

T5437 AGUEDA

STATE OF IDAHO

Transfer No. 5437

DEPARTMENT OF WATER RESOURCES

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

MAR 12 1999

PART 1

Department of Water Resources
Southern Region

Name of applicant

Name of applicant JOE AGUEDA Phone 324-6825

Post Office address 326 EAST 400 NORTH JEROME ID 83338

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 SPLIT RIGHT

2. Describe the reason for the proposed changes

TO PROVIDE A WATER RIGHT FOR AN EXISTING DAIRY FACILITY.

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

1. Right Number NEEDS TO BE RENUMBERED TO BASIN 36 RIGHT	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-08606F</u>	<u>07/01/1985</u>	<u>0.30 cfs</u>	<u>STOCKWATER</u>	<u>01/01</u> to <u>12/31</u>
		<u>45 ac-ft</u>	<u>STOCKWATER</u>	<u>01/01</u> to <u>12/31</u>
		<u>0.30 cfs</u>	<u>COMMERCIAL</u>	<u>01/01</u> to <u>12/31</u>
		<u>45 ac-ft</u>	<u>COMMERCIAL</u>	<u>01/01</u> to <u>12/31</u>

2. Total amount of water being transferred 0.30 cubic feet per second and/or 45 acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	%	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	27	07S	17E	JEROME	EXISTING WELL
		SE	SW	27	07S	17E	JEROME	NEW WELL TO BE DRILLED TO BE USED AS BACK UP

5. Lands irrigated or place of use: * AREAS WHERE LAND APPLICATION WILL OCCUR

[illegible]

Page

2

of

6

Transfer No.

5437

PART 1

6. General Information:

a. Description of diversion system TWO WELLS, AND PUMPS, PIPES TO
DAIRY BARN AND CORRALS.

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:

ACRES WILL BE DRIED UP AND NO LONGER
IRRIGATED

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 _____

Page 3 of 6

PART 2

TRANS NO. 5437

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-08606

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.07 CFS	1214.0 AF

SOURCE

GROUNDWATER

Priority: 07/01/1985

LOCATION OF POINT(S) OF DIVERSION:NENW , Sec. 16, Township 04S, Range 31E
BINGHAM CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S 31E 16	NENE 37	NWNE 40	SWNE 40	
	SENE 36	NENW 40	NWNW 34.2	
	SWNW 36.3	SENE 40		303.5
				303.5

Total number of acres irrigated:

CONDITIONS/REMARKS:

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

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 0.30 cfs for IRRIGATION purposes from 04/01 to 10/31
 (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
		NE	NW	16	04S	31E	BINGHAM	

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	
04S	31E	16						15											15

Total acres 15

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) **SUBJECT TO OTHER TRANSFERS**

1. amount 5.77 cfs for IRRIGATION purposes from 04/01 to 10/31
 (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
		NE	NW	16	04S	31E	BINGHAM	

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	
04S	31E	16	37		40	36	40		36.3	40									288.5

Total acres 288.5

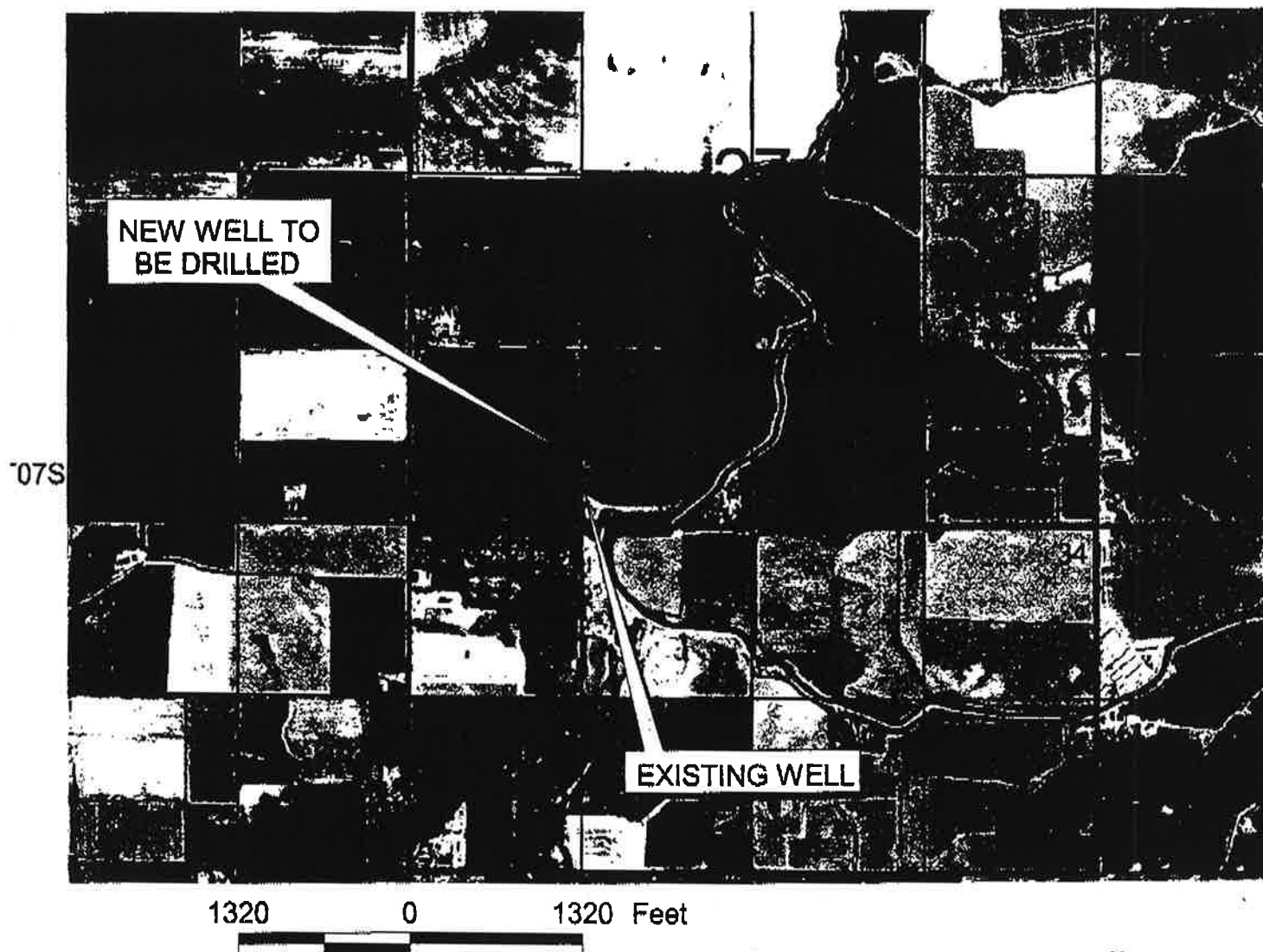
IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER # 5437

T35-08606F

POST TRANSFER CONDITIONS

RANGE 17 EAST



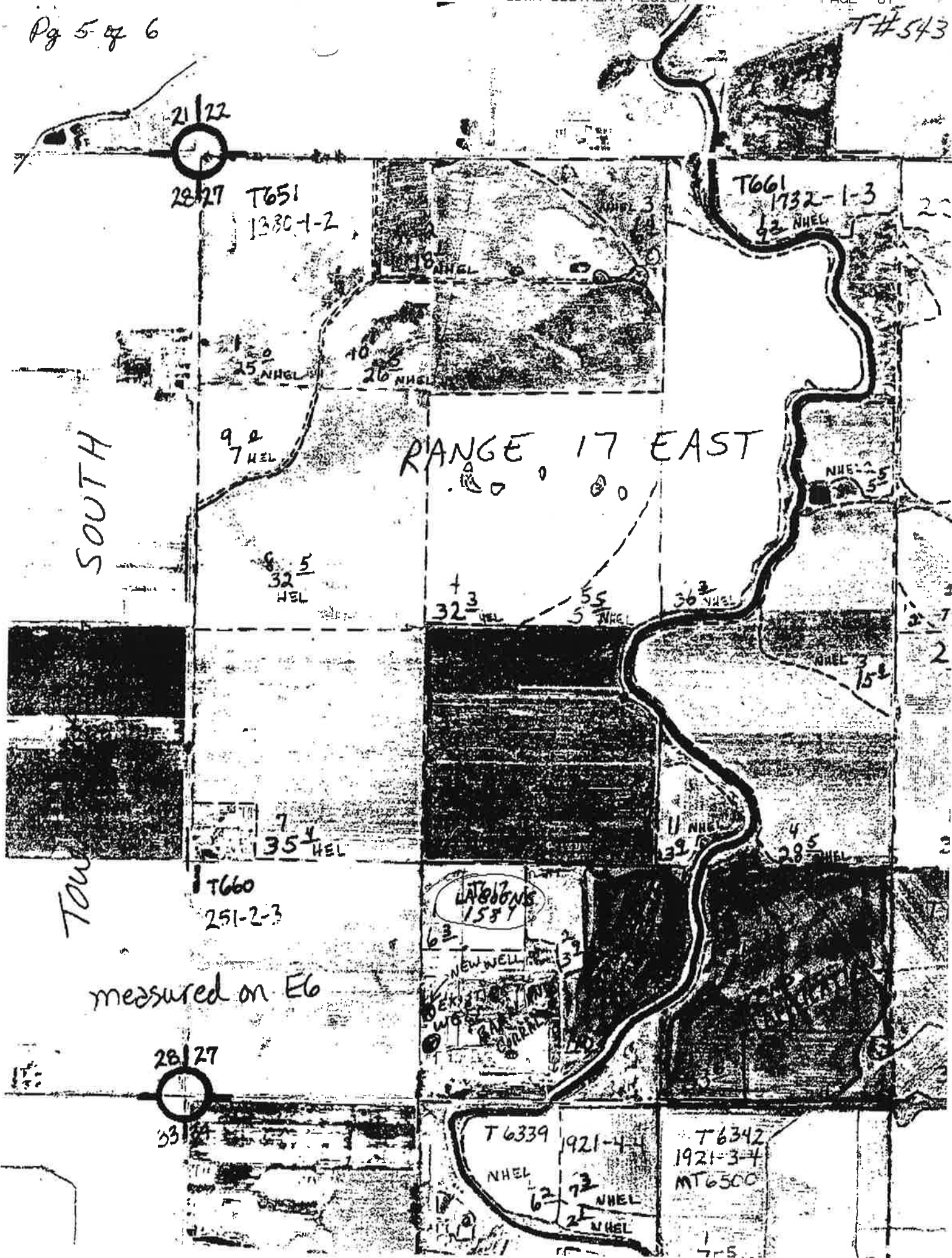
- RESULTING PLACE OF USE
- POINT OF DIVERSION
- QUARTER/QUARTER LINES
- SECTION LINES



PLACE OF USE PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
DATA ENTRY BY COREY SKINNER

Pg 5 of 6

T#543



28/27 T651
1380-1-2

T661
1732-1-3
42 NHEL

RANGE 17 EAST

SOUTH

9 2
7 NHEL

32 5
NHEL

32 3
NHEL

55
NHEL

36 3
NHEL

NHEL 5

NHEL 3
15

7 4
135 NHEL

T660
251-2-3

LATGONS
1587

NEW WELL

WELL
WELL

11 NHEL
39

4 5
28 NHEL

measured on E6

28/27

T6339 921-4-4
NHEL
62 73
21 NHEL

T6342
1921-3-4
MT6500

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	STOCKWATER	0.30 cfs / 45 AC-FT	AS NEEDED	01/01 to 12/31
	COMMERCIAL	0.30 cfs / 45 AC-FT	AS NEEDED	01/01 to 12/31

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

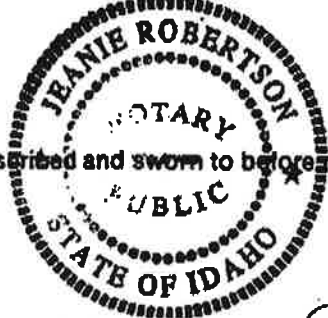
WASTE WATER FROM LAGOONS WILL BE LAND APPLIED IN THE
SESW 1/4 AND SWSE 1/4 OF SECTION 27 (T07S, R17E)

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

NO APPARENT EFFECTS

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.



Joe Agueda

(Signature of Applicant)

Subscribed and sworn to before me this

18th

day of

March

19 99

Jeanie Robertson

(Notary Public)

My commission expires

9-23-2000

.. FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by P. SKINNER

Date 03/19/1999

Protest filed by

Prelim. check by CS

Fee \$100.00 5021899

Received by P. SKINNER

Date 03/18/1999

Published in The Morning News & North Side News

Copies or protest forwarded by

Pub. dates 4/15 & 4/22/99

Hearing held by Date

Watermaster recommendation requested on

N/A

Recommended for ☐ approval ☐ denial

rec'd.

by

Copy of transfer sent to lien holder

RECEIVED

MAR 15 1999

Department of Water Resources
Southern RegionMEMORANDUM OF AGREEMENT

THIS AGREEMENT Made and entered into this 9 day of MARCH, 1999, by and between Roy Hincks, Sterling, Idaho (hereinafter "Vendor") Joe Aguada, 567-31-1565 of 326 E. 400 N. Jerome, Idaho hereinafter "Vendee").

WITNESSETH:

WHEREAS, Vendor is the owner of a license, or permit, for approximately 300 inches of ground water, which ground water is Water Rite number 35-08606 on file with the Idaho Department of Water Resources; and,

WHEREAS, Vendee is the owner of a Dairy located in Jerome County, Idaho; and,

WHEREAS, Vendor desires to sell to Vendee, and Vendee desires to purchase from Vendor, 15 inches of the above described water for the sum of four hundred dollars (\$400.00) per inch, for a total amount of Six thousand dollars (\$6,000.00).

NOW, THEREFORE, it is agreed between the parties as follows:

1. In consideration of the sum of \$6,000.00, Vendor sells and Vendee purchases 15 inches of ground water.

2. The agreed purchase price of \$6,000.00 shall be payable as follows:

One Thousand Dollars (\$1,000.00) Ernest monies cash. And the balance of Four Thousand dollars ~~(\$4,000.00)~~ ^(5,000.00) upon completion of the appropriate property descriptions have been identified and the Department of Water Resources has approved the transfer. SA RA

3. The cash will be deposited in the Land Title & Escrow Inc. Trust Account and held until such time as the appropriate property descriptions have been identified and the Department of Water Resources has approved the transfer.

4. Vendor makes no warranties or guarantees that the transfer will be approved by the Department of Water Resources.

5. Vendee acknowledges that it has ascertained, from sources other than Vendor, the applicable zoning and other regulatory ordinances regarding the use of the 15 inches of water and Vendor has made no representations with respect thereto.

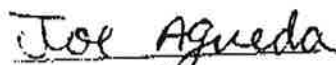
This agreement shall be binding upon the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

In the event this water cannot be transferred within 120 days, this agreement shall be void and the money returned to Vendee. It being understood that the money shall be deposited in the Land Title & Escrow Inc. Trust Account, which is a non-interest bearing account. In the event the parties wish to extend this agreement beyond the 120 days hereof, they shall so indicate in writing. However, each party agrees to be responsible for paying one-half (1/2) the costs of the Land Title &

~~Escrow Inc. fees for the escrow account.~~

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.


Roy Hincks
SS # 518-32-2613
2851 W. 900 S
Sterling, Idaho 83210
"VENDOR"


Joe Aguada
SS# 567-31-1565
326 E. 400 N
Jerome, Idaho 83338
"VENDEE"