

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80062

JUL 13 2015

MINIMUM REQUIREMENTS CHECKLIST

DEPT OF WATER RESOURCES
SOUTHERN REGION

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) ROGER W HICKEN AND/OR DORRIS M HICKENCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A *Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b 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). see SF-5 in WR Docs dated 8/6/02
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b 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.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JUL 13 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant ROGER W HICKEN Phone (208)645-2274
Mailing Address 1346 S 2300 E, MALTA ID 83342 Email _____
Name of Applicant DORRIS M HICKEN Phone (208)645-2274
Mailing Address 1346 S 2300 E, MALTA ID 83342 Email _____

- ☐ 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**. SF-5 in DWR records
- ☐ 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] Roger W Hicken 7/13/15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
DORRIS M HICKEN DORRIS M HICKEN 7/13/15
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	43-13237	No	Yes	No	No	No	No
	43-13238	No	Yes	Yes	No	No	No
	43-13239	No	Yes	No	<u>Yes</u>	<u>No</u>	No
	43-13240	No	Yes	Yes	<u>No</u>	<u>5/25/16</u>	No
	43-13241	No	Yes	No	No	No	No
	43-13242	No	Yes	Yes	No	No	No

Associated Right(s): 43-307 , 43-10363 , 43-10799

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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.2**

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13238	0.090 cfs	20.9 af	5.2	249.0		N/A	N/A	N/A	N/A
43-13242	0.030 cfs	N/A	1.9	249.0		N/A	N/A	N/A	N/A
43-13240	0.010 cfs	6.3 af	4.4	249.0		N/A	N/A	N/A	N/A
43-13237	3.210 cfs	743.1 af	185.8	249.0		N/A	N/A	N/A	N/A
43-13241	0.960 cfs	N/A	66.1	249.0		N/A	N/A	N/A	N/A
43-13239	0.460 cfs	222.7 af	154.6	249.0		N/A	N/A	N/A	N/A
COMBINED TOTALS	3.770 cfs	764.0 af	~~191.0~~ 249	~~7.0~~ 249		N/A	N/A	N/A	N/A

*249 RWH RWH
5/25/16*

2. Total amount of water proposed to be transferred or changed 3.77 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
POINT 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13238

Current Water Right Owner

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 1/28/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.090 CFS	20.9 AFA	
Total Diversion			0.090 CFS	20.9 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 5.2

POU Total Acres: 249.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PLAT 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13242

Current Water Right Owner

DORRIS M HICKEN
1346 S 2300 E
MALTA, ID 83342

ROGER W HICKEN
1346 S 2300 E
MALTA, ID 83342

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.030 CFS	
Total Diversion			0.030 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENW	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 1.9

POU Total Acres: 249.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13240

Current Water Right Owner

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 9/17/1962

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.010 CFS	6.3 AFA	
Total Diversion			0.010 CFS	6.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 4.4

POU Total Acres: 249.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13237

Current Water Right Owner

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

AND/OR

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 1/28/1960

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	3.210 CFS	743.1 AFA	
Total Diversion			3.210 CFS	743.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENW	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 185.8

POU Total Acres: 249.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13241

Current Water Right Owner

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

AND/OR

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.960 CFS	
Total Diversion			0.960 CFS	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENW	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 66.1

POU Total Acres: 249.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Part 1 Transfer Right After Requested Changes

Proposed Water Right No. 43-13239

Current Water Right Owner

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

AND/OR

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 9/17/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS		
IRRIGATION	03/15	11/15	0.460 CFS	222.7 AFA	
Total Diversion			0.460 CFS	222.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SENE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			X														

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 154.6

POU Total Acres: 249.0

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
Move ground water right splits back with the unchanged portions and to describe the well locations to
current GCDB

b. Who owns the property at the point(s) of diversion

Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

N/A

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will no longer be irrigated, it is BLM land and the contract for use on that land has ended.

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

Land idled in the destination place of use by the prior transfer will be irrigated again, no difference in the well use but legal descriptions are more accurate.

f. 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13238

Current Water Right Owner

UNITED STATES OF
 AMERICA ACTING
 THROUGH
 USDI BUREAU OF LAND
 MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE, ID 83709-1657

Priority Date: 1/28/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.090 CFS	20.9 AFA	
Total Diversion			0.090 CFS	20.9 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	NWNWSE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31		7.0															7.0
Right Acre Limit:																			
POU Total Acres:																			

Conditions/Remarks:

- RIGHT NO. 43-13242 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13240 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20.9 AF. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2487B.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13242

Current Water Right Owner UNITED STATES OF
 AMERICA ACTING
 THROUGH
 USDI BUREAU OF LAND
 MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE, ID 83709-1657

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.030 CFS	
Total Diversion			0.030 CFS	

Source and Point(s) of Diversion:

GROUND WATER	NWNWSE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31		7.0															7.0
Right Acre Limit:						1.9													
POU Total Acres:						7.0													

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20.9 AF. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
3. 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.
4. THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13238 & 43-13240 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
6. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10233.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13240

Current Water Right Owner
 UNITED STATES OF
 AMERICA ACTING
 THROUGH
 USDI BUREAU OF LAND
 MANAGEMENT
 IDAHO STATE OFFICE
 1387 S VINNELL WAY
 BOISE, ID 83709-1657

Priority Date: 9/17/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.010 CFS	6.3 AFA	
Total Diversion			0.010 CFS	6.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	NWNWSE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31		7.0															7.0
Right Acre Limit:							4.4												
POU Total Acres:							7.0												

Conditions/Remarks:

- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- RIGHT NO. 43-13242 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13238 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.1 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 20.9 AF. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-13238, 43-13240, & 43-13242.
- 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13237

Current Water Right Owner

DORRIS M HICKEN
1346 S 2300 E
MALTA, ID 83342

AND/OR

ROGER W HICKEN
1346 S 2300 E
MALTA, ID 83342

Priority Date: 1/28/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	3.210 CFS	743.1 AFA	
Total Diversion			3.210 CFS	743.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	NWNWSE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
							L 1	L 2											

Right Acre Limit: 185.8

POU Total Acres: 249.0

Conditions/Remarks:

- RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.
- 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.
- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2487B.
- THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239 & 43-13241.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13241

Current Water Right Owner

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

AND/OR

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 6/30/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use

IRRIGATION

From

03/15

To

11/15

Diversion Rate

0.960 CFS

Subuse Code

Total Diversion

0.960 CFS

Source and Point(s) of Diversion:

GROUND WATER

NWNWSE

Sec. 31 Twp 12S Rge 27E CASSIA County

GROUND WATER

SWNE

Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
							L 1	L 2											

Right Acre Limit: 66.1

POU Total Acres: 249.0

Conditions/Remarks:

1. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-10233.
2. THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 43-13237 & 43-13239 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239 & 43-13241.
4. 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. THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.
6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.
7. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 66.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 43-13239

Current Water Right Owner

DORRIS M HICKEN
 1346 S 2300 E
 MALTA, ID 83342

AND/OR

ROGER W HICKEN
 1346 S 2300 E
 MALTA, ID 83342

Priority Date: 9/17/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.040 CFS		
IRRIGATION	03/15	11/15	0.460 CFS	222.7 AFA	
Total Diversion			0.460 CFS	222.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWNE	Sec. 31 Twp 12S Rge 27E CASSIA County
GROUND WATER	NWNWSE	Sec. 31 Twp 12S Rge 27E CASSIA County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			X														0.0

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	27E	31			33.0		41.0	47.0	49.0	40.0						39.0			249.0
								L 1	L 2										

Right Acre Limit: 154.6
 POU Total Acres: 249.0

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2551.
4. THIS RIGHT WHEN COMBINED WITH RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239 & 43-13241.
5. RIGHT NO. 43-13241 IS AN EXPANSION OF THIS RIGHT AND RIGHT NO. 43-13237 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.67 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 743.1 AF. COMBINED RIGHT NOS.: 43-13237, 43-13239, & 43-13241.
7. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 249 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-307, 43-10363, 43-10799, 43-13237, 43-13239, & 43-13241.

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.

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**

1. 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.:

N/A

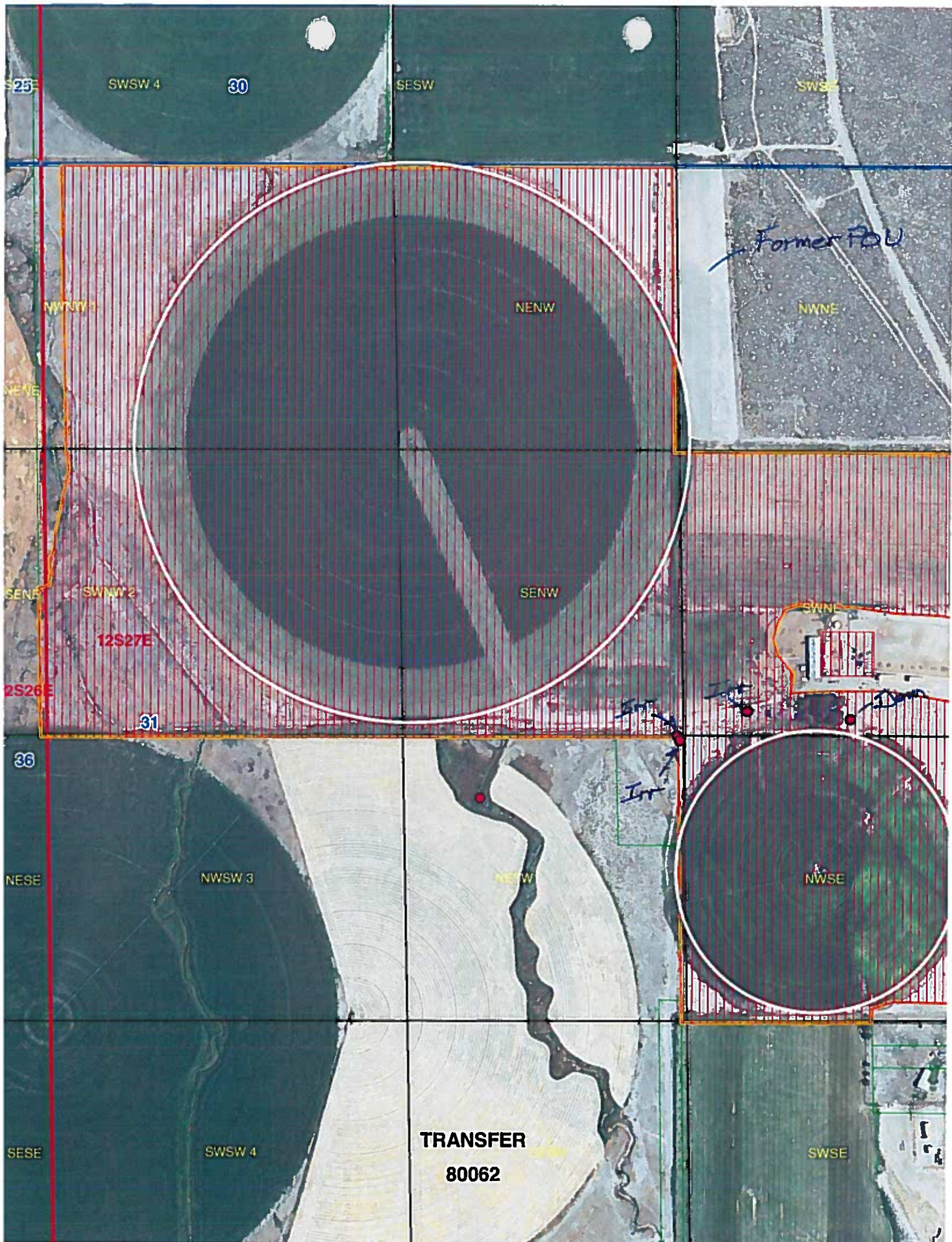
FOR DEPARTMENT USE ONLY

Transfer Contains 18 pages and attachments.

Received By DJ Date 7-13-2015 Prelim. Check By Date

Fee Paid 8740 Date 7/13/15 Received By B. Walker Receipt # 5034904

Add'l Fee Paid Date Received By Receipt #



25

SWSW 4

30

SESW

SWSE

Former PDU

NWNW 1

NENW

NWNE

SENE

SENE

SWNW 2

SENW

SWNE

12S27E

2S26E

31

36

NESE

NWSW 3

NEW

NWSE

SESE

SWSW 4

SWSE

TRANSFER

80062

Int

208 260-2274

RECEIVED

AUG 16 2002

Department of Water Resources

Names of Parties Filing Document:

UNITED STATES OF AMERICA

WALTER JEAN LOVINGFOSS
DELIA L. LOVINGFOSS

Attorneys' Names and Addresses:

THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

LARRY A. BROWN
Attorney, U.S. Dept. of Justice
General Litigation Section
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724
Ph.: (202) 305-0435 FAX: (202) 305-0274

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase Numbers: 43-00307, 43-02487B,
) 43-02551, 43-10233, 43-10363, and
) 43-10799
)
) **STIPULATION TO RESOLVE UNITED**
) **STATES' OBJECTIONS**

The United States of America and Walter Jean and Delia L. Lovingfoss (hereinafter
"Claimants") agree and stipulate to resolve United States Department of the Interior, Bureau of Land
Management (hereinafter "BLM") objections to the above-captioned Subcases as follows:

PAGE 1 -

**STIPULATION TO RESOLVE UNITED STATES' OBJECTIONS; SUBCASE NUMBERS
43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, and 43-10799**

TRANSFER 80062

COPY

STIPULATION

1. Pursuant to Idaho R. Civ. P. 41(a)(1)(ii), the Claimants agree and stipulate to dismiss, with prejudice, the following place of use, as identified and described in the Director's Report recommendation of water right numbers 43-00307, 43-10363, and 43-10799 filed by Claimants:

T.12S., R.27E., Section 31, NWNE (10.0 acres)

The parties agree and stipulate that any amended Director's Report recommendation, partial decree, or final decree for water right numbers 43-00307, 43-10363, and 43-10799, shall not contain the above-described place of use.

2. Pursuant to Idaho R. Civ. P. 41(a)(1)(ii), the Claimants agree and stipulate to dismiss, with prejudice, three (3) acres from the following place of use, as identified and described in the Director's Report recommendation of water right numbers 43-02487B, 43-02551, and 43-10233 filed by Claimants:

T.12S., R.27E., Section 31, NWNE

3. In accordance with the Cooperative Wildlife Habitat-Farming Development Agreement between the Idaho Department of Fish and Game, the BLM, and the Claimants, dated May 1, 2002 (hereinafter "Cooperative Agreement"), the parties agree and stipulate to "split" water right numbers 43-02487B, 43-02551, and 43-10233 into two new claims. The Claimants shall hold title to private land places of use. The United States shall hold sole title to the following federal public land place of use:

T.12S., R.27E., Section 31, NWNE (7.0 Acres)

4. The water right numbers created by the "splits" are as follows:

<u>ORIGINAL CLAIMS</u>	<u>PRIVATE SPLIT</u>	<u>BLM SPLIT</u>
43-02487B	43-13237	43-13238
43-02551	43-13239	43-13240
43-10233	43-13241	43-13242

The parties agree and stipulate that any amended Director's Report recommendation, partial decree, or final decree for water right numbers 43-13237, 43-13239, and 43-13241 shall not contain places of use located on federal public land.

5. The parties agree that nothing in this stipulation forecloses future administrative or judicial action by the United States in relief of, or as a consequence of, the unauthorized use of federal public lands, including, but not limited to, actions for past rent, rehabilitation of used land, or trespass.

6. If the Cooperative Agreement expires and is not renewed, or is terminated according to its terms, the Claimants agree to initiate a transfer pursuant to I.C. 42 §222 to move acres describing federal public land in water right numbers 43-1323, 43-13240, and 43-13242 to privately owned lands. The application for transfer shall be filed within 60 days of the date the Cooperative Agreement expires, or is terminated according to its terms. The United States agrees and stipulates to cooperate in the transfer. The Claimants agree that upon successful application for water right transfer pursuant to I.C. 42-222, the Claimants shall not assume title to any places of use describing federal public land. Water rights associated with the Cooperative Agreement, or portions thereof, not transferred off of federal public land shall be deemed forfeited. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value of water rights should the Cooperative Agreement

//

expire, not be renewed, be terminated according to its terms, or IDWR not allow transfer of water right, or portion thereof, and is forfeited.

7. Nothing in this stipulation shall prevent the BLM from administering the use of federal public land and its associated water rights in accordance with applicable law, including modifying or terminating land use authorizations.

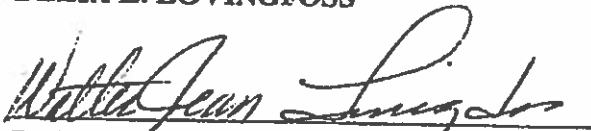
8. This stipulation has been reached through good faith negotiations for the purpose of resolving legal disputes, including pending litigation. The parties agree that no offers and/or compromises made in the course thereof shall be construed as admissions against interest. This stipulation does not create a precedent for settlement of any other disputes or objections.

9. All parties agree to bear their own costs and attorney fees.

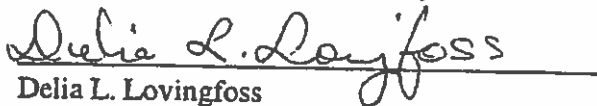
CLAIMANTS:

WALTER JEAN LOVINGFOSS

DELIA L. LOVINGFOSS


Walter Jean Lovingfoss

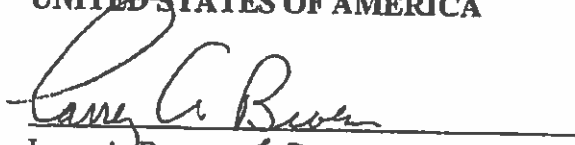
DATED: 8-12-02


Delia L. Lovingfoss

DATED: 8-12-02

OBJECTOR:

UNITED STATES OF AMERICA


Larry A. Brown
Of Attorneys for the United States

DATED: 8/14/02

CERTIFICATE OF SERVICE

I certify that on Aug. 14, 2002, I served a true and correct copy of fore-going **STIPULATION TO RESOLVE UNITED STATES' OBJECTIONS; SUBCASE NUMBERS 43-00307, 43-02487B, 43-02551, 43-10233, 43-10363, and 43-10799** upon the following individuals by placing the document in the United States Mail in Washington, D.C., postage paid, and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

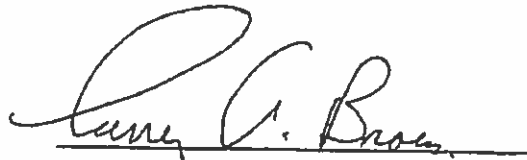
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Walter Jean and Delia L. Lovingfoss
HC 61 Box 1020
Malta, Idaho 83342


Larry A. Brown

**COOPERATIVE WILDLIFE HABITAT-FARMING
DEVELOPMENT AGREEMENT**

THIS AGREEMENT, entered into this 1st day of May, 2002, by and between the Idaho Department of Fish and Game, acting by and through its Director, hereinafter referred to as the Department and the Bureau of Land Management, acting by and through its Field Office Manager, hereinafter referred to as BLM, and Mr. Walter J. Lovingfoss of 1346 South, 2300 East Malta, ID 83342 herinafter referred to as LESSEE.

WITNESSETH:

WHEREAS, the Department and BLM have entered into a cooperative agreement under the authority of the Sikes Act (Public Law 93-452) on those lands known as

Isolated Tracts: Area NA and further described as follows:

Public Lands: T.12 South, R.27 East, Section 31: NW¼ NE¼ (7 acres)

Private Lands: T.12 South, R.27 East, Section 31: Lot 2 (7 acres)

WHEREAS, the Department and BLM desire to have portions of the above-described lands farmed to produce wildlife habitat.

WHEREAS, LESSEE is willing, capable and desires to farm said lands and to comply with the promises herein contained.

NOW, THEREFORE, the parties to this agreement in consideration of the mutual benefits accruing under this agreement to each of them, hereby covenant, contract and agree:

The term length of this agreement shall begin May 1, 2002, and end December 30, 2011.

LESSEE agrees to do the following:

1. To farm approximately 7 acres of the above-described lands, as shown in attachment A item 1 according to the following farming schedule:

Normal crop rotation.

2. In exchange for the above farm production values received, to provide 7 acres of irrigated wildlife habitat, as shown in attachment A item 2.

3. To maintain wildlife habitat areas and any food patches in good condition as shown in attachment A, item 2.

4. ~~In those years that grain is grown, an unharvested strip of grain shall be left throughout the winter in such amounts and locations as shown in attachment A, item NA.~~ W/L 10/2/20

5. In those years that grain is grown, stubble or stubble mulch will be left as shown in attachment A, item NA.

6. To till and in all respects cultivate the farmland of the above-described premises during the term of this lease in a good and farmlike manner and agree to pay all costs associated with the farming operations of these lands.

7. ~~To maintain all existing ditches, canals, laterals, and sprinkling systems in such condition as to provide for maximum flow of waters therein.~~ W/L 10/2/20

8. To use only pesticides and herbicides which have been approved beforehand by the Department and BLM, and to use these in such a manner as to not damage wildlife habitat and still effectively control noxious weeds in the areas shown in attachment A, item 3.

9. To maintain all fences and not to graze any wildlife habitat and to immediately remove any trespass livestock from said lands as shown in attachment A, item 4.

10. To not assign this agreement without written permission from the Department or BLM.

11. To immediately notify BLM of any wildfire on the agreement area or adjacent BLM lands.

12. To indemnify, save harmless and defend the Department and BLM from any and all liability, claims, loss, cost, damage or expenses arising by reason of any personal injury including death to any person or damage to any property of whatsoever ownership occurring on the hereinabove described lands arising in connection with his use or occupation thereof.

13. All water applied on lands administered by the BLM shall consist of ground water or surface waters which have been delivered to the place of use for irrigation purposes. No water applied on the public lands contained in this agreement shall originate on, or be part of, an effluent or waste disposal system.

14. Title to any water rights established for use on federal land in connection with this agreement shall be held solely by the United States for the term of the authorization. The LESSEE shall bear all the costs of establishing such rights solely in the name of the United States that are required under state law. Use of this water rights(s) shall be conducted consistent with state law.

15. Evidence of application with the Idaho State Department of Water Resources (IDWR) for water rights associated with this agreement must be submitted to the BLM within two months. As soon as IDWR action on the water application has been taken, the LESSEE shall notify the BLM Authorized Officer and provide a copy of the IDWR water authorization, or will accept termination of the Sikes Act agreement if IDWR rejects the application for water.

16. Upon expiration, non-renewal or termination of this agreement, the BLM agrees to allow water rights associated with this agreement to be transferred off of federal land and to confer title of said water rights to the LESSEE. The LESSEE shall not assume title to any places of use which describe federal land. All costs incurred for seeking such transfer shall be borne by the LESSEE. The United States shall be released and held harmless from loss, injury, damage and/or reduction in value to the herein described water rights should this agreement expire, not be renewed, terminate according to its terms, or the state not allow transfer of any portion of the right(s).

It is mutually agreed and understood by LESSEE, the Department and BLM that:

1. Any personnel of the Department or BLM shall have the right to enter and pass across the hereinabove described lands at any time and that at no time shall the public in general be excluded from the lands as shown in attachment A, item 1 ~~for the purpose of lawful hunting or other recreational purposes~~ ^{will DLR} which do not conflict with the wildlife habitat-farming development. ^{will DLR P3}

2. This agreement may be terminated or cancelled due to noncompliance with the terms of this agreement or to a reclassification of BLM lands on Area # (public land included within this agreement) as a result of a change in national need. Any noncompliance as determined by the Department Director and BLM Field Office Manager or their duly authorized agents will be just cause for cancellation or termination of all provisions of this agreement and trespass action may be taken by BLM.

3. If LESSEE's use of the public lands, should cease, whether voluntarily or involuntarily, LESSEE will rehabilitate, at his own expense, all public lands used for irrigated agricultural crops. The lands must be seeded to a mixture of perennial grasses, forbs and shrubs specified by the BLM Field Office Manager or their duly authorized agents.

4. The law of the landlord and tenant as construed by the courts of the State of Idaho shall apply to this agreement and that any strip or waste committed by LESSEE shall void this agreement upon the option of the Department and BLM.

5. This agreement may be reviewed by all parties annually prior to the use season. The terms of this agreement may be amended by mutual consent of all parties hereto. Any mutually accepted changes will be drafted by the Department, signed by all parties and attached hereto and will become legal and binding parts of the agreement.

6. Idaho Code, Section, 36-1604--Limitation of Liability of Landowner--will apply to the land herein described (see attached.)

7. This agreement and all of the terms and covenants hereof shall not enure to the benefit of and be binding upon the heirs, assigns, or other successors in the interest of the respective parties hereto during the pendency of the Cooperative Wildlife Habitat-Farming Development

Agreement on above mentioned lands.

8. All Federal lands involved in this agreement will not be subject to any Federal subsidized program, either direct or indirect, including but not limited to set-aside, soil bank, FSA cost sharing; nor will Federal acreage be used in determining "normal crop acreage" (NCA), unless mutually agreed upon by LESSEE, BLM and the Department.

9. The measured boundaries and/or acreages referred to in attachment A are approximate and do not prohibit subsequent adjustments of said measurements upon legal survey; provided, however, such adjustments will not alter previously established acreage ratios between irrigated wildlife habitat and crop land as enumerated, herein.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement as of the last date written below.

IDAHO DEPARTMENT OF FISH AND GAME

By Daniel Harris 4/15/02
Regional Supervisor Date:

BUREAU OF LAND MANAGEMENT

By Theresa M. Skelley 4/10/02
Field Office Manager Date:

LESSEE

By Walter Jean Long
Julia L. Long Date: 4-10-02

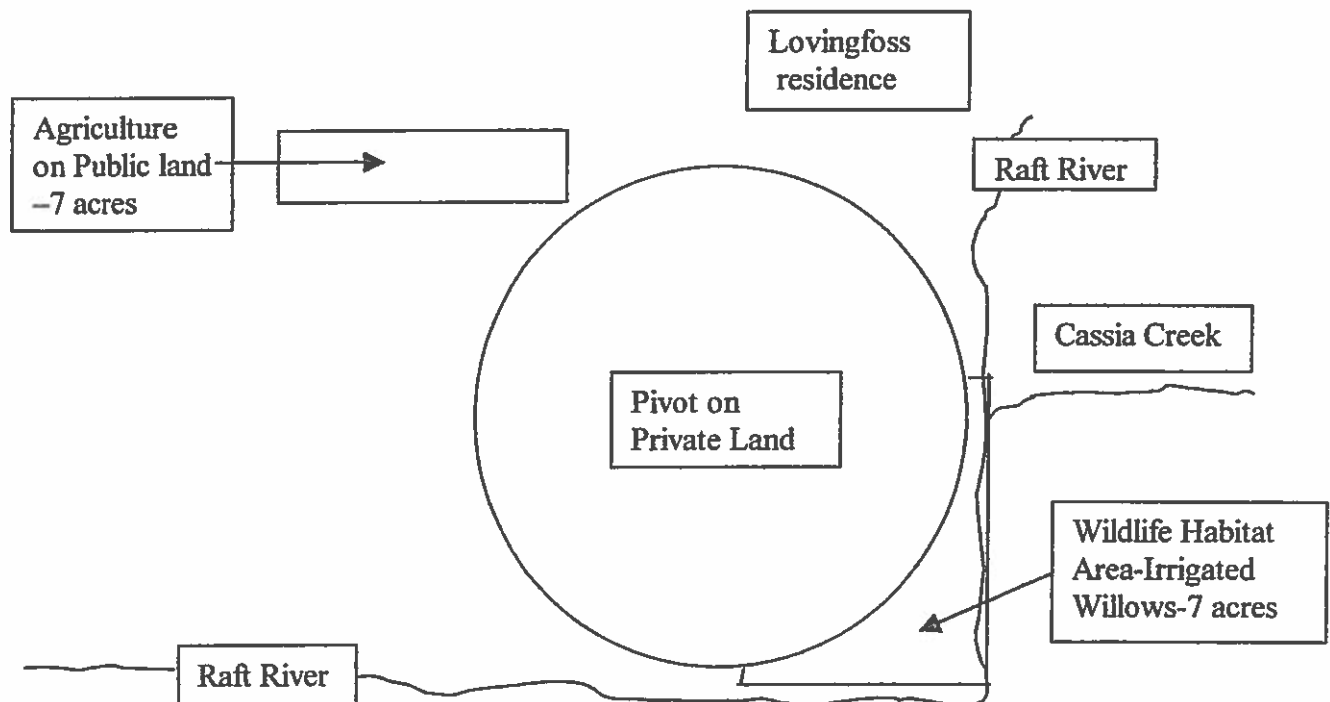
COOPERATIVE WILDLIFE HABITAT-FARMING DEVELOPMENT AGREEMENT

ATTACHMENT A

Mr. Walter J. Lovingfoss Cooperative Agreement

Effective Dates May 1, 2002 through December 30, 2011

<u>Item</u>	<u>Acres</u>	<u>Treatment and Specifications</u>
1	7	Agriculture (public land-public foot access allowed)
2	7	Irrigated wildlife habitat (private land-willows)
3	14	Noxious weed control
4	7	Grazing prohibited – within the wildlife habitat area
5	14	Access to BLM and IDFG personnel permitted



AMENDMENT TO COOPERATIVE WILDLIFE HABITAT-FARMING DEVELOPMENT
AGREEMENT

Cooperator – Mr. Walter Lovingfoss

Effective Dates May 1, 2002 through December 30, 2011

Walter Lovingfoss agrees to this development plan and will do the following:

- 1) Agree that the wildlife habitat area is established solely to benefit wildlife and no personal gain is expected from this area. *NAM CAL 10-1-03*
- 2) See that the wildlife habitat area receives irrigation to maintain the willows within this area in a healthy and vigorous condition.
- 3) Keep all livestock out of the wildlife habitat area.

The Bureau of Land Management agrees to provide the following:

Seven acres of public land for this cooperative agreement.

The Idaho Department of Fish and Game agrees to provide the following:

Personnel to monitor this cooperative agreement.

<i>David Parish</i>	<i>4/15/02</i>
Department of Fish and Game	Date
<i>Theresa M. Hapley</i>	<i>4-10-02</i>
Bureau of Land Management	Date
<i>Walter Lovingfoss</i>	<i>4-10-02</i>
Lessee	Date
<i>Delia L. Lovingfoss</i>	<i>4-10-02</i>

36-1604. LIMITATIONS OF LIABILITY OF LANDOWNER. (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make private land and water areas available to the public without charge or recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:

1. "Land" means private land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.
2. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
3. "Recreational Purposes" includes, but is not limited to, any of the following or any combinations thereof: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archeological, scenic, or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

(d) Owner Assumes No Liability. An owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty or care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Owner not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences for failure to employ such care.
3. Apply to any person or persons who for compensation permits the land to be used for recreational purposes.

(g) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 80062
Water Right No: 43-13237, etc.
Applicant Name: Roger & Dorris Hicken

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: October 20, 2016

Water District 143



Nathan Erickson, Watermaster

MEMORANDUM

Date: May 17, 2016
To: Transfer 80062
From: Doug Jones
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
5/17/2016

Application seeks to recombine three ground water rights totaling 7 acres from BLM land with the 3 other rights, from which the 7 acres were previously split, for use on the original farm. The two senior rights 43-13237 and 435-13238 were originally for 191 acres before the split (former right 43-2487B), supplemental to surface water appurtenant to 249 acres. The next senior ground water rights 43-13239 and 43-13240 (former right 43-2551) were originally licensed to only add additional flow rate to the senior rights - no extra acres. The two junior ground water rights are expansion claims pursuant to I.C. 42-1416B and provide no flow rate or volume to the base licensed rights. When the recommendations were made all limit conditions were in place, but they were objected to and stipulated to be split. The splits inadvertently left a limiting condition off the senior rights and recommended too many acres in the expansion right, 3 more acres than authorized to be irrigated on the original farm (249) and BLM land (7). Now with the rights returning to the original place of use of 249 acres there are 10 more expansion acres than there is farm. The total of the expansion rights is being reduced from 68 acres to 58 acres so all the ground water rights total 249 acres combined. The transfer also corrects well location legal description differences so that all rights refer to both irrigation wells.

Authority to File:

Stipulation to resolve SRBA objections that put 7 acres of irrigation in BLM name grants permission to move the water off the BLM land back to original place of use. This transfer changes ownership back and move the POU.

Water Right Validity:

2013 imagery shows that irrigation of the full allowable place of use occurred - Forfeiture not a factor.

Injury to Other Water Rights:

No new wells are proposed, legal descriptions may have changed to better describe QQ, 1 right had the second existing well, found on other rights, added.

Enlargement of Use:

Adequate conditions have been added to clearly describe combined use limitations, including for the expansion rights.

Local Public Interest:

Overall net decrease in total potential acres that could be irrigated under all the rights.

Beneficial Use/Conservation of Water Resources:

Consolidated rights onto fewer acres.

Effect on Economy the Local Area:

No adverse effect.

Effect on Agricultural Base of the Local Area:

No adverse effect.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: May 17, 2016
To: Transfer 80062
From: Doug Jones
Re: Legal Notice Not Required

Legal Notice Not Required
5/17/2016

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Per ADM Memo dated 3/18/2009 this application does not need advertising because 1) POD changes are refinements due to better technology and there is no physical change or new wells, and 2) The POU changes move acres from adjacent federal lands and rearranges acres within contiguous land owned by the applicant.

MEMORANDUM

TO: Transfer # 80062 File

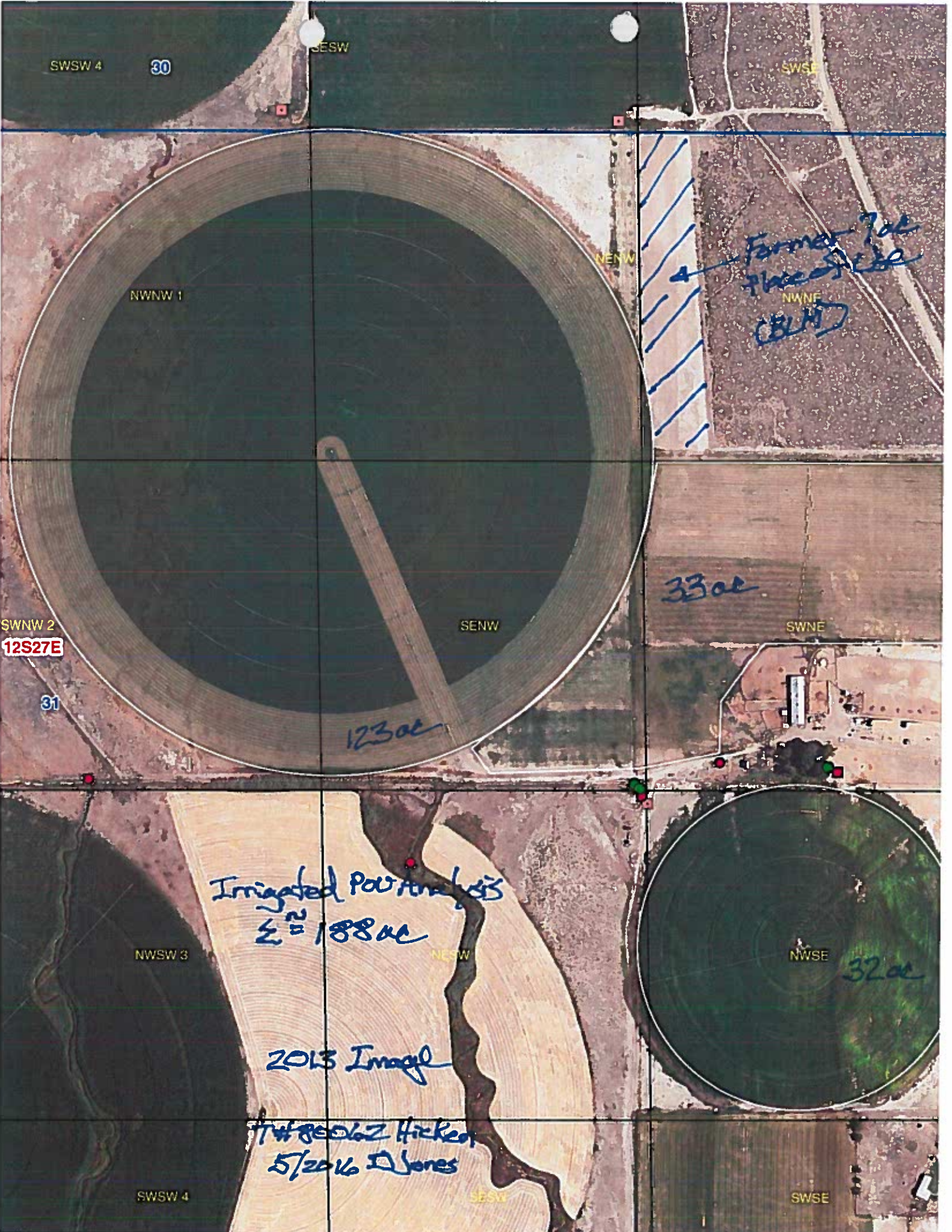
FROM: Douglas Jones

DATE: July 27, 2015, 5/25/2016

SUBJECT: Filing Fee

The filing fee, \$740.00, for this transfer is based on the total amount of water being transferred, 3.77 cfs. Note that the transfer proposes moving 7 acres off previously leased public land and creating a new permissible place of use with sibling rights. The transfer also modifies POD location descriptions so the total flow rate of the GW rights is the basis for the fee and not the small flow rate for the 7 acre POU move. The transfer fee schedule for a transfer involving 3.00 – 4.00 cfs indicates that the filing fee is \$740.00. Receipt #S034904 is for this amount.

In addition to the transfer fees there is an owner change involving the 3 rights that were decreed split for use on the 7 acres of BLM-managed public land discussed above. The lease period is over and the current owner of the parent rights (Hicken) from which they were split has chosen to reunite the rights. Receipt #S035485, paid 5/25/16, is for these changes - \$25/right.



SWSW 4

30

SESW

SWSE

NWNW 1

NENW

NWNE

Former 700
Hickory
CBLM

SWNW 2
12S27E

31

SENW

SWNE

3300

12300

Irrigated PWA Analysis
 $\Sigma = 18800$

NWSW 3

NESW

NWSE

3200

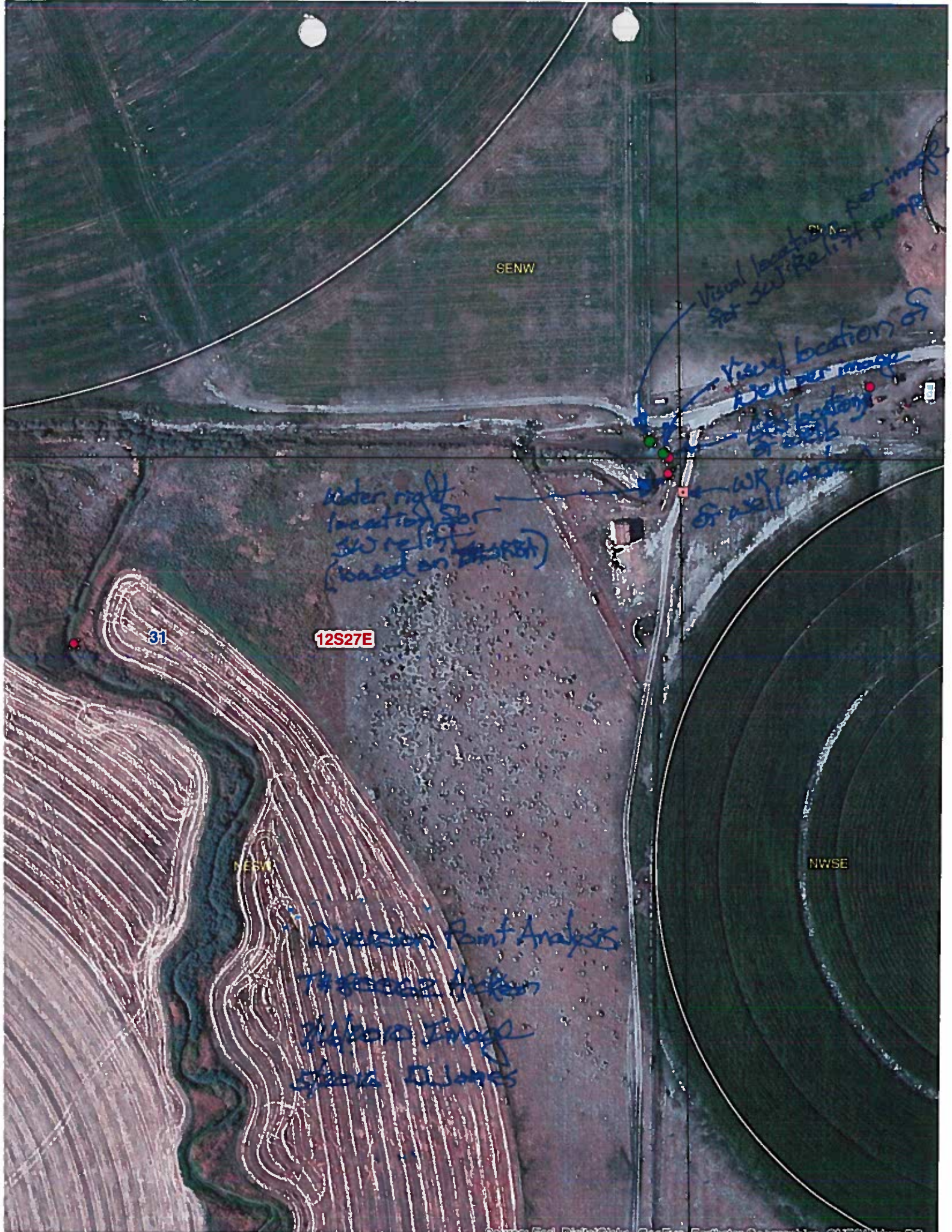
2013 Image

HW 80062 Hickory
5/2016 D Jones

SWSW 4

SESW

SWSE



SENW

Visual location for image
for SW right pump

Visual location of
well per image

Visual location
of well

WR location
of well

Water right
location for
SW right
(based on map)

31

12S27E

NESE

NWSE

Direction Point Analysis
Theresa Aiken
Hydro Image
Steve Jones

pre-T Owner				Q	Vol	Ac Limit		Q Limit	Vol Limit	Tot ac	AFTER TRANSFER 80062			
	43-13237	GW	1/28/1960	3.21	743.1	185.8	185.8	3.67	743.1	249				
	43-13239	GW	9/17/1962	0.46	222.7	154.6								
	43-13241	GW	6/30/1985	0.96	0	56.1								
	43-307	SW	4/1/1894	0.9		249								
	43-10363	SW	10/19/1928	1.4		249								
	43-10799	SW	4/1/1886	3.84		249								
Hicken	43-13318	SW	10/19/1928	0.46		249								
BLM	43-13238	GW	1/28/1960	0.09	20.9	5.2	5.2	0.1	20.9	7				
	43-13240	GW	9/17/1962	0.01	6.3	4.4								
	43-13242	GW	6/30/1985	0.03	0	1.9								
											249			58 249

T#80062 Hicken
 Jones 5/24/16