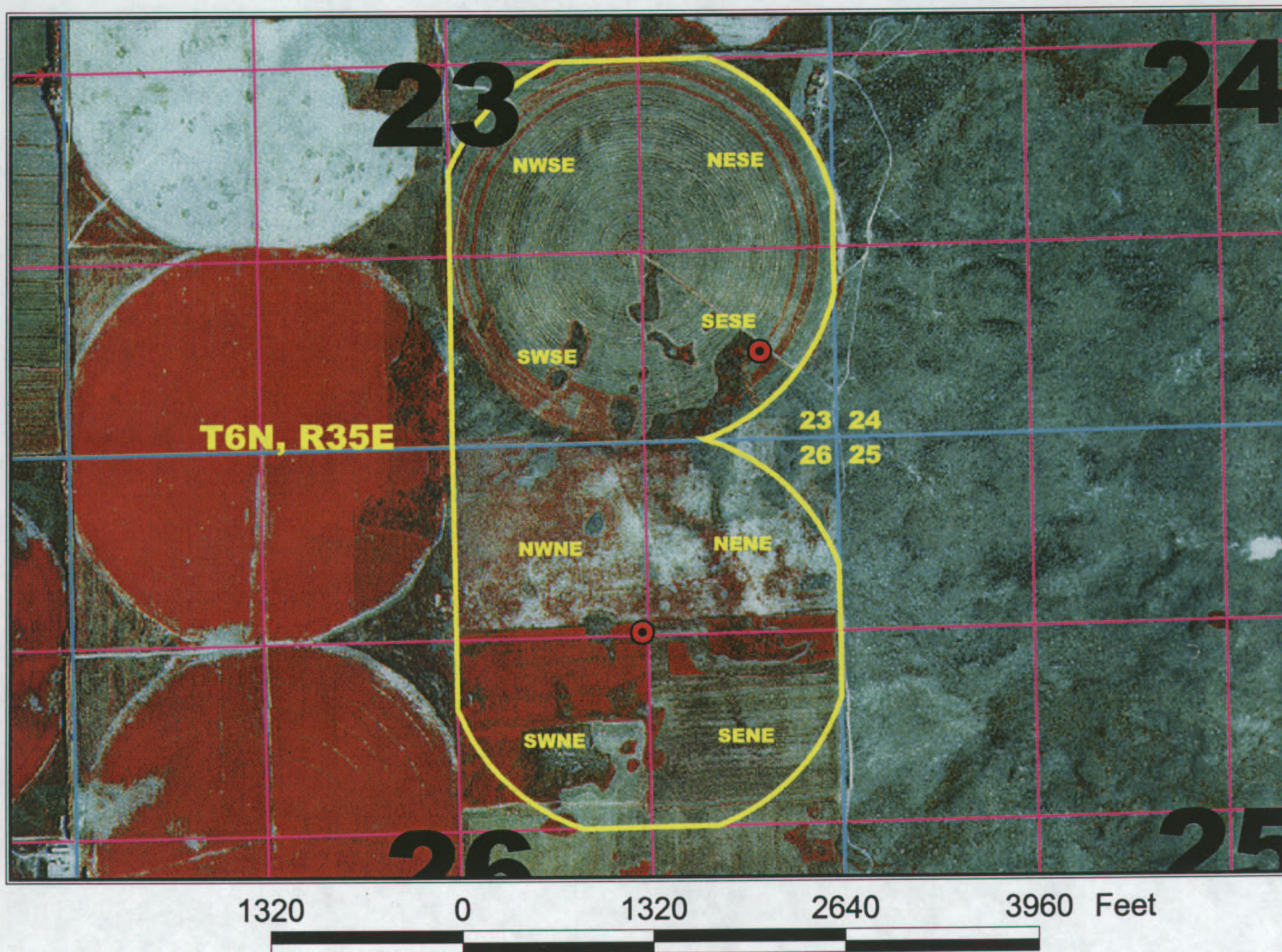




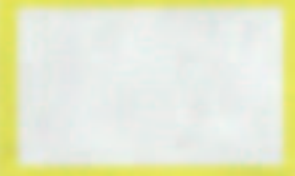
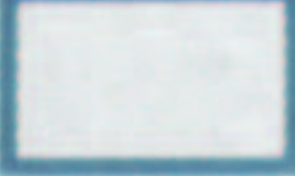
STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 31-02327B, 31-07080
31-11671



Total Irrigated Acres: 283
Permissible Place of Use

-  Point(s) of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: March 2001

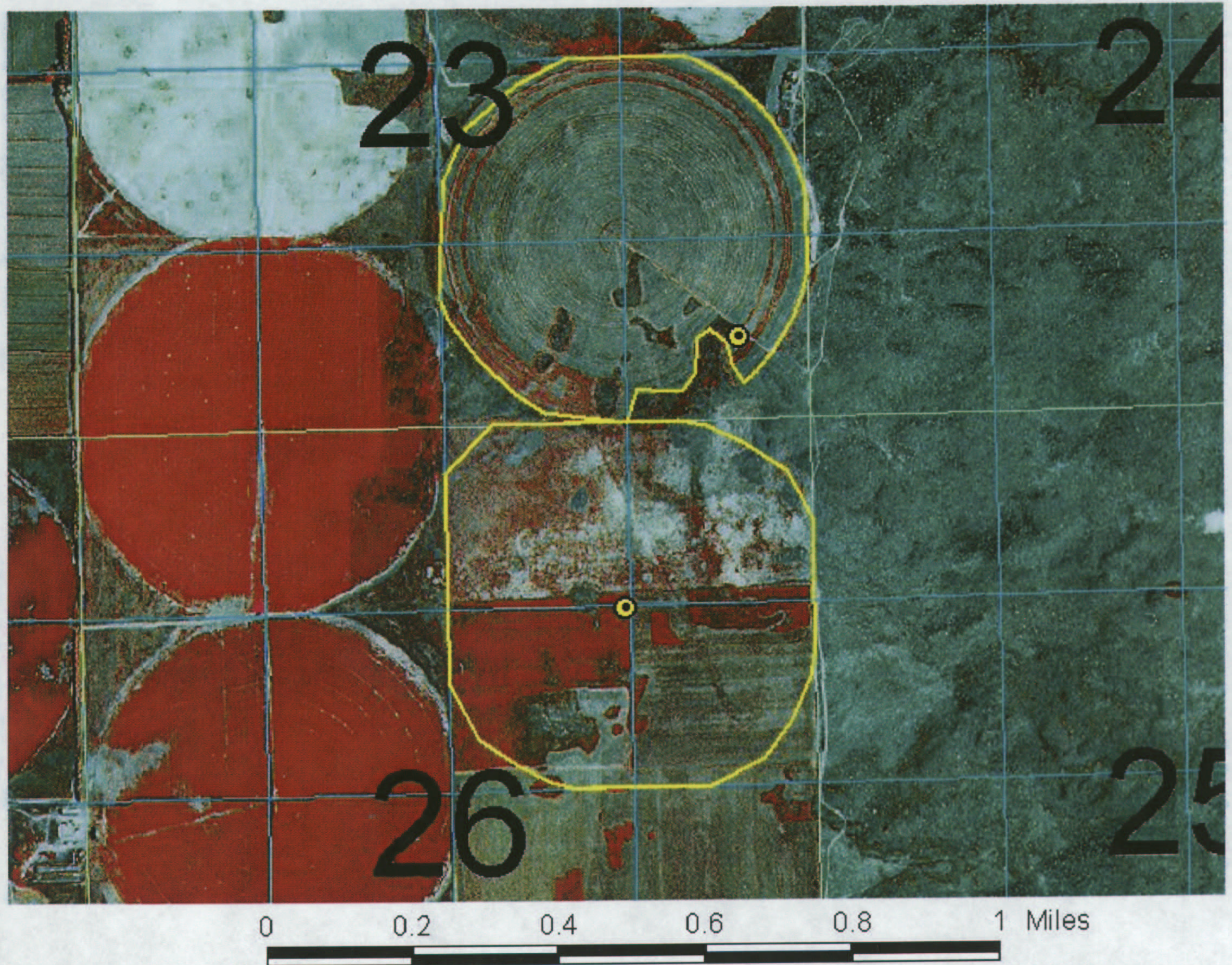
A31-02327B

 Claim A31-07267A, A31-10964A
 Doc Source ~~A31-07267A~~ USGS Quad
W90
 Date 7/24/00 Sig. BAC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-2327B, 31-7080

Township 6N Range 35E Section 23, 26



- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-Quarter Sections
- Sections



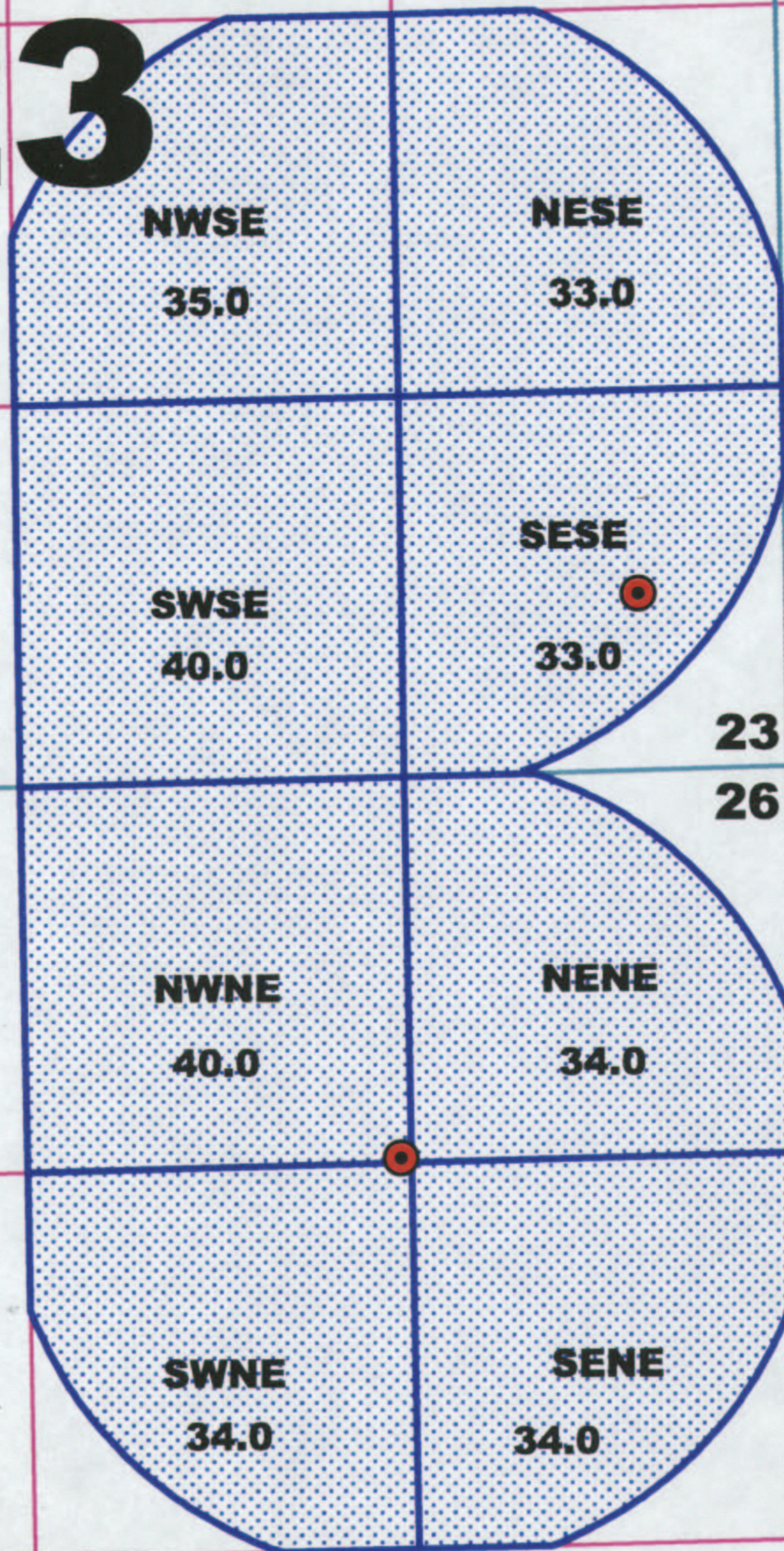
Kirk Egbert

**WR #(s): 31-02327B, 31-07080
31-11671**

23

T6N, R35E

26



**23 24
26 25**

Total Irrigated Acres: 283

 **Point of Diversion**

 **Place of Use**

Acreage Distribution

Prepared By: Craig Saxton
March 2001



Claim A31-07267A, A31-10964A
Doc Source NAPP W90
8/1981
Date 2/24/00 Sig. BAC

03/23/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-2327B

NAME AND ADDRESS: KIRK EGBERT
PO BOX 87
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 1.2 CFS
245 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.54 CFS. COMBINED RIGHT NOS.:
31-02327B, 31-07080, AND 31-11671.

PRIORITY DATE: 07/03/1953

POINT OF DIVERSION:	T06N R35E S23	SESESE	Within JEFFERSON County
	T06N R35E S26	SENWNE	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-15 10-15	1.20 CFS 245.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE
DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T06N R35E S23	NESE	33	T06N R35E S23	NWSE	35
T06N R35E S23	SWSE	40	T06N R35E S23	SESE	33
T06N R35E S26	NENE	34	T06N R35E S26	NWNE	40
T06N R35E S26	SWNE	34	T06N R35E S26	SENE	34

283 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 31-7080 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 283 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02327B, 31-07080, 31-11671.

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

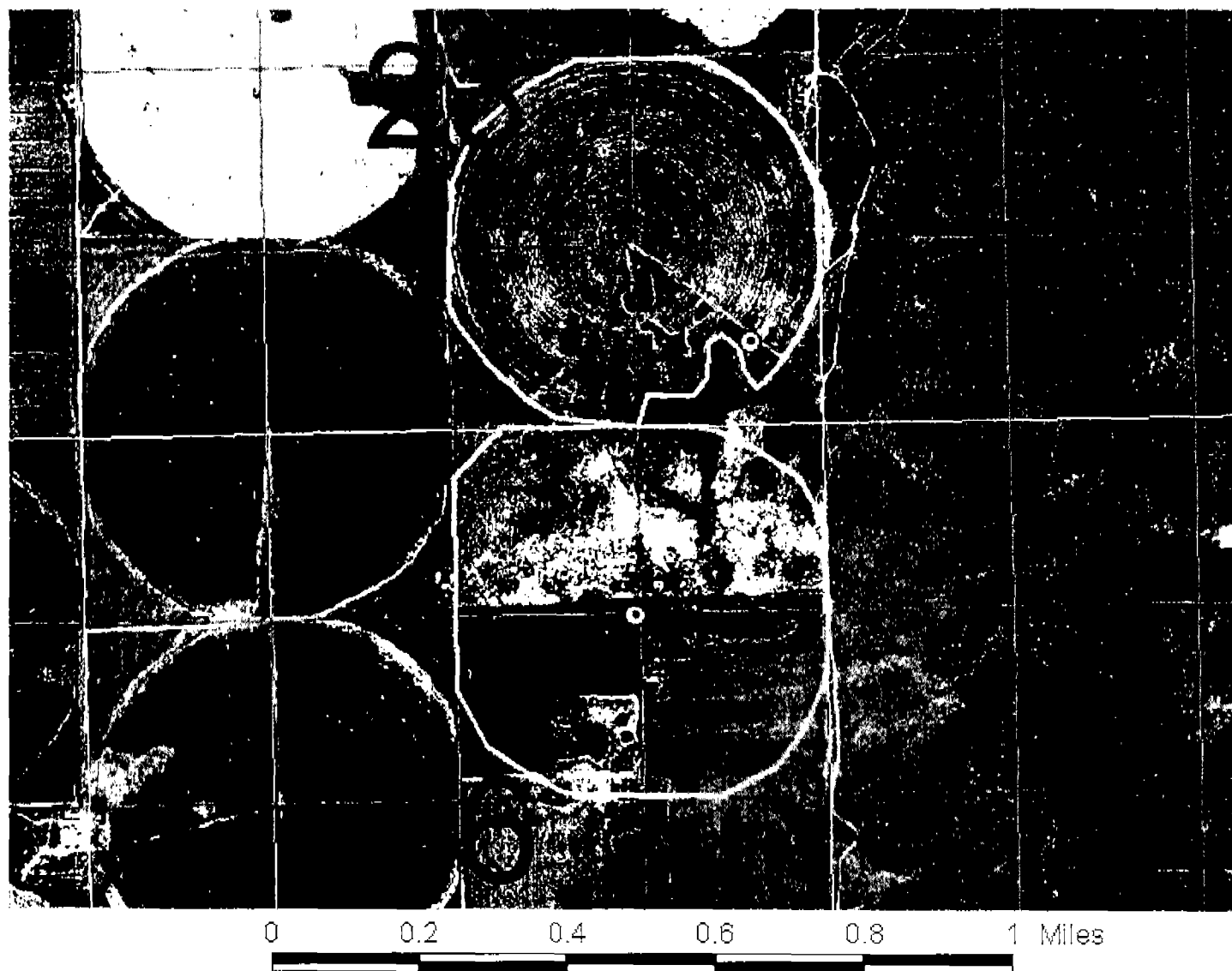
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

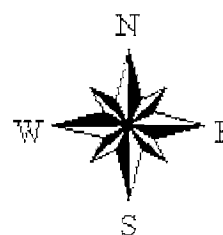
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-2327B, 31-7080

Township 6N Range 35E Section 23, 26



- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-Quarter Sections
- Sections



01/18/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2327B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIRK EGBERT PO BOX 87 TERRETON, ID 83450 (208) 663-4505
Original Owner	TED A AHLM 226 9TH AVE NORTH BUHL, ID 83316
Original Owner	JANET WOOD
Original Owner	LYNN WOOD 1014 E 1500 N MONTEVIEW, ID 83435 (208)663-4448
Original Owner	EARL A LISONBEE 1264 N 1900 E TERRETON, ID 83450 (208)663-4673
Original Owner	KEITH ROGER BARZEE
Original Owner	RAE LOUISE BARZEE 1455 N 2000 E TERRETON, ID 83450 (208)663-4873

Priority Date: 07/03/1953
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/15	1.2 CFS	245 AFA	
Total Diversion			1.2 CFS	245 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 23	Township 06N	Range 35E	JEFFERSON County
GROUND WATER	NWNE	Sec. 26	Township 06N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 70

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	35E	23		NESE	33		NWSE	33		SWSE	33		SESE	27
		26		NENE	35		NWNE	39		SWNE	35		SENE	35

Water Right 31-2327B

Total Acres: 270

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-7080 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

Author	Date	Subject	Comment
bcontor	1/18/01	Recommendation	See paper file. Recommended per transfer 5210 (copy available for review but not included in file). eCVR not completed as further analysis is inappropriate in light of post-1987 administrative action on this right.
bcontor	1/18/01	POD	Section 26 POD is actually in SWNE per Water Meas District GPS but recommended in NWSE per transfer. GIS/SDE shape is correct per GPS.
bcontor	1/18/01	Combined cfs limitation	See memo in paper file. One of the limits not carried forward as it was less restrictive than the elements of the right and therefore unnecessary. The other limit was merely the sum of the cfs of constituent rights and therefore also unnecessary.
bcontor	1/18/01	Combined acre limitation	Individual limitations sum to no more than total PPU, therefore combined acreage limitation unnecessary. Limitation carried forward to recommendation only to provide pointer to other water right in PPU.
bcontor	1/18/01	System Connection	Last time I was at the site w/ NWMD field inspection it appeared physical mainline connection between the two systems had been severed; therefore a split of the rights to the two distinct distribution systems might be appropriate.
bcontor	1/18/01	Mini Pivot	At time of NWMD inspection there was a mini pivot in the corner between the SWSE of 23 and the NWNE of 26; therefore the distribution of acres per qq may not be precisely correct, or perhaps irrigated acres > authorized acres.

Dates:

Licensed Date: 04/16/1979
Claim Received Date: 11/30/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element Summary	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
	1/18/01 7:46:44 AM		1/18/01 7:46:44 AM	bcontor	Complete

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:

Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>
POD	1/18/01 7:37:15 AM	bcontor
POD	1/18/01 7:36:51 AM	bcontor
Summary	1/18/01 7:46:40 AM	bcontor

Log Text

Edited point location
Edited point location
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 31-02327B
Date Received: 11/30/88
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: KIRK EGBERT Phone: (208) 663-4505

Address: PO BOX 87
TERRETON ID USA 83450

2. Date of Priority: 07/03/1953

3. Source: Ground Water

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06N	35E	23	SE SE	0	JEFFERSON
06N	35E	26	NW NE	0	JEFFERSON

5. Description of diverting works:

200' X 12" WELL W/ 200HP TURBINE PUMP TO MAINLINE, SPRINKLER SYST

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.2	245

7. Total Quantity Appropriated is:

1.2 C.F.S. and/or 245 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

06N	35E	23	NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	33
			SW	SE	IRRIGATION	33
			SE	SE	IRRIGATION	27

Section Acres 126

06N	35E	26	SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	39
			NE	NE	IRRIGATION	35

Section Acres 144

Total Acres 270

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

****CHANGED OWNERSHIP PER REQUEST/JC/8-1-00****

15. Basis of Claim: License

16. Signature(s)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A31-02327B**

Date Received: 11/30/1988

Receipt No: X777777

Received By: _____

TRX

Amended

Claim

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

[ROGER BARZEE

208-663-4873

Address: 1455 N 2000 E
TERRETON ID

83450

AND

Name: RAE LOUISE BARZEE
Address: 1455 N 2000 E
TERRETON ID

208-663-4873

83450

2. Date of Priority: JUL 3, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	35E	23	SE	SE			JEFFERSON
		26	NW	NE			JEFFERSON

5. Description of diverting works:

200' X 12" WELL W/ 200HP TURBINE PUMP TO MAINLINE, SPRINKLER SYST

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		245.00

7. Total Quantity Appropriated is:

1.200 C.F.S. (and/or) 245.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	35E	23	NE		SE		IRR	33.0
			NW		SE		IRR	33.0
			SW		SE		IRR	33.0
			SE		SE		IRR	27.0
			Section Acres					126.0
		26	NE		NE		IRR	35.0
			NW		NE		IRR	39.0
			SW		NE		IRR	35.0
			SE		NE		IRR	35.0
			Section Acres					144.0
			Total Acres					270.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
31-7080

14. Remarks:

REFLECTS ACTUAL USE OF WATER UNDER LICENSE
 LICENSE 31-02371 WAS NOT CONVEYED WITH THE PURCHASE OF THE
 S1/2NE1/4 BY CLAIMANT.
 THIS RIGHT PAID FOR UNDER RECEIPT E004682 5/8/96/JT/EC
 Right 31-02327B is limited to the irrigation of 70.0 acres in the
 place of use described above in a single irrigation season.
 Right 31-02327B when combined with Rights 31-02327A and 31-02371
 shall not exceed a total combined diversion rate of 5.51 cfs.
 The total instantaneous diversion of water from all points of
 diversion under Transfer 5210 shall not exceed 3.54 cfs, nor a
 total combined annual volume of 945.0 af, for the irrigation of
 270.0 acres.

15. Basis of Claim: LICENSE

Water Right Number: 24276

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-02327B
Date Received: 11/30/1988
Receipt No: X777777
Received By: _____

~~COPY~~

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KEITH ROGER BARZEE
Address: 1455 N 2000 E
TERRETON ID

83450

208-663-4873

AND

Name: RAE LOUISE BARZEE
Address: 1455 N 2000 E
TERRETON ID

83450

208-663-4873

2. Date of Priority: JUL 3, 1953

3. Source: GROUNDWATER
SPLIT RIGHT

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	35E	26	NW	SW	SW		JEFFERSON

5. Description of diverting works:

200' X 12" WELL W/ 200HP TURBINE PUMP TO MAINLINE, SPRINKLER SYST

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A3102327B



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	35E	26	SW	NE		IRR	35.0
			SE	NE		IRR	35.0
						Section Acres	70.0
						Total Acres	70.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

REFLECTS ACTUAL USE OF WATER UNDER LICENSE
LICENSE 31-02371 WAS NOT CONVEYED WITH THE PURCHASE OF THE
S1/2NE1/4 BY CLAIMANT.
THIS RIGHT PAID FOR UNDER RECEIPT E004682 5/8/96/JT/EC

15. Basis of Claim: LICENSE

Water Right Number: 24276

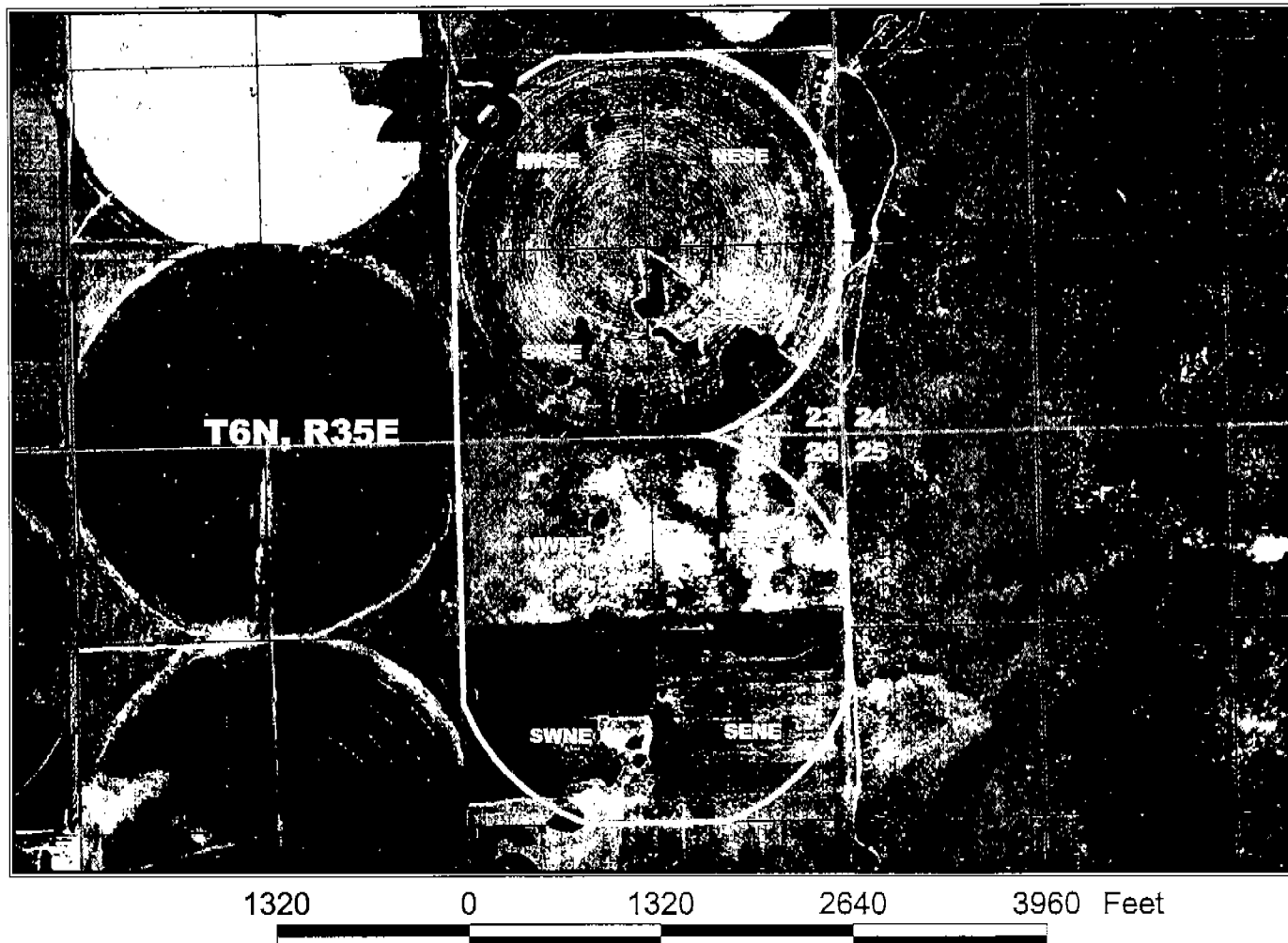
MICROFILMED



STATE OF IDAHO

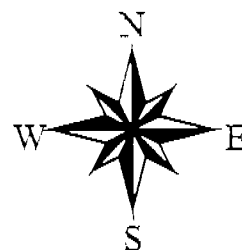
Department of Water Resources
Eastern Region

Water Right(s): 31-02327B, 31-07080
31-11671



Total Irrigated Acres: 283
Permissible Place of Use

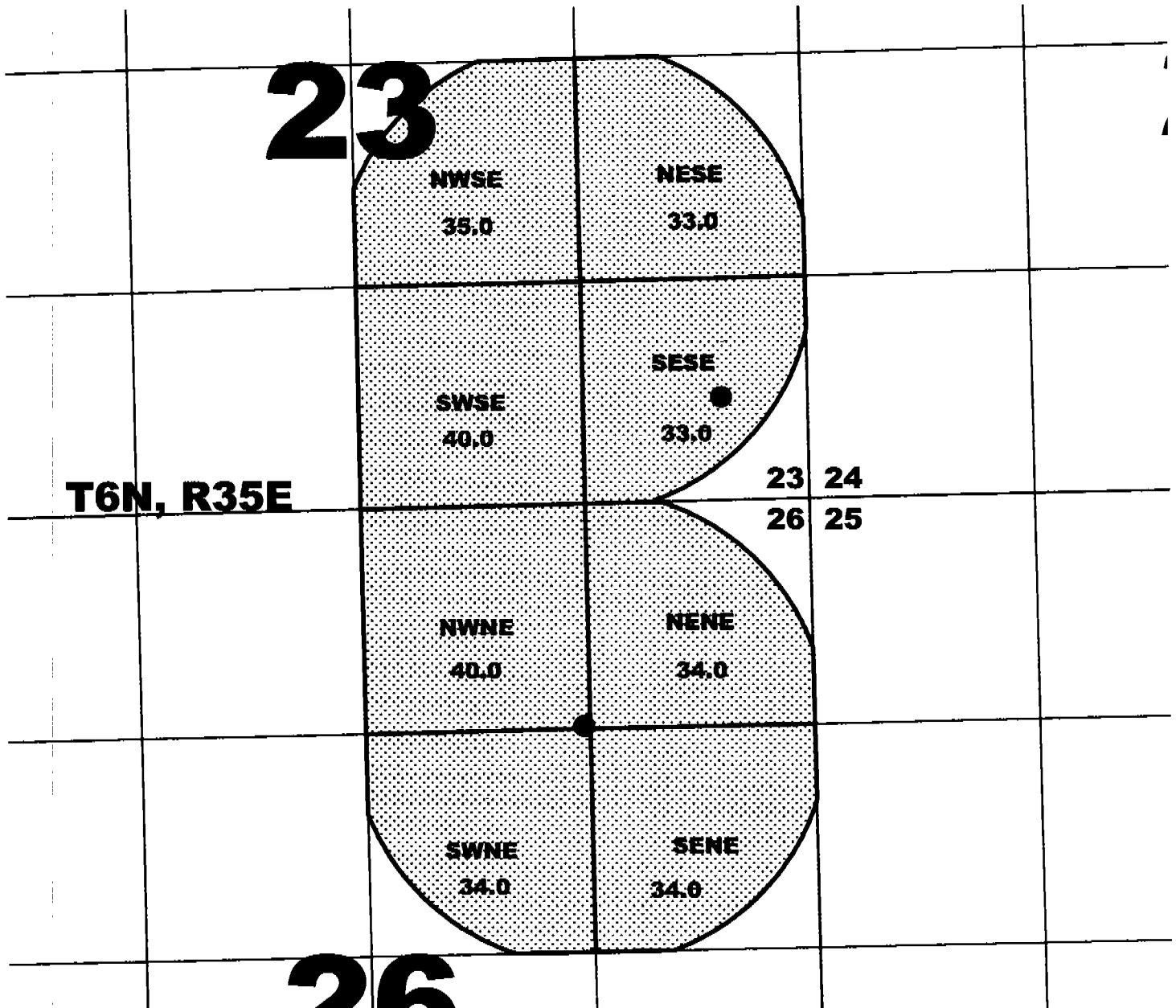
- Point(s) of Diversion
- Place of Use
- Quater Section Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: March 2001

Kirk Egbert

**WR #(s): 31-02327B, 31-07080
31-11671**



Total Irrigated Acres: 283

● Point of Diversion

▨ Place of Use

Acreage Distribution

Prepared By: Craig Saxton
March 2001

Memorandum

Date: March 22, 2001

From: Craig Saxton

Subject: Enlargement claim 31-11671

Enlargement claim 31-11671 was received 3/13/01. Remarks state, *"This is an enlargement claim for 31-7080 and 31-2327B for irrigated acres shown in 1981 aerial photographs, claimed on a permissible place of us basis."* However, 31-07080 and 31-02327B have not been amended to include the enlargement as a PPU.

Based on the remarks of the claim, and the receipt which shows the claimant only paid of 13 acres of enlargement when the land-list call for 283 acres. I am recommending the PPU for the three rights based on that was the intention of the claimant.

01/24/2001

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-2327B and 31-7080

KIRK EGBERT

PO BOX 87

TERRETON ID 83450

Telephone Number: (208) 663-4505

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

I disagree with the acres and the diversion rate on this parcel. In 1987, when they had the last adjudication, the well was not functioning properly. It's hard to get a crop with less than 1000 gal. per minute in our area.

2. Describe the changes you wish to make in the proposed recommendation:

I would like to bump the diversion rate to 2300 gal a minute

3. Give a brief explanation as to why you disagree with these portions:

The two south corners have been farmed for many years, so I would like to put those acres of water on the middle west corners where I now have a mini pivot. Thank you

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3/7/01

SIGNATURE: Kirk Egbert

Please print your name: Kirk Egbert

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

Response:

A) Diversion rate cannot be changed in Adjudication, unless Allocation Bureau of IDWR amends license or issues new permit.

B) As transfer did not include consideration of enlargement and as all currently irrigated ag are listed on original licenses, enlargement claim⁴⁴ is prepared & mailed for signature. Upon receipt it will be reviewed & recommended as appropriate. BAC 3/12/01

GUIDE NOTES FOR Ecvr

Claim No: 31-2327B

Reviewer: BAC

Date: 1/15/01

Shapes in East 47-3 d/pccommw/ 1a work pou. shp
1a work pod. shp
Layout in d/data/ 6N 35E docs/ 31-2327B. SPG

QUICK LOOK COMMENTS

Review/Verify Log

Claim Number: [REDACTED] Version Number: [REDACTED]

Check List

Check Item	Recommended as Claim
Priority Date	☐ YES ☐ NO
Contacts	☐ YES ☐ NO
Point of Invention	☐ YES ☐ NO
Source	☐ YES ☐ NO
Place of Use	☐ YES ☐ NO
Purpose of Use	☐ YES ☐ NO
Period of Use	☐ YES ☐ NO
Boundary	☐ YES ☐ NO
Summary	

CRV Comments

Author: [REDACTED]

Date: 01-17-2001

Page: 1 of 1

1) Recommendation:

Per post-1987 transfer ⁵²¹⁰ ~~4827~~
e.g. not completed as further
analysis is inappropriate in
light of post-87 admin. action

2) POD

Per GPS Section 26 is actually
in S.W.N.E. but recommended in
N.W.N.E. per transfer. GIS/SOA
is correct per GPS

3) Combined CTS limitation

See memo in file for explanation
of combined use limitations. One limitation
from transfer not carried forward as
limitation was less restrictive than
elements of right & therefore
unnecessary. Other limitation = sum of -bs &
therefore unnecessary.

4) Transfer

Review

Relies on copy of Transfer 5210 but full copy
not retained in paper file.

5) Combined use limitation

Not necessary as individual limitations
sum to no more than total PPA; not
carried fwd.

[illegible]

License

CLAIM NO. FIELD NO. DATE WATER STATE 		Claim Number
1. Has there been a later court decree of the water right(s) from the water source?	☐ YES ☐ NO	
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree?	☐ YES ☐ NO	
3. Was the date of the decree after the mandatory permit date?	☐ YES ☐ NO	
4a. Is the basis of claim beneficial use?	☐ YES ☐ NO	
4b. Is the priority date claimed after the date a permit is required for the source and the water use?	☐ YES ☐ NO	
5. Is the basis of claim a posted notice?	☐ YES ☐ NO	
6. Does the parent right have a priority date?	☐ YES ☐ NO	
7. Is the basis of claim an application or permit?	☐ YES ☐ NO	
8a. Has proof of beneficial use been submitted?	☐ YES ☐ NO	8c. Has Field exam been sent to state office?
8b. Has the Field exam been completed?	☐ YES ☐ NO	8d. Has the License been issued?
8e. Will the license be issued prior to filing the Director's Report?		☐ YES ☐ NO
9. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?	☐ YES ☐ NO	
10. Does the claim file contain sufficient evidence of priority date?		☐ YES ☐ NO
11. Has additional evidence of priority date been submitted?		
12. Is the claim being recommended?		
13. Is the basis of claim coded correctly?		
14. Is a Priority remark required?	☐ YES ☐ NO	15. Is a Priority condition required?
☐ YES ☐ NO		☐ YES ☐ NO
Select Claim		

SOURCE

QUALITY ACCURACY INFORMATION RELEVANCE SOURCE NUMBER CLAIM NUMBER

Claim Number

1. Is the basis of claim beneficial use?

☐ YES ☐ NO

2. Does the patent right have a Source?

☐ YES ☐ NO

3. Can the claimed Source be verified using the water right file?

☐ YES ☐ NO

4. Is there evidence that there has been a change in the Source?

☐ YES ☐ NO

5. Can the change be verified as an accomplished transfer?

☐ YES ☐ NO

6. Did the claimant file a transfer?

☐ YES ☐ NO

7. Does the file contain all of the necessary information to verify the source?

☐ YES ☐ NO

Describe how Source was verified

8. Is the Source surface water?

☐ YES ☐ NO

9. Is the source a "standard" source?

☐ YES ☐ NO

10. Is a Source remark required?

☐ YES ☐ NO

11. Is a Source condition required?

☐ YES ☐ NO

Select Claim

POU WORKSHEET

POU WORKSHEET							
Twp	Rng	Sec	QQ	Q	Lot	Acres	Purpose
6N	35E	23		SE			
6N	35E	26		NE			
GIS shape has correct acres per QQ per rfer.							

POU WORKSHEET

[illegible]

POU

[REDACTED]		Claim Number	31	7203
1. Is a POU required? ☐ YES ☐ NO	2. Is the basis of claim beneficial use? ☐ YES ☐ NO			
3. Does the parent right have a POU? ☐ YES ☐ NO	4. Can the claimed POU be verified using the water right file? ☐ YES ☐ NO			
5. Is there evidence that there has been a change in the POU? ☐ YES ☐ NO	6. Can the change be verified as an accomplished transfer? ☐ YES ☐ NO			
7. Is the change an enlargement of the POU? ☐ YES ☐ NO		8. Was an enlargement claim filed? ☐ YES ☐ NO		
9. Does the file contain all the necessary information to verify the POU? ☐ YES ☐ NO				
10. Did the claimant file an enlargement claim? ☐ YES ☐ NO				
11. Was a transfer filed? ☐ YES ☐ NO				
12. Is a POU remark required? ☐ YES ☐ NO	13. Is a POU condition required? ☐ YES ☐ NO	Select Claim		

WATER USE

Recommended Purpose of Use

Water Use

☐

Add

Number of Homes

Edit

Number of Stock

Number of Others

Acres Limit

Water Use Type: IRRIGATION

Remove Selected Use

Save

Claim Number

1. Is the basis of claim beneficial use?

☐ YES ☐ NO

2. Does the patent right have a purpose of use?

☐ YES ☐ NO

3. Can the claimed purpose of use be verified using the water right file?

☐ YES ☐ NO

4. Is there evidence that there has been a change in the purpose of use?

☐ YES ☐ NO

5. Can the claim only be verified as an accomplished transfer?

☐ YES ☐ NO

6. Does the change include an enlargement in the purpose of use?

☐ YES ☐ NO

7. Was an enlargement claim filed?

☐ YES ☐ NO

9. Does the file contain all the necessary information to verify the Purpose of Use?

☐ YES ☐ NO

10. Did the claimant file a transfer?

☐ YES ☐ NO

11. Is a Purpose of Use remark required?

☐ YES ☐ NO

12. Is a Purpose of Use condition required?

☐ YES ☐ NO

Select Claim

Recommended Season of Use and Diversion Rate

Overall Diversion Rate Overall Diversion Volume

Season of Use			Water Use	Start	End	Rate	Volume
Season Start			IRRIGATION	4/15	10/15	1.20	245
Season End							
Water Use			1				
Diversion Rate							
Diversion Volume							

Remove Selected Season

Refresh

Save

Period of Use

This has not been saved yet

Claim Number

1. Is the basis of claim beneficial use? ☒ YES ☒ NO

2. Does the parent right have a period of use? ☒ YES ☒ NO

3. Can the claimed period of use be verified using the water right file? ☒ YES ☒ NO

4. Is there evidence that there has been a change in the season of use? ☒ YES ☒ NO

5. Can the claim only be verified as an accomplished transfer? ☒ YES ☒ NO

6. Does the change include an enlargement in the period of use? ☒ YES ☒ NO

7. Was an enlargement claim filed? ☒ YES ☒ NO

8. Did the claimant file an enlargement claim? ☒ YES ☒ NO

9. Does the file contain all the necessary information to verify the period of use? ☒ YES ☒ NO

10. Was a transfer filed? ☒ YES ☒ NO

11. Is the basis of claim a decree, license or a transferred beneficial use right that has had the period of use administratively determined? ☒ YES ☒ NO

12. Is irrigation claimed as a purpose of use? ☒ YES ☒ NO

13. Is irrigation claimed as a purpose of use? ☒ YES ☒ NO

14. Is the period of use on the decree, license or transfer shorter on either the start or end date than allowable under current IDWR standards? ☒ YES ☒ NO

15. Is a Period of Use remark required? ☒ YES ☒ NO

16. Is a Period of Use condition required? ☒ YES ☒ NO

Quantity

1. Is the basis of claim beneficial use? ☐ YES ☐ NO		2. Is the basis of claim a posted notice? ☐ YES ☐ NO	
3. Does the parent right have a diversion rate and/or diversion volume? ☐ YES ☐ NO			
4. Can the claimed diversion rate and/or volume be verified using the water right file? ☐ YES ☐ NO			
5. Is a flow measurement required? ☐ YES ☐ NO			
6. Is the source ground water and does the purpose of use require a diversion volume limit? ☐ YES ☐ NO			
7. Does the parent right have an annual diversion volume limit? ☐ YES ☐ NO			
8. Is irrigation a purpose of use? ☐ YES ☐ NO			
9. Is a Quantity remark required? ☐ YES ☐ NO		10. Is a Quantity condition required? ☐ YES ☐ NO	

SUMMARY

Quick Look	
Claim Number 31 7283	
1. Is the basis of the claim beneficial use? ☒ YES ☐ NO	
2. Is the water being used for all of the purposes claimed and to the extent claimed? ☐ YES ☐ NO	
3. Is there any indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture? ☒ YES ☐ NO	
4. Is any portion of the claim being recommended? ☐ YES ☐ NO	
5. Is a General remark required? ☐ YES ☒ NO	
6. Is an Explanatory remark required? ☐ YES ☒ NO	
7. Is an additional Condition required? ☒ YES ☐ NO	
8. Would you like to view the recommended right? ☒ YES ☐ NO	11. Do you have documents you would like to attach or link to this file? ☒ YES ☐ NO
9. Is this a "spM" right? ☒ YES ☐ NO	12. Would you like to set the verification date? ☒ YES ☐ NO
10. Is this a "combined" right? ☐ YES ☒ NO	

REMARKS / CONDITIONS

Add/Edit Remark/Condition/Name

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Type	Mod	Category	Code
Cond	N	Gen	CIF
Rem	N	PouI	K06
		70 acres	
Rem	N	PouI	
		270 acres 10/31-7080	
Rem	N	Purpose	S02
		4/1-10/31 shouldn't remove	
Rem	N	QNT	
		31-23278 31-7080 limit	
		to 3.54 cfs and 945.0 cfs	

MEMORANDUM

To: A31-2327A
A31-2327B ✓
A31-2371
A31-7204 A31-7080

Fr: Bryce Cantor

Date: 1/15/01

Re: Diversion rate

1) A31-2327 Was split into A & B by change of ownership in 1996. The original diversion rate & acres were apportioned as follows:

A31-2327A	4.00 cfs on 190 acres, Lynn Wood
A31-2327B	1.20 cfs on 70 acres, Bargee

The combined use limitation of 5.51 cfs w/ 31-2371 was not apportioned.

2) Transfer 5210 changed POU slightly and added a second PD to 31-2327B and 31-7080 on a POU basis in 1998. This transfer applies the 5.51 cfs limitation to both splits of 31-2327 & 31-2371 w/o assigning to

Diversion rate p 2

individual rights or owners, the apportionment of that limitation.

- 3) E. Carlsen in a March 19, 1997 letter implies that the split authorizes Borgee to divert a full 1.20 cfs under 31-2327B, and assigns the full burden of the limitation to 31-2327A / 31-2321.
- 4) The approach of the transfer seems to disagree w/ Carlsen's assumption. As the transfer is later in time, I use the transfer interpretation that the limitation applies to all three rights.
- 5) Because the rights are now under different ownership / management, it is necessary to apportion this limitation to the two owners.
- 6) The original license and exam for 31-2327 are not on the microfiche. License 31-2327 is on the microfiche, but the exam is not. Therefore I assume (w/o certain) no overlap of flow in the one common Q2 (6N 35E 26 SE SW), giving total in coverage of $207 + 260 = 467$ acres. $5.51 \text{ cfs} / 467 \approx 0.0118 / \text{acre}$. $0.0118 \times 70 = 1.32 \text{ cfs}$ of limitation applies to 31-2427B. As this exceeds the transferred Q for this WR, the limitation is meaningless for that right & will not be recommended.

Diversion rate p 3

- 7) This leaves $5.51 - 1.20 = 4.31$ cfs of original limitation to be applied to the Wood rights, 31-2327A / 31-2371.
- 8) While this duplicates the result of Carlsons' analysis it is based on the transfer condition intending for the limitation to apply to all these rights.
- 9) 31-2327B is diverted from the same PD as 31-7080, and 31-2327A, 31-2377B are diverted from the same PD as 31-7204. Additional combined use limitations per transfer and/or licenses may also be recommended.
- 10) POU analyses will be ^{done} separately.

Water Right Number - 31-02327B

Prefix Translation: WATER RIGHT

Old (D) Number - 24276

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BARZEE

KEITH

1 -
2 -
3 -

City- TERRETON
Phone - 208-663-4873

State- ID Zip- 83450

*** O - ORIGINAL OWNER ***
AHLM

TED A

1 -
2 -
3 -

City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/03/1953 15 EASTERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

Point of Diversion						Diversion Name	Diversion Rate	Diversion No.
Twn	Rng	Sec	Tract	Lot	RFlg	County		
06N	35E	23	SE SE			(51) JEFFERSON		
		26	NW NE			(51) JEFFERSON		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15	1.200	245.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200 245.00 0.0

Place of Use								County
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	
06N	35E	23	NE SE		33.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	23	NW SE		33.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	23	SW SE		33.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	23	SE SE		27.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	26	NE NE		35.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	26	NW NE		39.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	26	SW NE		35.0	01	IRRIGATION	(51) JEFFERSON
06N	35E	26	SE NE		35.0	01	IRRIGATION	(51) JEFFERSON

Total Acres: 270.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

Prefix Translation: WATER RIGHT

+ Remarks

[illegible]

+ - - - - - Conditions of Approval - - - - - +

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ -Comments- +

Transfer 5210 adds a point of diversion & changes the place of use under Rights 31-07080 & 31-02327B.

+ - - Audit Fields - 05/16/96 RBODELL 08/23/96 PSKAGGS 08/27/96 PSKAGGS 02/24/98 RBODELL 08/19/98 PSKAGGS
08/19/98 PSKAGGS 08/24/98 PSKAGGS

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- E023886	Water District	-
Licensed Date	- 04/16/1979	Appl. Received	- 00/00/0000	Transfer/Amended	-

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

01/12/01 15:59:53
Page 3

Water right number - 31-023278

Prefix Translation: WATER RIGHT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Presumption Flag -
SRBA Decreed Flag -

Name Connector -

POU Ownership Flag- Y



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 1, 2000

KIRK EGBERT
PO BOX 87
TERRETON ID 83450

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICES OF CLAIM TO A WATER RIGHT A31-02327B, A31-
07080

Dear Mr. Egbert:

The request for Change of Water Right Ownership concerning the above-referenced Notices of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed reports show this change along with the elements of the water right being claimed. Please review these reports and contact this office if there are corrections or questions.

Please keep these reports for your records.

A31-10668 was not split because our records show this property was not owned by Keith Barzee. If you have questions about this matter, please contact Senior Water Agent Bryce Contor.

Respectfully yours,


Jennifer Crabtree
Technical Records Specialist

Enclosures

To: Change of Ownership -
Keith Bargee to Kirk Egbert
Fr: Bryce Coubr
Date: 7/24/2000

Re: Contract review

The sales contract appears to convey the
piece of land of A31-07080 & A31-02327B.

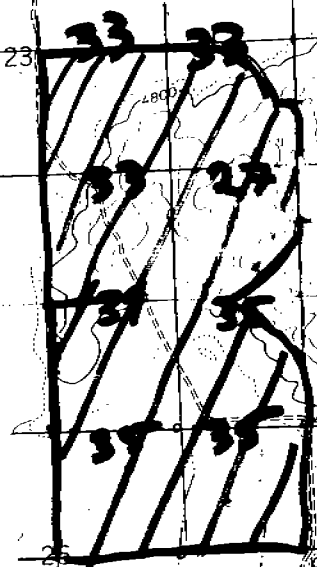
Claim A31-10668 also covers part of
these lands but it is not in the name
of either Keith Bargee nor Kirk Egbert. A31-
10668 is based on license 31-02371
(see memo in file 12/28/1988 from Tony Olewickich)
which shows no POA in any of the
lands described by the sales contract.

It appears that we should change
ownership of A31-07080 & A31-02327B as
requested, but not split A31-10668. When
A31-10668 is investigated we will probably
not recommend those lands owned by Mr.
Egbert per the above documentation.

A31-10668

A31-07080

A31-02327B



Claim A31-02267A, A31-10964A

Doc Source ~~100~~ USGS 2nd

W90
Date 7/24/00 Sig. BAC

JACKETT

HOLLY

17

16

15

14

Well
4786

Well
4789

BM
4785

BM

4781

(28) (88)

LIM

4780

BM

4792

Borrow
Pit

Well
4790

21

22

23

4784

4788

4828

4795

Well
4792

Claim A31-07267A, A31-10964A
Doc Source NAPP WFO
8/1981
Date 2/24/82 Sig. BAC

28

27

DELOG BC 7/21/00
ok fac
7/25/00

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A31-02327B				
	A31-07080				
	A31-10665	X	(only NE 1/4 of 26 & SE 1/4 of 23)		

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the 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(s)

Keith Barzee
Terreton, Idaho

4. New Owner/Claimant(s)

Kirk Egbert
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

Box 87

City, State and ZIP Code

Terreton Idaho 83450

New Telephone Number

(208) 663-4505

5. Date you acquired the property

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

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

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

CONTRACT OF SALE

THIS AGREEMENT, Made and entered this 22nd day of April, 1998, by and between KEITH R. BARZEE, also known as KEITH ROGER BARZEE and RAE LOUISE BARZEE, husband and wife, of 1455 North 2000 East, Terreton, Idaho 83450, hereinafter called "Seller" and KIRK S. EGBERT and KATHRYN H. EGBERT, husband and wife, of 1410 East 1300 North, Terreton, Idaho 83450, hereinafter called "Buyer,"

WITNESSETH:

1. Property.

Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, on the terms and conditions herein specified, the following described real property situated in Jefferson County, Idaho to-wit:

Real Property:

TRACT 1:

Township 6 North, Range 35 East of the Boise Meridian, Jefferson County, Idaho.

Section 23: Southeast Quarter, EXCEPTING THEREFROM:

Beginning at the southeast corner of Section 23, thence north for a distance of 2016.31 feet to the true point of beginning; thence north for a distance of 614.41 feet; thence N89°37'22"W for a distance of 811.05 feet; thence south for a distance of 32.32 feet to the beginning of a curve left Delta = 37°22'16"; Radius = 1393.00'; thence along the arc of a curve concave to the southeast for a distance of 908.58 feet to the end of said curve; thence east for a distance of 139.02 feet to the true point of beginning.

Section 26: North One Half of the Northeast Quarter

EXCEPTING FROM SECTIONS 23 AND 26 ABOVE:

Beginning at the southeast corner of Section 23, Township 6 North, Range 35 East, said point also being the true point of beginning thence $N00^{\circ}08'42''E$ for a distance of 832.52 feet to a curve right, $\Delta = 49^{\circ}46'56''$ Radius = 1416.00' arc = 1230.31' Chord = 1191.97 Tangent = 657.02' for a Chord distance of 1191.97 feet and a Chord bearing of $S44^{\circ}20'50''W$, said point falling in Section 26, Township 6 North, Range 35 East, said point also being the beginning of a curve to the right; $\Delta = 50^{\circ}04'35''$ Radius = 1400.00' Arc = 1223.60' Chord = 1185.03' Tangent = 653.97' for a chord distance of 1185.03 feet and a Chord bearing of $S44^{\circ}28'38''E$, said point falling on the East line of Section 26; thence $N00^{\circ}03'18''E$ for a distance of 865.44 feet to the true point of beginning. Seller retains no water right to the property immediately above excepted.

TRACT 2:

Township 6 North Range 35 East of the Boise Meridian, Jefferson County, Idaho

Section 26: South One-Half of the Northeast Quarter

TRACT 1 AND 2 SUBJECT TO THE FOLLOWING:

1. Reservation to the United States of America as set out in the Patent, recorded as Instrument No. 181823, recorded August 27, 1976 to wit:
 - a) A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 26 Stat. 391:43 U.S.C. 945.
 - b) A perpetual right of way over and across a strip of land 33 feet wide measured parallel and adjacent to the east boundaries of the East One-Half of the Southeast Quarter, Section 23 and the Northeast Quarter of the Northeast Quarter, Section 26 for public access and use by the people of the United

States generally.

c) All the oil and gas in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 USC 121-124.

2. Easement given by Everett T. Acor and Sadie Acor, to Utah Power and Light Company, recorded September 13, 1977 as Instrument No. 187930, records of Jefferson County, Idaho.

Together with any and all water and water rights, ditch and ditch rights, well and well rights appurtenant thereto, including, but not limited to the following:

Water Right, Identification Number: A31-02327B, in the Snake River Basin Adjudication, consisting of a water right, the source of which is ground water with the date of priority of July 3, 1953, consisting of 1.20 cfs, which is a license right with an annual volume of 245 a.f.

Water Right, Identification Number: 31-07080, in the Snake River Basin Adjudication, consisting of a water right, the source of which is ground water with the date of priority of March 12, 1973, consisting of 2.34 cfs, which is a license right with an annual volume of 600 a.f.

Together with the following: All wells, pumps, pumping equipment, circular irrigation systems, buried mainlines, fifty-five sections (each section being approximately 40 feet long) of four inch hand line sprinkler irrigation pipes and other improvements; and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

The Seller represents that the premises are presently subject to the following encumbrances:

1. Real Estate Mortgage given by Everett T. Acor and Sarah Acor, husband and wife, Mortgagors to Farmers Home Administration, Mortgagee, recorded November 19, 1976 as Instrument No. 182956, in the records of Jefferson County, Idaho to secure \$77,000. Agreement for Extension of Assumed Mortgage given to Keith R. Barzee and Rae Louise Barzee, husband and wife, recorded November 19, 1987 as Instrument No. 246290, records of Jefferson County, Idaho. Agreement for extension recorded June 19, 1989 as Instrument No. 252750, in the records of Jefferson County, Idaho. (Tract 1)

2. Real Estate Mortgage given by Keith R. Barzee and Rae Louise Barzee, husband and wife, Mortgagor to Farmers Home Administration, Mortgagee, recorded November 19, 1987 as Instrument No. 246289 and re-recorded November 23, 1987 as Instrument No. 246338, in the records of Jefferson County, Idaho, to secure \$7,500. (Tract 1)

3. Real Estate Mortgage given by Keith R. Barzee and Rae Louise Barzee, husband and wife, Mortgagor to Farmers Home Administration, Mortgagee, recorded February 27, 1992 as Instrument No. 262944, in the records of Jefferson County, Idaho, to secure \$20,000. (Tract 1)

4. Real Estate Mortgage given by Keith Roger Barzee and Rae Louise Barzee, husband and wife, Mortgagor to Dee Lynn Wood and Janet Wood, husband and wife, Mortgagees, recorded April 14, 1996, as Instrument No. 280479 in the records of Jefferson County, Idaho, to secure \$52,400. (Tract 2)

2. Price.

Buyer shall pay Seller for said property a purchase price of \$375,000, payable as follows:

A down payment in the amount of \$125,000, \$75,000 of which shall be due and payable on April 22, 1998 and the balance of the down payment, principal, in the amount of \$50,000, and interest accruing thereon at the rate of eight percent (8%) per annum from April 22,

1998, until paid, shall be paid on January 2, 1999.

The balance of the principal in the amount of \$250,000, plus accruing interest on the unpaid balance at eight percent (8%) per annum from April 1, 1998, until paid, shall be payable by Buyer to Seller at The Bank of Commerce, Escrow Holder, as follows:

In 15 equal annual payments, with the first payment in the amount of \$29,207.39, due and payable on the 1st day of April, 1999 and a payment in identical amount due and payable on the 1st day of each April thereafter until April 1, 2013, when the final payment in the amount of \$29,207.39 shall be due and payable. Each payment shall be applied, first to accrued interest and the balance to principal. Interest shall accrue only on the unpaid balance.

Buyer may not prepay on the contract without obtaining prior written permission from Seller and Seller shall not unreasonably withhold such written permission.

Seller shall pay in full, all obligations presently owing to the Farmers Home Administration concurrently with the execution of the within Contract of Sale and Seller shall obtain releases from the Farmers Home Administration on all mortgages and security documents presently encumbering the premises.

Seller shall timely pay the amount owing by Seller to Dee Lynn Wood and Janet Wood, secured by that certain mortgage recorded April 14, 1997, as Instrument No. 280479 in the records of Jefferson County.

In order to further assure that such payment will be made, the parties agree that from each annual payment that is made by Buyer to Seller, under the within contract, the escrow holder under the within contract is hereby directed to pay the amount of the annual payment due from Seller to Dee Lynn Wood and Janet Wood, secured by Instrument No. 280479, records of Jefferson County, until such mortgage indebtedness is paid in full. Seller is currently paying

such mortgage indebtedness through First American Title Company, as escrow holder, in Blackfoot, escrow account # 2908. The amount of principal owing on such mortgage indebtedness in favor of Dee Lynn Wood and Janet Wood, with accrued interest through April 22, 1998, is the sum of \$45,445.13 and that the annual payments on such mortgage is an amount of \$8,164.97, which is due and payable on the 1st day of April of each year. Seller represents and agrees that all payments on such mortgage indebtedness are now current. The parties agree that the escrow holder shall pay from each annual payment made under the within contract, a sufficient amount to pay current the mortgage indebtedness under the mortgage in favor of Dee Lynn Wood and Janet Wood and the balance of the payments made by Buyer to Seller under the within contract shall be paid by escrow holder to Seller as set forth in the escrow agreement.

Buyer and Seller shall each pay, when due, one-half of all escrow fees. Buyer shall add to each payment made to the escrow holder a sum equal to Buyer's share of the escrow fees then owing.

3. Possession.

Buyer is granted possession of the premises on April 1, 1998.

4. Maintenance.

The Buyer agrees that he will, at his own expense, maintain said premises in good condition, order and repair during the life of this contract, reasonable wear and tear excepted.

5. Taxes.

Seller shall pay one-fourth of the 1998 and all prior taxes and assessments levied and assessed against the premises, and Buyer shall pay three-fourths of the 1998 and all subsequent taxes and assessments levied and assessed against the premises when the same are

due and payable and before the same shall become delinquent.

6. Deed and Title Insurance.

Seller shall execute a good and sufficient Warranty Deed to Buyer to the premises, free from all encumbrances except any assumed or placed thereon by Buyer, and the deed shall be deposited with escrow holder, for delivery to Buyer when the purchase price has been fully paid to Seller.

Seller shall immediately order and within sixty days of the date hereof deposit with the escrow holder, a policy of title insurance insuring such title subject to payment of this contract and the standard printed exceptions.

7. Default Remedies.

Time and punctuality of payment are the essence and material part of this contract; and in the event Buyer shall default in the performance of the terms of this agreement, Seller may cause notice in writing to be given to Buyer, specifying the matters in which such default occurred. The notice shall be served upon Buyer by depositing the same in any United States Post Office, addressed to Buyer at 1410 East 1300 North, Terreton, Idaho 83450, certified mail, postage prepaid, and such notice shall be deemed served upon its deposit in the post office as aforesaid. If Buyer shall fail to cure such default within thirty days after the service of such notice as aforesaid, then Seller may elect to:

A. Declare the entire unpaid balance on the contract, including principal, interest, taxes, assessments, attorneys' fees, and any other sums owing Seller to be immediately due and owing, and

B. Elect to either:

(1) Bring suit to establish the balance owing hereunder as a debt due by Buyer to

Seller, and to foreclose this contract as a real estate mortgage securing said debt, in accordance with the laws of the State of Idaho relating to the foreclosure of real estate mortgages, including the right to a deficiency judgment; no notice to Buyer of election to pursue this remedy is required prior to suit, or,

(2) Declare this contract to be terminated due to said default. In that event this contract shall be immediately terminated, and Buyer shall forfeit all rights to said premises, and all payments made hereon shall be retained by Seller as liquidated damages for the breach of this contract. In that event Buyer agrees to immediately surrender possession of the premises, and any improvements made thereon shall attach to and become a part of the real property, and shall be retained as liquidated damages. If notice of election of this remedy is not given in the notice of default, then an additional certified mail notice of the election to terminate the contract shall be given, and Buyer agrees to immediately vacate the premises upon receipt of the notice, and

C. To pursue any other remedy in law or equity to enforce the performance of this contract, or to recover damages for the breach thereof.

D. To reclaim from the escrow holder all papers placed therein, including a Quitclaim Deed, with after acquired clause, from Buyer to Seller, which the parties agree shall be made a part of the escrow.

E. The default period in this contract and in the escrow agreement shall run concurrently.

8. Attorneys' Fees.

In the event either party hereto shall be required to employ an attorney for the enforcement of this contract, with or without suit, the defaulting party agrees to pay the prevailing party's reasonable attorneys' fees. In the event of default by Buyer, Buyer agrees to pay attorneys' fees of Seller in issuing notice of default, or otherwise enforcing the contract, without suit.

9. Binding Effect.

This agreement is not only binding upon the parties hereto, but upon their respective successors, heirs, administrators and assigns.

The terms "Seller" and "Buyer" shall be construed, as used herein, to include the actual parties hereto.

10. Legal Representation.

RIGBY, THATCHER, ANDRUS, RIGBY, KAM & MOELLER, Chartered, have served as attorneys for the Buyer in this transaction.

Seller shall reimburse Buyer the sum of \$ _____ towards payment of attorneys' fees.

Seller has been invited to seek his own legal counsel in this matter, and shall pay his own fees for that counsel.

11. Environmental Representation and Warranty:

Seller agrees and states that he is unaware of any hazardous or toxic substances or any condition on the subject property that would be in violation of any federal, state, local or other law. Seller represents to Buyer that he has not used, deposited, discharged, placed, caused or allowed to be placed, any hazardous waste or toxic substances on the premises being purchased in contravention of any federal, state, local or other law.

12. Transfer Restricted.

It is expressly agreed that no sale of the premises or any assignment of this contract shall be valid or binding unless the same is in writing, and a copy thereof deposited with the Escrow Holder and an escrow-accepted copy furnished to Seller herein. Any such assignment or sale must be expressly subject to the right of Seller, hereunder, and Buyer agrees that he shall not mortgage said premises nor allow any liens upon same without written permission of Seller.

13. Insurance.

Buyer shall keep all insurable improvements on the property insured against fire and other casualty, with extended coverage, with a reputable insurer, in the full reasonable insurable amount, and with a loss payable clause in favor of Seller.

A certificate of insurance shall be furnished to Seller and a further certificate furnished on each renewal of the policy.

14. Easement.

Seller hereby grants to Buyer an easement for ingress and egress that shall be appurtenant to the real property hereby sold, which easement is described as follows:

A 40 foot wide easement lying across the north side of the following described property and being parallel with the north boundary of the following described property, to-wit:

A parcel of land situated in Jefferson County, State of Idaho, Township 6 North, Range 35 East of the Boise Meridian, Section 23 more particularly described as follows: Beginning at the southeast corner of Section 23, Township 6 North Range 35 East Boise Meridian. Thence north for a distance of 2016.31 feet to the true point of beginning; thence north for a distance of 614.41 feet; thence N89°37'22" W for a distance of 811.05 feet; thence south for a distance of 32.32 feet to the beginning of a curve left Delta= 37°22'16"; Radius= 1393.00'; thence along the arc of a curve concave to the southeast for a distance of 908..58 feet to the end of said curve; thence east for a distance of 139.02 feet to the true point of beginning, containing 5.95 acres more or less.

The easement above described is perpetual and shall run with the real estate to which it is appurtenant as above stated.

14. Memorandum of Contract of Sale.

The parties agree that a Memorandum of Contract of Sale of the within Contract of Sale shall be executed and recorded in the official records of Jefferson County, Idaho.

15. Farm Service Agency Payments.

Seller hereby transfers to Buyer all of Seller's rights to future payments from the Farm Service Agency, an agency of the United States of America, Department of Agriculture, formerly known as ASCS, pertaining to the real estate above sold and Buyer shall have the right to receive all such future payments.

16. Irrigation Systems.

It is understood that Buyer has applied for a drilling permit to drill a new well on the premises. Seller grants to Buyer, such right and agrees that Buyer shall have all rights to any existing or future applications for transfer of point of diversion.

Buyer shall have the right to place new irrigation systems on the premises at Buyer's discretion and to grant purchase money security interest in such new irrigation systems, provided that Buyer agrees not to encumber the real property in doing so.

17. Assumption of Debt at American Pump and Crane.

Buyer agrees to assume and timely pay an indebtedness of Seller owed to American Pump & Crane of Idaho Falls, Idaho for work done by American Pump & Crane on the existing well on the premises, in an amount of \$7,250.

18. 150 Horsepower Motor.

Seller hereby sells and transfers all interest of Seller in a 150 horsepower motor and in consideration therefore, Buyer agrees to pay the repair costs owing on the motor to

Electric Motor Service in Idaho Falls, Idaho.

19. Easement.

Seller retains an easement in a four inch irrigation mainline running from the center of the circular irrigation system presently located on the premises in the southeast quarter of Section 23 in a northeasterly direction to the property line of the property hereby sold, which mainline provides irrigation water to trees and yard that are located on property presently owned by Seller's mother, together with right to use of water from such well for use of such trees and yard, described as follows:

Beginning at the southeast corner of Section 23, thence north for a distance of 2016.31 feet to the true point of beginning; thence north for a distance of 614.41 feet; thence N89°37'22"W for a distance of 811.05 feet; thence south for a distance of 32.32 feet to the beginning of a curve left Delta = 37°22'16"; Radius = 1393.00'; thence along the arc of a curve concave to the southeast for a distance of 908.58 feet to the end of said curve; thence east for a distance of 139.02 feet to the true point of beginning.

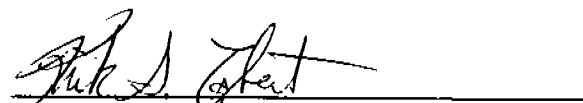
Buyer agrees that the easement hereby granted shall be perpetual and shall be appurtenant to the property described above. Buyer shall have no responsibility for repair or maintenance of such mainline.

IN WITNESS WHEREOF, the parties have executed this contract.

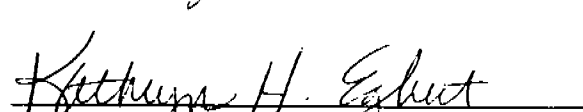
"SELLER"

"BUYER"


Keith R. Barzee


Kirk S. Egbert


Rae Louise Barzee


Kathryn H. Egbert

STATE OF IDAHO)

SS.

County of Madison.)

On this 22nd day of April, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith R. Barzee and Rae Louise Barzee, known 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.

John Chadwick

Notary Public for Idaho

Residing at Rexburg, Idaho

My Commission expires: 4-27-98

STATE OF IDAHO)

SS.

County of Madison.)

On this 22nd day of April, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Kirk S. Egbert and Kathryn H. Egbert, known 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.

Adrian Chadwick

Notary Public for Idaho

Residing at Rexburg, Idaho

My Commission expires: 4-27-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

RECEIVED

AUG 26 1998

Department of Water Resources
Eastern Region

This is to certify that: KEITH BARZEE
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02327B :			
IRRIGATION	04/15 to 10/15	1.20 CFS	245.0 AF
Priority: 07/03/1953			
Right No. 31-07080 :			
IRRIGATION	04/15 to 10/15	2.34 CFS	700.0 AF
Priority: 03/12/1973			
	TOTAL:	* 3.54 CFS	* 945.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 06N, Range 35E
NWNE , Sec. 26, Township 06N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	35E	23	NESE 33	NWSE 33	SWSE 33	
			SESE 27			126
		26	NENE 35	NWNE 39	SWNE 35	
			SENE 35			144
						** 270

Total number of acres irrigated: ** 270

CONDITIONS OF APPROVAL AND REMARKS

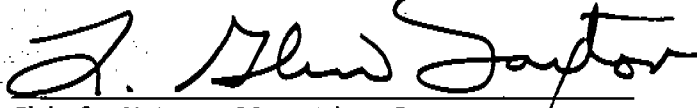
1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right 31-02327B is limited to the irrigation of 70.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 31-02327B when combined with Rights 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.
- ** 8. Right 31-07080 is limited to the irrigation of 200.0 acres in the place of use described above in a single irrigation season.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5210 shall not exceed 3.54 cfs, nor a total combined annual volume of 945.0 af, for the irrigation of 270.0 acres.

Dated this 24th day of August, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 31-02327B & 31-07080

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5210

DATE: August 19, 1998



Transfer 5210 adds a second point of diversion and changes the place of use under Rights 31-02327B and 31-07080. The transfer shifts 5 acres in the S1/2 NE, S26, T06N, R35E and identifies a 270.0 acre place of use under this combined right system.

Season of use and diversion volume were adjusted to current standards. A new well was drilled under DP# 31-98-E-004-000 in April 1998 identifying the associated water right as 31-07080. Recommended conditions include measuring & annual reporting, irrigation overlap, permissible place of use limits, combined right limits, and standard transfer conditions.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Keith Barzee Phone (208) 663-4873Post Office address Territon Idaho 83450

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 It will be more efficient to water our pivots if we had a second well. Also the acres in the S¹/₂ of the NE¹/₄ of Sect. 26 are rearranged to reflect actual use.
* Applicant cannot get licensed amount from current well.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
(a)	<u>31-07080</u>	<u>3/12/1973</u>	<u>2.34 cfs</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
					to _____
(b)	<u>31-02327B</u>	<u>7/03/1953</u>	<u>1.20 cfs</u>	<u>" "</u>	<u>" "</u> to <u>" "</u>
					to _____

2. Total amount of water being transferred 4.34 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	26	6N	3SE	Jefferson	New Point of Diversion
		SE	SE	23	6N	3SE	"	

5. Lands irrigated or place of use:

	Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
				NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
a)	6N	3SE	23													33	33	33	27	126
			26	35	39															74
b)	6N	3SE	26																	70

Total acres 270

PART 1

6. General Information:

a. Description of diversion system 2 wells + pumps to 2 pivots

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NA

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this day of , 19

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-02327B

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.20 CFS	245.0 AF

SOURCE

GROUNDWATER

Priority: 07/03/1953

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 23, Township 06N, Range 35E
JEFFERSON CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	35E	26	SWNE 30	SENE 40		70
Total number of acres irrigated:						70

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Right No. 31-02327B when combined with Right Nos. 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-07080

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.34 CFS	600.0 AF

SOURCE

GROUNDWATER

Priority: 03/12/1973

LOCATION OF POINT(S) OF DIVERSION:SESE , Sec. 23, Township 06N, Range 35E
JEFFERSON CountyPLACE OF USE: IRRIGATION

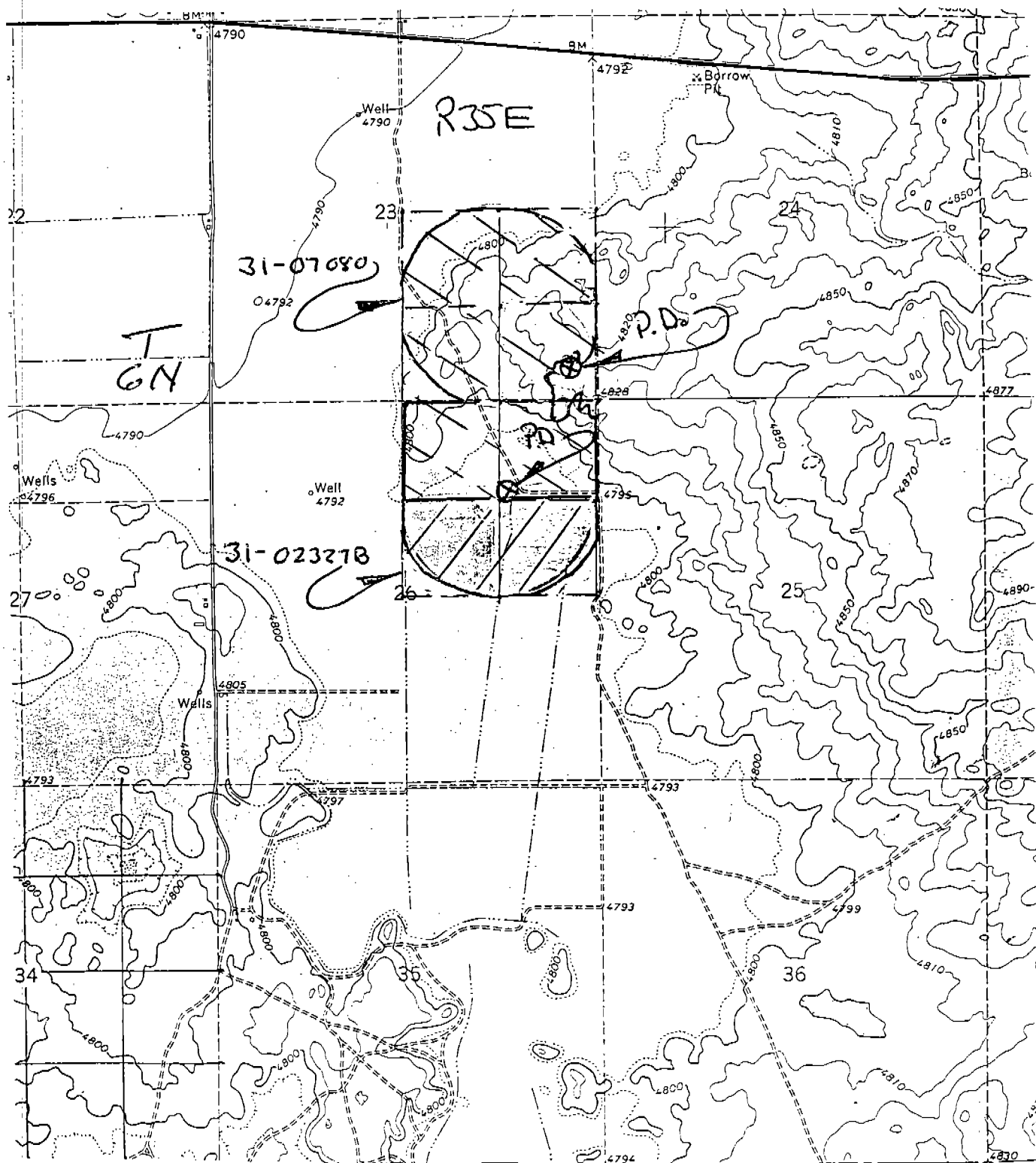
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 35E 23	NESE 33	NWSE 33	SWSE 33	126
	SESE 27			74
26	NENE 35	NWNE 39		
		Total number of acres irrigated:		200

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating 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.



PART 3

B. CHANGES IN NATURE OF USE

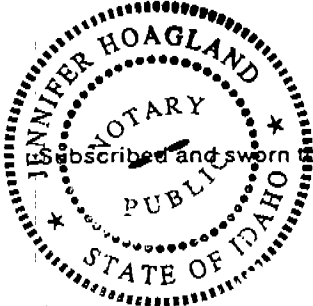
1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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

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

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

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



Subscribed and sworn to before me this 10th day of February, 19 98.

[Signature]
(Signature of Applicant)

Jennifer Hoagland
(Notary Public)

My commission expires 9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by 2-10-98 Date _____ Protest filed by _____

Prelim. check by KW Fee \$100.00

Receipted by HWT #E023886 Date 2-10-98

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by BAC

Copy of transfer sent to lien holder _____

Adj - Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4837
WATER RIGHT NO. 31-02327B

RECEIVED
AUG 29 1996

This is to certify that: **KEITH BARZEE**
LOUISE BARZEE
1455 N 2000 E
TERRETON ID 83450

Department of Water Resources
Eastern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 1.20 CFS	245.0 AF

SOURCE

GROUNDWATER

Priority: 07/03/1953

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 06N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	35E	26	SWNE 30	SENE 40		70
Total number of acres irrigated:						70

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

TRANSFER NO. 4837
WATER RIGHT NO. 31-02327B

CONDITIONS OF APPROVAL AND REMARKS

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Right No. 31-02327B when combined with Right Nos. 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.

Dated this 27th day of August, 1996

J. Glen Saylor
Chief, Water Alloc. Bureau

675 State of Idaho License and Certificate of Water Right

Water License No. 0-24276

Amount 5.2 c.f.s.

Water District No. _____

Priority July 3, 1953

THIS IS TO CERTIFY that TED AHLM
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 3, 19 53; that Permit No. 0-24276
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.2 second feet, was issued thereunder on September 17, 1959, showing that said works
were completed on the 14 day of February, 19 59; and that on the 14
day of February, 19 59,

TED AHLM

of Buhl, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation & domestic
use, under Use Permit No. 0-24276 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6759, on the 17 day of September, 19 59;
The right hereby confirmed dates from July 3, 19 53;

The Point of Diversion is located
in the SW 1/4 SW 1/4, Sec. 26, Tp. 6 N., R. 35 E., B. M. Jefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 5.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	35 E.	26	SE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	30
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40
			SE 1/4 SW 1/4	40	30
			Total number of	acres to be irrigated	260

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17 day of September, 19 59.

GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

31 2327

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 31-7080 Priority March 12, 1973 Amount 2.34 cfs

THIS IS TO CERTIFY, that Everett T. Acor
of Terreton, Idaho, has complied with the terms and conditions of Permit
No. 31-7080 issued pursuant to Application for Permit dated March 12, 1973,
and has submitted proof to the Department of Water Resources on September 14, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.34 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>2.34</u> cfs and	<u>600.0</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 2.34 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
600.0 acre feet per year, said waters to be diverted within the SE 1/4 Sec 23,
Twp 6N, Rge 35E in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SE 1/4				Total
			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	
6N	35E	23													126
		26	35	39											74

Total number of acres irrigated 200



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

MAY 9, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH ROGER BARZEE
1455 N 2000 E
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-02327

Dear Mr. Barzee:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the rights were split as follows:

A31-02327A, 4.00 CFS ON 190 ACRES, WOOD
A31-02327B, 1.20 CFS ON 70 ACRES, BARZEE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

cc: Lynn Wood/copy claim/letter

MICROFILMED

NOV 14 1996

Form 42-1409(7)



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 25 1996

DATE OF CLOSING: 4-19-96

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 6N Range 35E
Section 26 1/4 of 1/4 of 1/4 Govt. Lot BM.
Lot Block Subdivision/Townsite
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

APR 25 1996

☒ Water Right Number(s) 31-02327
Assigned by IDWR: Not Known - See attached legal description

Department of Water Resources
Eastern Region

☒ Name and Address of Former Owner/Claimant(s)(Seller): Dee Lynn Wood and Janet Wood

RECEIVED

1014 E 1500 N
Montevue, ID 83435

APR 29 1996

☒ New Owner/Claimant (Purchaser): Keith Roger Barzee and Rae Louise Barzee

Department of Water Resources
Eastern Region

☒ New Mailing Address: 1455 N 2000 E
Terreton, ID 83450

RECEIVED

☒ New Telephone Number: (208) 663-4873

MAY 02 1996

☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
1.2 cfs to be transferred to new owner
(transfer from only one water right)

Department of Water Resources
Eastern Region

☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Keith Roger Barzee Date 4-20-96
Rae Louise Barzee Date 4-20-96
☒ Signature of Former Owner/Claimant(s): Dee Lynn Wood Date 4-19-96
Janet Wood Date 4-19-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data Entry

Date: May 96 By:

Further Action Needed

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

NOV 14 1996
TOTAL P.01

WARRANTY DEED

280478

Microfilm No. _____
 19 Day April 19 96
 At 3:13 O'clock P.M.
 CONNIE M. KELLER
 Jefferson Co., Recorder
 Fee \$ 3.00 54 Deputy
 Recorded at Request of [Signature]

FIRST AMERICAN TITLE

J18697

For Value Received LYNN WOOD and JANET WOOD, husband and wife, also known as DEE LYNN WOOD

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

KEITH ROGER BARZEE and RAE LOUISE BARZEE, husband and wife

whose address is: 1455 N 2000 E, TERRETON, ID 83450

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

TOWNSHIP 6 NORTH RANGE 35 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 26: S1/2 NE1/4

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

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

Dated: APRIL 19, 1996

[Signature]
 DEE LYNN WOOD

[Signature]
 JANET WOOD

STATE OF IDAHO)

COUNTY OF JEFFERSON)

On this 19th day of APRIL, in the year 1996, before me, a Notary Public in and for said State, personally appeared DEE LYNN WOOD AND JANET WOOD, known or identified to me to be the person(s) whose name(s) 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 signed.



[Signature]
 Amy K. Rutledge
 Notary Public
 Residing at: RIGBY, ID
 Commission Expires: 11-24-2001

MICROFILMED
 NOV 14 1996

4-19-96 Time 3:25 p.m.