

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
APR 27 2020
Department of Water Resources
Eastern Region

Name of Applicant(s) Yost & Yost Farms LLC Phone 208.547.7979
Mailing address PO Box 171, Bancroft, ID 83217-0171 Email lorengy@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

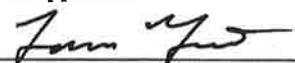
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

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

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Loren Yost 4/16/20
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Proposing to transfer all 95 acres of water right 29-2347 (Eliason & Sons), an 18-acre portion of 29-7352C, and a 9-acre portion of 29-7419A to a 122-acre pivot located at T8S R39E S10. This land belongs to Pete Eliason, but is being sold.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input checked="" type="checkbox"/> <input type="checkbox"/>	29-2347	1.20 cfs	Irrigation	4/15 to 10/15	Ground water
<input type="checkbox"/> <input checked="" type="checkbox"/>	29-7352C	0.22 cfs	Irrigation	4/1 to 11/1	Ground water
<input type="checkbox"/> <input checked="" type="checkbox"/>	29-7419A	0.13 cfs	Irrigation	4/15 to 10/15	Ground water
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 1.52 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.52 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SW	SE	SW	10	8S	39E	Caribou	Ground water	A0004064

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	39E	10							30.5	30.5	30.5	30.5							122
Total Acres (for irrigation use)																			122

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

A deep ground water well with a 100 HP pump. Has a 2.64 cfs diversion rate. Currently hooked to pivot watering 132 acres. A measuring device would easily fit onto mainline between pump and pivots. 256 ft. deep well

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land that is currently irrigated with water rights will be turned into non-irrigated land as the water rights move to a new place of use.

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

Rights 29-7352A, 29-7352C and 29-7419A are currently diverted from the same well. Right 29-7308 is currently pumped from the proposed well.

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

Yes No

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

If yes, describe:

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

Current Water Right No.: 29-2347

Current Owner: ELIASON & SONS INC
Priority Date: 6/12/1954
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.2 CFS	285 AF
	Total Diversion	1.2 CFS	285 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4NW1/4 Sec. 8, Twp 08S, Rge 39E B.M.
CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T08S R39E S7	SENE	20.00	T08S R39E S8	SWNW	40.00
T08S R39E S8	SENW	35.00			

Total Acres: 95

Conditions of Approval:

1. S38 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.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-7352C

Current Owner: YOST & YOST FARMS LLC
Priority Date: 11/8/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.27 CFS	324 AF
	<u>Total Diversion</u>	1.27 CFS	324 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4SE1/4 Sec. 34, Twp 08S, Rge 39E B.M.
CARIBOU County

Place of Use

IRRIGATION Within CARIBOU County

T08S R39E S34	SWNE	36.00	T08S R39E S34	NWSE	39.00
T08S R39E S34	SWSE	30.00			
Total Acres: 105					

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.72 CFS. COMBINED RIGHT NOS.: 29-7419A, 29-7352A, & 29-7352C.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-7419A

Current Owner: YOST & YOST FARMS LLC

Priority Date: 8/22/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	6.62 CFS	1380 AF
	<u>Total Diversion</u>	6.62 CFS	1380 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SE1/4	Sec. 34,	Twp 08S,	Rge 39E B.M.
CARIBOU County				
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 34,	Twp 08S,	Rge 39E B.M.
CARIBOU County				

Place of Use

IRRIGATION Within CARIBOU County

T08S R39E S34	SESE	36.00	T08S R39E S35	NESW	35.00
T08S R39E S35	NWSW	35.00	T08S R39E S35	SWSW	35.00
T08S R39E S35	SESW	35.00	T09S R39E S2	Lot 4	NWNW 27.00
T09S R39E S3	Lot 1	NENE 28.00	T09S R39E S3	Lot 2	NWNE 28.00
T09S R39E S3	Lot 7	SWNE 40.00	T09S R39E S3	Lot 6	SENE 40.00
T09S R39E S3	Lot 3	NENW 28.00	T09S R39E S3	Lot 4	NWNW 23.50
T09S R39E S3	Lot 5	SWNW 36.00	T09S R39E S3	Lot 6	SENW 33.50

Total Acres: 460

Page _____ of _____

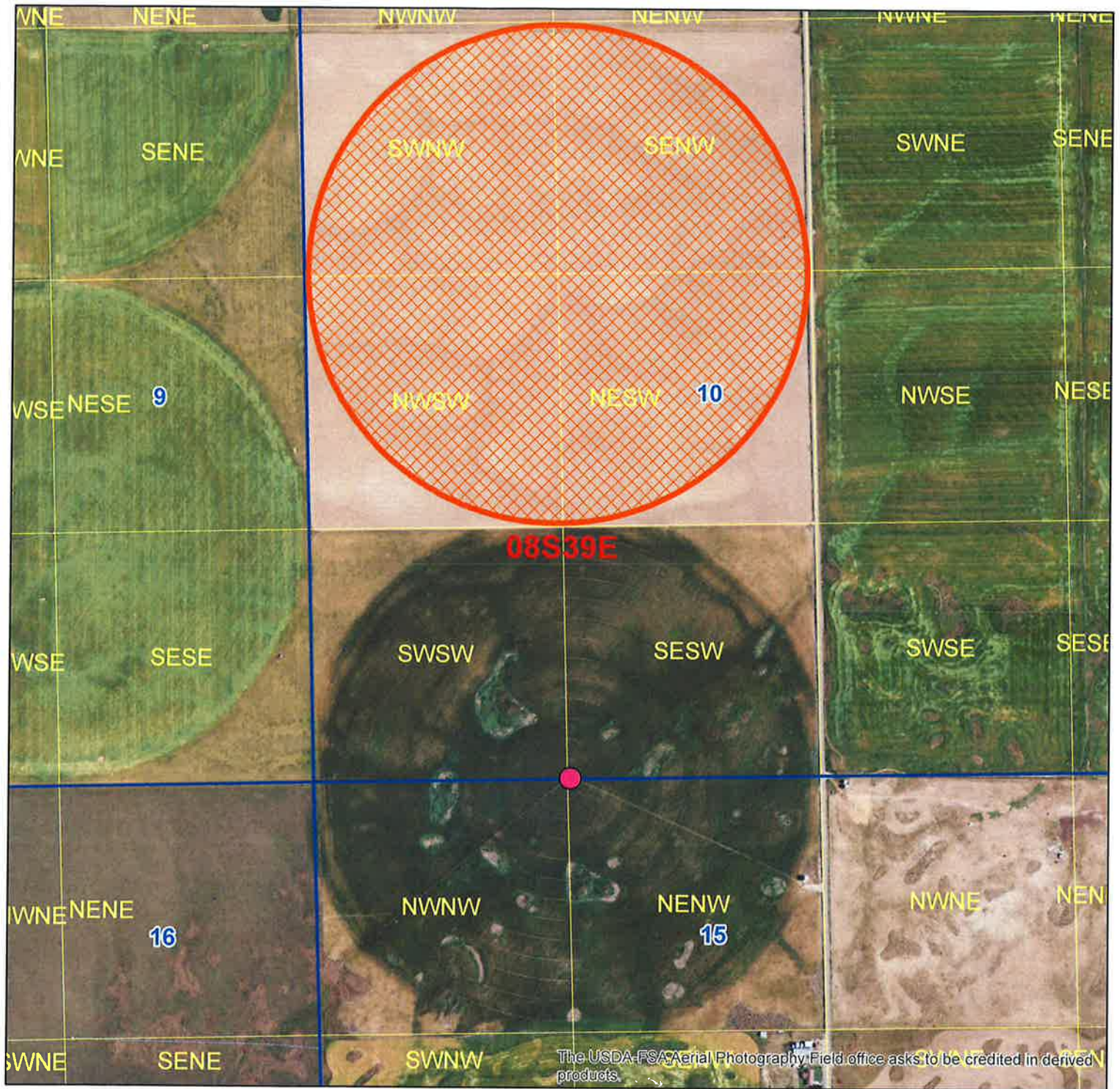
Conditions of Approval:

1. S41 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.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.72 CFS. COMBINED RIGHT NOS.: 29-7352A, 29-7419A, & 29-7352C.

Decreed Date: 3/22/2004

84034

Yost & Yost Farms Transfer



Legend

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

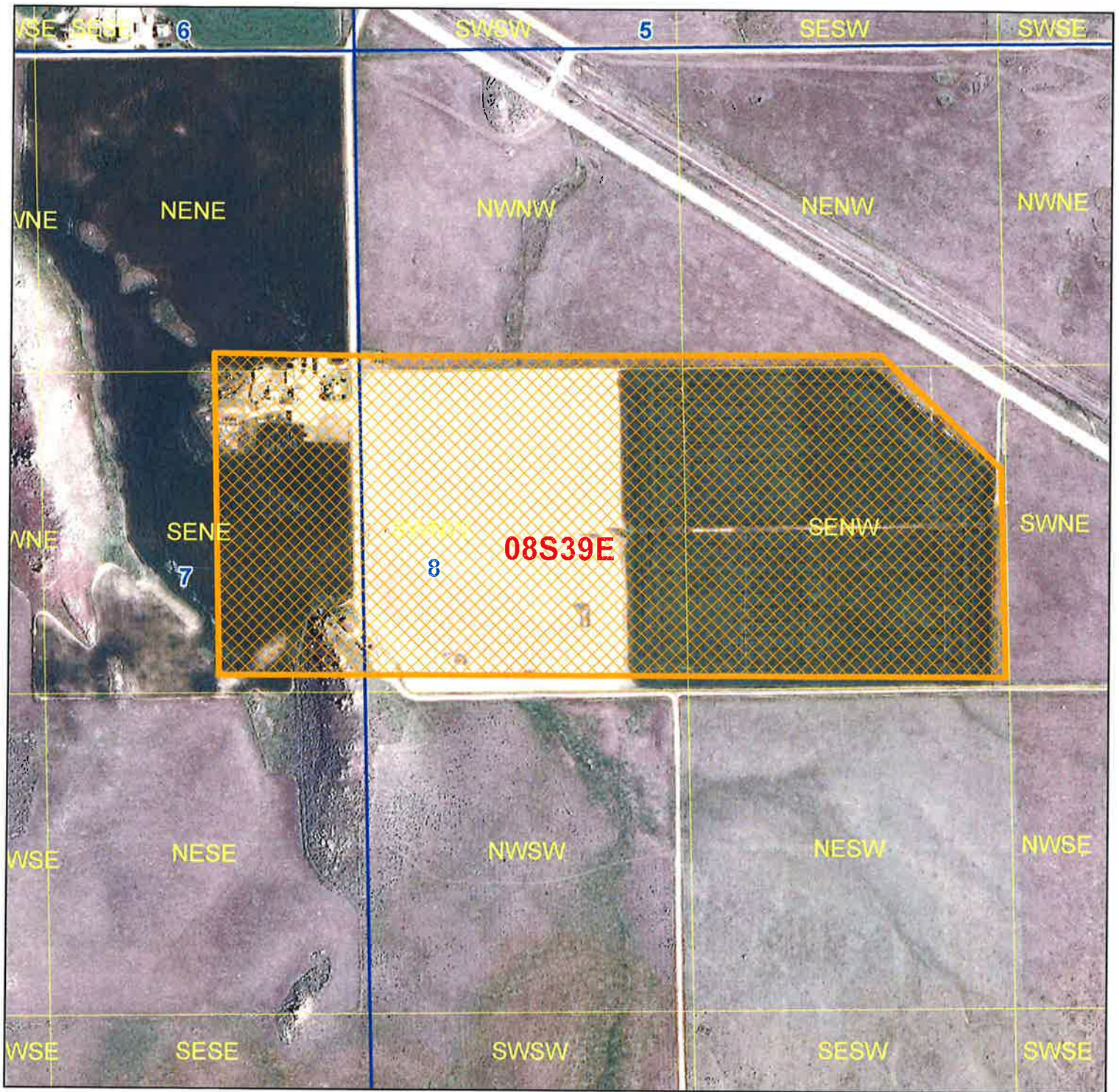
0 875 1,750 3,500 Feet







84034

MH

Yost & Yost Farms Transfer



Legend

-  29-2347_current_POU
-  Township/Range
-  Sections
-  QQ

0 650 1,300 2,600 Feet



84034

MH

Yost & Yost Farms Transfer



Legend

- 29-7352C_xfr_portion
- 29-7352C_unchanged
- 29-7419A_xfr_portion
- 29-7419A_unchanged
- Township/Range
- Sections
- QQ

0 1,125 2,250 4,500 Feet



84034

MH

#3

Document of Authority

I give authority to Loren Yost (Yost & Yost Farms) to make the proposed changes to water right: 29-2347 and it's transfer.



Pete Eliason

4-6-2020

Date



0003682560

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003682560

Date Filed: 11/22/2019 10:28:25 AM

Entity Name and Mailing Address:

YOST & YOST FARMS, LLC

The file number of this entity on the records of the Idaho Secretary
of State is: 0000250150

Address PO BOX 171
BANCROFT, ID 83217-0171

Entity Details:

Entity Status Active-Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the
Idaho Secretary of State was: W80035

The registered agent on record is:

Registered Agent Loren Yost
Registered Agent
Physical Address
205 GILBERT RD
BANCROFT, ID 83217
Mailing Address
PO BOX 171
BANCROFT, ID 83217-0171

Limited Liability Company Managers and Members

Name	Title	Business Address
SHAUNA YOST	Member	1308 REDHOUSE CANYON RD BANCROFT, ID 83217
LOREN GILBERT YOST	Member	205 GILBERT ROAD BANCROFT, ID 83217
MONTE K YOST	Member	1308 REDHOUSE CANYON RD BANCROFT, ID 83217

The annual report must be signed by an authorized signer of the entity.

Loren Yost

Sign Here

11/22/2019

Date

Signer's Title: Partner

B0411-6639 11/22/2019 10:28 AM Received by ID Secretary of State Lawrence Denney



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 6, 2020

YOST & YOST FARMS LLC
PO BOX 171
BANCROFT, ID 83217-0171

RE: Transfer No. 84034
Water Right No(s). 29-2347, 29-7352C, 29-7419A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the CARIBOU COUNTY SUN on 5/14/2020 and 5/21/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, May 06, 2020 3:23 PM
To: CARIBOU CO. SUN (ccsun10@aol.com)
Subject: 84034 Legal Notice for Caribou County Sun
Attachments: 84034 Caribou County Sun.rtf

Hello,

Please find attached document regarding a legal notice for your newspaper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

Published on 5/14/2020 and 5/21/2020