March, 2011, between **BITTER PROPERTIES, L.L.C.**, an Idaho limited liability company, of Bonneville County, State of Idaho, the "Grantor," and **DESERT DEEP PROPERTIES, LLC**, an Idaho limited liability company, whose mailing address is 1344 N. 1900 E., Terreton, ID 83450, 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

All situated in Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho, described as follows:

Section 23: N1/2 lying south of Idaho State Highway No. 48; SW1/4.

Section 26: NW1/4, N1/2SW1/4 EXCEPT beginning at the SW corner of the NW1/4SW1/4, thence North 950 feet to the point of beginning, thence East 180 feet, thence North 300 feet, thence West 180 feet, thence South 300 feet to the point of beginning.

Section 27: All, EXCEPT N1/2NW1/4

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents,

SCANNED
JAN 25 2023

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JAN 17 2023

Department of Water Resources
Eastern Region

issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this 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.

BITTER PROPERTIES, L.L.C.

By: _____
HARVARD BITTER

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 22nd day of March, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **HARVARD BITTER**, known or identified to me to be one of the Managers of **BITTER PROPERTIES, L.L.C.**, an Idaho limited liability company, and the Manager or one of the Managers who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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

(seal) MICHELLE WALKER NOTARY PUBLIC STATE OF IDAHO

Michelle Walker
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: February 4, 2014

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SCANNED

87434

JAN 25 2023

Instrument # 390781
RIGBY, JEFFERSON, IDAHO
3-30-2011 03:01:00 No. of Pages: 2
Recorded for : SCOTT P ESKELSON
CHRISTINE BOULTER Fee: 13.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

RECEIVED

JAN 19 2023

Department of Water Resources
Eastern Region

GRANT DEED

THIS INDENTURE is made this 22 day of March, 2011, between **KENT BITTER**, of Bonneville County, State of Idaho, the "Grantor," and **DESERT DEEP PROPERTIES, LLC**, an Idaho limited liability company, whose mailing address is 1344 N. 1900 E., Terreton, ID 83450, 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

All situated in Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho, described as follows:

Section 23: N1/2 lying south of Idaho State Highway No. 48; SW1/4.

Section 26: NW1/4, N1/2SW1/4 EXCEPT beginning at the SW corner of the NW1/4SW1/4, thence North 950 feet to the point of beginning, thence East 180 feet, thence North 300 feet, thence West 180 feet, thence South 300 feet to the point of beginning.

Section 27: All, EXCEPT N1/2NW1/4

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

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

SCANNED
JAN 25 2023

87434

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this 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.

Kent Bitter

KENT BITTER

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 22 day of March, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **KENT BITTER**, 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 set my hand and affixed my official seal the day and year in this certificate first above written.

KARA WELCH NOTARY PUBLIC STATE OF IDAHO

(seal)

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: September 17, 2015

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SCANNED
JAN 25 2023

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JAN 19 2023

Department of Water Resources
Eastern Region

Instrument # 390780
RIGBY, JEFFERSON, IDAHO
3-30-2011 03:00:00 No. of Pages: 2
Recorded for : SCOTT P ESKELSON
CHRISTINE BOULTER Fee: 13.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

GRANT DEED

THIS INDENTURE is made this 22 day of March, 2011, between **DAREN BITTER**, of Bonneville County, State of Idaho, the "Grantor," and **DESERT DEEP PROPERTIES, LLC**, an Idaho limited liability company, whose mailing address is 1344 N. 1900 E., Terreton, ID 83450, 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

All situated in Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho, described as follows:

Section 23: N1/2 lying south of Idaho State Highway No. 48; SW1/4.

Section 26: NW1/4, N1/2SW1/4 EXCEPT beginning at the SW corner of the NW1/4SW1/4, thence North 950 feet to the point of beginning, thence East 180 feet, thence North 300 feet, thence West 180 feet, thence South 300 feet to the point of beginning.

Section 27: All, EXCEPT N1/2NW1/4

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

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

SCANNED
JAN 25 2023

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this 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.

DAREN BITTER

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 22 day of March, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **DAREN BITTER**, 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 set my hand and affixed my official seal the day and year in this certificate first above written.

KARA WELCH NOTARY PUBLIC STATE OF IDAHO (seal)

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: September 17, 2015

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SCANNED
JAN 25 2023

Instrument # 391022
RIGBY, JEFFERSON, IDAHO
4-13-2011 02:01:00 No. of Pages: 2
Recorded for : MARTIN ESKELSON
CHRISTINE BOULTER Fee: 13.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

RECEIVED

JAN 19 2023

Department of Water Resources
Eastern Region

GRANT DEED

THIS INDENTURE is made this 6th day of April, 2011, between **KATHLEEN BITTER**, of Bonneville County, State of Idaho, the "Grantor," and **DESERT DEEP PROPERTIES, LLC**, an Idaho limited liability company, whose mailing address is 1344 N. 1900 E., Terreton, ID 83450, 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

All situated in Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho, described as follows:

Section 23: N1/2 lying south of Idaho State Highway No. 48; SW1/4.

Section 26: NW1/4, N1/2SW1/4 EXCEPT beginning at the SW corner of the NW1/4SW1/4, thence North 950 feet to the point of beginning, thence East 180 feet, thence North 300 feet, thence West 180 feet, thence South 300 feet to the point of beginning.

Section 27: All, EXCEPT N1/2NW1/4

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

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

SCANNED
JAN 25 2023

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this 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.

Kathleen Bitter
KATHLEEN BITTER

STATE OF IDAHO)
) ss.
County of Jefferson)

On the 6 day of April, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **KATHLEEN BITTER**, 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 set my hand and affixed my official seal the day and year in this certificate first above written.

(seal) KATHRYN M. TOMLINSON NOTARY PUBLIC STATE OF IDAHO

Kathryn M. Tomlinson
Notary Public for Idaho
Residing at: Terreton, ID
My Commission Expires: 9-4-15

S:\Wendy'sMyFiles\SPE-Clients\0763\Deed(Kathleen-DesertDeep).wpd

SCANNED
JAN 25 2023

87434

Instrument # 391021
RIGBY, JEFFERSON, IDAHO
4-13-2011 02:00:00 No. of Pages: 2
Recorded for : MARTIN ESKELSON
CHRISTINE BOULTER Fee: 13.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

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JAN 19 2023

Department of Water Resources
Eastern Region

GRANT DEED

THIS INDENTURE is made this 12 day of April, 2011, between **BETTY A. BITTER**, of Bonneville County, State of Idaho, the "Grantor," and **DESERT DEEP PROPERTIES, LLC**, an Idaho limited liability company, whose mailing address is 1344 N. 1900 E., Terreton, ID 83450, 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

All situated in Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho, described as follows:

Section 23: N1/2 lying south of Idaho State Highway No. 48; SW1/4.

Section 26: NW1/4, N1/2SW1/4 EXCEPT beginning at the SW corner of the NW1/4SW1/4, thence North 950 feet to the point of beginning, thence East 180 feet, thence North 300 feet, thence West 180 feet, thence South 300 feet to the point of beginning.

Section 27: All, EXCEPT N1/2NW1/4

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

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

SCANNED
JAN 25 2023

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this 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.

Betty A. Bitter

BETTY A. BITTER

STATE OF IDAHO)
) ss.
County of Idaho)

On the 12 day of April, 2011, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **BETTY A. BITTER**, 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 set my hand and affixed my official seal the day and year in this certificate first above written.

(seal)

WENDY NENNI NOTARY PUBLIC STATE OF IDAHO

Wendy Nenni

Notary Public for Idaho
Residing at: Idaho Falls, ID
My Commission Expires: 10-06-2016

S:\Wendy'sMyFiles\S[illegible]d(Betty-DesertDeep).wpd

SCANNED
JAN 25 2023

87434

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 27, 2023

DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON ID 83459

Re: Transfer No: 87434
Water Right No(s).: 31-2328, 31-2360, 31-2375B

Transfer Approval Notice

Dear Water Right Holder :

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
JAN 27 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

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JAN 27 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87434
Water Right No(s).: 31-2328, 31-2360, 31-2375B

DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON ID 83459

Christina Henman
Administrative Assistant

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MEMORANDUM

Date: January 19, 2023

To: Transfer 87434

From: Jared Adamson

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to rearrange the place of use. The transfer is needed to reflect current irrigation practices. The ownership of water rights 31-2328, 31-2360, and 31-2375B will change as part of this transfer.

Authority to File:
The applicant is changing the ownership for the water rights to Desert Deep Properties LLC. The conveyance documents are attached to the application. The applicant is the owner of the property at the proposed place of use per Jefferson County tax lot data (updated 7/12/2022). Daren Bitter, manager of Desert Deep Properties LLC, signed the application.

Water Right Validity:
These rights were decreed on 2/22/2002. In review of aerial photography available to the department there is no clear and convincing evidence showing that forfeiture has occurred. Forfeiture is not an issue.

Injury to Other Water Rights:
Injury to other rights will not result from the proposed changes. The rate, volume, and irrigated acres will remain the same. These rights are regulated by WD 110 and the water master does not oppose the application.

Enlargement of Use:
The approval of this transfer will not result in an enlargement of a water right.

Local Public interest:
No issue identified.

Beneficial Use/Conservation of Water Resources:
No issue identified.

Effect on Economy the Local Area:
No issue identified.

Effect on Agricultural Base of the Local Area:
No issue identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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JAN 27 2023

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 87434

Transfer Applicant's Name: DESERT DEEP PROPERTIES LLC
1344 N 1900 E
TERRETON, ID 83459

Watermaster's Recommendation:

a) X I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 27th day of January 2023.

Blake Jordan

Blake Jordan
Watermaster's Signature
WD110

SCANNED
JAN 27 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, January 25, 2023 2:57 PM
To: Jordan, Blake
Subject: Application for Transfer No. 87434
Attachments: tmp222.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
JAN 27 2023

MEMORANDUM

Date: January 19, 2023

To: Transfer 87434

From: Jared Adamson

Re: Legal Notice Not Required

Legal Notice Not Required
1/19/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

SCANNED
JAN 25 2023