

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

RECEIVED

OCT 16 2018

Department of Water Resources  
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

Name of Applicant(s) Robert R. or Mary M. Anderson Phone 208-221-6545  
Mailing address 5646 Sorrell Drive, Chubbuck, ID 83202 Email yellowstoneglass@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Mary M. Anderson Mary M. Anderson 10-15-2018  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

**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 Remove point of redirection
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.  
Rearrange place of use & remove point of redirection for a 129-acre portion of ground water right 34-2323C, change POD for 34-644C and 34-12360 from Burnett to Swauger, correct POD legal description for the 4 other Big Lost rights (no physical change), and concentrate the Big Lost rights onto acreage owned by applicant. Update ownership.

Receipt  
#E04460

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary   |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|----------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 34-2323C     | 2.04 cfs              | Irrigation    | 4/1 to 10/31  | Ground water         |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-227E      | 1.08 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-637D      | 0.98 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-644C      | 0.09 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-909       | 0.32 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-10685     | 1.12 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 34-12360     | 0.48 cfs              | Irrigation    | 5/1 to 10/15  | Big Lost River/Sinks |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                      |

Total authorized under rights 4.45 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.19 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
Label it **Attachment #5**.

| New ? | Lot | ¼  | ¼  | ¼  | Sec | Twp | Rge | County | Source                      | Local name or tag #     |
|-------|-----|----|----|----|-----|-----|-----|--------|-----------------------------|-------------------------|
| N     |     | SE | NW | SE | 27  | 7N  | 24E | Custer | Ground water                | WMIS #277               |
|       |     |    |    |    |     |     |     |        | (rediversion point removed) | pod for 34-2323C only   |
| N     |     |    | SE | SW | 20  | 7N  | 24E | Custer | Big Lost River              | Swauger Ditch           |
|       |     |    |    |    |     |     |     |        |                             | pod for Big Lost rights |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |      | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|------|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE   |             |
| 7N                               | 24E | 27  |      |    |    |    |      |    |    |    |      |    |    |    | 38   | 18 | 18 | 38.5 | 112.5       |
| 7N                               | 24E | 34  | 4.5  | 12 |    |    |      |    |    |    |      |    |    |    |      |    |    |      | 16.5        |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      | 129         |

STATE OF IDAHO  
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**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

## 5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Currently installed is, hard-wired flow meter and lockable butterfly valve including Lock-out power panel

- b. Who owns the property at the point(s) of diversion? Historic ditch, Swauger Canal  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
well is located on Applicants Land.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

51.2 Acres to be irrigated from remainder # 34-2323C

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

51.2 acres of surface water rights will be concentrated on the proposed place of use. The 51.2 acres will continue to be irrigated with the remainder of 34-2323C. Rights 34-2323B, 34-2323E, 34-2323F, and 34-14433 are also diverted from current well.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report**

10/23/2018

**Water Right 34-2323C**

**Owner Type**      **Name**  
Current Owner      HINTZE FARMS  
**Priority Date:** 2/11/1955  
**Basis:** Decreed  
**Status:** Active

**Source**      **Tributary**  
GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/31            | 2.850 CFS                    | 630.7 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 2.850 CFS                    | 630.7 AF             |

**Source and Point(s) of Diversion**

|              |        |                                             |
|--------------|--------|---------------------------------------------|
| GROUND WATER | SENWNW | Sec. 34, Twp 07N, Rge 24E, CUSTER County(R) |
| GROUND WATER | SENWSE | Sec. 27, Twp 07N, Rge 24E, CUSTER County    |

**Place Of Use**

IRRIGATION within CUSTER County

|     |     |     | NE   |      |     |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|-----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 07N | 24E | 27  |      |      |     |    |    |    |    |    |    |    |    |    | 39.5 | 16.0 | 18.0 | 35.0 | 108.5  |
| 07N | 24E | 34  | 40.0 | 17.5 | 0.2 |    |    |    |    |    |    |    |    |    |      |      |      | 14.0 | 71.7   |

POU Total Acres: 180.2

**Conditions of Approval:**

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED WITH RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-10685 AND 34-12360.
2. WATER DIVERTED UNDER A PORTION OF THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE SWAUGER DITCH AND DIVERTING AN EQUAL AMOUNT FROM THE BIG LOST RIVER AT THE POINTS OF REDIVERSION DESCRIBED ABOVE.  
WATER MAY BE REDIVERTED FROM THE BIG LOST RIVER ONLY WHEN THERE IS CURRENT DEMAND FOR THE WATER INJECTED INTO THE SWAUGER DITCH BY SWAUGER DITCH WATER USERS WITH CURRENTLY DELIVERABLE PRIORITIES BELOW THE POINT OF INJECTION.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED WITH RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-10685 AND 34-12360.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

10/23/2018

5.

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. WATER DIVERTED FROM THE BIG LOST RIVER IS DELIVERED THROUGH THE SWAUGER AND BURNETT DITCHES.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-02323B, 34-02323D

**Dates and Other Information**

Decreed Date: 2/13/2002

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 34

Mitigation Plan: False

**Combined Use Limits**

| <b><u>Rate</u></b>                                              | <b><u>Volume</u></b> | <b><u>Acres</u></b> |
|-----------------------------------------------------------------|----------------------|---------------------|
| 5.260                                                           |                      | 180.2               |
| 34-2323C ,34-637D ,34-644C ,34-909 ,34-10685 ,34-12360 ,34-227E |                      |                     |

**SubCase:**

N/A

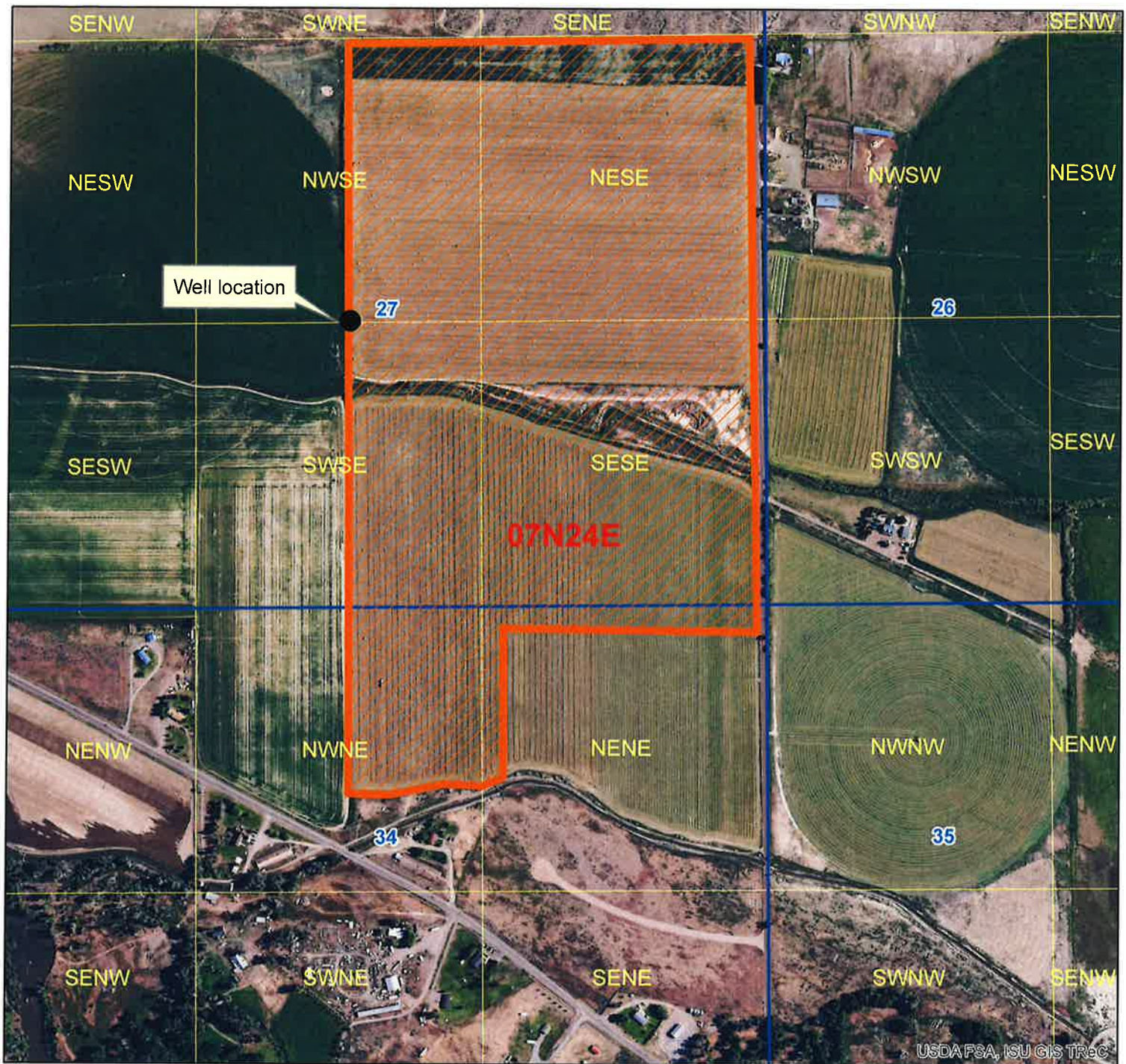
**Water Supply Bank:**

N/A





State of Idaho  
Department of Water Resources  
Anderson Transfer



**Legend**

- point of diversion
- ▨ Proposed POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

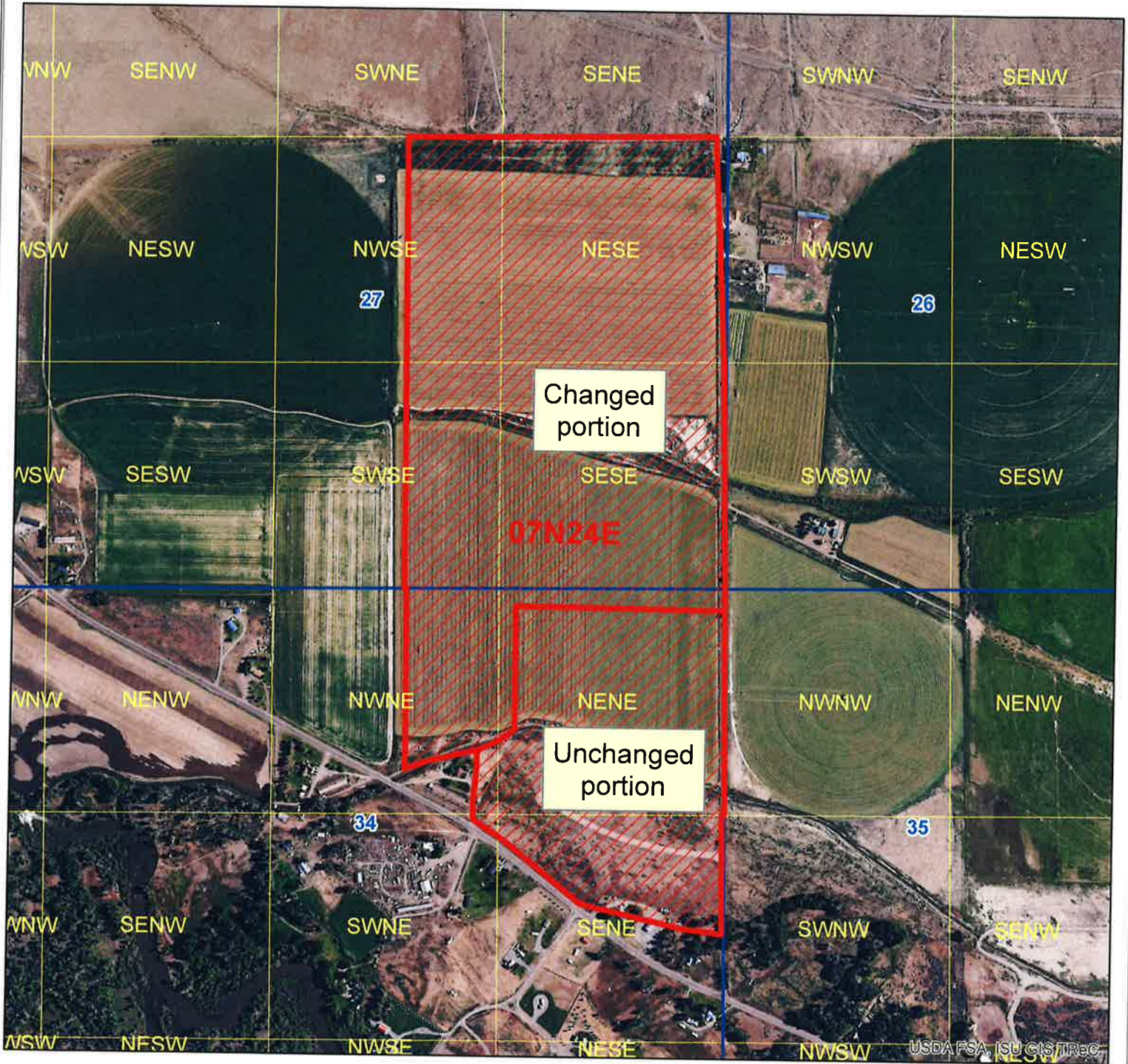
0 0.125 0.25 0.5 Miles



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MH

State of Idaho  
Department of Water Resources  
Water Right No. 34-2323C



0 0.175 0.35 0.7 Miles

Legend

-  34-2323C
-  Township/Range
-  Sections
- QQ



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MH

Proposed POD for 34-644C & 34-12360



0 0.05 0.1 0.2 Miles

**Legend**

-  Swauger Ditch POD
-  Township/Range
-  Sections
- QQ



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MH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources  
Eastern Region

## Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

| Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? | Water Right/Claim No.  | Split?                       | Leased to Water Supply Bank? |
|-----------------------|------------------------------|------------------------------|------------------------|------------------------------|------------------------------|
| 34-12360 NA           | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | 34-909 ? Split         | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 34-644C NA            | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | 34-2323C ? Split       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 34-10685 ? Split      | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | <del>34-10695 NA</del> | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 34-637D ? Split       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> | <del>34-10696 NA</del> | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 34-227E ? Split       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                        | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Hintze Farms, Lin Hintze  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robert R. Anderson Mary M. Anderson  
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- 5646 Sorrell Dr. Chubbuck Id 83202  
Mailing address City State ZIP
- 208-221-6544 Yellowstoneglass@yahoo.com  
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 4/30/2018
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:  
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).  
☒ Filing fee (see instructions for further explanation):  
     o \$25 per *undivided* water right.  
     o \$100 per *split* water right.  
     o No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

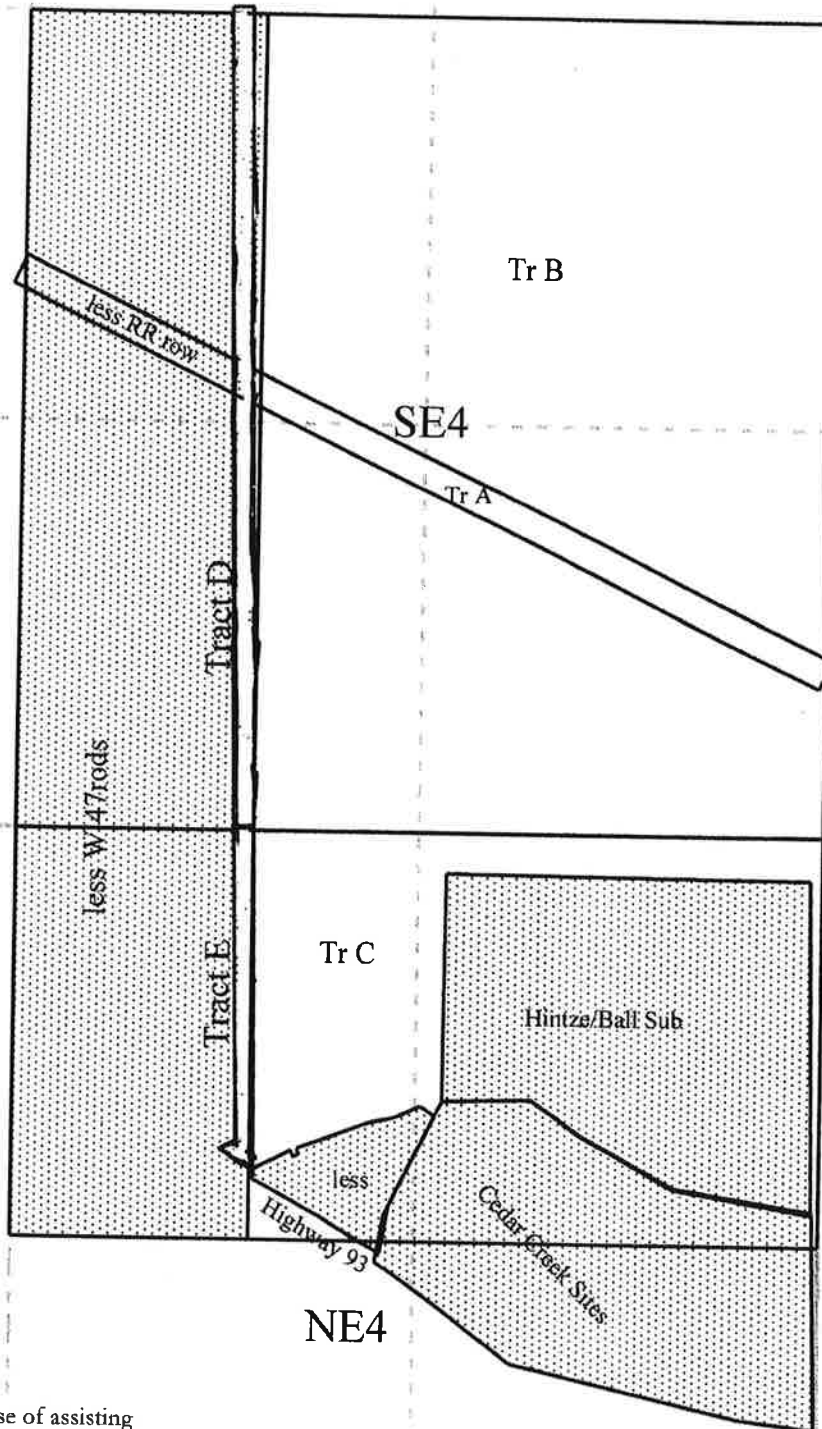
8. Signature: Robert R Anderson 5-2-2018  
Signature of new owner/claimant Title, if applicable Date

Signature: Mary M Anderson 5-2-2018  
Signature of new owner/claimant Title, if applicable Date

### For IDWR Office Use Only:

Received by JPS Date 5/7/2018 Receipt No. E043995 Receipt Amt. \$200.-  
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐  
 Name on W-9 \_\_\_\_\_ Approved by \_\_\_\_\_ Processed by \_\_\_\_\_ Date \_\_\_\_\_

82777



This map is solely for the purpose of assisting in locating the premises and the company assumes no liability for variations if any, with an actual survey.

**First American Title Company**

pt SE 27 & pt NE 34 -7N-24EBM, Custer County, ID

3/2/2017

Scale: 1 inch= 600 feet

File: 625088a.ndp

82777

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
223 North 15th Avenue  
Pocatello, ID 83201

**Instrument # 254616**  
CHALLIS, CUSTER, IDAHO  
04-30-2018 10:49:43 No. of Pages: 4  
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT  
Lura H. Baker Fee: \$15.00  
Ex-Officio Recorder Deputy: TH

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **673682-P (sw)**

Date: **April 02, 2018**

For Value Received, **Lin Francis Hintze and Diane Anouilh Hintze, Trustees, under The Hintze Family Revocable Living Trust, dated October 15, 2013**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robert R. Anderson and Mary M. Anderson, husband and wife**, hereinafter called the Grantee, whose current address is **5646 Sorrel Dr., Chubbuck, ID 83202**, the following described premises, situated in **Custer County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

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Lin Francis Hintze and Diane Anouilh Hintze,  
Trustees, under The Hintze Family Revocable  
Living Trust, dated October 15, 2013

Lin Francis Hintze

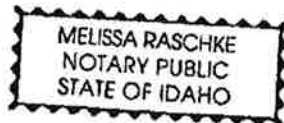
Lin Francis Hintze, Trustee

Diane Anouilh Hintze

Diane Anouilh Hintze, Trustee

STATE OF Idaho )  
COUNTY OF Custer Benmark ) ss.

On this **Thirtieth day of April, 2018**, before me, a Notary Public in and for said State, personally appeared **Lin Francis Hintze and Diane Anouilh Hintze**, known or identified to me to be the person whose name is subscribed to the within instrument as the **Trustees of The Hintze Family Revocable Living Trust, dated October 15, 2013**, and acknowledged to me that he/she/they executed the same as such **Trustees**.



Melissa Rasch  
Notary Public for the State of Idaho  
Residing at: \_\_\_\_\_ State of Idaho  
My Commission Expires: \_\_\_\_\_ Residing: Pocatello, Idaho  
Comm. Expires: 02/06/2020

## EXHIBIT A

### TRACT A:

THAT PORTION OF THE BELOW DESCRIBED TRACT SITUATED EASTERLY OF A LINE DRAWN AT RIGHT ANGLES TO THE W. LINE OF THE SE $\frac{1}{4}$  OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO, 47 RODS OR 775.50 FEET EASTERLY THEREOF. ALL THAT PORTION OF THE "MACKAY BRANCH" RIGHT OF WAY, NOW ABANDONED, OF THE UNION PACIFIC RAILROAD COMPANY, SUCCESSOR IN INTEREST TO THE SALMON RIVER RAILROAD COMPANY, BEING THAT SAME TRACT OR PARCEL OF LAND HERETOFORE ACQUIRED BY THE AFORESAID RAILROAD COMPANY BY VIRTUE OF THAT CERTAIN INSTRUMENT DATED SEPTEMBER 20, 1901, FROM JAMES MCKELVEY AND ANNA MCKELVEY, HUSBAND AND WIFE, SAID INSTRUMENT HAVING BEEN FILED FOR RECORD IN THE AFORESAID COUNTY ON OCTOBER 12, 1901, PAGES 444-445 OF VOLUME "F", RECORD OF DEEDS, SAID TRACT OR PARCEL OF LAND BEING BOUNDED AND DESCRIBED THEREIN AS FOLLOWS:

A STRIP OF LAND 100 FEET WIDE BEING 50 FEET IN WIDTH ON EITHER SIDE OF THE CENTER LINE OF THE MAIN TRACK OF SALMON RIVER RAILROAD AS LAID OUT OVER AND ACROSS THE SAID TRACT OF LAND, SAID CENTER LINE ENTERING SAID SE $\frac{1}{4}$  ON THE E. LINE THEREOF AT A POINT 534.3 FEET N. OF THE SE CORNER THEREOF, AND RUNNING THENCE N. 64°27' W. FOR A DISTANCE OF 2943.7 FEET TO A POINT ON W. LINE THEREOF 1804 FEET N. OF THE SW CORNER OF SAID QUARTER SECTION.

### TRACT B:

TOWNSHIP 7 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO  
SECTION 27: SE $\frac{1}{4}$  LESS THE OREGON SHORTLINE RAILROAD RIGHT OF WAY AND LESS THE W. 47 RODS.

### TRACT C:

SECTION 34: E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  LYING NORTH OF U.S. HIGHWAY 93-A LESS THE W. 47 RODS.

ALSO EXCEPTING THEREFROM: A PARCEL OF LAND GENERALLY DESCRIBED AS BEING A PORTION OF THE NE $\frac{1}{4}$  OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 24 E.B.M., LYING NORTHERLY OF THE U.S. HIGHWAY 93A RIGHT OF WAY, CUSTER COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF SAID HIGHWAY, FROM WHICH THE NE CORNER OF SAID SECTION 34, (RECORDED - INSTRUMENT NO. 0211841, CUSTER COUNTY RECORDS), BEARS N. 46°32'07" E., 1972.44 FEET, AND THE E $\frac{1}{4}$  CORNER OF SAID SECTION 34, (RECORDED - INSTRUMENT NO. 0211840, CUSTER COUNTY RECORDS), BEARS S. 49°34'08" E., 1935.37 FEET; THENCE FROM SAID POINT OF BEGINNING, ALONG THE NORTHERLY RIGHT OF WAY OF SAID HIGHWAY, ALONG A TANGENTIAL CURVE CONCAVE SOUTHWESTERLY SAID CURVE HAVING A RADIUS OF 2898.00 FEET, A CENTRAL ANGLE OF 04°34'48", A LONG CHORD BEARING OF N. 60°11'33" W., A DISTANCE OF 231.66 FEET (CURVE LENGTH) TO A POINT OF TANGENCY; THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF SAID HIGHWAY, N. 62°28'57" W., A DISTANCE 251.71 FEET TO THE WEST BOUNDARY OF T-783, (ALL OF THAT PART OF THE E. 33 RODS OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SECTION 34, TOWNSHIP 7 NORTH, RANGE 24 E.B.M., LYING NORTH OF THE STATE HIGHWAY); THENCE LEAVING THE NORTHERLY BOUNDARY OF SAID HIGHWAY RIGHT OF WAY, N. 00°41'39" E., ALONG THE WEST BOUNDARY OF T-783, A DISTANCE OF 32.26 FEET TO AN EXISTING FENCELINE; THENCE N. 63°35'39" E. ALONG SAID FENCELINE, A DISTANCE OF 141.82 FEET; THE LEAVING SAID FENCELINE, S. 20°13'28" E., 20.00 FEET; THENCE N. 69°46'05" E., 20.00 FEET; THENCE N. 20°13'55" W., 20.00 FEET TO AN EXISTING FENCELINE; THENCE ON OR ALONG SAID FENCELINE THE FOLLOWING SEVEN COURSES AND DISTANCES: N. 69°46'05" E., 257.39 FEET; N 78°49'37" E., 76.27 FEET; N 73°20'30" E, 16.98 FEET; N 64°08'36" E., 80.77 FEET; S. 56°34'04" E., 56.84 FEET; S. 26°20'55" W., 331.49 FEET; S. 10°10'52" W., 151.56 FEET TO THE NORTHERLY BOUNDARY THE U.S HIGHWAY 93A RIGHT WAY, AND THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL OF CEDAR CREEK SITES, CUSTER COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED AUGUST 17, 2001, AS INSTRUMENT NO. 223320.  
ALSO EXCEPTING THEREFROM ALL OF HINTZE/BALL SUBDIVISION, CUSTER COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED JUNE 26, 2006, AS INSTRUMENT NO. 234329.

**TRACT D:**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 7 NORTH, RANGE 24 EAST, B.M., CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 27 BEING MARKED BY A 3 INCH ALUMINUM CAP STAMPED LS 12222, SEE CORNER PERPETUATION INST. NO. 239253; THENCE NORTH 89°05'01" EAST, (BASIS OF BEARING PER CENTRAL MERIDIAN OF CENTRAL ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), ALONG THE SOUTH BOUNDARY LINE OF SAID SECTION 27, A DISTANCE OF 710.09 FEET TO A POINT OF INTERSECTION WITH A NORTH-SOUTH FENCE LINE, BEING THE POINT OF BEGINNING. THENCE NORTH 01°02'33" WEST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 2650.12 FEET TO A POINT ON THE LATITUDINAL CENTER LINE OF SAID SECTION 27; THENCE NORTH 88°45'02" EAST, ALONG THE LATITUDINAL CENTER LINE OF SAID SECTION 27, A DISTANCE OF 68.26 FEET; THENCE SOUTH 00°58'50" EAST, BEING 47 RODS (775.50 FEET) EAST OF AND PARALLEL TO THE MERIDIONAL CENTER LINE OF SAID SECTION 27, A DISTANCE OF 2650.51 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SAID SECTION 27; THENCE SOUTH 89°05'01" WEST, ALONG THE SOUTH BOUNDARY LINE OF SAID SECTION 27, A DISTANCE OF 65.39 FEET TO THE POINT OF BEGINNING.

**TRACT E:**

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 7 NORTH, RANGE 24 EAST, B.M., CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 34 BEING MARKED BY A 3 INCH ALUMINUM CAP STAMPED LS 12222, SEE CORNER PERPETUATION INST. NO. 239253; THENCE NORTH 89°05'01" EAST, (BASIS OF BEARING PER CENTRAL MERIDIAN OF CENTRAL ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 34, A DISTANCE OF 710.09 FEET TO A POINT OF INTERSECTION WITH A NORTH-SOUTH FENCE LINE, BEING THE POINT OF BEGINNING. THENCE CONTINUING NORTH 89°05'01" EAST, ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 34, A DISTANCE OF 65.41 FEET; THENCE SOUTH 00°38'03" EAST, BEING 47 RODS (775.50 FEET) EAST OF AND PARALLEL TO THE MERIDIONAL CENTER LINE OF SAID SECTION 34, A DISTANCE OF 1100.10 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY 93; THENCE NORTH 62°40'12" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF HIGHWAY 93, A DISTANCE OF 125.60 FEET; THENCE NORTH 67°38'55" EAST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 56.82 FEET; THENCE NORTH 01°02'33" WEST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 1019.88 FEET TO THE POINT OF BEGINNING.

254889

#

Custer County Req. of

HintzeTime 2:54 PM Date 6/19, 2018

Lura H. Baker, Clerk

Manhattan \$ 15.00  
Deputy**QUITCLAIM DEED**

FOR VALUE RECEIVED, BANK OF IDAHO, TRUSTEE, LESLIE A. BALL IRA, whose mailing address is 399 N. Capital Avenue, (PO Box 1487), Idaho Falls, Idaho 83403, does hereby convey, release, remise and forever quit claim unto **LIN HINTZE and DIANE HINTZE**, a married couple, whose address is 4275 N. Highway 93, (PO Box 125), Mackay, Idaho 83251, or their heirs, successors and assigns, the following described water rights in Custer County, State of Idaho, and attached to properties designated in "Attachment A" of this quitclaim deed, to-wit:

Water Right #34-227E, Water Right #34-637D, Water Right #34-644C,  
Water Right #34-909, Water Right #34-10685, Water Right #34-12360

DATED this 18 day of June 2018.

[Signature]  
Manager,  
Bank of Idaho, Trustee, Leslie A. Ball IRA

STATE OF IDAHO )

: ss.

County of Bonneville )

On this 18th day of June 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Hal R. Peterson, known to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission Expires: 6-7-2017

82777



254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NO. 34-00227D AND A PORTION  
OF OLD RIGHT NO. 34-00227C.  
WATER DELIVERED THROUGH THE SWAUGER DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

Water Right 34-837D

Owner Type      Name and Address  
Current Owner      HINTZE FARMS  
                         PO BOX 125  
                         MACKAY, ID 83251

Priority Date: 6/1/1888Basis: DecreedStatus: Active

Source  
BIG LOST RIVER

Tributary  
SINKS

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/15     | 0.980 CFS             |               |
|                       | <u>Total Diversion</u> |           | 0.980 CFS             |               |

Source and Point(s) of Diversion

BIG LOST RIVER

SWNESW

Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

|     |     |     | NE   |      |    |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 07N | 24E | 27  |      |      |    |    |    |    |    |    |    |    |    |    | 39.5 | 18.0 | 18.0 | 35.0 | 108.5  |
| 07N | 24E | 34  | 27.5 | 18.0 |    |    |    |    |    |    |    |    |    |    |      |      |      |      | 43.5   |

Right Acre Limit: 48.0

POU Total Acres: 152.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00644A, 34-00909, 34-10685, 34-12360 AND 34-02323C.
3. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00227E, 34-00909 AND 34-10685 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00644A, 34-00909, 34-10685, 34-12360

254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

- AND 34-02323C.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 49 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. WATER DELIVERED THROUGH THE SWAUGER DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

254889

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/15/2018

Water Right 34-644C

Owner Type      Name and Address  
Current Owner      HINTZE FARMS  
                                 PO BOX 125  
                                 MACKAY, ID 83251

Priority Date: 6/1/1904

Basin: Decreed

Status: Active

Source  
BIG LOST RIVER

Tributary  
SINKS

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/15     | 0.090 CFS             |               |
|                       | <u>Total Diversion</u> |           | 0.090 CFS             |               |

Source and Point(s) of Diversion

BIG LOST RIVER      SENWNW      Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

|     |     |     | NE   |     |     |      | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW  | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 24E | 34  | 12.5 | 1.5 | 0.2 | 14.0 |    |    |    |    |    |    |    |    |    |    |    |    | 28.2   |

POU Total Acres: 28.2

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00909, 34-10685, 34-12360 AND 34-02323C.
3. USE OF THIS RIGHT WITH RIGHT 34-12360 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.2 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00909, 34-10685, 34-12360 AND 34-02323C.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY

254489

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

5. C05 OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER DELIVERED THROUGH BURNETT DITCH.

254889

## IDAHO DEPARTMENT OF WATER RESOURCES

6/15/2018

## Proof Report

Water Right 34-909

Owner Type      Name and Address  
 Current Owner      HINTZE FARMS  
                          PO BOX 125  
                          MACKAY, ID 83251

Priority Date: 6/1/1904Basis: DecreedStatus: Active

Source  
 BIG LOST RIVER

Tributary  
 SINKS

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/15     | 0.320 CFS             |               |
|                       | <u>Total Diversion</u> |           | 0.320 CFS             |               |

Source and Point(s) of Diversion

BIG LOST RIVER

SWNESW

Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

|     |     |     | NE   |      |    |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 07N | 24E | 27  |      |      |    |    |    |    |    |    |    |    |    |    | 39.5 | 18.0 | 18.0 | 35.0 | 108.5  |
| 07N | 24E | 34  | 27.5 | 18.0 |    |    |    |    |    |    |    |    |    |    |      |      |      |      | 43.5   |

POU Total Acres: 152.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-10685, 34-12360 AND 34-02323C.
3. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00227E, 34-00637D AND 34-10685 IS LIMITED TO IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-10685, 34-12360 AND 34-02323C.

254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER DELIVERED THROUGH THE SWAUGER DITCH.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.



254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

5. C18 OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NO. 34-00336 AND A PORTION  
OF OLD RIGHT NO. 34-00780D.  
WATER IS DELIVERED THROUGH THE SWAUGER DITCH.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

254889

IDAHO DEPARTMENT OF WATER RESOURCES

6/15/2018

Proof Report

Water Right 34-12360

Owner Type      Name and Address  
Current Owner      HINTZE FARMS  
PO BOX 125  
MACKAY, ID 83251

Priority Date: 5/31/1884  
Basin: Decreed  
Status: Active

Source      Tributary  
BIG LOST RIVER      SINKS

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/15     | 0.480 CFS             |               |
|                       | <u>Total Diversion</u> |           | 0.480 CFS             |               |

Source and Point(s) of Diversion  
BIG LOST RIVER      SENWNW      Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use  
IRRIGATION within CUSTER County

|     |     |     | NE   |     |     |      | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW  | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 24E | 34  | 12.5 | 1.5 | 0.2 | 14.0 |    |    |    |    |    |    |    |    |    |    |    |    | 28.2   |

Right Acre Limit: 24.0

POU Total Acres: 28.2

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-10685 AND 34-02323C.
3. USE OF THIS RIGHT WITH RIGHT 34-00644C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.2 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-10685 AND 34-02323C.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

82777

254889

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00827E AND 34-00829E.  
WATER DELIVERED THROUGH BURNETT DITCH.

82777

254890

#

Custer County Req. of

HintzeTime 2:57 PM Date 10/19/2018

Lura H. Baker, Clerk

Hautman \$ 15.00  
Deputy**QUITCLAIM DEED**

FOR VALUE RECEIVED, **LIN HINTZE and DIANE HINTZE, husband and wife**, whose mailing address is 4275 N. Highway 93, (PO Box 125), Mackay, Idaho 83251, does hereby convey, release, remise and forever quit claim unto **ROBERT ANDERSON and MARY ANDERSON**, husband and wife, whose address is 5646 Sorrell Drive, Chubbuck, Idaho 83202, or their heirs, successors and assigns, the following described water rights in Custer County, State of Idaho, and attached to properties designated in "Attachment A" of this quitclaim deed, to-wit:

Water Right #34-227E  
Water Right #34-909

Water Right #34-637D  
Water Right #34-10685

Water Right #34-644C,  
Water Right #34-12360

DATED this \_\_\_\_ day of June 2018.

Lin F. Hintze  
Lin F. Hintze

Diane A. Hintze  
Diane A. Hintze

STATE OF IDAHO )

: ss.

County of Custer)

On this 19 day of June 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared LIN F. HINTZE and DIANE A. HINTZE, husband and wife, known to me to be the persons whose names are subscribed to the within and 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 in this certificate first above written.

Glenda Jardine  
Notary Public for Idaho  
Residing at: Mackay  
My Commission Expires: August 31, 2022

GLEND A JARDINE  
Notary Public  
State of Idaho

My Commission Expires  
August 31, 2022

82777



254890

**IDAHO DEPARTMENT OF WATER RESOURCES**

**6/15/2018**

**Proof Report**

5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NO. 34-00227D AND A PORTION  
OF OLD RIGHT NO. 34-00227C.  
WATER DELIVERED THROUGH THE SWAUGER DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

254890

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/15/2018

**Water Right 34-637D**

**Owner Type**      **Name and Address**  
Current Owner      HINTZE FARMS  
                         PO BOX 125  
                         MACKAY, ID 83251

**Priority Date:** 6/1/1888**Basis:** Decreed**Status:** Active

**Source**  
BIG LOST RIVER

**Tributary**  
SINKS

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 5/01                          | 10/15            | 0.980 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.980 CFS                    |                      |

**Source and Point(s) of Diversion**

BIG LOST RIVER

SWNESW

Sec. 20, Twp 07N, Rge 24E, CUSTER County

**Place Of Use**

IRRIGATION within CUSTER County

|     |     |     | NE   |      |    |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
| Twp | Rgn | Sec | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 07N | 24E | 27  |      |      |    |    |    |    |    |    |    |    |    |    | 39.5 | 18.0 | 18.0 | 35.0 | 108.5  |
| 07N | 24E | 34  | 27.5 | 18.0 |    |    |    |    |    |    |    |    |    |    |      |      |      |      | 43.5   |

Right Acre Limit: 48.0

POU Total Acres: 152.0

**Conditions of Approval:**

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00644A, 34-00909, 34-10685, 34-12360 AND 34-02323C.
3. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00227E, 34-00909 AND 34-10685 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00644A, 34-00909, 34-10685, 34-12360

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**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

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AND 34-02323C.

- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 49 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. WATER DELIVERED THROUGH THE SWAUGER DITCH.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

Water Right 34-644C

**Owner Type**      **Name and Address**  
Current Owner      HINTZE FARMS  
PO BOX 125  
MACKAY, ID 83251

**Priority Date:** 6/1/1904

**Basis:** Decreed

**Status:** Active

**Source**      **Tributary**  
BIG LOST RIVER      SINKS

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/15     | 0.090 CFS             |               |
|                       | <u>Total Diversion</u> |           | 0.090 CFS             |               |

**Source and Point(s) of Diversion**

BIG LOST RIVER      SENWNW      Sec. 34, Twp 07N, Rge 24E, CUSTER County

**Place Of Use**

IRRIGATION within CUSTER County

|     |     |     | NE   |     |     |      | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW  | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 24E | 34  | 12.5 | 1.5 | 0.2 | 14.0 |    |    |    |    |    |    |    |    |    |    |    |    | 28.2   |

POU Total Acres: 28.2

**Conditions of Approval:**

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.26 CFS.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00909, 34-10685, 34-12360 AND 34-02323C.
3. USE OF THIS RIGHT WITH RIGHT 34-12360 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 28.2 ACRES IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00909, 34-10685, 34-12360 AND 34-02323C.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY

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**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

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5. C05 OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.  
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER DELIVERED THROUGH BURNETT DITCH.



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**IDAHO DEPARTMENT OF WATER RESOURCES**

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**Proof Report**

5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. WATER DELIVERED THROUGH THE SWAUGER DITCH.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

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**IDAHO DEPARTMENT OF WATER RESOURCES**  
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6/15/2018

**Water Right 34-10685**

|                   |                                                |
|-------------------|------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                        |
| Current Owner     | HINTZE FARMS<br>PO BOX 125<br>MACKAY, ID 83251 |

Priority Date: 4/22/1884Basis: DecreedStatus: Active

|                |                  |
|----------------|------------------|
| <u>Source</u>  | <u>Tributary</u> |
| BIG LOST RIVER | SINKS            |

|                       |                        |           |                       |               |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
| IRRIGATION            | 5/01                   | 10/15     | 1.120 CFS             |               |
|                       | <u>Total Diversion</u> |           | 1.120 CFS             |               |

Source and Point(s) of Diversion

|                |        |                                          |
|----------------|--------|------------------------------------------|
| BIG LOST RIVER | SWNESW | Sec. 20, Twp 07N, Rge 24E, CUSTER County |
|----------------|--------|------------------------------------------|

Place Of Use

IRRIGATION within CUSTER County

|     |     |     | NE   |      |    |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
| Twp | Rng | Sec | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 07N | 24E | 27  |      |      |    |    |    |    |    |    |    |    |    |    | 39.5 | 18.0 | 18.0 | 35.0 | 108.5  |
| 07N | 24E | 34  | 27.5 | 18.0 |    |    |    |    |    |    |    |    |    |    |      |      |      |      | 43.5   |

Right Acre Limit: 58.0

POU Total Acres: 152.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.26 CFS. COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-12360 AND 34-02323C.
3. THE APPROPRIATOR IS ENTITLED TO THE AMOUNT DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28, NESWSE.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00227E, 34-00637D AND 34-00909 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 180.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00227E, 34-00637D, 34-00644C, 34-00909, 34-12360 AND 34-02323C.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 56 ACRES WITHIN THE PLACE

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**IDAHO DEPARTMENT OF WATER RESOURCES**  
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5. C18 OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NO. 34-00336 AND A PORTION  
OF OLD RIGHT NO. 34-00780D.  
WATER IS DELIVERED THROUGH THE SWAUGER DITCH.
7. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION  
PURSUANT TO SECTION 42-1425, IDAHO CODE.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.



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**IDAHO DEPARTMENT OF WATER RESOURCES**  
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- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00827E AND 34-00829E.  
WATER DELIVERED THROUGH BURNETT DITCH.

254891

#  
Custer County Req. of  
Hintze  
Time 3:00 PM Date 10/14/2018  
Lura H. Baker, Clerk  
W. Anderson \$15.00  
Deputy

**QUITCLAIM DEED**

FOR VALUE RECEIVED, **LIN HINTZE and DIANE HINTZE**, husband and wife, whose mailing address is 4275 N. Highway 93, (PO Box 125), Mackay, Idaho 83251, does hereby convey, release, remise and forever quit claim unto **ROBERT ANDERSON and MARY ANDERSON**, husband and wife, whose address is 5646 Sorrell Drive, Chubbuck, Idaho 83202, or their heirs, successors and assigns, the following described water rights in Custer County, State of Idaho, and attached to properties designated in "Attachment A" of this quitclaim deed, to-wit:

A portion of Water Right 34-2323C with Source and Points of Diversion as GROUND WATER at SENWNW, Sec. 34, Twp 07N, Rge 24E, Custer County(R), and GROUND WATER at SENWSE, Sec. 27, Twp 07N, Rge 24E, Custer County. A proportional share equaling a division rate of 2.7 CFS from the total division rate of 2.850 CFS for beneficial use of irrigation, according to the Source and Points of Diversion and Place of Use for IRRIGATION within CUSTER County.

DATED this \_\_\_\_ day of June 2018.

Lin F. Hintze  
Lin F. Hintze

Diane A. Hintze  
Diane A. Hintze

STATE OF IDAHO )  
: ss.  
County of Custer )

On this 19 day of June 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared LIN F. HINTZE and DIANE A. HINTZE, husband and wife, known to me to be the persons whose names are subscribed to the within and 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 in this certificate first above written.

Glenda Jardine  
Notary Public for Idaho  
Residing at: Mackay  
My Commission Expires:



My Commission Expires  
August 31, 2022

82777



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**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

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4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY  
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. WATER DIVERTED FROM THE BIG LOST RIVER IS DELIVERED THROUGH THE  
SWAUGER AND BURNETT DITCHES.  
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 34-02323B, 34-02323D