

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

Transfer No. 4315

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

* Change of ownership on back

Name of applicant Randy or Peggy Peterson Phone 588-2532
Post Office address PO Box 238 Mackay Id. 83251

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 Mr. Peterson purchased all of land irrigated under these rights, except the 16 acres in SWNW Sec. 02.

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>34-10933</u>	<u>4-22-1884</u>	<u>1.628 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-10950</u>	<u>5-31-1884</u>	<u>0.72 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>(SW) 34-07182</u>	<u>4-18-1977</u>	<u>3.68 cfs</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>34-00452D</u>	<u>6-01-1885</u>	<u>0.08 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00452E</u>	<u>6-01-1885</u>	<u>0.32 cfs</u>	<u>Irrigation</u>	<u>5-1</u> to <u>10-15</u>

2. Total amount of water being transferred 6.428 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch (BLR)
	SW	SW	NE	02	06N	24E	Custer	(Groundwater)
	SW	SW	NE	02	06N	24E	Custer	point of Injection " "
	NW	SW	NE	33	07N	24E	Custer	point of redirection " "

5. Lands irrigated or place of use:

* There is no actual change in P.D.'s or delivery system

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	
06N	24E	02								1	38	30	28	25					122
		11			19	21									39	40	35	37	191
																			313 total
06N	24E	02								16									16 total

Total acres 329

PART 1

6. General Information:

a. Description of diversion system _____

☒ Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes NO 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:

NONE

d. Remarks:

Making only 34-00452C pertinent to SWNW 5.02 makes more sense than trying to give a pro-rata share of all rights to the 16 acres still owned by Anderson.

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____.

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

PART 2

(Attach one copy for each right)

RECEIVED
MAR 7 1994

A. DESCRIPTION OF RIGHT AS RECORDED

Department of Water Resources
 Eastern District Office

1. Right evidenced by:
- a. Decree No. _____ Decreed to _____
 in case of SRBA vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-00452C on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a 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 Big Lost River tributary to Sinks
4. Date or priority 6-1-1885
5. Water is used for the following purpose:
- amount .40 cfs for Irrigation purposes from 5-1 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 0.40 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
	<u>NW</u>	<u>SW</u>	<u>NE</u>	<u>33</u>	<u>07N</u>	<u>24E</u>	<u>Custer</u>	<u>Darlington Ditch</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>06N</u>	<u>24E</u>	<u>02</u>							<u>16</u>	<u>1</u>	<u>38</u>	<u>30</u>	<u>28</u>	<u>25</u>					<u>138</u>
		<u>11</u>							<u>19</u>	<u>21</u>					<u>39</u>	<u>40</u>	<u>35</u>	<u>37</u>	<u>191</u>

Total acres 329

9. Describe any other water rights used for the same purpose as described above
- 34-10933, 34-10950

34-07182

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 0.32 cfs for Irrigation purposes from 5-1 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
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	24E	02							16										16

Total acres 16**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 0.08 cfs for Irrigation purposes from 5-1 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
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	24E	02								1	38	30	28	25					122
		11					19	21							39	40	35	37	191

Total acres 313

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 evidenced by:
- a. Decree No. _____ Decreed to _____
in case of SRBA vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-07182 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.
2. Attach a 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 4-18-1977
5. Water is used for the following purpose:
- amount 3.68 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 3.68 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	SW	NE	02	06N	24E	Custer	
	SW	SW	NE	02	06N	24E	Custer	(Point of injection)
	NW	SW	NE	33	07N	24E	Custer	(point of redirection) Darlington Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	24E	02							16	1	38	30	28	25					138
		11				19	21								39	40	35	37	191

Total acres 329

9. Describe any other water rights used for the same purpose as described above 34-00452C, 34-10933
34-10950

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 _____ for _____ purposes from _____ to _____
 (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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of SRBA vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-10933 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a 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 Big Lost River tributary to Sinks

4. Date or priority 4-22-1884

5. Water is used for the following purpose:

amount 1.628 cfs for Irrigation purposes from 5-1 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 1.628 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
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	24E	02							16	1	38	30	28	25					138
		11			19	21									39	40	35	37	191

Total acres 329

9. Describe any other water rights used for the same purpose as described above 34-00452C, 34-10950

34-07182

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 _____ for _____ purposes from _____ to _____
 (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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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 evidenced by:

- a. Decree No. _____ Decreed to _____
in case of SRBA vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-10950 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a 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 Big Lost River tributary to Sinks

4. Date or priority 5-31-1884

5. Water is used for the following purpose:

amount 0.72 cfs for Irrigation purposes from 5-1 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 0.72 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
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
06N	24E	02							16	1	38	30	28	25					138
		11													39	40	35	37	191

Total acres 329

9. Describe any other water rights used for the same purpose as described above 34-10933, 34-00452C,

34-07182

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 _____ for _____ purposes from _____ to _____
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

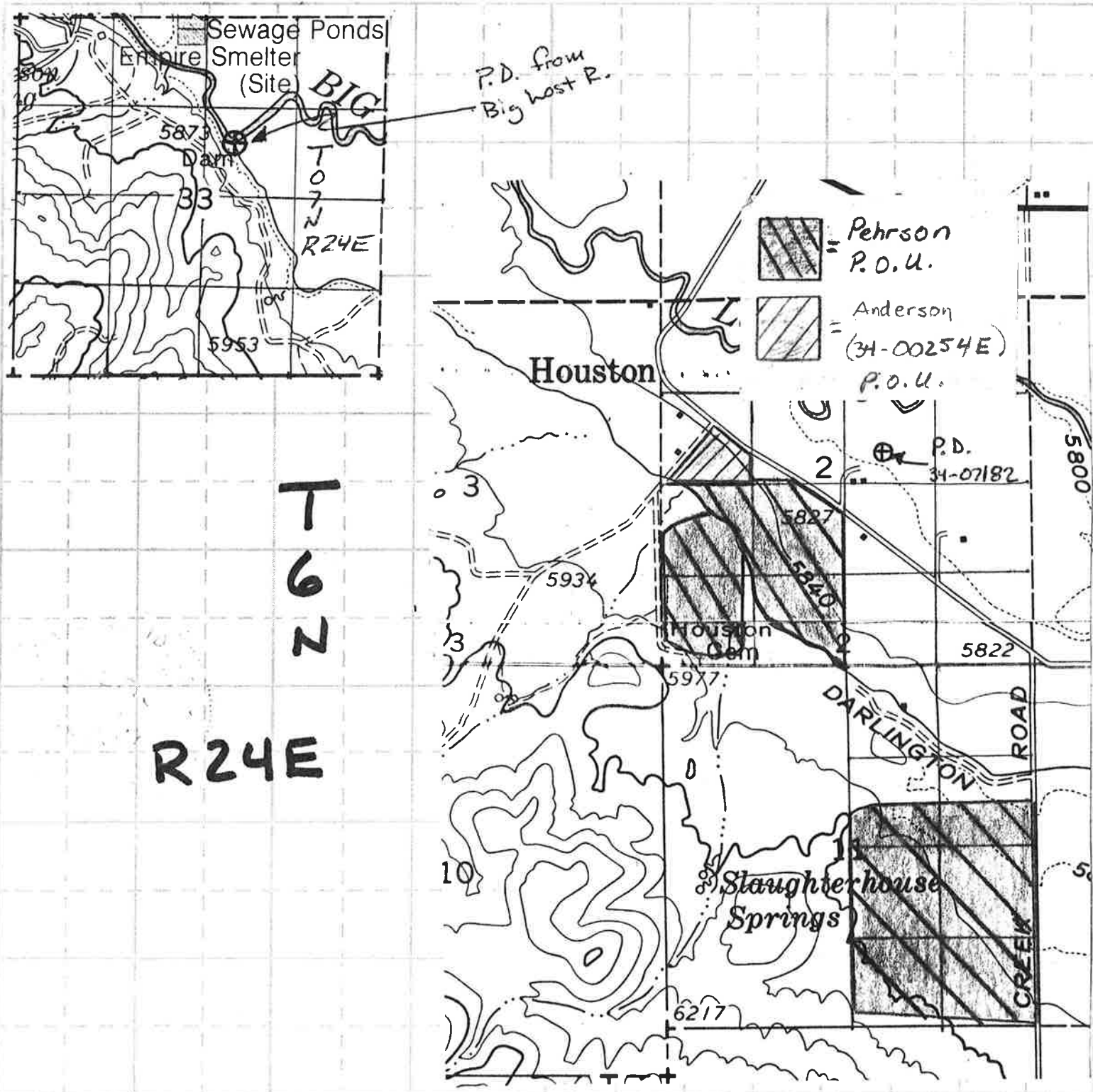
3. Lands irrigated or place of use:

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	

Total acres _____

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.



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

1:24,000

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-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.

Subscribed and sworn to before me this third day of March, 1994.

X Randy Schum
(Signature of Applicant)

Robert F. Vaden
(Notary Public)

My commission expires Nov 9/1994

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and _____ attachments

Received by WM Date 3/7/94

Protest filed by _____

Prelim. check by _____ Fee 50 E019551

Receipted by LB Date 3-7-94

Published in Custer Publishing Co.

Copies of protest forwarded by _____

Pub. dates 3-17 & 24-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type
(see instructions on back of page)

JAN 25 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____

Section _____, 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

JAN 28 1994

Department of Water Resources
Eastern District Office

- ☐ 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)
- ☐ Water Right Number(s)
Assigned by IDWR: A34-00452C, A34-10933, A34-07182, A34-10950
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): MARLIN D. AND/OR JUDITH D. ANDERSON
RT. 1, BOX 18
MACKAY, ID 83251
- ☐ New Owner/Claimant (Purchaser): RANDY D. AND/OR PEGGY W. PEHRSON
- ☐ New Mailing Address: P. O. BOX 238
MACKAY, ID 83251
- ☐ New Telephone Number: (208) 588 - 2532
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? xx yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Split 16" of A34-00452C, stays w/original owner; 4" transfers.
All balance transfers.

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(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): Randy D. Pehrson Date 1-20-94
Peggy W. Pehrson Date 1-20-94
- ☐ Signature of Former Owner/Claimant(s): Marlin D. Anderson Date 1-20-94
Judith D. Anderson Date 1-20-94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

WARRANTY DEED

FOR VALUE RECEIVED, MARLIN D. ANDERSON and JUDITH D. ANDERSON, husband and wife, Grantors, do hereby Grant, Bargain, Sell and Convey unto RANDY D. PEHRSON and PEGGY W. PEHRSON, Grantees, whose current address is P. O. Box 238, Mackay, Idaho 83251, the following described real estate, to-wit:

SEE EXHIBIT "A," ATTACHED HERETO AND MADE A PART
HEREOF; THIS DEED IS OFFERED AS CONSIDERATION OF AND
AS A PART OF A 1031 TAX-DEFERRED EXCHANGE.

TOGETHER WITH all water rights, wells, range rights,
irrigation fixtures or equipment, and appurtenances, and

TOGETHER WITH perpetual easements running with and for the
benefit of the conveyed lands as follows:

a) An easement for access, ingress and egress, whether
pedestrian, vehicular, or with equipment, as reasonably
necessary to use, service, maintain, repair or replace that
certain irrigation pump located at a well approximately one
thousand (1,000) feet, more or less, NE of the NE corner of
the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, of the above Township and Range.

This roadway easement shall extend along and upon the
existing roadway or travelway commencing at the approximate
NE corner, NE $\frac{1}{4}$ SW $\frac{1}{4}$, such Section 2 and running thence
Northerly and Easterly. The burdened lands are those lands
of Grantors herein lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, and
the benefited lands are those described in the above
conveyance.

The easement conveyed shall be of the width or encompass the
lands reasonably necessary, and shall follow the existing
course as reasonable to insure the continued beneficial use
by Grantees herein. All uses of the easement area not in
conflict with this grant are reserved to Grantors. This
easement is not a grant to the public or for the benefit of
lands not described in the above grant.

b) An easement to the extent reasonably necessary for
service, maintenance and repair of the above described well
and pump, and for utility service to the same along with a
ditch extending North from such well to a river channel.
This easement shall create the same general benefits,
burdens and uses or purposes as those described in a) above,
and shall be interpreted in light of the present and
existing uses.

c) An easement for use, service, repair, replacement and
maintenance of a certain well and pump presently located
upon lands of Grantors approximately seventy-five (75) feet

NE of the NW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, above described, along with a pipeline extending from the well and pump to the NW corner of the lands of Grantees described within this deed and for the benefit of those lands. This easement shall create the same general benefits, burdens and uses or purposes as those described in a) above, and shall be interpreted in light of the present and existing uses.

Reservation: Grantors, however, hereby reserve and except from this grant a perpetual roadway easement for access, ingress and egress, for pedestrian or vehicular traffic, and for the movement of machinery and equipment as follows:

a) Such easement shall extend from the NE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 2, South 350 feet, more or less, to the County road. The easement shall lie adjacent to and immediately West of the East boundary of such NE $\frac{1}{4}$ SW $\frac{1}{4}$ described, and shall be thirty (30) feet in width. The rights reserved include the right to maintain, service, repair and improve the roadway for the use, benefit and enjoyment of Grantors and shall run with the lands of Grantors in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 2 described, and to adjoining lands now owned by them. This easement and right shall not run to the public or to or for the benefit of owners of lands not described.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 20, 1994.


Marlin D. Anderson


Judith D. Anderson

STATE OF IDAHO,

County of Custer

)
: ss.
)

On this 20th day of January, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared MARLIN D. ANDERSON and JUDITH D. ANDERSON, husband and wife, known to me to be the persons who names are subscribed to the foregoing 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 first above written.

James Burgett
Notary Public for
Residing at: Challis Idaho
My Commission Expires: 1-21-99

0205708

Custer County Rec. of
Custer County Title

Time 4:30 P.M.
1-20-94
Elmer M. Pack, Clerk
Anna Ryle
\$ 12.00

EXHIBIT "A"

TOWNSHIP 6 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 11: NW1/4, SE1/4, S1/2S1/2NE1/4

SECTION 2: SW1/4 EXCEPTING THEREFROM:

A parcel of land generally described as being a portion of the NE1/4SW1/4 of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the West one-quarter corner of said Section 2, thence North 89°31'30" East along the North boundary of the Southwest quarter of said Section 2, a distance of 2351.89 feet; thence South 00°00'00" East, a distance of 50.61 feet to the POINT OF BEGINNING of this described parcel of land, thence South 52°07'09" East, 176.64 feet; thence South 37°03'10" West, 52.36 feet; thence North 53°42'33" West, 177.88 feet; thence North 38°17'54" East, 57.29 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for the purpose of ingress and egress across a portion of the NE1/4SW1/4 of Section 2, Township 6 North, Range 24 East, of the Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the West one-quarter corner of said Section 2, thence South 82°54'12" East, a distance of 2608.58 feet to the centerline of the Alder Creek Road; thence North 39°12'18" East, a distance of 30.00 feet to the northerly right of way of said road and the centerline POINT OF BEGINNING of a twenty feet wide access easement, thence along the centerline of said access easement, North 45°01'49" West, a distance of 190.74 feet to the westerly end of said twenty feet wide access easement.

MEMO

FROM: H.W. JONES
TO: PAM SKAGGS
RE: TR 4315

ORIGINALLY WE SPLIT OUT 16 ACRES FOR MR. ANDERSON WITH 0.32 CFS OF RIGHT 34-00452C. THIS LEFT 0.08 CFS FOR MR. PEHRSON WITH ALL THE OTHER RIGHTS. WE DID IT THIS WAY SO DIDNT HAVE TO PRORATE SMALL PORTIONS OF EACH RIGHT TO THE 16 ACRES. THAT PROCEDURE MAKES DELIVERING THE RIGHTS ALMOST IMPOSSIBLE.

ERNIE CARLSEN HAS STATED THAT HE HAS NO PROBLEM WITH ALL OF THE 0.40 CFS GOING WITH THE 16 ACRES. AFTER A TELEPHONE CALL TO THE APPLICANT PEHRSON, HE ALSO AGREED.

WE HAVE NO PROBLEM WITH THE 0.025 CFS/ACRE AND IN FACT THE ADJUDICATION HAS FOUND THAT 0.02 CFS/ACRE IS NOT SUFFICIENT MANY TIMES FOR VARIOUS GROUND AND IRRIGATION SYSTEMS.

IN LOOKING AT THIS TRANSFER I WONDERED WHY WE DID IT IN THE FIRST PLACE. I INQUIRED WITH ERNIE WHY WE DIDNT JUST DO A CHANGE OF OWNERSHIP AND HE SAID THAT CERTAIN THINGS WERE DONE ON CERTAIN DATES THROWS THIS BACK AS A TRANSFER.

ANYWAY, LET ME KNOW WHAT YOU THINK AS THIS BIG LOST AREA IS A GRAVEL AND LOESS SOIL AREA AND REALLY CAN TAKE THE WATER. WE HOWEVER CAN LIVE WITH SEVERAL OPTIONS IF NEED BE.

MY BEST,

SKIP

3-11-98

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4315
WATER RIGHT NO(S) . 34-00452C/34-07182/34-10933/34-10950

This is to certify that:

MARLIN D ANDERSON JUDITH D ANDERSON RT 1 BOX 18 MACKAY ID 83251	&	RANDY PEHRSON PEGGY PEHRSON PO BOX 238 MACKAY ID 83251
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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>
MARLIN D OR JUDITH D ANDERSON			
Right No. 34-00452C :			
Priority: 06/01/1885			
IRRIGATION	05/01 to 10/15	0.40 CFS	56.0 AF
	SUBTOTAL:	0.40 CFS	56.0 AF
 RANDY OR PEGGY PEHRSON			
Right No. 34-07182 :			
Priority: 04/18/1977			
IRRIGATION	04/15 to 10/15	3.68 CFS	1095.5 AF
Right No. 34-10933 :			
Priority: 04/22/1884			
IRRIGATION	05/01 to 10/15	1.63 CFS	284.9 AF
Right No. 34-10950 :			
Priority: 05/31/1884			
IRRIGATION	05/01 to 10/15	0.72 CFS	126.0 AF
	SUBTOTAL:	6.02 CFS	* 1095.5 AF
 TOTAL:			
		6.43 CFS	1151.5 AF

TRANSFER NO. 4315
WATER RIGHT NO(S). 34-07182/34-10933/34-10950

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right No. 34-07182 : GROUNDWATER	
Right No. 34-00452C/34-10933/34-10950 : BIG LOST RIVER	SINKS

LOCATION OF POINT(S) OF DIVERSION:

Right No. 34-00452C/34-10933/34-10950 : NWSWNE , Sec. 33, Township 07N, Range 24E

Right No. 34-07182 : SWSWNE , Sec. 2, Township 06N, Range 24E

Injection: SWSWNE , Sec. 2, Township 06N, Range 24E

Rediversion: NWSWNE , Sec. 33, Township 07N, Range 24E

CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 34-00452C :				
06N 24E 2 SWNW 16				16
Right No. 34-07182/34-10933/34-10950 :				
06N 24E 2 SENW 1 NESW 38 NWSW 30				
SWSW 28 SESW 25				122
11 SWNE 19 SENE 21 NESE 39				
NWSE 40 SWSE 35 SESE 37				191
				* 313 **
Total number of acres irrigated under Transfer 4315:				329

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 4315
WATER RIGHT NO(S). 34-07182/34-10933/34-10950

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right 34-10933 is limited to the irrigation of 81.4 acres within the place of use described above in a single irrigation season.
- ** 7. Right 34-10950 is limited to the irrigation of 36.0 acres within the place of use described above in a single irrigation season.
- * 8. Rights 34-07182, 34-10933 and 34-10950 when combined shall not exceed a total annual maximum diversion volume of 1095.5 af at the field headgate and the irrigation of 313.0 acres.
9. The period of use for irrigation described under Rights 34-00452C, 34-10933 and 34-10950 may be extended in seasons of unusual characteristics to a beginning date of April 20 and an ending date of October 31 at the discretion of the watermaster for Water District 34.
10. The use of water for irrigation under Right 34-07182 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.
11. Water diverted under Right 34-07182 is exchanged by injecting water diverted under this right into the Big Lost River at the point of injection described above, and diverting an equal amount from the Big Lost River at the upstream point of redirection described above.
12. Measuring devices and lockable controlling works of a type acceptable to IDWR shall be permanently installed and maintained at the points of injection and redirection.
13. Approval of Transfer 4315 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 19th day of August, 1999.

Z. Glen Saxton
Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 34-00452C, 34-07182, 34-10933 & 34-10950

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 4315

DATE: August 18, 1999

Transfer 4315 changes the place of use under the above referenced rights to reflect a change of ownership of the majority of the land with the seller retaining use of one of the rights on the remaining property. The Andersons originally owned all the 329.0 irrigated acres under these rights. The Pehrsons purchased 313.0 acres of the land and the Andersons retained 16.0 of the irrigated acres and use of Right 34-00452C.

These rights are a combination of surface rights and a groundwater right (34-07182) delivered through a common system; water is diverted from the Big Lost River into the Darlington ditch. No physical changes occur through this transfer in the delivery system. The place of use under the rights is changed only to reflect the ownership split of land and rights. Region staff felt that a water master comment was not required since no physical change is made in use.

Two of these rights were originally recommended with expansion conditions that were later found to be unconstitutional. The rights were reformatted eliminating the expansion in the place of use and all four rights have recently been resubmitted to the SRBA court as Supplemental Director's Reports to address the irrigation season. The approval is based on these rights as recently recommended. The transfer will also update the ownership change from Anderson to Pehrson.

Recommended conditions include watermaster control, measuring & lockable controlling works, irrigation overlap, permissible place of use, combined right limits, season of use limits, groundwater exchange/measuring devices requirement at point of injection & redirection, right-of-way and standard transfer conditions.

