

T5134 LAKE VISTA PROPERTIES

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

DEC 24 1997

TRANSFER NO. 5134
WATER RIGHT NO. 11-07021

Department of Water Resources
Eastern Region

This is to certify that: LAKE VISTA PROPERTIES LLC
2126 S BEAR LAKE BLVD
GARDEN CITY UT 84028

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 0.42 CFS	73.5 AF

SOURCE

GROUNDWATER

Priority: 06/21/1971

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 15, Township 16S, Range 43E
BEAR LAKE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	43E	15	SWSW 4	SESW 11	SWSE 3	18
		22	NWNE 3			3
Total number of acres irrigated:						* 21

CONDITIONS OF APPROVAL AND REMARKS

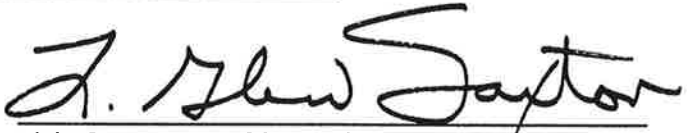
1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The 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.

TRANSFER NO. 5134
WATER RIGHT NO. 11-07021

CONDITIONS OF APPROVAL AND REMARKS

- * 5. The right holder shall cease irrigation of 12 acres, diversion of 0.03 cfs and 25.5 afa of water previously authorized under this right, consolidating the remaining 0.42 cfs and 73.5 afa of water on the 21 acres described above.
- 6. Approval of Transfer 5134 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 17th day of December, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 11-07021

FROM: PAM SKAGGS^{PS}/STATE OFFICE

SUBJECT: TRANSFER 5134

DATE: November 20, 1997

ok [signature]

=====

Transfer 5134 changes the place of use under Right No. 11-07021, reducing the place of use by 12 acres, the rate of diversion to 0.02 cfs per acre or 0.42 cfs, and the diversion volume to 3.5 afa per acre or 73.5 afa, on the remaining 21 irrigated acres.

The applicant wants to use this same irrigation well for two new domestic use developments described under protested applications 11-07435 and 11-07436. This transfer is an effort to provide mitigation for the new domestic uses.

Overlap review found statutory claim 11-04022 from Fish Haven Creek for irrigation of the same land. Right 11-07021 was originally proposed for acres covered by shares under the claim. During development of the groundwater right additional acres were acquired and the shares were shifted to this new ground. When licensed, the examiner clearly identified the separate surface and groundwater acres and found no overlaps.

Diversion volume was adjusted to current standards. Recommended conditions include reduction of acres, rate & vol, right-of-way, measuring device, irrigation overlap and standard transfer conditions.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5134RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT

JUN 26 1997

PART 1

Department of Water Resources
Eastern RegionName of applicant LAKE VISTA PROPERTIES LLC Phone (801) 757-3704
(801) 946-3333Post Office address 2126 S BEAR LAKE BLVD GARDEN CITY UT 84028

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 This transfer proposes to reduce the irrigated acres and concentrate the water right to 0.02 cfs per acre on the remaining place of use as mitigation for two pending application for permit for domestic use held by the applicant. The reduction in acre feet for irrigation will offset depletion for domestic use.

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>11-07021</u> | <u>06-21-1971</u> | <u>0.42 cfs</u> | <u>Irrigation</u> | <u>04-15</u> to <u>10-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.42 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	15	16S	43E	Bear Lake	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
16S	43E	15											4	11		3	3		18
		~~21~~ 22		3															3

PART 1

6. General Information:

a. Description of diversion system Well, pump and pipelines to irrigation system. Note that well will also supply water to domestic uses described in pending applications for permit 11-07435 and 11-07436.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Twelve acres originally licensed under this right (11-07021) will no longer be irrigated from the licensed source. Well will be tied into domestic system for uses described in pending applications 11-07435 and 11-07436.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

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 _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 11-07021 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 Well agreement

3. Source of water Groundwater tributary to _____

4. Date or priority 06-21-1971

5. Water is used for the following purpose:

amount 0.45 cfs for Irrigation purposes from 04-15 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 0.45 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	15	16S	43E	Bear Lake	

8. 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	
16S	43E	15											4	16			10		30
		22		3															3

Total acres 33

9. Describe any other water rights used for the same purpose as described above 11-04022

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 _____

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 11-07021

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.45 CFS	99.0 AF

SOURCE

GROUNDWATER

Priority: 06/21/1971

LOCATION OF POINT(S) OF DIVERSION:SESW , Sec. 15, Township 16S, Range 43E
BEAR LAKE CountyPLACE OF USE: IRRIGATION

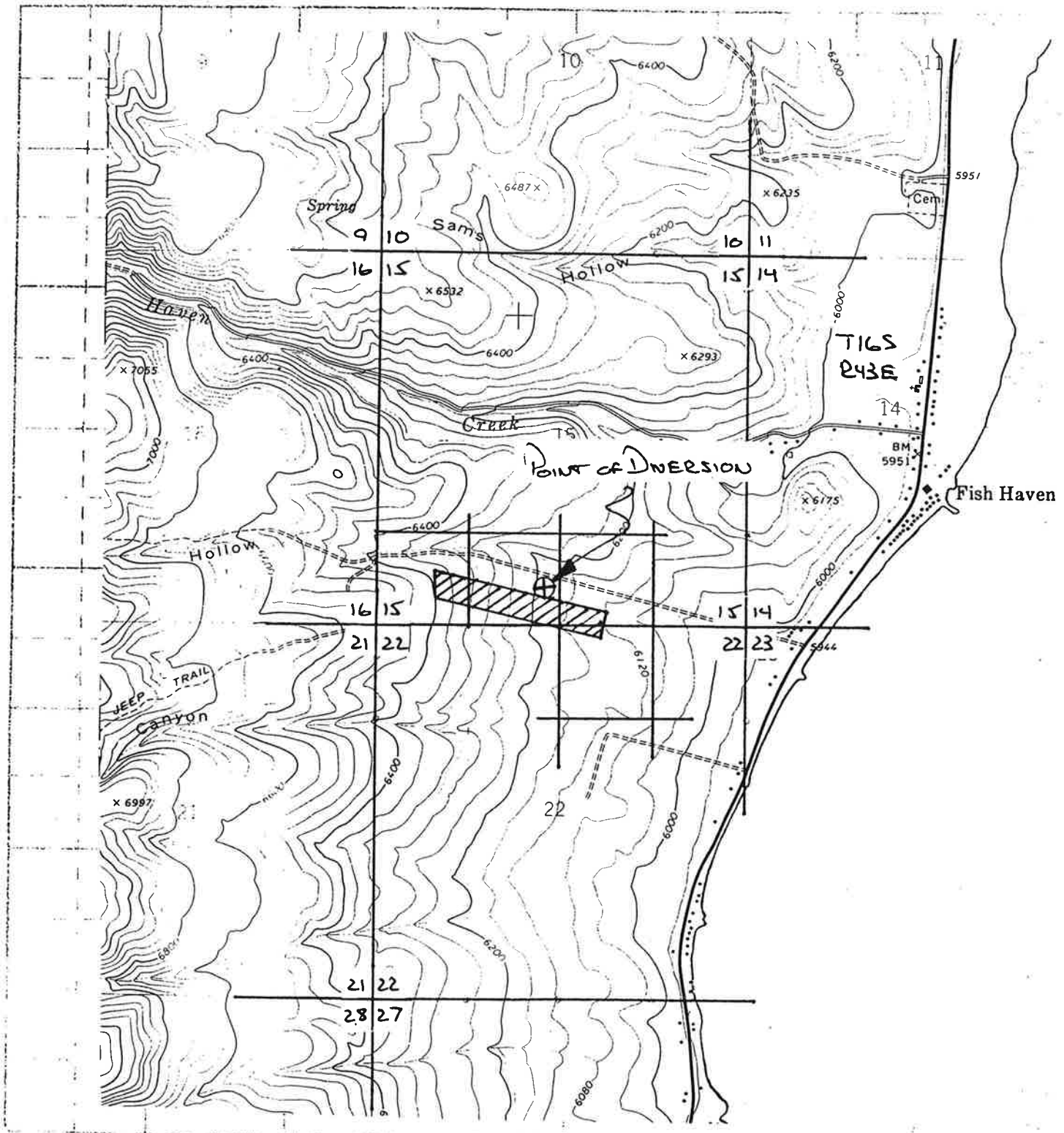
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	43E	15	SWSW 4	SESW 16	SWSE 10	30
		22	NWNE 3			3
Total number of acres irrigated:						33

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



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

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

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

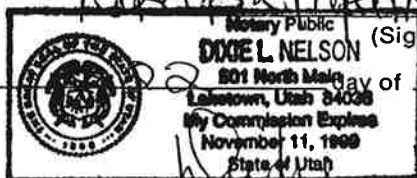
2. Quantity and quality of return flows and location of discharge:

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

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

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

Subscribed and sworn to before me this



(Signature of Applicant)

(Notary Public)

My commission expires

11-11-99**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and 0 attachmentsReceived by REM Date 9-4-97 Protest filed by _____Prelim. check by _____ Fee \$100.00Received by REM Date 9-4-97 E023596Published in Montpelier - News Examiner Copies of protest forwarded by _____Pub. dates Sept. 18 and 25, 1997 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____