

Eastern

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MAY 24 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources  
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 68555

15872

This is to certify that: MOUNTAIN VIEW FARMS INC  
C/O GERALD JOHNSON  
9112 W TWO & A HALF MILE RD  
POCATELLO ID 83202-5206  
(208)237-1885

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

Summary of Water Rights Before the Proposed Change

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acres</u> | <u>Total</u> | <u>Source</u>             |
|--------------|---------------------|-----------------|-------------|---------------|--------------|--------------|---------------------------|
| 29-2049      | AJC/License         | 07/28/1906      | 2.00 cfs    |               | 100.0        | 100.0        | TWO AND A HALF MILE CREEK |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 29-2049               | NO           | YES        | NO         | NO             | NO                   | NO                   |

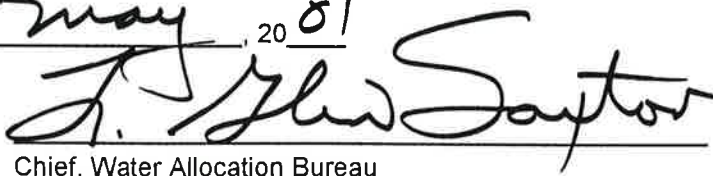
Summary of Water Rights After the Approved Change

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 29-2049               | 29-2049                          | 2.00 cfs             | 350.0 af               | 100.0             | 100.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| TOTALS                |                                  | 2.00 cfs             | 350.0 af               | 100.0             | 100.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of

may, 2001

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 29-2049**  
**As Modified by Transfer No. 68555**

In accordance with the approval of Transfer No. 68555, Water Right No. 29-2049 is now described as follows.

**Right Holder:** MOUNTAIN VIEW FARMS INC  
 C/O GERALD JOHNSON  
 9112 W TWO & A HALF MILE RD  
 POCATELLO ID 83202-5206  
 (208)237-1885

**Priority Date:** 07/28/1906

**Source:** TWO AND A HALF MILE CREEK

**Tributary:** SINKS

| <u>BENEFICIAL USE</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-----------------------|-----------------------|---------------|
| IRRIGATION            | 04/01 to 10/31        | 2.00 CFS              | 350.0 AF      |
|                       |                       | 2.00 CFS              | 350.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

TWO AND A HALF MILE CREEK SWNWNW Sec. 29 Twp 05S Rge 35E BANNOCK County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|------|------|------|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE   | NW   | SW   | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05S 35E 30  | 20.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 100.0  |

Total Acres: 100

**CONDITIONS OF APPROVAL**

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
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. Approval of Transfer 68555 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

**WATER RIGHT NO. 29-2049**  
**As Modified by Transfer No. 68555**

**CONDITIONS OF APPROVAL**

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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 21<sup>st</sup> day of May, 2001

  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5872

RECEIVED

NOV 21 2000

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Department of Water Resources  
Name Mountain View Farms Co Gerald Johnson Phone 208-237-1885Post Office address 9112 W. Two + a Half Mile Rd Pocatello, ID 83202

## 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 We have moved our pump down  
stream to our sump pond + wish to clarify the  
record.

## 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>29-02049</u> | <u>7/28/1906</u> | <u>2.00 cfs</u>    | <u>Irrigation</u> | <u>4-01</u> to <u>11-01</u> |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |

2. Total amount of water being transferred 2.00 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Two and a Half Mile Creek tributary to Sinks

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|---------|--------------------------|
|     | SW  | NW  | NW  | 29  | 5S  | 3SE | Bannock |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 5S  | 3SE | 30  | 20     | 40 | 40 |    |        |    |    |    |        |    |    |    |        |    |    |    | 100    |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 100

## 6. General Information:

a. Description of diversion system Electric pump in a sump pond 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?

NA 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:

NA.

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 the said application is hereby \_\_\_\_\_, subject to the following conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
For the Director

## PART 2

TRANS NO. 5872

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 29-02049

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | to                   | 2.00 CFS              |
| DOMESTIC              | to                   |                       |
|                       | Totals               | 2.00 CFS              |

| <u>SOURCE</u>             | <u>TRIBUTARY OF</u> |
|---------------------------|---------------------|
| TWO AND A HALF MILE CREEK | SINKS               |

Priority: 07/28/1906

LOCATION OF POINT(S) OF DIVERSION: SWNE, Sec. 29, Township 05S, Range 35E  
BANNOCK County

PLACE OF USE:

## IRRIGATION

|     |     |    |   | NE   |      |      |      | NW |    |    |    | SW   |      |      |      | SE |    |    |   |      |      |      |      |    |    |   |    |      |      |      |      |             |       |       |
|-----|-----|----|---|------|------|------|------|----|----|----|----|------|------|------|------|----|----|----|---|------|------|------|------|----|----|---|----|------|------|------|------|-------------|-------|-------|
|     |     |    |   | NENE | NWNE | SWNE | SENE | :  |    |    |    | NENW | NWNW | SWNW | SENW | :  |    |    |   | NESW | NWSW | SWSW | SESW | :  |    |   |    | NESE | NWSE | SWSE | SESE | :           |       |       |
| T   | R   | S  | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | Lt | Ac | :    | Lt   | Ac   | Lt   | Ac | Lt | Ac | : | Lt   | Ac   | Lt   | Ac   | Lt | Ac | : | Lt | Ac   | Lt   | Ac   | Lt   | Ac          | :     | SUM   |
| 05S | 35E | 30 | : | 20   |      | 40   |      | 40 |    |    |    | :    |      |      |      |    |    |    | : |      |      |      |      |    | :  |   |    |      |      |      |      | :           | 100.0 |       |
|     |     |    |   |      |      |      |      |    |    |    |    |      |      |      |      |    |    |    |   |      |      |      |      |    |    |   |    |      |      |      |      | TOTAL ACRES |       | 100.0 |

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

CONDITIONS/REMARKS:

- LIC. INCORRECTLY DESCRIBES SOURCE AS TWO AND ONE HALF CK.

Describe any other water rights used for the same purpose as described above:

none

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:

Water Right No. 29-02049

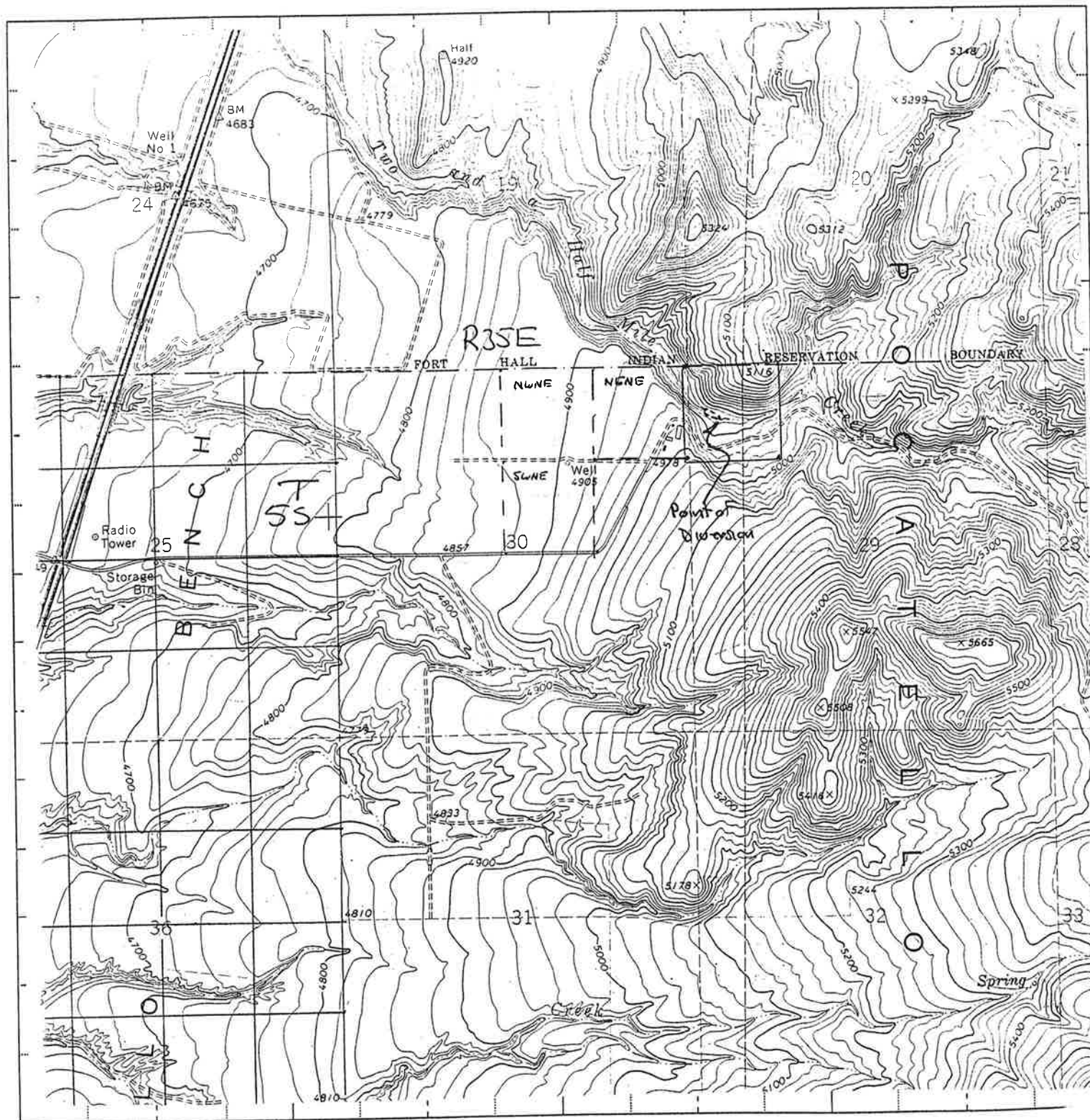
Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

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 the 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

## E. CHANGES IN NATURE OF USE

1. 

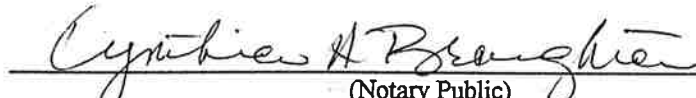
| <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ to _____       |
| _____                    | _____                    | _____                  | _____ 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.

  
(Signature of Applicant)

Subscribed and sworn to before me this 20 day of Nov, 20 00.

  
(Notary Public)

My commission expires 3-5-2004

## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by HWT Date 11-22-00 Protest filed by \_\_\_\_\_

Prelim. Check by KAW Fee \$290.00

Receipted by HWT #E026333 Date 11-22-00

Published in Idaho State Journal Copies of protest forwarded by \_\_\_\_\_

Pub. Dates 12/7 & 12/14/00 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_