

T5400

~~PROTESTED~~

L & S Partners

208-388-1300

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5400
WATER RIGHT NO. 34-04035C

RECEIVED

MAR 29 2000

This is to certify that: L & S PARTNERS
C/O STEVE ASLETT
PO BOX B
TWIN FALLS ID 833030015

Department of Water Resources
Eastern Region

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	* 1.31 CFS	* 229.3 AF

SOURCE

GROUNDWATER

Priority: 08/01/1960

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 1, Township 07N, Range 22E
SENE , Sec. 1, Township 07N, Range 22E
CUSTER 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>
07N	22E	1	SWNE 40.0	SENE 25.5		65.5
Total number of acres irrigated:						65.5

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

TRANSFER NO. 5400
WATER RIGHT NO. 34-04035C

CONDITIONS OF APPROVAL AND REMARKS

- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5400 shall not exceed 1.31 cfs, nor a total combined annual volume of 229.3 af.
- 6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 8. Surface water Rights 34-00227K and 34-00830 have been relinquished through approval of Transfer 5400 to mitigate the use of groundwater as a primary source under Right 34-04035C.
- 9. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit 34-07591, In the Name of L & S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. this approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 23rd day of

March, 2000


Chief, Water Allocation Bureau

PROTESTED 3/30/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
Transfer No. 5400
FEB 09 1999

ORIGINAL APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Please send all notices & correspondence to
Scott L. Campbell, Elam & Burke, PO Box 1539
Boise, ID 83701

Name of applicant L & S Partners, c/o Steve Aslett Phone (208) 734-5533
Post Office address PO Box B, Twin Falls, ID 83303-0015

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 _____
- Describe the reason for the proposed changes The changes are pursuant to a water rights purchase agreement executed between L & S Partners and McCaleb Estates, Inc.

RECEIVED

JUL 27 1998

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

Department of Water Resources
Eastern Region

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>04035C</u> <u>34-05035C</u>	<u>8/1/60</u>	<u>1.31 cfs/</u> <u>229.25 af</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u> _____ _____ _____

- Total amount of water being transferred 1.31 cubic feet per second and/or 229.25 acre-feet per annum.
- Source of water groundwater tributary to _____
- Point(s) of Diversion: 2 wells

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	~~NW~~	01	7N	22E	Custer	
		~~SW~~	NW	01	7N	22E	Custer	
		SE	NE					

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	
7N	22E	1			40	25.5												65.5	

Total acres 65.5

PART 1

6. General Information:

ORIGINAL

a. Description of diversion system Water will be delivered to the place of use through pipeline from well and pump to sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:
Water will no longer be used on land now irrigated under this water right.

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 _____

PROTESTED 3/30/99
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
 Transfer No. 5400
FEB 09 1999

ORIGINAL APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Please send all notices & correspondence to
 Scott L. Campbell, Elam & Burke, PO Box 1539
 Boise, ID 83701

Name of applicant L & S Partners, c/o Steve Aslett Phone (208) 734-5533
 Post Office address PO Box B, Twin Falls, ID 83303-0015

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 The changes are pursuant to a water rights purchase agreement executed between L & S Partners and McCaleb Estates, Inc.

RECEIVED
JUL 27 1998

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

Department of Water Resources
 Eastern Region

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>04035C</u> <u>34-05035C</u>	<u>8/1/60</u>	<u>1.31 cfs/</u> <u>229.25 af</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u> _____ _____ _____

2. Total amount of water being transferred 1.31 cubic feet per second and/or 229.25 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: 2 wells

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	~~SE~~	01	7N	22E	Custer	
		~~SW~~	NW	01	7N	22E	Custer	
		SE	NE					

5. 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>7N</u>	<u>22E</u>	<u>1</u>																	<u>65.5</u>

Total acres 65.5

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. ^{Partial} Decree No. 34-04035C Decreed to McCaleb Estates, Inc.
in case of In re SRBA, Case No. 39576 vs. _____
dated December 23, 1997 in Twin Falls county of Idaho
- 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. _____ 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 8/1/60

5. Water is used for the following purpose:

amount 1.31 cfs for irrigation purposes from _____ to _____
(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 1.31 cubic feet per second and/or 229.25 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	34	7N	24E	Custer	

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	
7N	24E	34			10	6.5					~~30~~	~~16~~			30	16			62.5
7N	24E	35										3							3.0

Total acres 65.59. Describe any other water rights used for the same purpose as described above 34-0227K and 34-00830C

PART 2

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. Partial 34-04035C Decreed to McCaleb Estates, Inc.
in case of In re SRBA, Case No. 39576 vs. _____
dated December 23, 1997 in Twin Falls county of Idaho
- 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. _____ 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 8/1/60

5. Water is used for the following purpose:

amount 1.31 cfs for irrigation purposes from _____ to _____
(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 1.31 cubic feet per second and/or 229.25 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	34	7N	24E	Custer	

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	
7N	24E	34			10	6.5					~~30~~	~~16~~			30	16			62.5
7N	24E	35										3							3.0

Total acres 65.59. Describe any other water rights used for the same purpose as described above 34-0227K and 34-00830C

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.

Please see Exhibit A appended hereto.

RECEIVED
DIVISION OF WATER RESOURCES
JAN 10 1978

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.

Steve Phillips
(Signature of Applicant)

Subscribed and sworn to before me this 15 day of July, 19 98.

Bonnie Templeman
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by HWT Date 7-27-98 Protest filed by _____Prelim. check by _____ Fee \$100.00Receipted by HWT #E024286 Date 7-27-98Published in Challis Messenger Copies of protest forwarded by _____Pub. dates 3-4 & 3-11-99 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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.**

Please see Exhibit A appended hereto.

