

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
AUG 07 2017
Department of Water Resources
Eastern Region

Name of Applicant(s) Magee Group, Inc Phone 602 743 0063
Mailing address PO Box 384 Mackay ID 83251 Email mvjubilee55@me.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**.

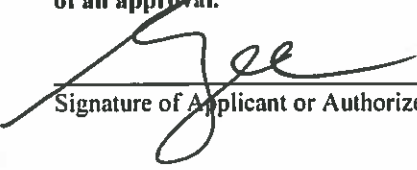
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.


Signature of Applicant or Authorized Representative

GARY MAGEE, Pres.
Print Name and Title if applicable

8/7/17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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.2**.
Consolidate miscellaneous corners to one location under one pivot.

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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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	34-74	0.15	Irrigation	05/01 to 10/15	Big Lost River
☐ ☒	34-489A	0.01	Irrigation	05/01 to 10/15	Big Lost River
☐ ☒	34-2464	0.15	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	34-10515	0.15	Irrigation	05/01 to 10/15	Big Lost River
☐ ☒	34-13935	0.52	Irrigation	05/01 to 10/15	Big Lost River
☐ ☒	34-13937	0.52	Irrigation	05/01 to 10/15	Waste Water
☐ ☒	34-13939	0.50	Irrigation	04/01 to 11/01	Ground Water
☐ ☒	34-2384	0.14	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	

Total authorized under rights 1.19 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 #
No	2		NW	NE	4	06N	25E	Custer	Ground Water	
								No Change in	BLR or Waste Water PODs	

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	
07N	25E	33			1.0										4.0	35.0			40.0
Total Acres (for irrigation use)																			40.0

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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:

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **Yes**
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:

- 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:

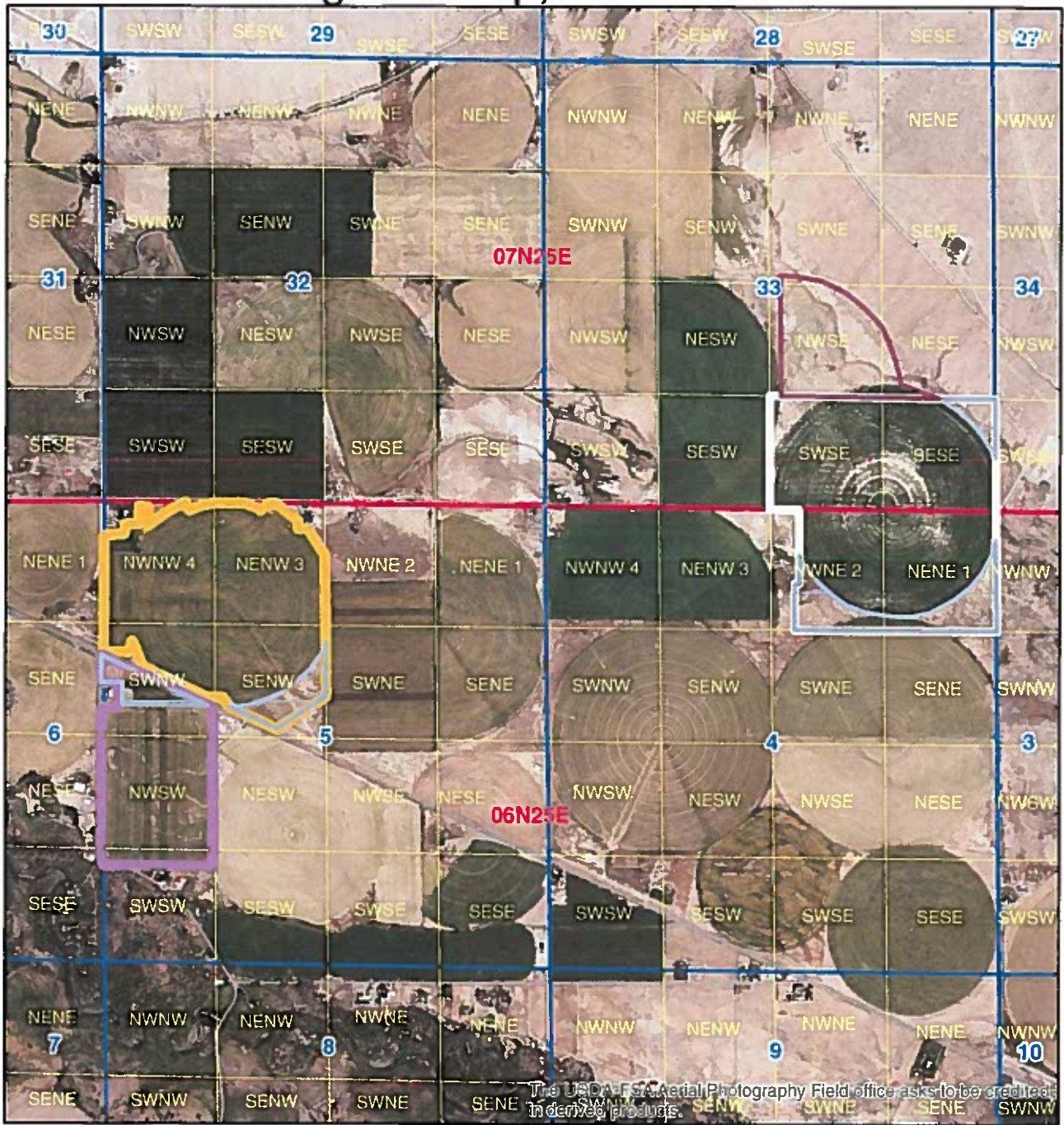
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

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:

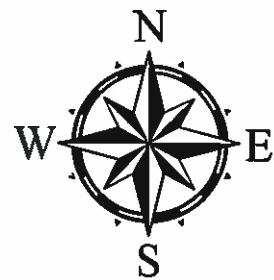
Magee Group, Inc Transfer



2015 Imagery

Legend

- 34-2384 and 34-10515 Pre-Transfer POU
- 34-74, 34-489A, 34-2464 Pre-Transfer POU
- 34-13935, 34-13937, and 34-13939 Pre-Transfer POU
- Place of Use for Transfer
- Post-Transfer Place of Use
- Township/Range
- Sections
- QQ
- 818564

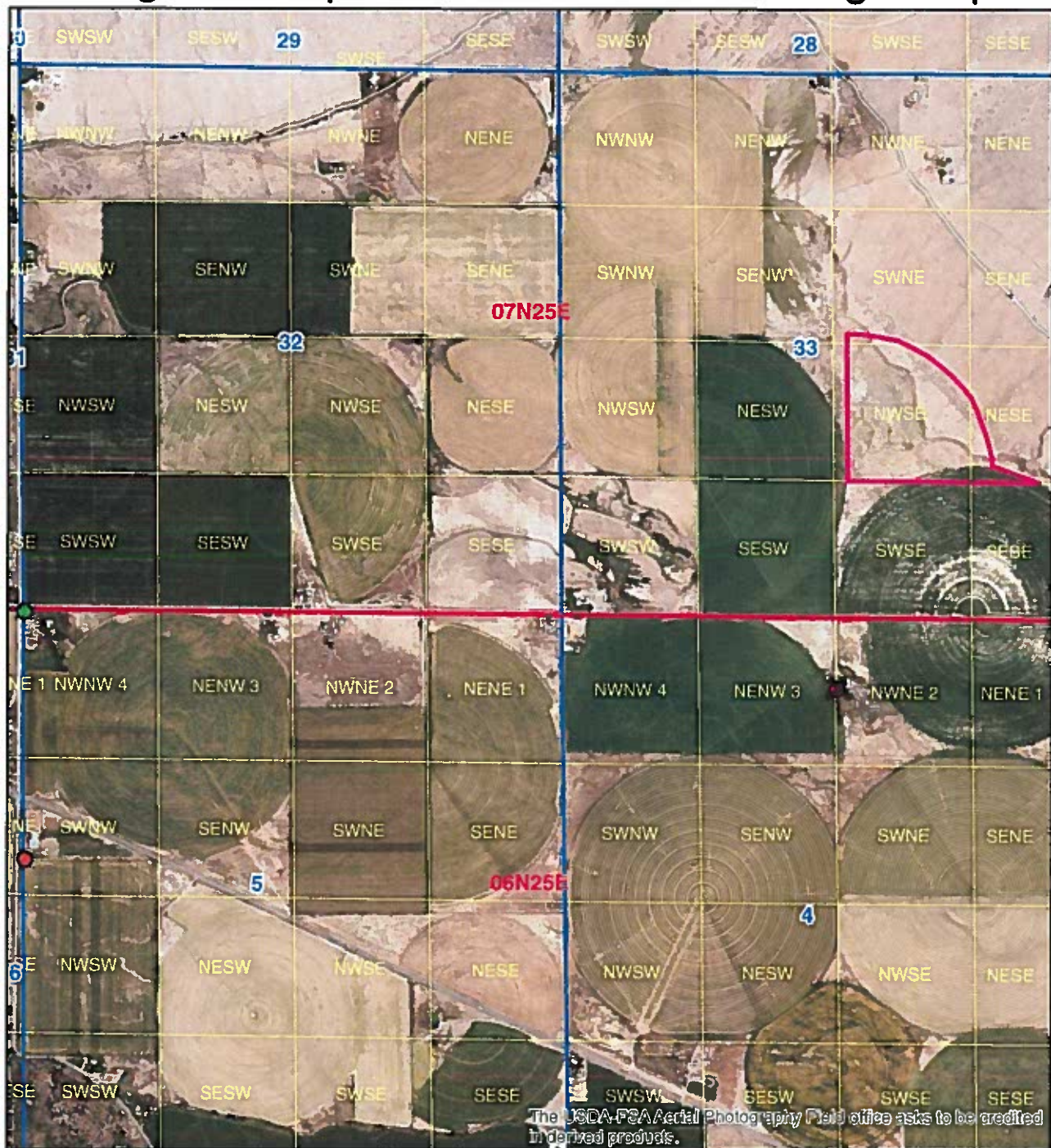


818564

0.2 0.4

0.8
Miles

Magee Group Point of Diversion Change Map



Legend

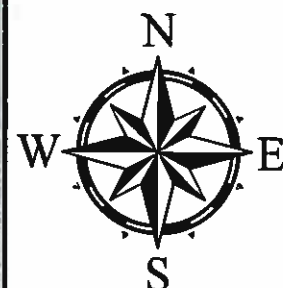
- Post-Transfer Groundwater POD/34-13939 Pre-Transfer POD
- 34-2464 Pre-Transfer POD
- 34-2384 Pre-Transfer POD

Post-Transfer Place of Use
☐ Post-Transfer Place of Use

Township/Range

Sections

QQ



81856 *

0 0.1 0.2 0.4 Miles

No Change in RI R or Waste Water PPHs

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$580 Date 8/7/2017 Received by _____ Receipt # E043257

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

8/4/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY L KIMBALL PO BOX 273 MACKAY, ID 83251 (208) 588-3080

Current Owner LINDA L KIMBALL
PO BOX 273
MACKAY, ID 83251
(208) 588-3080

Status: Active

Tributary SINKS

Diversion Rate
2.400 CFS
2.400 CFS

Volume

BIG LOST RIVER

SENWNW

Sec. 34, Twp 07N, Rge 24E, CUSTER County

IRRIGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	5					40.0 L3	39.0 L4	18.0	31.0									128.0

POU Total Acres: 128.0

1.	X27	This right is limited to the irrigation of 118 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-74 and 34-2464 when combined shall not exceed a total diversion rate of 4.75 cfs and the irrigation of 118 acres.
3.	X35	Rights 34-74, 34-489A and 34-2464 when combined shall not exceed a total diversion rate of 4.95 cfs and the irrigation of 128 acres.
4.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5.	R43	The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable

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- control of the diversion(s).
6. 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.
 7. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
 8. Water is delivered through the Harris-Vaught Ditch
 9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Combined Use Limits

Rate

4.750

34-74 ,34-2464

Volume

Acres

118.0

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-74

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

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- acre at the field headgate for irrigation of the place of use.
6. 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.
 7. Water is delivered through the Harris-Vaught Ditch.
 8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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8/4/2017

Water Right 34-2384

Owner Type **Name and Address**
Current Owner GARY L KIMBALL
 PO BOX 273
 MACKAY, ID 83251
 (208) 588-3080

Current Owner LINDA L KIMBALL
 PO BOX 273
 MACKAY, ID 83251
 (208) 588-3080

Priority Date: 8/29/1960

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.260 CFS	220.5 AF
	<u>Total Diversion</u>		1.260 CFS	220.5 AF

Source and Point(s) of Diversion

GROUND WATER SWNW Sec. 5, Twp 06N, Rge 25E, 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	
06N	25E	5							19.5			40.0	5.5						65.0

Right Acre Limit: 63.0

POU Total Acres: 65.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 63 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-2384 and 34-10515 when combined shall not exceed a total diversion rate of 1.72 cfs and the irrigation of 65 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. 214 Prior to the diversion and use of water under Transfer approval 79862, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of

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diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Combined Use Limits

Rate

1.720

34-2384 ,34-10515

Volume

Acres

65.0

SubCase:

N/A

Water Supply Bank:

N/A

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Water Right 34-2464

Owner Type **Name and Address**
Current Owner GARY L KIMBALL
 PO BOX 273
 MACKAY, ID 83251
 (208) 588-3080

Current Owner LINDA L KIMBALL
 PO BOX 273
 MACKAY, ID 83251
 (208) 588-3080

Priority Date: 6/28/1965

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2.360 CFS	413.0 AF
	<u>Total Diversion</u>		2.360 CFS	413.0 AF

Source and Point(s) of Diversion

GROUND WATER L4(NWNWNW) Sec. 5, Twp 06N, Rge 25E, 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	
06N	25E	5					40.0	39.0	18.0	31.0									128.0
							L3	L4											

Right Acre Limit: 118.0

POU Total Acres: 128.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 118 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-74 and 34-2464 when combined shall not exceed a total diversion rate of 4.75 cfs and the irrigation of 118 acres.
3. X35 Rights 34-74, 34-489A and 34-2464 when combined shall not exceed a total diversion rate of 4.95 cfs and the irrigation of 128 acres.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in

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- accordance with Department specifications.
6. 214 Prior to the diversion and use of water under Transfer approval 79860, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Combined Use Limits

Rate

4.750

34-74 ,34-2464

Volume

Acres

118.0

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-2464

1. amount 0.15 (cfs/ac-ft) for Irrigation purposes from 05/01 to 10/15
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

8/4/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY L KIMBALL PO BOX 273 MACKAY, ID 83251 (208) 588-3080

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6. Water is delivered through the Harris-Vaught Ditch.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.720		65.0
34-2384 ,34-10515		

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-10515

1. amount 0.15 (cfs/ac-ft) for Irrigation purposes from 05/01 to 10/15
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

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Water Right 34-13935

Owner Type **Name and Address**
Current Owner MAGEE GROUP INC
315 W ELLIOT RD STE 107 #309
TEMPE, AZ 85284
(602) 743-0063

Priority Date: 3/10/1894

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	3.000 CFS	
	Total Diversion		3.000 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

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	4	38.0	29.5															67.5
07N	25E	33															39.0	36.0	75.0

POU Total Acres: 142.5

Conditions of Approval:

1. 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.
WATER IS DELIVERED THROUGH BURNETT DITCH.
- 2.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.75 CFS.
COMBINED RIGHT NOS.: 34-13937 AND 34-13939.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 142.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-13937 AND 34-13939.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/4/2017

6. 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.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.750		142.5
34-13935 ,34-13937 ,34-13939		

SubCase:

N/A

Water Supply Bank:

N/A

8/4/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE GROUP INC 315 W ELLIOT RD STE 107 #309 TEMPE, AZ 85284 (602) 743-0063

Status: Active

Tributary SINKS

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
05/01	10/15	3.000 CFS
Total Diversion		3.000 CFS

Volume

WASTE WATER	SWSW	Sec. 33, Twp 07N, Rge 25E, CUSTER County
WASTE WATER	L4(NWNW)	Sec. 4, Twp 06N, Rge 25E, CUSTER County

IRRIGATION within CUSTER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	4	38.0	29.5															67.5
07N	25E	33															39.0	36.0	75.0

POU Total Acres: 142.5

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. 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.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 142.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-13935 AND 34-13939.
4. THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED BY SWAUGER SLOUGH ALSO KNOWN AS CONGDON SPRINGS CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/4/2017

5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.75 CFS.
COMBINED RIGHT NOS.: 34-13935 AND 34-13939.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.750		142.5
34-13935 ,34-13937 ,34-13939		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/4/2017

Water Right 34-13939

Owner Type **Name and Address**
Current Owner MAGEE GROUP INC
315 W ELLIOT RD STE 107 #309
TEMPE, AZ 85284
(602) 743-0063

Priority Date: 8/16/1966

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	2.850 CFS	498.8 AF
	Total Diversion		2.850 CFS	498.8 AF

Source and Point(s) of Diversion

GROUND WATER L2(NWNE) Sec. 4, Twp 06N, Rge 25E, 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	
06N	25E	4	38.0	29.5															67.5
07N	25E	33															39.0	36.0	75.0

POU Total Acres: 142.5

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 142.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-13935 AND 34-13937.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.75 CFS.
COMBINED RIGHT NOS.: 34-13935 AND 34-13937.
3. 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.

Combined Use Limits

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/4/2017

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.750		142.5
34-13935 ,34-13937 ,34-13939		

SubCase:
N/A

Water Supply Bank:
N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 34-13939

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 17 2017
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?
34-74	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-489A	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-2464	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-2384	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-10515	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: GARY and LINDA KIMBALL
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): MAGEE Group, INC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

315 W. ELLIOT Rd. Tempe AZ 85284
Mailing address City State ZIP

602-743-0063 MVJubilee55@ME.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: JUNE 8, 2017

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):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ 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: [Signature] Pne 7-12-17
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 7/17/2017 Receipt No. E043194 Receipt Amt. \$125-

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 _____

81856

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Accepted & Approved



Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 631805-B (Id)

Date: June 8, 2017

For Value Received, **G&L Kimball Family Estate Trust**, by and through its Trustees, **Gary L. Kimball and Linda L. Kimball**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **MaGee Group Inc.**, an Arizona corporation, hereinafter called the Grantee, whose current address is **315 W Elliot Road, #107-309, Tempe, AZ 85284**, the following described premises, situated in **Custer County, Idaho**, to-wit:

PARCEL NO.3- FARM NORTH OF HIGHWAY

Part of Government Lots 3 & 4, part of the SE 1/4 of the NW 1/4 and part of the SW 1/4 of the NW 1/4 lying northerly of U.S. Highway 93 right of way, Section 5, Township 6 North, Range 25 East of the Boise Meridian, Custer County, Idaho, more particularly described as: Commencing at the northwest corner of Section 5 from which the north 1/4 corner of said section bears S 88°59'15" E 2643.69 feet, the basis of bearings for this description; Thence S 88°59'15" E 769.54 feet, along the north line of said section, from said northwest corner to the POINT OF BEGINNING;

Thence continuing along said north line S 88°59'15" E 1574.16 feet to the northwest corner of Deed Instrument No. 248720;

Thence along said deed instrument number the following 2 courses:

1) S 00°32'24" W 321.00 feet to the southwest corner thereof, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

2) S 88°59'15" E 300.00 feet to the southeast corner thereof, said point also being on the east line of Government Lot 3 and being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence S 00°32'24" W 2620.43 feet along said east line of Government Lot 3 and the east line of SE 1/4 of the NW 1/4 to the southeast corner thereof, said point being marked by a 5/8" iron rod with cap stamped PLS 12222;

Thence N 89°42'04" W 36.12 feet along the south line of the SE 1/4 of the NW 1/4 to its intersection with the northerly right of way of U.S. Highway 93, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 65°06'07" W 2874.98 feet along said northerly right of way to its intersection with the west line of section 5;

Thence N 00°54'48" E 1167.62 feet along said west line;

Thence S 87°34'35" E 458.81 feet to a point being marked by a 5/8" iron rod with cap stamped PLS 12222;

Thence N 28°39'11" E 667.81 feet to a point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 01°00'45" E 29.75 feet to the POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIPTION FOR AN IRRIGATION WELL:

Part of Government Lot 4, Section 5, Township 6 North, Range 25 East of the Boise Meridian, Custer County, Idaho, more particularly described as:

BEGINNING at the northwest corner of Section 5 from which the north 1/4 corner of said section bears S 88°59'15" E 2643.69 feet, the basis of bearings for this description;

81856

Date: 05/23/2017

Warranty Deed
- continued

File No.: 631805-B (Id)

Thence S 88°59'15" E 55.57 feet from said northwest corner; Thence S 00°54'48" W 58.76 feet parallel with the west line of section 5 to 1/2" iron rod with cap stamped PLS 12222; Thence N 88°59'15" W 55.57 feet parallel with the north line of said section to the west line of section 5; Thence N 00°54'48" E 58.76 feet to the POINT OF BEGINNING.

PARCEL NO.5- FARM SOUTH OF HIGHWAY

Part of the SW 1/4 of the NW 1/4 lying southerly of U.S. Highway 93 right of way and all of the NW 1/4 of the SW 1/4, Section 5, Township 6 North, Range 25 East of the Boise Meridian, Custer County, Idaho, more particularly described as:

Commencing at the northwest corner of Section 5 from which the west 1/4 corner of said section bears S 00°54'48" E 2974.51 feet, the basis of bearings for this description; Thence S 00°54'48" E 1849.91 feet along the west line of section 5, from the northwest corner thereof, to its intersection with said west line and the southerly right of way of U.S. Highway 93; Thence S 65°06'07" E 509.55 feet along said southerly right of way to a point being marked by a 1/2" iron rod with cap stamped PLS 12222, said point being the POINT OF BEGINNING; Thence continuing along said right of way S 65°06'07" E 945.86 feet to its intersection with east line of the SW 1/4 of the NW 1/4, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence S 00°43'40" W 518.70 feet along said east line to the southeast corner of the SW 1/4 of the NW 1/4 which is marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence S 00°35'58" W 1354.57 feet along the east line of the NW 1/4 of the SW 1/4 to the southeast corner thereof, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 88°53'19" W 1332.99 feet along the south line of said NW 1/4 of the SW 1/4 to the southwest corner thereof, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 00°39'43" E 1335.68 feet along the west line of said NW 1/4 of the SW 1/4 to the northwest corner thereof, said point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 00°54'48" E 530.84 feet along the west line of the SW 1/4 of the NW 1/4; Thence N 89°05'28" E 465.79 feet to a point being marked by a 1/2" iron rod with cap stamped PLS 12222;

Thence N 00°54'48" E 371.82 feet to the POINT OF BEGINNING.

TOGETHER WITH: Idaho Department of Water Resources - Water Right Nos. 34-74, 34-489A, 34-2464, 34-2384 and 34-10515.

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.

Date: 05/23/2017

Warranty Deed
- continued

File No.: 631805-B (Id)

G&L Kimball Family Estate Trust, by and
through its Trustees, Gary L. Kimball and
Linda L. Kimball

Gary L. Kimball

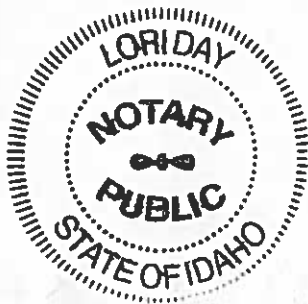
Gary L Kimball, Trustee

Linda L Kimball

Linda L Kimball, Trustee

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **8th day of June, 2017**, before me, a Notary Public in and for said State, personally appeared **Gary L Kimball and Linda L Kimball**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **G&L Kimball Family Estate Trust** Trust, and acknowledged to me that they executed the same as such Trustees.



[Signature]
Notary Public of Idaho .
Residing at: Blackfoot, Idaho
Commission Expires: 11/27/2021

Date: 05/23/2017

Warranty Deed
- continued

File No.: 631805-B (Id)

G&L Kimball Family Estate Trust, by and
through its Trustees, Gary L. Kimball and
Linda L. Kimball

Gary L. Kimball

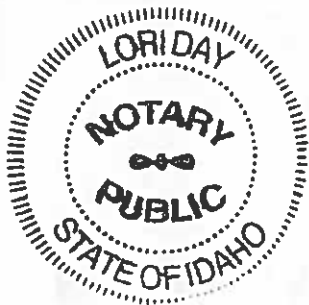
Gary L Kimball, Trustee

Linda L Kimball

Linda L Kimball, Trustee

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **8th day of June, 2017**, before me, a Notary Public in and for said State, personally appeared **Gary L Kimball and Linda L Kimball**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Trustees of the **G&L Kimball Family Estate Trust** Trust, and acknowledged to me that they executed the same as such Trustees.



[Signature]
Notary Public of Idaho .
Residing at: Blackfoot, Idaho
Commission Expires: 11/27/2021

**UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS
OF
MAGEE GROUP, INC.
IN LIEU OF SPECIAL MEETING OF DIRECTORS**

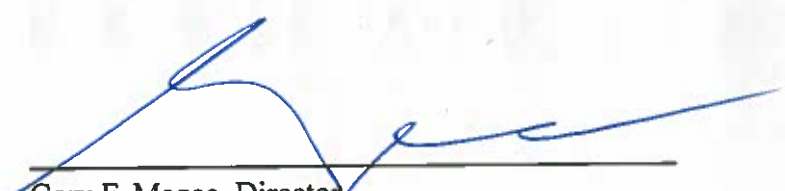
The undersigned, being all of the Directors of Magee Group, Inc., an Arizona corporation (hereinafter referred to as the "Corporation") do hereby consent to the adoption of the following resolutions and declares them to be in full force and effect as if they were adopted at a special meeting of the Board of Directors:

RESOLVED, that Gary F. Magee, President of the Corporation, acting alone, be and hereby is, authorized to do and perform all acts necessary to close the foregoing transaction and to sign, any and all documents necessary to close said transaction on behalf of the Corporation;

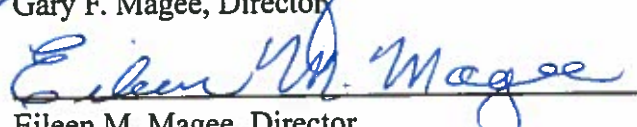
FURTHER RESOLVED, that the actions of the foregoing officer of the Corporation, taken or performed prior to the date hereof with respect to the negotiation, preparation, execution and delivery of any and all documents necessary to effectuate the foregoing resolutions and the transactions contemplated thereby, be, and hereby are, in all respects, ratified, affirmed and approved;

FURTHER RESOLVED, that the authority of the foregoing officer of the Corporation, by these resolutions shall remain in full force and effect until such time as written notice of revocation by further resolution of the Corporation shall have been delivered to the parties of the foregoing transaction.

Dated as of July 14, 2017.



Gary F. Magee, Director



Eileen M. Magee, Director