

11/15/2006

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

RIGHT NUMBER:	22-13168																			
NAME AND ADDRESS:	B & M LAND & LEASING LLC C/O MIKE STEARS 243 S HWY 33 DRIGGS ID 83422																			
SOURCE:	GROUND WATER		TRIBUTARY:																	
QUANTITY:	0.070 CFS 14.000 AFY																			
	Right Nos. 22-13166 and 22-13168 are limited to a total combined diversion rate of 0.22 cfs and to a total combined annual diversion volume of 38.5 AF.																			
PRIORITY DATE:	06/19/1958																			
POINT OF DIVERSION:	T04N R45E S11 SWNE Within TETON County T04N R45E S11 SWNE Within TETON County T04N R45E S11 SWNE Within TETON County T04N R45E S11 NWSE Within TETON County																			
PURPOSE AND PERIOD OF USE:	<table><tr><td><u>PURPOSE OF USE</u></td><td colspan="2"><u>PERIOD OF USE</u></td><td colspan="2"><u>QUANTITY</u></td></tr><tr><td>IRRIGATION</td><td>04/15</td><td>10/15</td><td>0.070 CFS</td><td>14.00 AFY</td></tr><tr><td colspan="5">The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.</td></tr></table>					<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>		IRRIGATION	04/15	10/15	0.070 CFS	14.00 AFY	The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.				
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PLACE OF USE:	<u>IRRIGATION in TETON County</u> <table><tr><td>T04N R45E S11</td><td>SWNE</td><td>20.00</td><td>T04N R45E S11</td><td>NWSE</td><td>19.00</td></tr></table>					T04N R45E S11	SWNE	20.00	T04N R45E S11	NWSE	19.00									
T04N R45E S11	SWNE	20.00	T04N R45E S11	NWSE	19.00															
	39 ACRES TOTAL																			
	The rights listed below are limited to the irrigation of a combined total of 11 acres within the place of use described above in a single irrigation season. Combined Right Nos.: 22-13166 and 22-13168.																			
	This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.																			
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																			
	After specific notification by the Department, the right holder shall record the quantity of water diverted 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.																			
	Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.																			



Idaho Department of Water Resources

SRBA Recommendation:
22-13166
22-13168
(Irrigation)

Legend

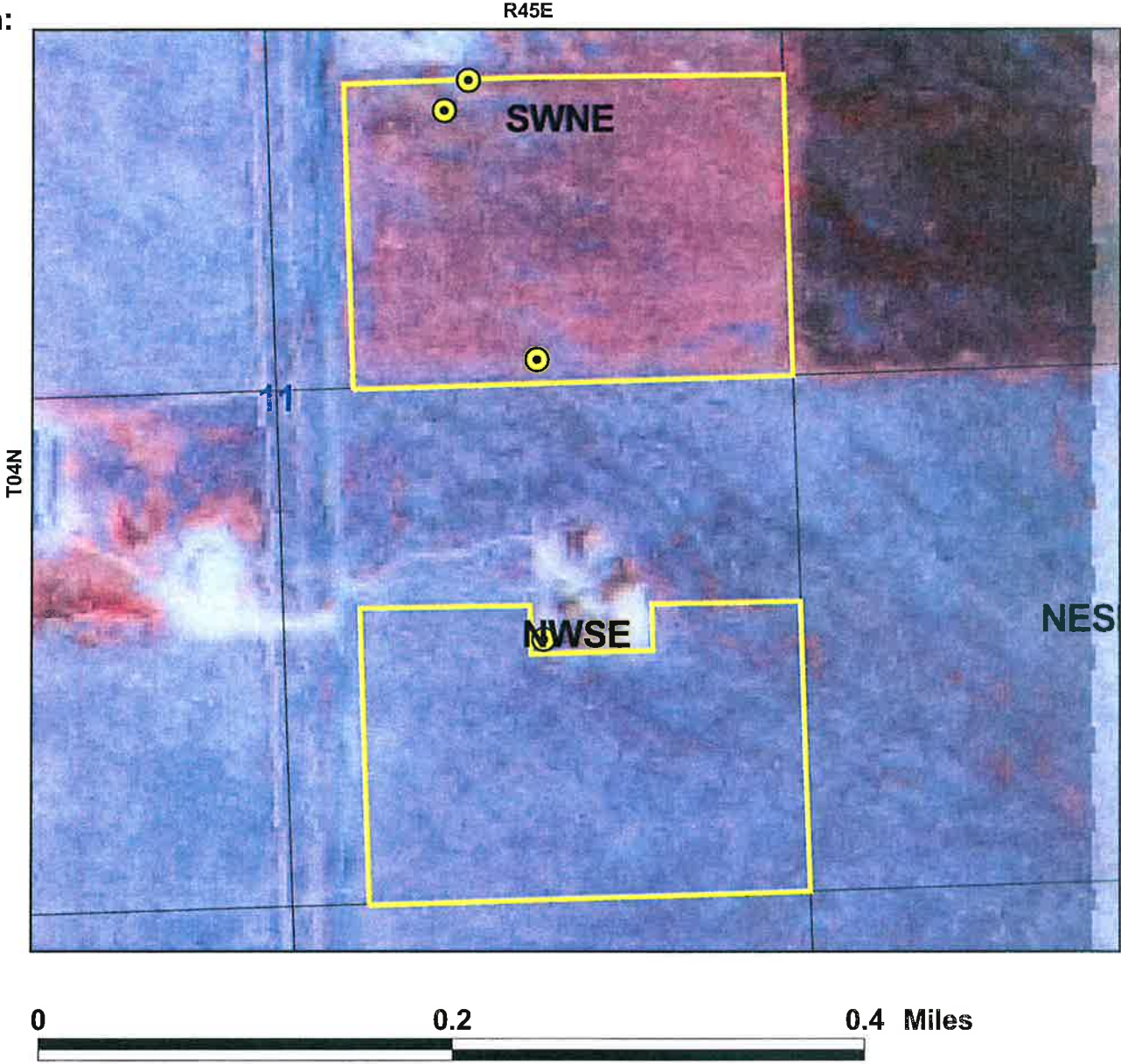
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by K. Moore
On Wednesday, November 15, 2006
1987/88 Aerial Photography



11/22/2006

**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:

Water right number: 22-13168

B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HWY 33
DRIGGS ID 83422

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

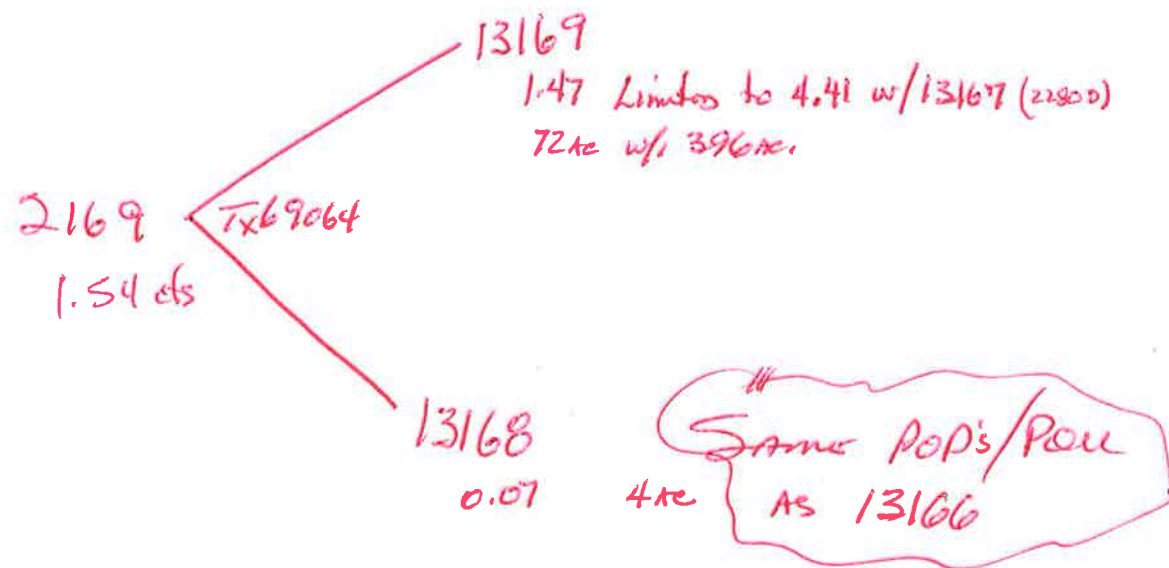
2. Describe the changes you wish to make in the proposed recommendation:

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

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-11-06 SIGNATURE: Mike Stears
Please print your name: Mike Stears

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69066

Eastern
RECEIVED
NOV 05 2001
Department of Water Resources
Eastern Region

This is to certify that: B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HIGHWAY 33
DRIGGS ID 83422

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
22-13168	AJC/License	06/19/1958	0.07 cfs	14.0 af	4.0	20.0	GROUND WATER
22-13166	AJC/License	10/03/1966	0.22 cfs	56.0 af	16.0	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-13168	NO	YES	YES	NO	NO	NO
22-13166	NO	YES	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
22-13168	22-13168	0.07 cfs	14 af	4.0	11.0		N/A	N/A		N/A
22-13166	22-13166	0.22 cfs	38.5 af	11.0	11.0		N/A	N/A		N/A
TOTALS		0.22 cfs	38.5 af	11	11		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of October, 2001

J. Glen Saylor
Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13166
As Modified by Transfer No. 69066

In accordance with the approval of Transfer No. 69066, Water Right No. 22-13166 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455

Priority Date: 10/03/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15		0.22 CFS	38.5 AF
			0.22 CFS	38.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	NWSE	Sec. 11 Twp 04N	Rge 45E	TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	11			6.0												5.0		11.0

Total Acres: 11

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall measure the diversion 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 this water right in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

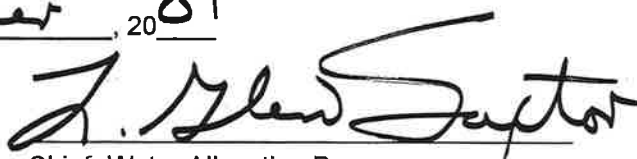
WATER RIGHT NO. 22-13166
As Modified by Transfer No. 69066

CONDITIONS OF APPROVAL

7. The total instantaneous diversion of water from all points of diversion under Rights 22-13166 and 22-13168 shall not exceed 0.22 cfs, nor total combined annual volume of 38.5 af.
8. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 38.5 af at the field headgate, and the irrigation of 11 acres.
9. This right is limited to the irrigation of 11 acres within the place of use described above in a single irrigation season.
10. 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.
11. The right holder shall cease irrigation of 9 acres previously authorized under rights 22-13166 and 22-13168, and consolidate use of water on the remaining 11 acres.
12. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of October, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 22-13168
As Modified by Transfer No. 69066

In accordance with the approval of Transfer No. 69066, Water Right No. 22-13168 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455

Priority Date: 06/19/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.07 CFS	14.0 AF
			0.07 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	NWSE	Sec. 11 Twp 04N	Rge 45E	TETON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	11			6.0												5.0		11.0

Total Acres: 11

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall measure the diversion 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 this water right in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

WATER RIGHT NO. 22-13168
As Modified by Transfer No. 69066

CONDITIONS OF APPROVAL

7. The total instantaneous diversion of water from all points of diversion under Rights 22-13166 and 22-13168 shall not exceed 0.22 cfs, nor total combined annual volume of 38.5 af.
8. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 38.5 af at the field headgate, and the irrigation of 11 acres.
9. This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
10. 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.
11. The right holder shall cease irrigation of 9 acres previously authorized under this right, and consolidate use of water on the remaining 11 acres.
12. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 30th day of October, 2001


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant B & M Land Leasing LLC Phone Mike Stears
Post Office address 39243 South Highway 33, Driggs, Idaho 83422

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 Water purchased from Cedar Diversion
is being moved to new property.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-022800</u>	<u>10/3/1966</u>	<u>0.22 cfs</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>22-02169</u>	<u>6-19-1958</u>	<u>0.07 cfs</u>	<u>" "</u>	<u>"</u> to <u>"</u>
<u>22-13173</u>				

2. Total amount of water being transferred 0.22 cubic feet per second and/or 35 A acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	11	4N	45E	Teton	3 wells
		NW	SE	11	4N	45E	Teton	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	11			6											5			11

Total Acres 11

PART 1

Transfer No. 69066

6. General Information:

a. Description of diversion system Four wells, pumps pipeline & drip irrigate

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land was sold without water & subsequently subdivided.

d. Remarks:
Corporation officers are: Mike Stears President
Brandon Stears Secretary

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

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

 For the Director

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 122-022800 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☒ Other

Corporation Deed

3. Source of water Ground water tributary to _____

4. Date or priority 10/3/1966

5. Water is used for the following purposes:

amount 0.22 cfs. for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.22 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	19	4N	4SE	Teton.	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	18											20						20

Total Acres 20

9. Describe any other water rights used for the same purpose as described above None.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1 A 22-C2169 which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6-19-1958

5. Water is used for the following purposes:

amount 0.07 cfs for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.07 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	19	4N	4SE	Teton	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	18											20						20

Total Acres 20

9. Describe any other water rights used for the same purpose as described above _____

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T 69066

NWSE

SWNE

T04N R45E

14

2

PART 3

B. CHANGES IN NATURE OF USE

1.

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

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

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

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

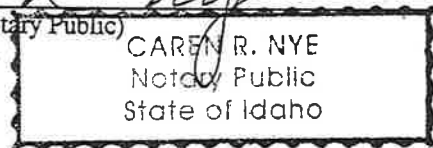
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Milo Stearns
(Signature of Applicant) + Title

Subscribed and sworn to before me this 16 day of April, 20 01

Caren R. Nye
(Notary Public)

My commission expires 03/20/06



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by Ernie Date 4-16-01 Protest filed by _____

Prelim. Check by Kaw 4/24/01 Fee \$250.00

Receipted by cv Date 4-16-01 EO2662310

Published in Teton Valley News Copies of protest forwarded by _____

Pub. Dates May 3 & 10, 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Claim no. H 22-13168

Claimant Contact Log

Date _____

Remarks

Agent initials

This Claim Has A Right To Irrigate 20 AC
IN SW-NW SEC. 18. All 40 ACRES ARE BEING
Irrigated This Claim COMES OUT OF THE SAME
WELL AS CLAIM A22-13162-2280-13169-
13166 THEY HAVE DRIED UP SOME OTHER LAND
THAT WERE IRRIGATED FROM THE SAME WELL
CLAIM # A22-13166 WAS ATTACHED TO SW-
SW SEC. 18 BUT LAND WAS DRIED-UP. THEY
HAVE BUILT A COUPLE OF HOUSES. & ARE DRY
FARMING GROUND. BUT CLAIM 13166 SHOWS SOME
POD & POW. ? HARRELL KUNZ. OWNED THE
GROUND. BUT

22-13168

4N 45E

All This land
is being irrigated

SWNW

18

19

SENW

NWSW

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-2169 Priority June 19, 1958 Amount 1.54 cfs

THIS IS TO CERTIFY, that Cedron Irrigation Corp.
of Victor, Idaho, has complied with the terms and conditions of Permit
No. 22-2169 issued pursuant to Application for Permit dated June 19, 1958
and has submitted proof to the Department of Water Resources on August 28, 1963
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 3.09 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>	<u>from April 15 to October 15</u>	<u>at 1.54 cfs</u>	<u>and 231.0 acre feet</u>
_____	_____	_____	_____
_____	_____	_____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.54 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 for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
231.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, Twp.
4N, Rgd. 45E in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	45E	19																	77

Total number of acres irrigated 77

This right when combined with Right No. 22-2280 shall not exceed 5.16 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
April, 19 82.

Acting for the Director

Roman C Young

MICROFILMED

J.S. DET

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 33243/22-2280 Priority Oct. 3, 1966 Amount 5.16 cfs

THIS IS TO CERTIFY, that CEDRON IRRIGATION CORPORATION
of Victor, Idaho, has complied with the terms and conditions of Permit
No. 33243/22-2280 issued pursuant to Application for Permit dated October 3, 1966
and has submitted proof to the Department of Water Resources on September 4, 1969
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 5.16 cfs of water from a ground water 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 15</u> to <u>Oct. 15</u>	at <u>5.16</u> cfs and	<u>1,140 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.0 af per acre</u>
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 5.16 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
1,140 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 19,
Twp. 4 N, Rge. 45 E, B. M. in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4 N	45 E	18							L.2 37		40	L.3 39	L.4 38	39	39	40	39		311
		19					39			30									69

Total number of acres irrigated 380

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
January, 19 75.

MICROFILMED

Director

**DEPARTMENT OF WATER RESOURCES
FIELD REPORT**

1. Name of permit holder William E. Schiess
 Post office address Victor, ID 83455 Phone 787-2760
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 6.40 c.f.s. for Irrig
 _____ AF/Annum (nature of use)

Period of Use: from Apr. 15 to Oct. 15
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Amend P.D. To

Township 4N N/S, Range 45E E/W, B.M., Section 31 Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$ Teton County
 Township " N/S, Range " E/W, B.M., Section 18 Subdivision SW $\frac{1}{4}$ SW $\frac{1}{4}$ Teton County
 Township 4N N/S, Range 45E E/W, B.M., Section 19 Subdivision SE $\frac{1}{4}$ NW $\frac{1}{4}$ _____ County

Other Points of Diversions: _____

Description of diverting works: pump, well

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

Amend P.U To

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	45E	18							37		40	39	38	39					80
		19					38		40										80
		~~31~~							40		~~40~~	~~40~~	~~40~~						~~160~~

MICROFILMED

TOTAL ACREAGE

320

Permit No. 22-2169
 Examination for Walter Neumann

Rge 45B

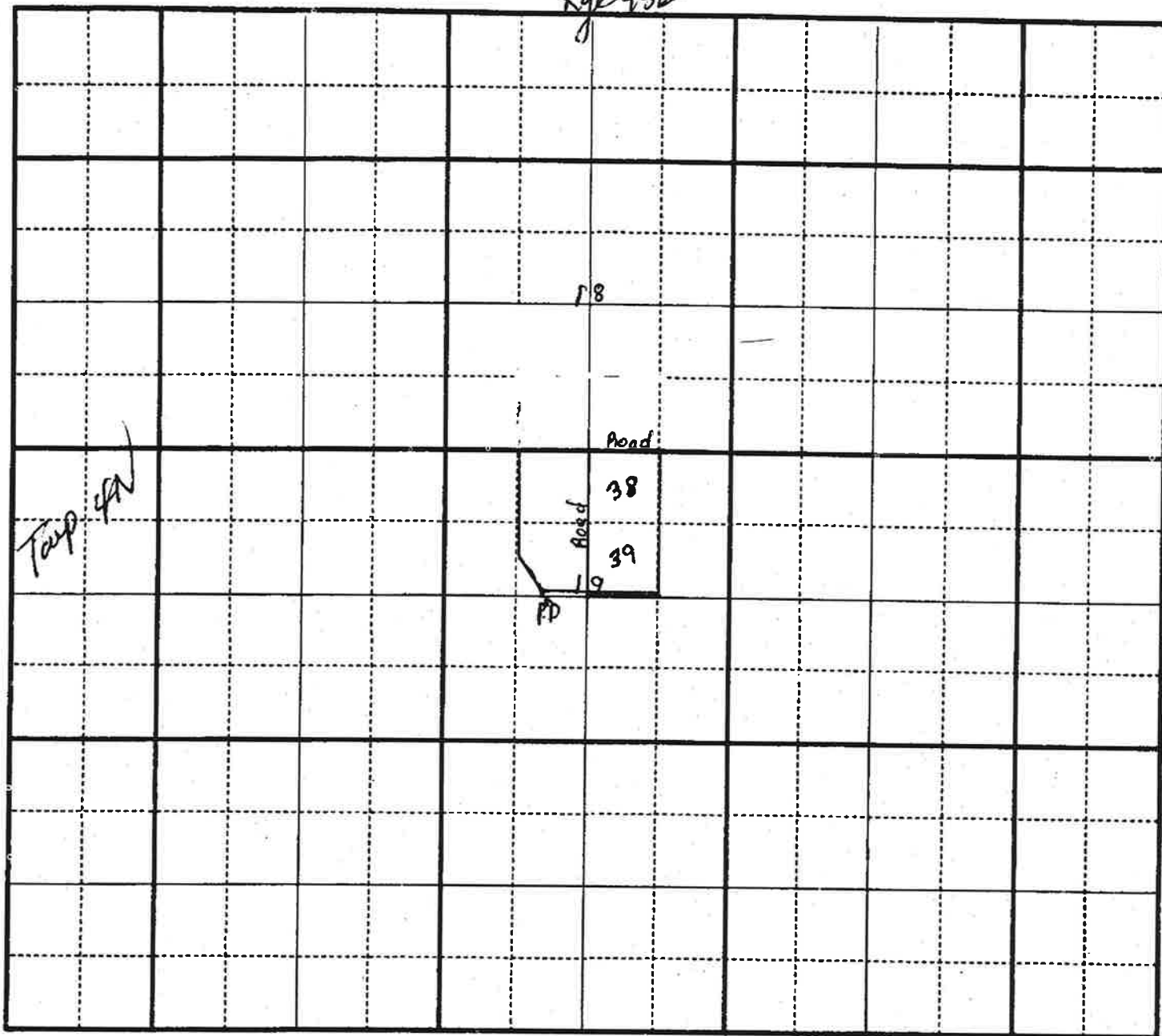
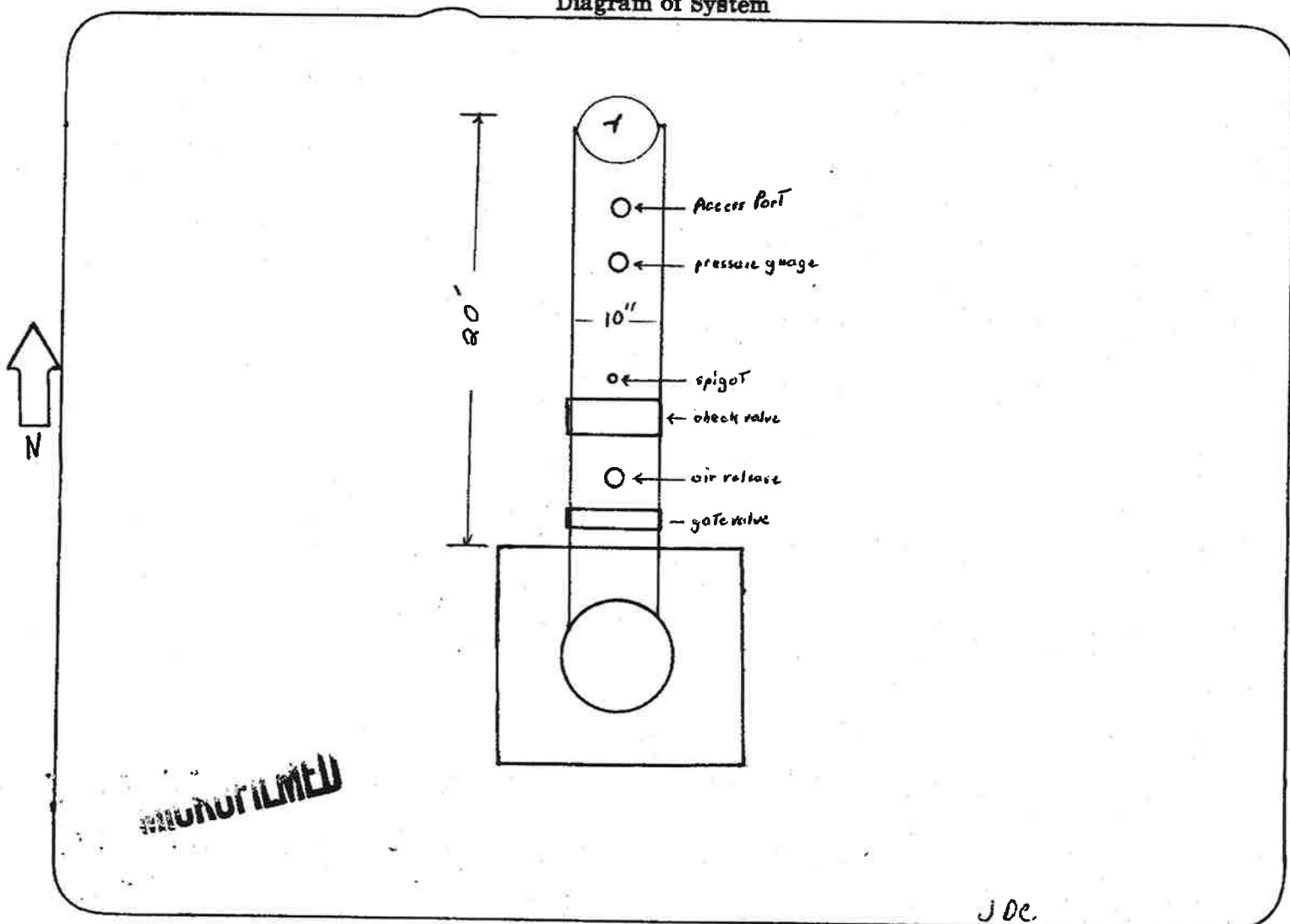
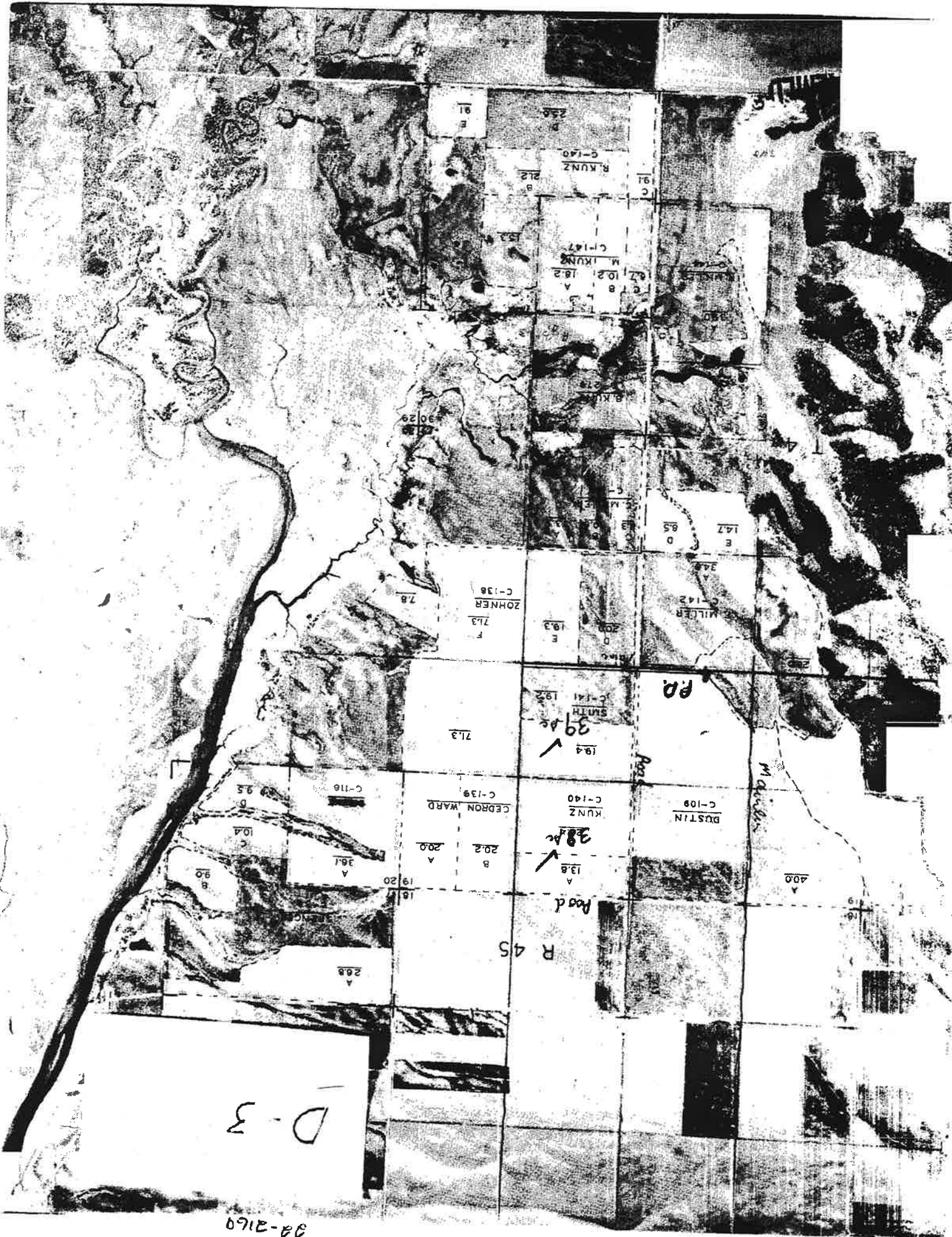


Diagram of System



J De.



0612-88

DATE OF EXAM 6/18/79

ACREAGE
Found 77 Ac ✓
Recommended 77 Ac ✓

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.54 c.f.s. V = 231 AF/Ann. from April 15 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec _____ Sub. _____ 1/4 _____ 1/4 County _____

Total Q measured 3.09 cfs (5.16 cfs on license 22-2280) same well Method of measurement Annubar

Total Q recommended 1.54 cfs Meter No. 80' Type Annubar Condition New

Total V recommended 231 AF/Ann.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:
 $(\text{Annubar})^2 \text{ C.V.} = (10)^2 \cdot 3.85 \sqrt{13} = 1388 \text{ gpm} = 3.09 \text{ cfs}$ capacity
 $\text{Allow } .02 \text{ cfs/Ac} = .02 \times 77 = 1.54$
 $77 \text{ Ac} \times 3.0 \text{ AF/Ac} = 231 \text{ AF/Ann.}$ $1.54 \text{ cfs} \times 1.9835 \text{ cfs AF/day} \times 183 \text{ days} = 559 \text{ AF/Ann.}$

SYSTEM DESCRIPTION:
Groundwater by a H.B. Tre lead induction motor 150 hp. sn# CBJ330162
and a Rayne & Broun Verti line Pump sn# D14553

REMARKS:
System described by Monroe Dutton

5 The conflicting groundwater rights — Same well licensed
under 22-2280. Old capacity was 5.16 cfs. so
this license is grandfathered to the old one so that
no more than the old capacity can be diverted at any one
time
Examiner's Signature John D. Carlson Date 3/3/80
Checked by Anthony R. Kozlowski Date 3-8-80
Approved by Robert Jim Date 4-27-82
4-22-82

MICROFILMED

Overlap Review attached

Overlap Review for 22-2169

Traverse 22-2280 gw

F/D SENW Sec 19 T4N R45E
(same well) ✓

$$\frac{5.16}{380} = \underline{.0134} \text{ d/s/ac}$$

F/U see attached
license copy
(110 lands are
the same) ✓

No Overlap

Condition R17 which limits capacity ✓

$$Rc \frac{4.22}{82}$$

ok
Juni
4-27-82

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69064

RECEIVED

NOV 01 2001

Department of Water Resources
Eastern Region

This is to certify that: CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455
(208)354-2554

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

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
22-2169	AJC/License	06/19/1958	1.54 cfs		77.0	418.0	GROUND WATER
22-2280D	AJC/License	10/03/1966	4.63 cfs		341.0	418.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

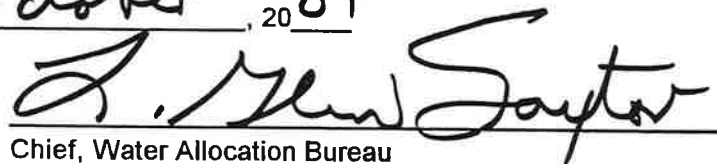
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
22-2169	YES	YES	YES	NO	NO	NO
22-2280D	YES	YES	YES	NO	NO	NO

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
22-2169	22-13169	1.47 cfs	252.0 af	72.0	396.0	22-13168	0.07 cfs	14 af	4.0	20.0
22-2280D	22-13167	4.41 cfs	1134.0 af	324.0	396.0	22-13166	0.22 cfs	56 af	16.0	20.0
TOTALS		4.41 cfs	1386 af	396	396		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

As Modified by Transfer No. 69064

In accordance with the approval of Transfer No. 69064, Water Right No. 22-13168 is now described as follows.

**Right Holder: CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455**

Priority Date: 06/19/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.07 CFS	14 AF
			0.07 CFS	14 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSNW Sec. 19 Twp 04N Rge 45E TETON County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs and the irrigation of 20 acres.
2. This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
3. Approval of Transfer 69064 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.
4. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 17th day of October, 200

 , 2001
H. Glen Saylor
Chief, Water Allocation Bureau

Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Cedron Irrigation Corp. c/o LaRell Kunz Phone (208) 354-2554
Post Office address 434 W 525 S Victor ID 83455

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 Water is being moved off land sold
without water is moved to land historically irrigated.

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>22-2280 D</u>	<u>10/03/1966</u>	<u>4.41</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
A <u>22-2169</u>	<u>6/19/1959</u>	<u>1.47</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>22-13169</u>				

2. Total amount of water being transferred *4.41 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	<u>19</u>	<u>4N</u>	<u>4SE</u>	<u>Teton</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>4SE</u>	<u>18</u>							<u>40</u>		<u>40</u>	<u>40</u>			<u>40</u>	<u>40</u>	<u>40</u>		<u>240</u>
									<u>#2</u>			<u>#3</u>							
<u>4N</u>	<u>4SE</u>	<u>19</u>		<u>40</u>	<u>40</u>		<u>40</u>			<u>36</u>									<u>156</u>

* Non-allotment cfs

Total Acres 396

6. General Information:

a. Description of diversion system Well, pump pipeline & sprinkler system.

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

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

Land was sold without water rights & has been subdivided.

d. Remarks:

Corporation officers are;
Monroe Dustin, President
LaRell Kunz, Secretary.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

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

For the Director

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

ADJUDICATION CLAIM NO. 22-2280D

Priority Date: 10/03/1966
Basis: License
Status: Active

Source Tributary to
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15	10/15	4.63 CFS	1003.5 AFA	
Total Diversion			4.63 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWSENW Sec. 19 Township 04N Range 45E TETON County

IRRIGATION Use:
Acre Limit: 341

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	18	2	SWNW	37									
				NESW	40	3	NWSW	39	4	SWSW	38			
				NESE	39		NWSE	40		SWSE	39			
		19		NWNE	38		SWNE	39						
				NENW	39		SEnw	30						

Total Acres: 418

Remarks:

1.
- USE OF THIS RIGHT WITH RIGHT NO. 22-2169 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.63 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1463 AF. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 341 ACRES.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 4.41 for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SE	SE	NW	19	4N	45E	Teton.	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	18							37		40	39	18		39	40	39		252
									42			43	44						
		19		38	39		39			30									146

Total Acres 398

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

1. amount 0.22 for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	19	4N	45E	TETON.	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	18											20						20

Total Acres 20

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

ADJUDICATION CLAIM NO. 22-2169

Priority Date: 06/19/1958
Basis: License
Status: Active

Source: GROUND WATER Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15	10/15	1.54 CFS		
Total Diversion			1.54 CFS		

Location of Point(s) of Diversion:
GROUND WATER SWSSEW Sec. 19 Township 04N Range 45E TETON County

IRRIGATION Use:
Acre Limit: 77

Place(s) of use:
Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	18	2	SWNW	37									
				NESW	40	3	NWSW	39	4	SWSW	38			
				NESE	39		NWSE	40		SWSE	39			
		19		NWNE	38		SWNE	39						
				NENW	39		SENE	30						

Total Acres: 418

Remarks:
1. USE OF THIS RIGHT WITH RIGHT NO. 22-2280D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.63 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1463 AF. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 77 ACRES.

Describe any other water rights used for the same purposes as described above. 22-2280D

No portion of this right has undergone 5 years of non-use.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

(If yes, describe _____)

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.47 cfs for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	19	4N	45E	Teton	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	18							37		40	39	18		39	40	39		252
									1-2			1-3	1-4						
		19		38	39		39		30										146

Total Acres 398

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

1. amount 0.07 cfs for Irrigation purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	19	4N	45E	Teton	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	45E	18											20						20

Total Acres 20

T04N R45E

SWNW

18

NWSW

NESW

NWSE

NESE

SWSW

SWSE

SESE

NENW

NWNE

SENW

SWNE

19

page 7 of 8

T69064

PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use

Amount(cfs/af-ft)

Hours/days/year

Period of Use

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.

Mona Justice

(Signature of Applicant)

Pres

Title

Subscribed and sworn to before me this 16 day of April, 20 01

Caren R. Nye

(Notary Public)

My commission expires 03/20/06

CAREN R. NYE

Notary Public

State of Idaho

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments

Received by Ernie Date 4-16-01 Protest filed by

Prelim. Check by KAW 4/20/01 Fee \$410.00

Receipted by CW Date 4-16-01 EDD16636

Published in Teton Valley Copies of protest forwarded by

Pub. Dates May 3 & 10, 2001 Hearing held by Date

Watermaster recommendations requested on Recommended for ☐ approval ☐ denial

received by

Copy of transfer sent to lien holder