

AUG 06 2014

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79756

MINIMUM REQUIREMENTS CHECKLIST
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 www.idwr.idaho.gov.

Name of Applicant(s) Paul Lanier and Marianne Lanier

Check 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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: _____

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AUG 06 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Paul Lanier and Marianne LanierPhone (208) 588-3180 ⁽²⁰⁸⁾ 589-5773Mailing address 3820 W 4400 N MACKAY, ID 83251Email pmlanier@ida.net

- ☐ 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 RepresentativeName of Representative Greg Sullivan Brockway Engineering, PLLCPhone (208) 736-8543Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301Email greg.sullivan@brockwayeng.com

- ☐ 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

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe 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.
- Move the existing POU of use of these primary surface water rights to a new 70.0 acre pivot.

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AUG 24 2015

Department of Water
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 ☒ ☐	34-322	0.8/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-323	0.8/	Irrigation	5/01 to 10/01	Big Lost River
☒ ☐	34-241	1.6/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-533	0.60/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-10461	3.8/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-2324	2.44/472.5	Irrigation	4/01 to 10/31	Ground Water
☐ ☐	34-12356	0.25/472.5	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 7.6 cfs and/or 472.5 acre-feet.2. Total amount of water proposed to be transferred or changed 1.6 cubic feet per second and/or _____ acre-feet per annum.

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 #
			SW	NE	33	07N	24E	Custer	Big Lost River	Darlington Ditch Headgate
			NW	NE	18	06N	25E	Custer	Ground Water	

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	
06N	25E	7													23.6	24.3	35	30.1	113
		18	15.3	26.2	12.5	6													60
Total Acres (for irrigation use)																			173.0

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-322	0.8/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-323	0.8/	Irrigation	5/01 to 10/01	Big Lost River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.6 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.6 cubic feet per second and/or _____ acre-feet per annum.

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 #
			SW	NE	33	07N	24E	Custer	Big Lost River	Darlington Ditch Headgate

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	
06N	25E	7				2.3									27.5			5.0	34.8
		8							2.7			28	4.5						35.2
Total Acres (for irrigation use)																			70.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

Existing diversion from Big Lost River and delivery from existing head gate in the Darlington Ditch. New main line and booster pump will be installed for pivot.

- b. Who owns the property at the point(s) of diversion? Marvin Smith

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

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

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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:

The land will be irrigated by other primary surface water provided by Metcalf and supplemental ground water from 34-2421 which is owned by Metcalf.

- e. 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:

Water right 34-2421 is a supplemental ground water right. 34-322 and 34-323 will not be stacked with any other water rights at the new place of use.

- 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.: 34-322

Current Owner: PAUL LANIER
MARIANNE LANIER

Priority Date: 7/21/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Diversion Rate

0.8 CFS

Annual Volume

Total Diversion

0.8 CFS

Location of Point(s) of Diversion

BIG LOST RIVER

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E B.M.

CUSTER County

Place of Use

IRRIGATION Within BUTTE County

T06N R25E S12

NWNW

35.00

T06N R25E S12

SWNW

35.00

Total Acres: 70

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.
2. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
3. X35 Rights 34-322, 34-323, and 34-2421 when combined shall not exceed a total diversion rate of 1.88 cfs and the irrigation of 70 acres.
4. Water is delivered through the Burnett Ditch.
5. 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.

Decreed Date: 12/1/2001

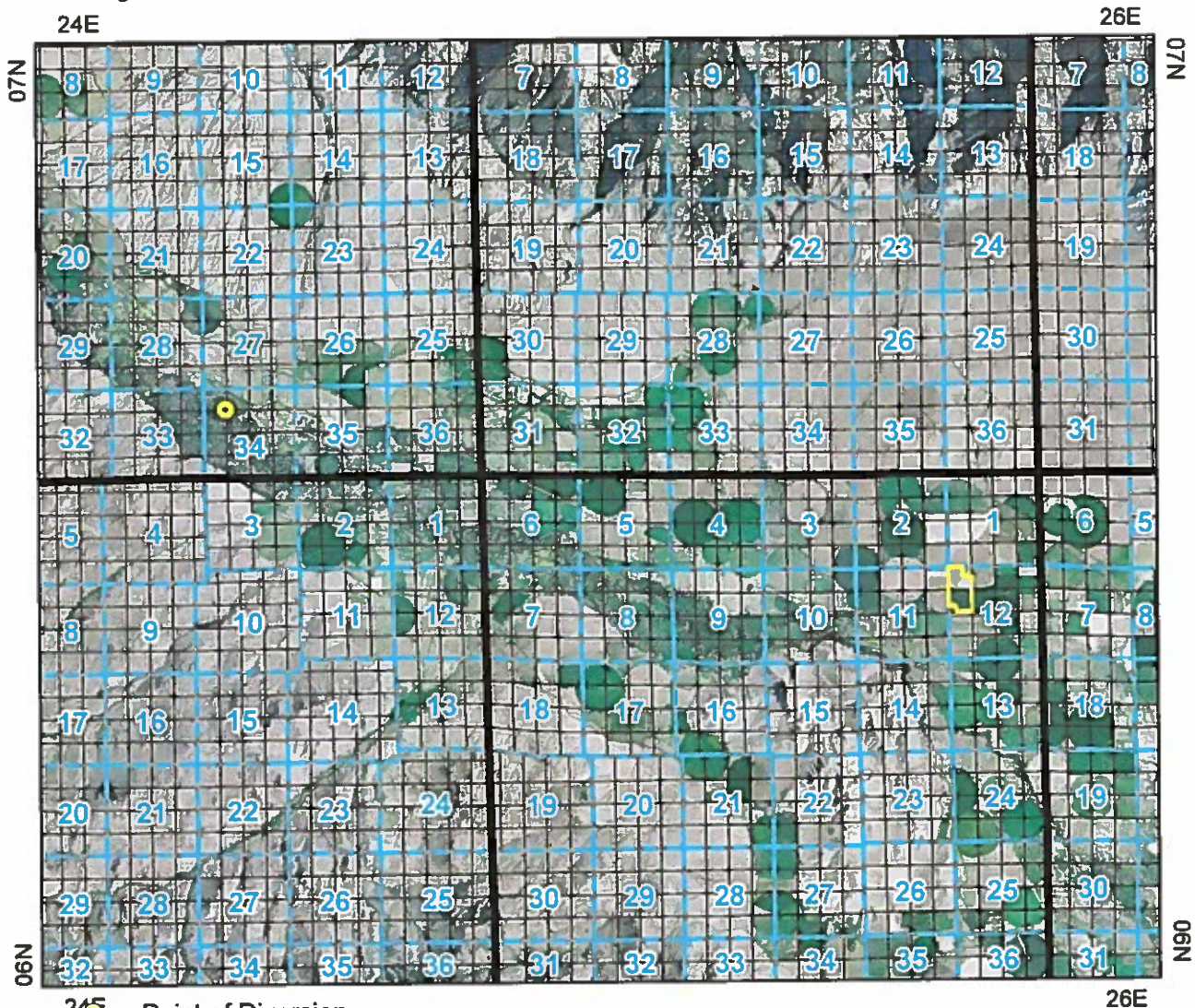
State of Idaho
Department of Water Resources

Water Right

34-322

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- 245 Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 1.25 2.5 5 Miles



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

Current Water Right No.: 34-323

Current Owner: PAUL LANIER
MARIANNE LANIER

Priority Date: 6/1/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Diversion Rate

0.8 CFS

Annual Volume

Total Diversion

0.8 CFS

Location of Point(s) of Diversion

BIG LOST RIVER

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E B.M.

CUSTER County

Place of Use

IRRIGATION Within BUTTE County

T06N R25E S12

NWNW

35.00

T06N R25E S12

SWNW

35.00

Total Acres: 70

Conditions of Approval:

1. X35 Rights 34-322, 34-323, and 34-2421 when combined shall not exceed a total diversion rate of 1.88 cfs and the irrigation of 70 acres.
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. Water is delivered through the Burnett Ditch.
4. 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.

Decreed Date: 12/14/2001

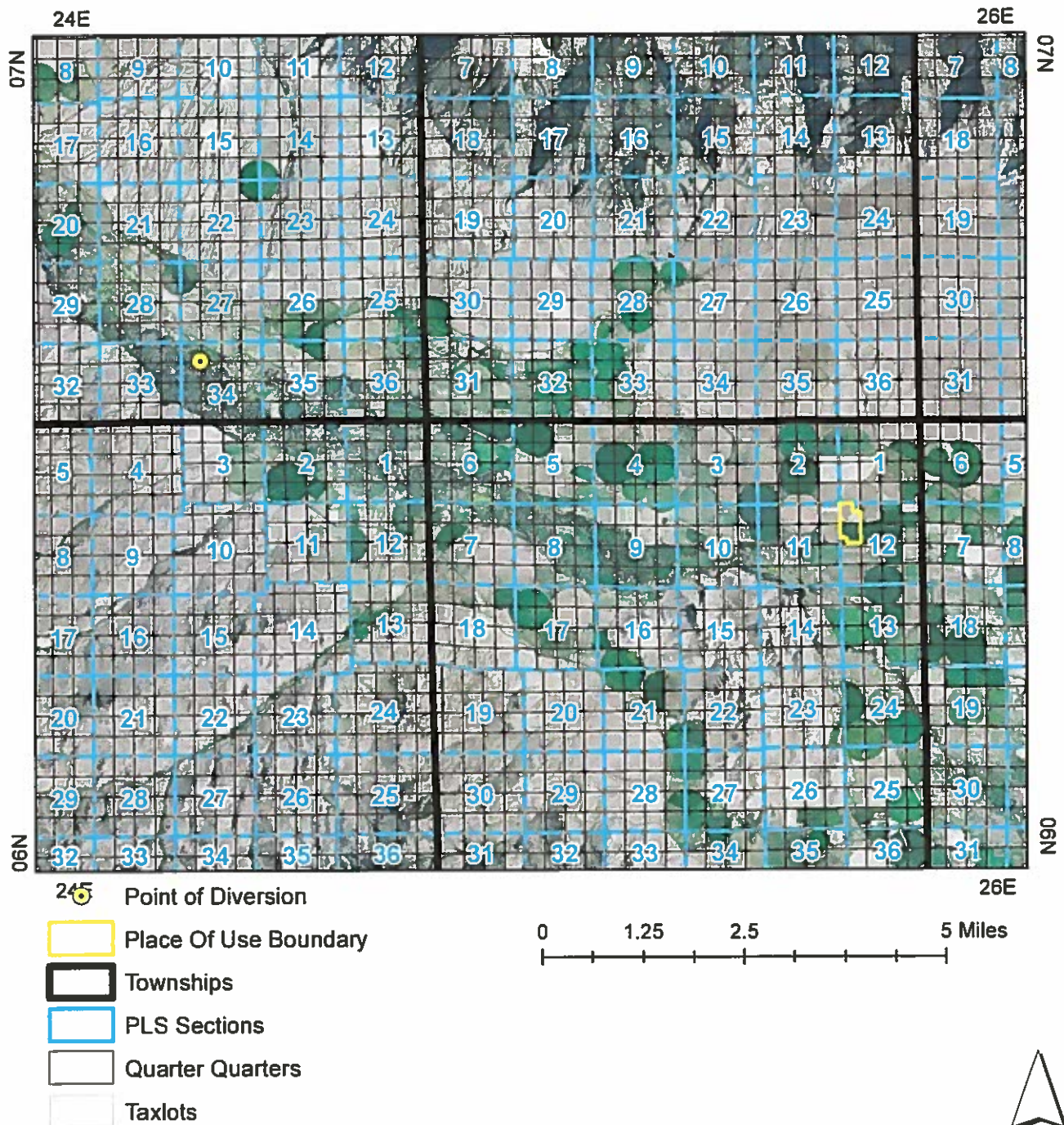
State of Idaho
Department of Water Resources

Water Right

34-323

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/8/2015

WATER RIGHT NO. 34-241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE FAMILY TRUST PO BOX 55 MACKAY, ID 83251 (208)588-2422

Priority Date: 07/01/1901

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.6 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWSWNE|Sec. 33|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

AMENDED

| | | | | | | | | | | | | |

79756

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	7		SWSE	36		SESE	20						
		8		SWSW	19									
		18		NWNE	35		SWNE	10		SENE	15			

Total Acres: 135

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS. COMBINED RIGHT NOS.: 34-00533, 34-10461, 34-02324 AND 34-12356.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 135 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00533, 34-10461, 34-02324 AND 34-12356.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

79756

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/8/2015

WATER RIGHT NO. 34-533

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE FAMILY TRUST PO BOX 55 MACKAY, ID 83251 (208)588-2422

Priority Date: 03/04/1902
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWSWNE|Sec. 33|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

AMENDED

7 9 7 5 6

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	7		SWSE	36		SESE	20						
		8		SWSW	19									
		18		NWNE	35		SWNE	10		SENE	15			

Total Acres: 135

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS. COMBINED RIGHT NOS.: 34-00241, 34-10461, 34-02324 AND 34-12356.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 135 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00241, 34-10461, 34-02324 AND 34-12356.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

79756

WATER RIGHT NO. 34-10461

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE FAMILY TRUST PO BOX 55 MACKAY, ID 83251 (208)588-2422

Priority Date: 06/30/1897

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	3.8 CFS	
Total Diversion			3.8 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|NWSWNE|Sec. 33|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

AMENDED

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	7		SWSE	36		SESE	20						
		8		SWSW	19									
		18		NWNE	35		SWNE	10		SENE	15			

Total Acres: 135

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS. COMBINED RIGHT NOS.: 34-00241, 34-00533, 34-02324 AND 34-12356.
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5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00532 AND 34-00718. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

7 9 ' 5 6

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/8/2015

WATER RIGHT NO. 34-2324

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE FAMILY TRUST PO BOX 55 MACKAY, ID 83251 (208)588-2422

Priority Date: 02/28/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.44 CFS	
Total Diversion			2.44 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWNE|Sec. 18|Township 06N|Range 25E|CUSTER County

IRRIGATION Use:

Acre Limit: 122

Place(s) of use:

79756

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	7		SWSE	36		SESE	20						
		8		SWSW	19									
		18		NWNE	35		SWNE	10		SENE	15			

Total Acres: 135

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-12356 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.44 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 472.5 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.0 CFS. COMBINED RIGHT NOS.: 34-00533, 34-00241, 34-10461 AND 34-12356.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 135 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00533, 34-00241, 34-10461 AND 34-12356. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 122 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 34-12356 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

79756

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/8/2015

WATER RIGHT NO. 34-12356

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGEE FAMILY TRUST PO BOX 55 MACKAY, ID 83251 (208)588-2422

Priority Date: 04/01/1966
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.25 CFS	
Total Diversion			0.25 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWNE|Sec. 18|Township 06N|Range 25E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

AMENDED

| | | | | | | | | | | | | |

79756

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	7		SWSE	36		SESE	20						
		8		SWSW	19									
		18		NWNE	35		SWNE	10		SENE	15			

Total Acres: 135

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-02324 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.44 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 472.5 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.00 CFS. COMBINED RIGHT NOS.: 34-00533, 34-00241, 34-10461, 34-02324.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 135 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00533, 34-00241, 34-10461, 34-02324.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02324 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. RIGHT NO. 34-02324 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 13 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

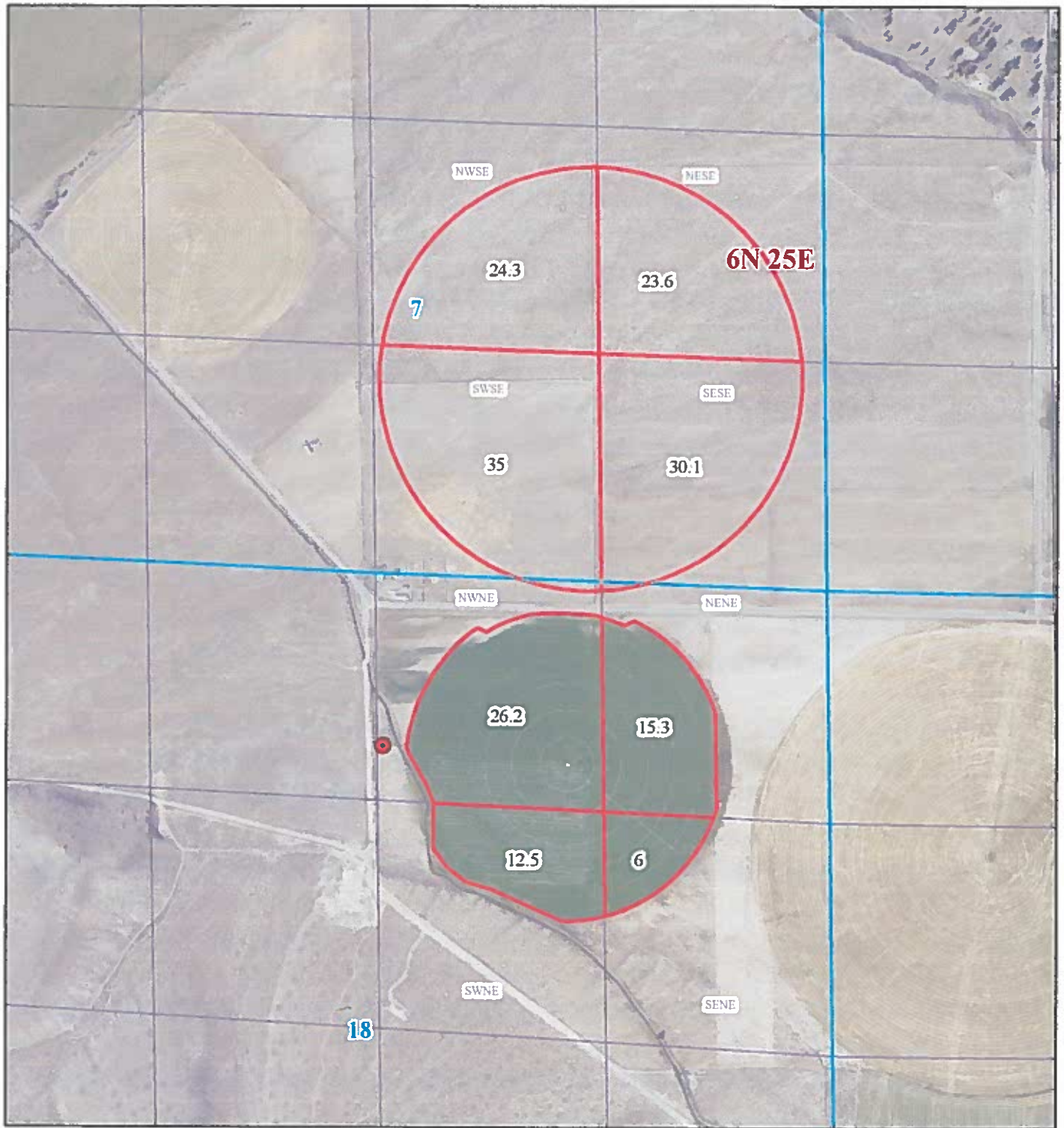
Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

79756



MAGEE, FRAN
TRANSFER MAP - POU WR'S
34-12356, 34-2324, 34-533, 34-10461, 34-241
NAIP 2013 AERIAL

0 250 500 1,000 Feet

AMENDED

BROCKWAY ENGINEERING, PLLC.
 ALR - Date: 6/30/2015

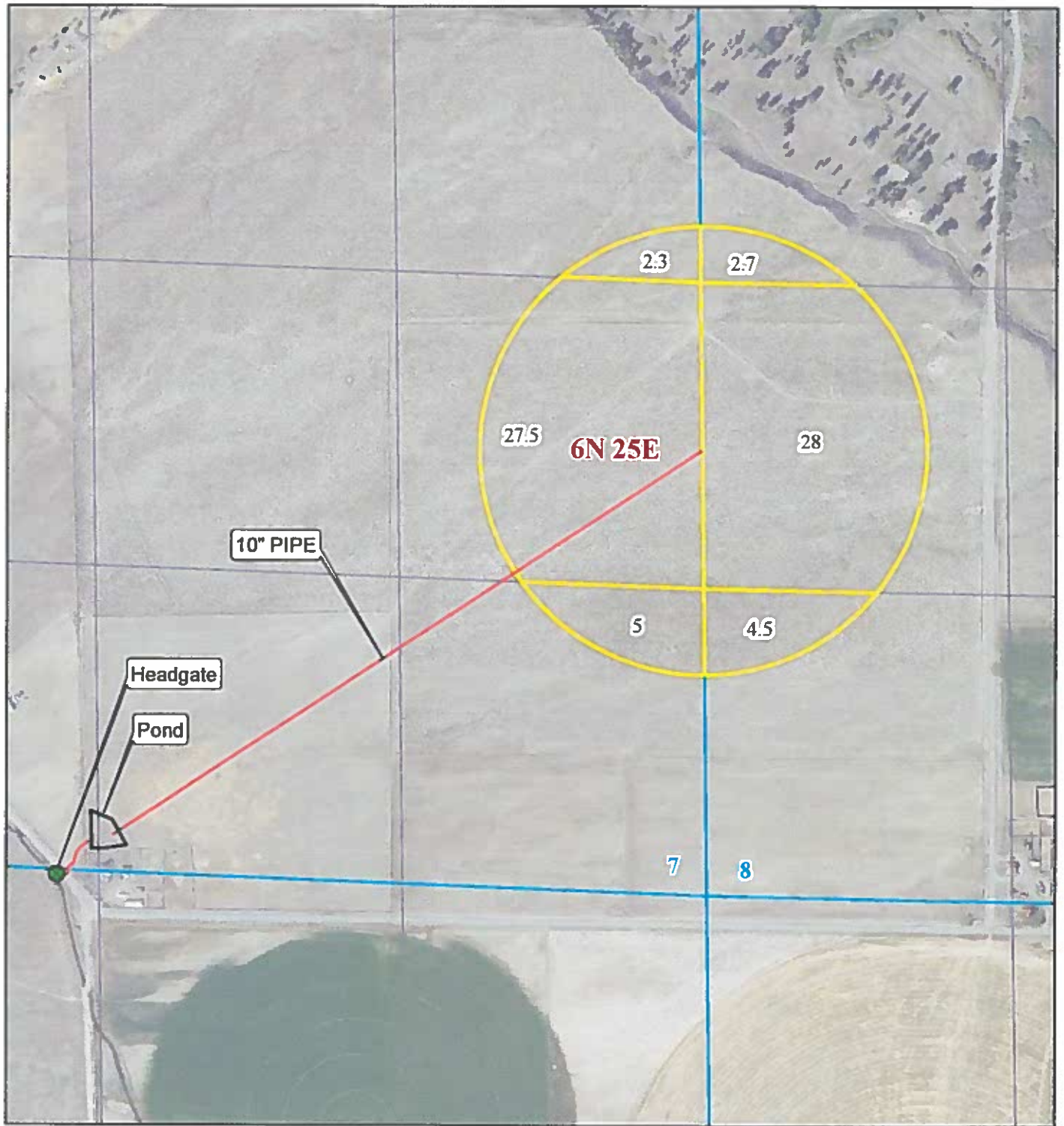
(NOTE: 1 POD NOT SHOWN)

Legend

- REV_POU_6-30-15
- twnshp
- Sections
- lades
- WR_POD



79756



0 230 460 920 Feet

SUPERCEDED

MAGEE, FRAN
TRANSFER MAP 2014
NAIP 2013 AERIAL

(NOTE: POD NOT SHOWN)
ATTACHMENT #7B

Legend

- Pipeline
- Pivot
- twnshp
- Sections
- lades



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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**.

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 \$ 580.00 Date 8/16/14 Received by SC Receipt # E040135
 Add'l fee paid 480.00 Date 9/13/15 Received by SC Receipt # E041538

CONTRACT OF SALE OF WATER RIGHTS

This CONTRACT is made and entered into this 11 day of August, 2015 by and between Paul Lanier and Marianne Lanier (hereinafter "Owner") and Magee Family Trust represented by Fran Magee (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Owner, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers agree to buy from the Seller 0.8 cfs and 40.0 acres of Idaho Water Right #34-322 and 0.8 cfs and 70.0 acres of Idaho Water Right #34-323. For a total of 1.6 cfs and 70.0 acres of irrigation from the Big Lost River.
2. A 38.0 acre portion of 34-322 and 34-323 will not be required to be stacked with any other water rights. A 32.0 acre portion of 34-322 and 34-323 must be stacked with an existing ground water or surface water right (other than Big Lost River Irrigation District rights).
3. No land is included in this agreement.
4. The balance of the purchase price shall be [REDACTED] in which the entire purchase price shall be paid on the Closing date. The effective Closing date shall be the date of signing of a Warranty Deed or Quitclaim Deed that will convey Water Right #34-322 and #34-323 from the Owner to the Buyer.
5. The Buyer is responsible for all fees and payments relating to the Idaho Department of Water Resources transfer application preparation, processing, hearing expenses and consultant fees.
6. The parties acknowledge that this Contract is contingent upon the approval of the Transfer of #34-322 and #34-323 to the Buyers property in accordance with this Contract. The transfer will be deemed complete upon the full approval of the transfer by the Idaho Department of Water Resources and the lapse of any protest or appeal period allowed by law or if any protest or appeal of the final approval is timely filed upon, the final resolution of the appeal or protest upholding the validity of the transfer.

AMENDED

7. Seller warrants to the Buyer that:

- a. Seller has a good title to the water rights and has the lawful authority to enter into this Contract.
 - b. The water rights pertaining to this Contract are not encumbered by any mortgage, deed of trust or other lean.
8. Should either party be in default under this Contract, the other party shall give notice by certified mail to the other of the nature of every claimed event of default.
9. This Contract is binding upon heirs, personal representatives, administrators, successors and assignments of the parties hereto.
10. The day of closing shall be a regular business day not more than ten (10) days after the final approval of the transfer by the Idaho Department of Water Resources.
11. The parties acknowledge that the terms, conditions and covenants of this Contract shall supersede any prior negotiations and agreements of the parties. No modifications of the Contract shall be valid unless it is written and executed by the all parties involved.

IN WITNESS WHEREOFF the parties have caused their names to be subscribed on the dates set forth above.

SELLERS

Paul M. Lanier

Paul Lanier

Marianne Lanier

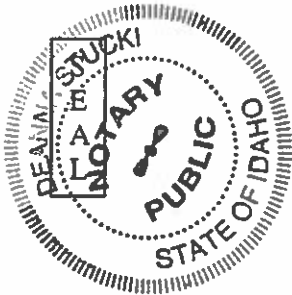
Marianne Lanier

BUYERS

Fran Magee representing the Magee Family Trust

State of Idaho)
) S.S.
County of Bonnaville)

On this 11 day of August, in the year of 20 15, before me, a Notary Public, personally appeared Paul M and Marianne Lanier, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.



Jeanna Stucki
Notary Public
In and for said State and County
9-20-2020
My Commission Expires on

CONTRACT OF SALE OF WATER RIGHTS 3 of 3

CONTRACT OF SALE OF WATER RIGHTS

This CONTRACT is made and entered into this 8th day of August, 2015 by and between Paul Lanier and Marianne Lanier (hereinafter "Owner") and Magee Family Trust represented by Fran Magee (hereinafter "Buyer").

TERMS AND CONDITIONS

1. The Owner, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyers agree to buy from the Seller 0.8 cfs and 40.0 acres of Idaho Water Right #34-322 and 0.8 cfs and 70.0 acres of Idaho Water Right #34-323. For a total of 1.6 cfs and 70.0 acres of irrigation from the Big Lost River.
2. A 38.0 acre portion of 34-322 and 34-323 will not be required to be stacked with any other water rights. A 32.0 acre portion of 34-322 and 34-323 must be stacked with an existing ground water or surface water right (other than Big Lost River Irrigation District rights).
3. No land is included in this agreement.
4. The balance of the purchase price shall be [REDACTED] in which the entire purchase price shall be paid on the Closing date. The effective Closing date shall be the date of signing of a Warranty Deed or Quitclaim Deed that will convey Water Right #34-322 and #34-323 from the Owner to the Buyer.
5. The Buyer is responsible for all fees and payments relating to the Idaho Department of Water Resources transfer application preparation, processing, hearing expenses and consultant fees.
6. The parties acknowledge that this Contract is contingent upon the approval of the Transfer of #34-322 and #34-323 to the Buyers property in accordance with this Contract. The transfer will be deemed complete upon the full approval of the transfer by the Idaho Department of Water Resources and the lapse of any protest or appeal period allowed by law or if any protest or appeal of the final approval is timely filed upon, the final resolution of the appeal or protest upholding the validity of the transfer.

AMENDED

②

7. Seller warrants to the Buyer that:

- a. Seller has a good title to the water rights and has the lawful authority to enter into this Contract.
- b. The water rights pertaining to this Contract are not encumbered by any mortgage, deed of trust or other lean.

8. Should either party be in default under this Contract, the other party shall give notice by certified mail to the other of the nature of every claimed event of default.

9. This Contract is binding upon heirs, personal representatives, administrators, successors and assignments of the parties hereto.

10. The day of closing shall be a regular business day not more than ten (10) days after the final approval of the transfer by the Idaho Department of Water Resources.

11. The parties acknowledge that the terms, conditions and covenants of this Contract shall supersede any prior negotiations and agreements of the parties. No modifications of the Contract shall be valid unless it is written and executed by the all parties involved.

IN WITNESS WHEREOFF the parties have caused their names to be subscribed on the dates set forth above.

SELLERS

Paul Lanier

Marianne Lanier

BUYERS



Fran Magee representing the Magee Family Trust

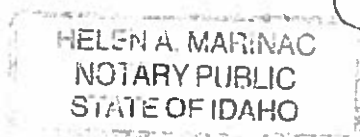
CONTRACT OF SALE OF WATER RIGHTS 2 of 3

(u)

State of Idaho)
) S.S.
County of CUSTER)

On this 19 day of August, in the year of 2015, before me, a Notary Public, personally appeared FRAN MAGEE, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Helen A. Marinac

Notary Public
In and for said State and County

9-27-2018

My Commission Expires on

CONTRACT OF AGREEMENT

To Whom It May Concern,

Magee Family Trust who owns the property located in Township 06 North Range 25 East Section 8 SWNW, NWSW, SWSW and Section 7 SENE, NESE, SESE. Paul Lanier and Marianne Lanier own water rights 34-322 and 34-323. Paul and Marianne Lanier desire to transfer 0.8 cfs of primary surface water from 34-322 and 0.8 cfs of primary surface water from 34-323 for a total of 1.6 cfs to a new 70.0 acre pivot on property owned by Magee Family Trust.

The ownership of the 34-322 and 34-323 will be retained by Paul and Marianne Lanier for the duration of the transfer processing period. After the transfer is complete, the ownership of 34-322 and 34-323 will be changed to Magee Family Trust.

Paul Lanier and Marianne Lanier:

Paul M. Lanier
Paul Lanier

owner
Title

Date: 7-14

Marianne Lanier
Marianne Lanier

Owner
Title

Date: 7/1/14

Magee Family Trust:

[Signature]
Fran Magee

TRUSTEE
Title

Date: 7/21/14

SUPERCEDED

RECORDING REQUESTED BY
First American Title Company

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

242447
Custer County Reg. of
First American Title
Time 11:45 AM Date 4/15/2010
Barbara M. Horney, Clerk
Christy F. Horney Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **334171-B (Id)**

Date: **April 09, 2010**

For Value Received, **Ernest L. Goff**, as his sole and separate property, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Magee Family Trust**, hereinafter called the Grantee, whose current address is **PO Box 55, Mackay, ID 83251**, the following described premises, situated in **Custer County, Idaho**, to-wit:

PARCEL 1:

TOWNSHIP 6 NORTH, RANGE 25 E.B.M., CUSTER COUNTY, IDAHO
SECTION 7: S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$

SECTION 8: SW $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM: COMMENCING AT THE SE CORNER OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, THENCE NORTH 100 FEET, THENCE WEST 100 FEET, THENCE SOUTH 100 FEET, THENCE EAST 100 FEET TO THE POINT OF BEGINNING.

SECTION 8: ALSO A PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ DESCRIBED AS: BEGINNING AT THE SW CORNER OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$, AND RUNNING THENCE NORTH 28.3 RODS; THENCE EAST 28.3 RODS; THENCE SOUTH 28.3 RODS; THENCE WEST 28.3 RODS TO THE POINT OF BEGINNING.

SECTION 18: NW $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL 2:

TOWNSHIP 6 NORTH, RANGE 25 E.B.M., CUSTER COUNTY, IDAHO
SECTION 18: SW $\frac{1}{2}$ NE $\frac{1}{4}$

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.

242447

Date: 04/09/2010

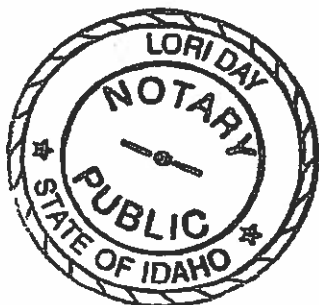
Warranty Deed
- continued

File No.: 334171-B (Id)

Ernest L. Goff
Ernest L. Goff

STATE OF Idaho)
COUNTY OF Bingham)

On this 14th day of April, 2010, before me, a Notary Public in and for said State, personally appeared Ernest L. Goff, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Lori Day
Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 10/21/2015

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37789
Permit No. G- 29778
District No.

1. Name of Applicant: Fred Cottrell & Arthur Hatfield
Postoffice address: Route 1, Darlington County: Custer State: Idaho
2. Quantity of water claimed: 160 inches (3.2)
 - (a) Rate of withdrawal in cubic feet per second or Idaho Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: subterranean
4. Location of point of diversion or well is in the NW 1/4 of the NW 1/4 of Section 12
Twp. 6 N , Rge. 25 E , B.M., County of Butte
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B. M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of works: Well
8. Estimated cost of works: \$ 6000.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
40 inches 7-21-1886; 40 inches 6-1-1889, 80 inches 6-1-1889
 - (a) 3.2 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 29778

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

Fred Cottrell & Arthur Hatfield Route 1 Darlington, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf: _____

Ques. 3. State number, approval date of permit, and date of priority: _____

G 29778 June 9, 1961, approval date. date of priority: June 6, 1961

Ques. 4. State source of water supply: Irrigation Well

Give location of point of diversion, showing subdivision, section, township and range

NW¹ NW² Section 12 Twp. 6N, Range 25 EBM

Ques. 5. Describe your works of diversion: Direct from well to private ditch

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 3.2 c.f.s. ; Give name of canal or ditch

or other works by which water is conducted to such place of use: private ditch

_____ ; if a well, state depth of well 150 feet ; depth and size of

casing 1 1/2 inch casing 150 feet. ; depth to water 15 feet. ; if pump is used,

state discharge of pump: 3.2 c. f. s. ; tell how it was measured or determined _____

by well driller _____ ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation only

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

Township 6 North, Range 25 East Boise Meridian, Section 12:

NW¹ NW², SW¹ NW², NE¹ SW¹, NW¹ SW²

State nature of all improvements which have been made as a direct result of said use:

Supplemental water for existing right only

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: Rex Frandsen Blackfoot, Idaho

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

No other use

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 3.2 cfs summer of 1961 - Time used since first use:

irrigation season 1962 & 1963. Haven't needed since.

Ques. 10. Describe all other water rights appurtenant to same place of use:

~~Revolving~~ June 1, 1889 - 80 inches plus storage rights in Macaky reservoir.

7/21/86 - 40 inches plus storage rights in Macaky reservoir
6/1/89 40 inches plus " " " "

(sign)

Arthur Hattfield
Fred Cottrell, by Fred J. Dyer, his attorney in fact.

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Arco, County of Butte
State of Idaho, on this 27th day of May, A. D. 1966.

My commission expires: 6/13/69

Fred J. Dyer

FILE No. 4719LRT

INSTRUMENT No. 31479

WARRANTY DEED

0213746

FOR VALUABLE CONSIDERATION RECEIVED RUSSELL K. HANKS and
VIRGINIA HANKS, husband and wife, the Grantor,
does hereby grant, bargain, sell and convey unto LYNN J. METCALF and
VELMA L. METCALF, husband and wife, the Grantee,
whose current address is _____,
the following described real estate situated in BUTTE & CUSTER County,
State of Idaho, to-wit:

See attached EXHIBIT 'A'

SUBJECT TO: all easements, rights of way, covenants, restrictions,
patent reservations, applicable building and zoning ordinances and
use regulations and restrictions and accruing taxes, of record.

Custer County Reg. of
Idaho Title and
Trust Co.
Time 11:00 A.M.
7-7-97
Ethel M. Peck, Clerk
Wansley Murphy
-6-

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances
thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant
to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and
defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the
masculine, the feminine and neuter.

DATED: 7/3/97

Russell K. Hanks
Russell K. Hanks

Virginia Hanks
Virginia Hanks

STATE OF IDAHO, County of BUTTE

On this 3rd day of July 19 97
before me, Lyle B. Boyer, a
Notary Public in and for the said State personally
appeared:

Russell K. Hanks
Virginia Hanks

Known to me to be the person(s) whose name(s) are
subscribed to the within instrument, and acknowl-
edges to me that they executed the same.

Lyle B. Boyer
Notary Public
Residing at ARCO,
Comm. Expires 5-31-2003
Idaho

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

NO. 31479
RECORDED

JUL 3 1997

BUTTE COUNTY RECORDER
Wansley Murphy

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-7895

79756

213746

TOWNSHIP 6 NORTH, RANGE 25 EAST BOISE MERIDIAN, BUTTE & CUSTER COUNTIES, IDAHO.

SECTION: 12

The W1/2NW1/4;

EXCEPTING THEREFROM:

A parcel of land situated in the SW1/4NW1/4, Section 12, T6N, R25E, B.M., Custer County, State of Idaho; more particularly described as follows:

Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW1/4NW1/4, Section 12, T6N, R25E, B.M.; said point lies on the South line of the SW1/4NW1/4, Section 12; thence N 1°35'02" W 414.92 feet along a fence to a point; thence N 89°26'52" E 420.0 feet to a point; thence S 1°35'02" E 414.92 feet to a point lying on the South line of the SW1/4NW1/4, Section 12; thence S 89°26'52" W 420.0 feet along said line to the point of Beginning: Containing 4.0 acres, more or less.

* Including the following well site: Beginning at a point 486 feet South and 25 feet East of the Northwest corner of said Section 12; thence East 1 rod; thence South 1 rod; thence West 1 rod; thence North 1 rod to the Point of Beginning.*

Together with the following water right:

IDWR LICENSE #34-02421 priority date 6/6/91 - well

The following equipment:

1 US Motor, 50 hp #1251072

1 Johnston Turbine Pump, 125', #IFS264

37.1 acres
less 4
33.1 acres
2421

79756

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

1 - 208 - 525-7161

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

FEB 09 2010

Department of Water Resources
Eastern Region

1. Water Right Number(s)

340242 / 34-322 / 34-323

Adjudication Claim Number(s)

2. The following REQUIRED information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s)

Russel K and Virginia Hanks

4. New Owner/Claimant(s)

Lynn J. and Velma Metcalf

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address

3816 W 4050N

City, State and ZIP Code

MOORE, ID. 83255

New Telephone Number

(208) 588-3362

SUPPORT DATA

5. Date you acquired the property

July 3, 1997

IN FILE #

34-322

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated

46

Number and type of stock

None

Diversion rate in CFS

cubic feet per second

Number of homes

None

Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Lynn J. Metcalf

Date

Feb. 20, 1998

Date

(Corporations or other organizations must submit list of directors/officers den
For Snake River Basin Adjudication Claims: If you are represented by
directly with your attorney for all matters related to your claims, please att
attorney.

authority to sign form.)

you want IDWR to correspond
appearance completed by your

SCANNED

FEB 16 2010

E035590 JB \$75.00

79756

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 2012

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
34-322	Yes ☐		Yes ☐		Yes ☐
34-323	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Russell K and Virginia Hanks
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Paul and Marianne Lanier
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☒ and/or
3820 W 4400 N
Mailing address
Mackay ID 83251
City State ZIP
208-589-5773
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: August 16, 2012

6. 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.

7. Signature: Paul M. Lanier Title, if applicable _____ Date 8/20/12
Signature of new owner/claimant
Signature: Marianne Lanier Title, if applicable _____ Date 8/20/12
Signature of new owner/claimant

For IDWR Office Use Only:

Received by SE Date 8/28/12 Receipt No. E031949 Receipt Amt. 3950.00
Approved by JB Processed by JB Date 9/4/2012 but 50.00 is for C/O.

246124

NO. 0049845

AFTER RECORDING RETURN TO:

Nathan M. Olsen
 PETERSEN MOSS HALL & OLSEN
 485 "E" Street
 Idaho Falls, ID 83402
 (208)523-4650

246124
 Custer County Rec. of
 Paul S. Marianne Lanier
 Time 3:30 PM Date 8/17/2012
 Barbara C. Tierney, Clerk
 Deputy 10

RECORDED

AUG 17 2012

AM L. O. L. RM
 BUTTE COUNTY RECORDER
 [Signature]

QUITCLAIM DEED

QUITCLAIM DEED made this 16th Day of August, 2012, between Russell K. Hanks and Virginia Hanks, husband and wife, herein referred to as "Transferor," and Paul Lanier and Marianne Lanier, husband and wife, referred to herein as "Transferee," whose mailing address is 3820 W. 4400 N., Mackay, ID 83251, WITNESSETH:

That Transferor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to them in hand paid by Transferee, the receipt whereof is acknowledged, does by these presents remise, release and forever quitclaim unto Transferee and to their heirs and assigns all of certain water rights, specifically described as follows:

- 1) IDWR #34-322, including 40 miners inches Bug Lost River Irrigation District priority 7/21/1886, and
- 2) IDWR # 34-323, including 40 miners inches Big Lost River Irrigation District priority 6/1/1889

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD, all and singular, the property together with the appurtenances unto Transferee and to his heirs and assigns forever.

IN WITNESS WHEREOF Transferor has hereunto set their hand the day and year first above written.

Russell K. Hanks
 Russell K. Hanks

Virginia Hanks
 Virginia Hanks

STATE OF IDAHO

County of Custer

ss.

On August 16, 2012, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Russell K. Hanks, and Virginia Hanks known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)



R. Genae McAffee
 Notary Public for State of Idaho

Residing at: IdahoMy Commission Expires: 4/1/2015

QUITCLAIM DEED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER)	
APPROVAL 76311 IN THE NAME OF)	PRELIMINARY ORDER RESCINDING
<u>VELMA OR LYNN METCALF</u>)	TRANSFER APPROVAL

This matter having come before the Idaho Department of Water Resources ("Department") as a result of an Idaho District Court Order provided to the Department as part of an ownership change, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On April 12, 2010, Lynn Metcalf filed transfer application 76311 with the Department, seeking to change the place of use for water rights 34-322, 34-323, and 34-2421. In February 2010, the Department updated the water right records for the three rights to show Velma or Lynn Metcalf as the current owners of the rights. The transfer proposed changing the three rights to reflect a land exchange between the Metcalfs and Keith and Juanna Lewis that had occurred in 2006.

2. Water right 34-322 carries a priority date of 7/21/1886 and authorizes the diversion of 0.80 cfs from the Big Lost River for the irrigation of 40 acres within a 70-acre place of use. Water right 34-323 carries a priority date of 6/1/1889 and authorizes the diversion of 0.80 cfs for the irrigation of 70 acres. Water right 34-2421 carries a priority date of 6/6/1961 and authorizes the diversion of 1.28 cfs from ground water for the irrigation of 70 acres. The rights are used to irrigate the same 70-acre place of use. All three rights include a condition stating that the rights, in combination, are limited to the irrigation of 70 acres.

3. Because there were no apparent issues relating to ownership and no anticipated hydrologic impacts (the water right points of diversion were not changing), the transfer application was not advertised to the public. The Department reviewed the transfer application and found that the transfer satisfied the criteria set forth in Idaho Code § 42-222. Transfer 76311 was approved on August 4, 2010 and the water right places of use were updated accordingly.

4. In August 2012, the Department received a copy of an order issued by the Idaho Seventh District Court relating to water rights 34-322 and 34-323. The order stated that Velma and Lynn Metcalf never, at any time, owned water rights 34-322 or 34-323. The court stated that Russell and Virginia Hanks were the proper current owners of water rights 34-322 and 34-323.

5. In August 2012, Paul and Marianne Lanier filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for water rights 34-322 and 34-323. The Laniers provided a quitclaim deed, conveying the two rights from Russell and Virginia Hanks to the Laniers. The Department updated the ownership records for the two rights to reflect the order from the Idaho Seventh District Court and the conveyance in the Hanks to Lanier quitclaim deed.

CONCLUSIONS OF LAW

1. Idaho Code § 42-222 sets forth the review criteria used by the Department for transfer applications. In its review of a transfer application, the Department must confirm that the water rights involved are valid rights and that the transfer applicant has the legal authority to make the proposed changes to the rights. Idaho Code § 42-222(1) makes it clear that only a person legally entitled to use a water right, or her representative, can pursue a transfer application to change any of the elements of the right.

2. The evidence available to the Department at this time shows that Lynn and Velma Metcalf did not have any ownership interest in water rights 34-322 or 34-323 at the time transfer application 76311 was filed. Lynn and Velma Metcalf have never had an ownership interest in water rights 34-322 or 34-323.

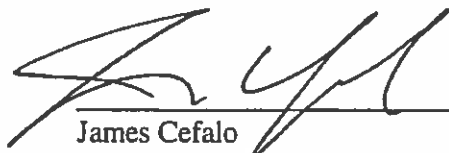
3. Lynn and Velma Metcalf were the current owners of water right 34-2421 at the time transfer application 76311 was filed. However, because water rights 34-322, 34-323, and 34-2421 are combined and limited to the same 70-acre place of use, the Department cannot separate the rights and approve Transfer 76311 just for water right 34-2421.

4. Because Lynn and Velma Metcalf have never owned water rights 34-322 or 34-323, the changes made in Transfer Approval 76311 were unauthorized. The Department should rescind Transfer Approval 76311 and return the elements of water rights 34-322, 34-323, and 34-2421 to the way they existed prior to the transfer approval.

ORDER

IT IS HEREBY ORDERED that Transfer Approval 76311 is RESCINDED. Water rights 34-322, 34-323, and 34-2421 shall be returned to the way they existed prior to the transfer approval.

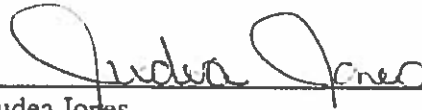
Dated this 11th day of February, 2013.



James Cefalo
Water Resources Program Manager

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of February 2013, I mailed a true and correct copy of the foregoing **PRELIMINARY ORDER RESCINDING TRANSFER APPROVAL**, with the United States Postal Service, certified mail with return receipt requested, postage prepaid and properly addressed to the person(s) listed below:



Judea Jones
Administrative Assistant

US MAIL - CERTIFIED

RE: TRANSFER APPROVAL 76311

**Velma or Lynn Metcalf
3816 West 4050 North
Moore, ID 83255**

Courtesy copy sent via standard mail to:

**Paul and Marianne Lanier
3820 West 4400 North
Mackay, ID 83251**

Water Deliveries

Done

Find Account: Lanier, Paul

Last Name Lanier First Name Paul Initial Account ID 308

Phone Number: 588-3005 Cell Phone Number:

Comments Was Kent Hanks

District Fees Paid ☒ State Fees Paid: ☒ Reservoir Full: ☐ District: 1

Beginning Balances:

Storage Balance: 3,109 Rotational Credit Balance: 0 Storage Transfer: 0

Deliveries for the Week of: 5/18/2009

Canal: Burnett Canal Shrinkage: .00 Reach: Burnett River Shrinkage: .00

Other Shrinkage: .00 Universal Canal Shrinkage: .00 Universal River Shrinkage: .54

	Delivery Date	Quantity Delivered	Spring/Creek Credit	Quantity Pumped	Spring/Creek/Pump Shrink	Decree Restriction Date	Decree Inches	Decree Charge	Storage Charge	Storage Balance	Rotational Credit Balance	Net Balance
Monday	5/18/2009	0	0	0	0	5/31/1884	0	0	0	3109	0	3109
Tuesday	5/19/2009	0	0	0	0	5/31/1884	0	0	0	3109	0	3109
Wednesday	5/20/2009	0	0	0	0	12/30/1917	160	0	0	3109	0	3109
Thursday	5/21/2009	152	0	0	0	12/30/1917	160	152	0	3109	0	3109
Friday	5/22/2009	152	0	0	0	12/30/1917	160	152	0	3109	0	3109
Saturday	5/23/2009	152	0	0	0	12/30/1917	160	152	0	3109	0	3109
Sunday	5/24/2009	152	0	0	0	12/30/1917	160	152	0	3109	0	3109

5-20/7-28-09 80

7-28/8-3-09 40

Account Information

Done

Find Account: Hanks, Russell K.

Last Name	First Name	Initial	Account ID
Hanks	Russell K.		308
Address: <u>Rt 1 Box 23</u>		Remove Account: ☐	
Address: _____			
City: <u>Darlington</u>	State: <u>ID</u>	Zipcode: <u>83255</u>	
Phone Number: <u>588-3008</u>	Cell Phone Number: _____		
Comments: _____			
Canal Name: <u>Burnett</u>		District: <u>1</u>	
District Fees Paid: ☐	Date: _____	State Fees Paid: ☐	Date: _____
Total Storage: <u> </u>	Allocation Percent: <u> </u>	Storage Allocation: <u> </u>	

Decrees

Decree Date	Inches	Storage Inches	IDWR No.	Obeflag
7/21/1986	40	0	322	☐
8/30/1987	40	1,510	447	☐
8/1/1989	40	0	323	☐
8/30/1991	40	1,630	1690	☐
Totals:	<u> </u>	<u> </u>		

Keep

~~167~~ 30 inches

Wagoneer

For Paul & Maryanne Rainer

Greg Sullivan

From: test <pmlanier@ida.net>
Sent: Sunday, May 04, 2014 8:41 PM
To: greg sullivan
Subject: FW: Paul Lanier Water Rights

I have forwarded you a copy of the email from Nathan Olsen and the IDWR on our behalf. I hope this helps. I will get more info on the use of the water from the irrigation dept.

Paul

From: Nathan Olsen [mailto:nolsen@pmholaw.com]
Sent: Monday, July 22, 2013 4:19 PM
To: pmlanier@ida.net
Subject: FW: Paul Lanier Water Rights

Are you able to pull records from Lost River showing what storage water has been used and when? I am willing to bet money that on July 1, when Metcalf filed for this temporary order that he still had plenty of storage water.

From: Cefalo, James [mailto:James.Cefalo@idwr.idaho.gov]
Sent: Monday, July 22, 2013 3:37 PM
To: Nathan Olsen
Cc: Luke, Tim
Subject: RE: Paul Lanier Water Rights

Nathan,

Michael Holliday in our office handles the drought emergency transfers, which are signed by the Regional Manager, Lyle Swank. I did have some discussions with Michael a couple of weeks ago about the transfers. I think the transfers do qualify under the drought emergency provisions. Mr. Metcalf generally has a good supply of storage water through the Irrigation District from Mackay Reservoir. The proposed place of use is within the Big Lost River Irrigation District and can be supplied storage water. Because of the drought conditions in the Big Lost River basin, Mr. Metcalf's storage supply is stretched thin, making it impossible to cover the proposed place of use solely with storage water. Mr. Metcalf proposes to move in unused ground water rights and use his remaining storage water in other areas. Therefore, subsection (6) appears to be satisfied. But for the drought, the acres would have a full water supply.

The transfer approval does not provide water to a new project. The ground in question has been irrigated for many years. The temporary transfer also does not constitute an expansion of water rights because the acres being moved are not being irrigated with ground water in 2013.

I can't promise to provide you personal notice when the permanent transfer application is filed. (I've made similar promises in the past and have not been very good about remembering.) However, I would encourage you to periodically check the department's website to see if the application has been advertised. Use the following link to access the list of pending transfer applications: <http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx> Let me know if you have any other questions.

Thanks,

James

From: Nathan Olsen [<mailto:nolsen@pmholaw.com>]
Sent: Monday, July 22, 2013 2:25 PM
To: Cefalo, James
Cc: Luke, Tim
Subject: RE: Paul Lanier Water Rights

Thank you for your explanation.

However, in reviewing the application & statute, my client does have concerns about both the validity and effect upon his rights of Mr. Metcalf's "temporary" and ultimately "permanent" change. For instance, subsection (6) states as follows:

(6) Temporary changes shall only be approved for the purpose of providing a replacement water supply to lands or other uses which normally have a full water supply except for a drought condition.

If Metcalf's purpose in applying for the temporary change was to avoid the NOV as you have indicated, then I don't believe it meets the requirements. I further have concern about the next sentence of subsection (6), which states:

Temporary changes may not be approved to provide water for new projects or to allow expansion of the use of water under existing water rights.

If Metcalf's intent in the emergency change is to get around the Order rescinding the 2010 transfer which was essentially a new project or expansion of right, then again, then the temporary change was improperly done.

We may file a protest on the temporary change, as we are allowed to do under 42-222A. Please also notify me when or if Mr. Metcalf files for a permanent change, in that it is likely that Laniers will file a protest on that application as well.

Thanks for your consideration.

From: Cefalo, James [<mailto:James.Cefalo@idwr.idaho.gov>]
Sent: Monday, July 22, 2013 1:31 PM
To: Nathan Olsen
Cc: Luke, Tim
Subject: RE: Paul Lanier Water Rights

Nathan,

I am always willing to meet to discuss water right concerns. As I've reviewed the transfer documents, I don't think the drought emergency transfer or a possible permanent transfer (identical to the drought transfer) do anything to lessen the enlargement concerns with water rights 34-322/34-323/34-2421. The drought emergency transfer simply moves water from nearby farms to cover acres that are not currently covered by any water rights. More specifically, the transfer addresses a violation letter sent by Tim Luke earlier this year. The approved transfer does not include or attempt to adjust the 70-acre place of use described in water rights 34-322/34-323/34-2421. These rights continue to exist "stacked" at the decreed place of use. I've included Tim Luke on this email because he is familiar with the Metcalf/Lanier situation and oversees IDWR's enforcement program. Feel free to call or email if you have any additional thoughts.

James

From: Nathan Olsen [<mailto:nolsen@pmholaw.com>]
Sent: Monday, July 22, 2013 10:07 AM

To: Cefalo, James
Subject: FW: Paul Lanier Water Rights

Dear James,

I would like to meet with you in the near future about these recent developments. It seems to me that if the changes by Metcalf are made permanent, that should resolve the potential enlargement issue with the unstacking and transfer of the Lanier rights off that property.

Thanks,

Nathan

From: Luke, Tim [<mailto:Tim.Luke@idwr.idaho.gov>]
Sent: Saturday, July 20, 2013 12:20 PM
To: Nathan Olsen
Cc: Gary Wight; Cefalo, James
Subject: RE: Paul Lanier Water Rights

Mr. Olsen,

The Department has not issued an NOV following my Pending Notice of Violation that was sent to Mr. Metcalf on June 13, 2013. The Department does not plan to issue an NOV to Mr. Metcalf this year and we consider this matter to have been resolved for the current irrigation season.

The Department received two temporary change applications from Mr. Metcalf on June 30, 2013 that proposed moving certain surface and ground water rights from other nearby farm parcels to the SENW of Section 12, T6N, R25E, or that portion of Metcalf's pivot that did not have appurtenant water rights as a result of the Department rescinding his prior approved transfer due to the legal dispute between Metcalf and your clients. The Department approved the temporary changes on July 5th (copies attached). I have reviewed the temporary change transfers and it appears that Mr. Metcalf is now irrigating all of the pivot with valid water rights, including both surface water and ground water rights. The temporary changes moved both surface and ground water rights from the nearby farm. Some of the surface water rights are not deliverable but were moved anyway to prevent un-stacking of rights. The acres moved from the other parcels were from pivot corners that were not being irrigated this year. It does not appear that there is any expansion or enlargement of irrigated acres under all of the rights involved with the approved temporary changes. IDWR is therefore satisfied that Mr. Metcalf is in compliance with valid water rights and pursuant to law.

It is my understanding that Metcalf will be filing a permanent water right transfer this year to address the water right discrepancy outlined in my June 13th letter. I believe the permanent transfer will be very similar to the approved temporary changes. Thank you for your latest inquiry as well as your prior correspondence concerning this matter.

Respectfully,

Tim Luke
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959
tim.luke@idwr.idaho.gov

From: Nathan Olsen [<mailto:nolsen@pmholaw.com>]
Sent: Tuesday, July 16, 2013 9:24 AM
To: Luke, Tim
Subject: RE: Paul Lanier Water Rights

Dear Mr. Luke,

Has the department issued an NOV yet pursuant to its June 13, 2013, letter?

From: Luke, Tim [<mailto:Tim.Luke@idwr.idaho.gov>]
Sent: Monday, June 17, 2013 12:58 PM
To: Nathan Olsen
Cc: Peppersack, Jeff; Cefalo, James
Subject: RE: Paul Lanier Water Rights

Mr. Olsen,

Please find attached a copy of a notice that was sent to Mr. Metcalf on June 13, 2013. I overlooked copying you on the original.

Tim Luke
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959
tim.luke@idwr.idaho.gov

From: Nathan Olsen [<mailto:nolsen@pmholaw.com>]
Sent: Tuesday, June 04, 2013 10:25 AM
To: Luke, Tim
Cc: Peppersack, Jeff; Cefalo, James
Subject: RE: Paul Lanier Water Rights

Dear Mr. Luke,

Thank you for your time and attention in considering this matter. If it can be of any further insight, attached is the original permit on this well issued back in 1966 that makes it clear that it was "supplemental for existing water" only.

The bottom line to me anyway is that both Mr. Metcalf and Mr. Lewis are taking advantage of a water right not owned by them to utilize a supplemental right. It is difficult for me to understand why the department would not have some kind of enforcement duty, at the very least, the issuance of a notice of violation in that particular circumstance.

I also wanted to make you aware that Paul Lanier has met with the watermaster Roger Totten. Apparently, the misuse of well rights is of concern to Mr. Totten not only in this case, but throughout the valley. It might be worth touching base with him.

With regard to settling this issue, we have made every effort possible to reach out to Mr. Metcalf to resolve this matter. He has not responded. He has even stopped communicating with his attorney Kent Fletcher, who has now notified us that he no longer represents the Metcalfs. It is apparent that he fears no consequence or retribution for his actions. Unless there is a dramatic shift on his end, this matter will likely end up back in litigation, which we truly hope to avoid.

Thanks again for your efforts and consideration,

Nathan

From: Luke, Tim [<mailto:Tim.Luke@idwr.idaho.gov>]
Sent: Friday, May 31, 2013 6:02 PM
To: nolsen@pmholaw.com
Cc: Peppersack, Jeff; Cefalo, James
Subject: Paul Lanier Water Rights

Mr. Olsen,

I am sorry I missed your return phone call to me earlier today. I am in receipt of your letter dated May 22, 2013 regarding water rights 34-322 and 34-323 owned by Paul and Marianne Lanier. Your letter requests IDWR to issue a Notice of Violation (NOV) to Metcalf and Lewis regarding alleged unauthorized water use.

I have reviewed the records associated with the two referenced water rights as well as ground water right 34-2421 owned by Metcalf. The ownership issues regarding these water rights is certainly a mess. IDWR recognizes that the Laniers are the owners of rights 34-322 and 34-323. These two rights and right 34-2421 are currently appurtenant to the W1/2NW1/4 of Section 12, T6N, R25E as a result of IDWR rescinding Transfer No. 76311 because of the ownership dispute between Lanier, Hanks and Metcalf. Your letter suggests that the ground water right can only be used after all surface water rights available have been used first because this was a condition on Transfer 76311. However, the transfer was rescinded so this condition no longer appears on the water rights. The Lewis property and pivot referenced in your letter and attached photos has additional supplemental ground water rights appurtenant to it. Those other ground water rights are diverted from a separate well owned by Lewis. I suspect that the Metcalf well was being used by Metcalf only on the pivot owned by Metcalf. I believe Lewis was legally using ground water in accordance with his ground water rights. I agree that the Lewis and Metcalf ground water rights are supplemental to surface water rights. I also concur that at the time the photos attached to your letter were taken, no surface water had yet been delivered to the Burnett Ditch for use at the Metcalf and Lewis pivots (including storage water from the Big Lost River Irrigation District). I agree that ground water was the only source of water being used on the pivots but supplemental ground water rights can be used early in the irrigation season when surface water rights are not yet deliverable. This is a common and recognized practice in Idaho. The only issue that I see of concern is that the Metcalf pivot does not completely match the place of use description under the Metcalf ground water right, but this is only because Transfer 76311 was rescinded as a result of the ownership dispute over rights 34-322 and 34-323. Additionally, it appears that Metcalf could be irrigating up to 13 acres more than the total number of acres under his ground water right (the right is limited to 70 acres but he may be using the ground water on about 83 acres).

Based on my review of this matter and my understanding as outlined above, IDWR will send a notice to Metcalf advising him of the place of use discrepancy between his ground water right and pivot. We will also request information about Metcalf's total number of irrigated acres. The Metcalf letter may be in the form of a pending notice of violation or warning, with a requirement to contact IDWR within 10 to 14 days, but IDWR will not send Metcalf a formal NOV at this time. IDWR will also not send an NOV to Lewis. I will do my best to send the Metcalf notice out the week of 6/3/13. IDWR's notice will request Metcalf to resolve the place of use issues under his ground water right. Metcalf owns the ground water right so he may consider filing an application for transfer to correct the place of use. If a transfer is filed, IDWR may need to evaluate the supplemental use of the right and its relationship to other appurtenant surface water rights. Similarly, if Lanier files a transfer to move his two surface water rights from the current place of use, IDWR will have to evaluate the potential un-stacking of the two rights from the Metcalf ground water right. Approval of a transfer that potentially un-stacks the three rights is not guaranteed in either case.

I strongly urge that the Lanier's and Metcalf's resolve this water right ownership issue among themselves. A transfer approval or other water right determination from IDWR may not satisfy either or both parties. The two parties should earnestly work to settle the issue among themselves and not use IDWR resources as leverage for potential resolution.

You may contact me directly at 208-287-4959 or reply to this e-mail if you have questions or additional information concerning this matter.

Respectfully,

Tim Luke
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4959
tim.luke@idwr.idaho.gov

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2247 / Virus Database: 3722/6942 - Release Date: 05/05/14

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS 34-20C & 34-2421A)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-96

2013

WHEREAS, a drought emergency has been declared for Butte and Custer Counties to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 1, 2013, Lynn Metcalf submitted the attached Temporary Change Application TC-34-96 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

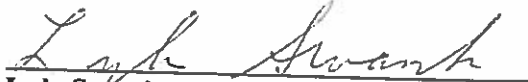
- 1. Diversion and use of the changed portion of right no(s). 34-20C and 34-2421A is authorized only at the points of diversion and place of use described on the application.**
- 2. This temporary Change approval does not authorize construction of a new well as a point of diversion.**
- 3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.**
- 4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-96

5. Right(s) 34-20C and 34-2421A are limited to a total combined diversion rate of 1.60 cfs and to the irrigation of a combined total of 77 acres in a single irrigation season. Right no. 34-2421A is limited to the irrigation of 76 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2013 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 5th day of July, 2013.


Lyle Swank
Eastern Regional Manager

TC-34-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FIVED
JUL 01 2013
Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Lynn Metcalf Phone 588-3362
Mailing Address 3816 West 4050 North, Moore, ID 83255 Email gary@lightfarms.co.

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. Points of diversion (well and Burnett Ditch) will not change. 12 acres will be moved 1/4 mile north to cover a potential violation. Right 34-20C is already curtailed. Right 34-2421A authorizes the irrigation of 76 acres. Only 64 acres have been irrigated at the existing POU in 2013, leaving 12 acres available for this emergency transfer.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-20C (curtailed)</u>	<u>6/1/1889</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
<u>34-2421A</u>	<u>6/6/1961</u>	<u>1.52 / 266</u>	<u>Irrigation</u>	<u>4/1 to 10/31</u>
				to
				to

2. Total amount of water being transferred 0.24 cubic feet per second and/or 42 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
							No Change		

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	12								12									12

Total Acres 12

6. General Information:

- a. Who owns the water right to be changed? Applicant - Lynn Metcalf
- b. Describe the arrangement allowing use of the right. I am moving a portion of my water rights, that have not been used in 2013 to cover a potential violation. Proposed POU is irrigated from the same gw well.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
12 acres being moved are corners which have not been irrigated this year. Pivot was installed in 2012.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Rights 34-20C and 34-2421A will continue to be used to irrigate 64 acres under the pivot installed in 2012.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: This drought emergency transfer is being filed in conjunction with another transfer. These two are intended to address a 39-acre potential violation identified by IDWR earlier this year. Rights 34-20C and 34-2421A are overlapping. Right 34-20C is shown on this application because of the overlap.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Lynn J. Metcalf
Signature of Applicant

6-30-13
Date

FOR DEPARTMENT USE ONLY

Received by M Holliday Date 7/1/13 \$50 fee received by JS Receipt No. EO.38843
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-96, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

Acres Irrigated under 34-20C and 34-2421A (64 Acres)



Legend

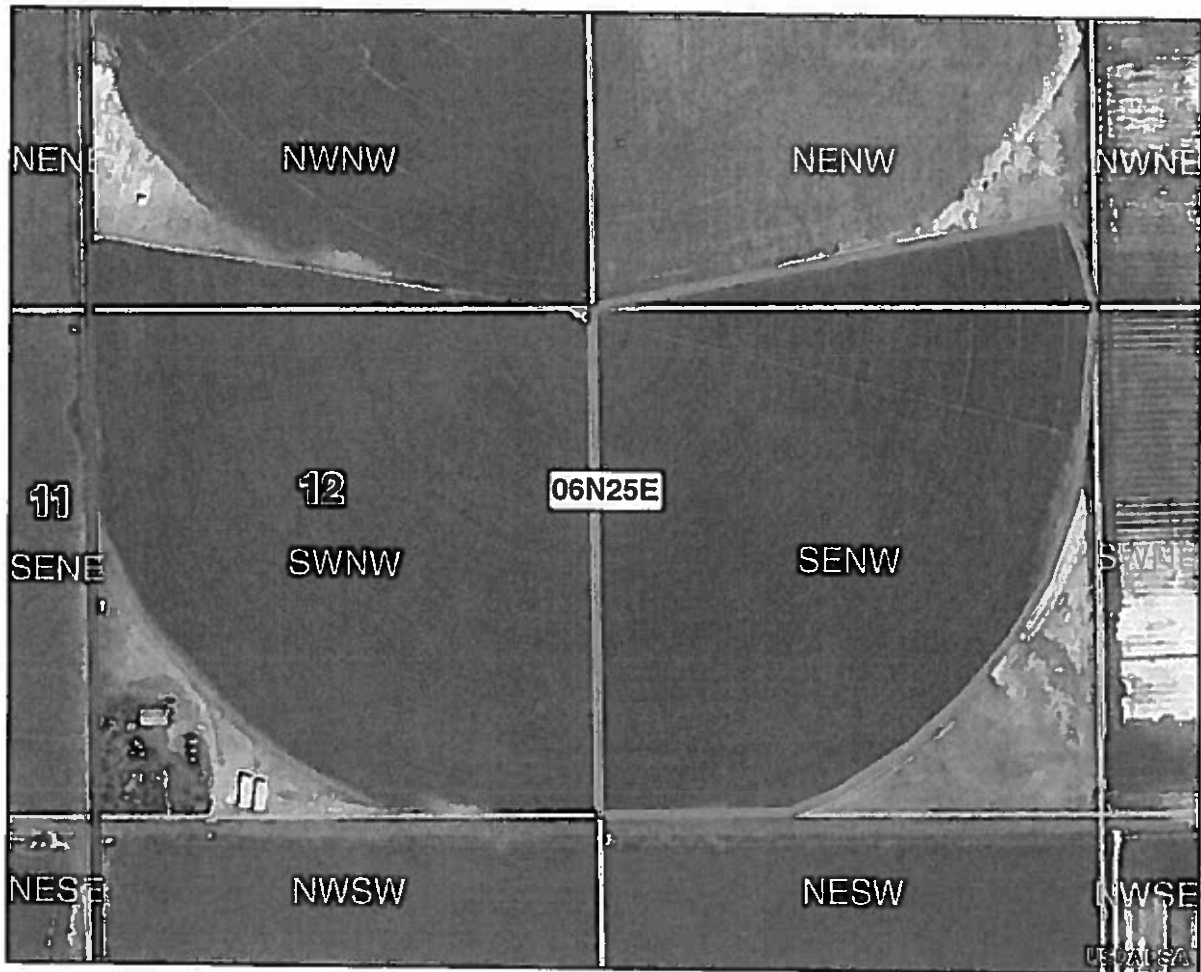
-  Township/Range
-  Sections
-  QQ
-  Irrigated Acres

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Miles



2011 Aerial Photography

Proposed POU for Metcalf Drought Emergency Transfers



Legend

-  Metcalf Proposed POU
-  Township/Range
-  Sections
-  QQ

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Miles



2011 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 2013

Department of Water Resources
Eastern Region

TC-34-97

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Lynn Metcalf

Phone 588-3362

Mailing Address 3816 West 4050 North, Moore, ID 83255

Email gary@lucht farms.com

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
BLR POD (Burnett Ditch) will not change. Ground water POD will change. 34-10740 is the only BLR still on. Only 310 acres have been irrigated at the existing POU in 2013, and 25 acres irrigated under 34-2374B, leaving 27 acres available for this emergency transfer.

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

1. Right Number	Priority	Amount	Nature of Use	Period of Use
<u>34-2374B</u>	<u>7/11/1960</u>	<u>0.62/112 (cfs/ac-ft)</u>	<u>IRRIGATION</u>	<u>4/15/75 to 10/15</u>
<u>34-10740</u>	<u>5/30/1885</u>	<u>1.48 cfs</u>	<u>Irrigation</u>	<u>5/1 7/5 to 10/15</u>
<u>34-10742 (Curt)</u>	<u>7/21/1886</u>	<u>4.00 cfs</u>	<u>Irrigation</u>	<u>5/1 7/5 to 10/15</u>
<u>34-10744 (Curt)</u>	<u>3/10/1894</u>	<u>1.49 cfs</u>	<u>Irrigation</u>	<u>5/1 7/5 to 10/15</u>
<u>34-2374A</u>	<u>7/11/1960</u>	<u>5.38 / 973</u>	<u>Irrigation</u>	<u>4/1 7/5 to 10/31</u>

2. Total amount of water being transferred 0.52 cubic feet per second and/or 94.5 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag number
<u>06N</u>	<u>25E</u>	<u>12</u>			<u>NW</u>	<u>NW</u>	<u>Custer</u>	<u>Ground Water</u>	<u>Existing well (34-2421)</u>

5. Lands irrigated or place of use:

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	
<u>06N</u>	<u>25E</u>	<u>12</u>					<u>4</u>				<u>23</u>								<u>27</u>

Total Acres 27

6. General Information:

- a. Who owns the water right to be changed? Applicant - Lynn Metcalf
- b. Describe the arrangement allowing use of the right. I am moving a portion of my water rights, that have not been used in 2013 to cover a potential violation. Proposed POU will be irrigated from gw well
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Acres (over 251 acre limit) that have been irrigated by gw will now be covered by BLRID storage water.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. See below.
- e. Absent the changes, how would the right be used for the remainder of the year? Only 310 acres have been irrigated under combined rights listed in this transfer in 2013.
- f. Describe other water rights used for the same purpose. None
- g. Remarks: This drought emergency transfer is being filed in conjunction with another transfer. These two are intended to address a 39-acre potential violation identified by IDWR earlier this year. Proposed POU will be irrigated with ground water. Only 251 acres will continue to be irrigated by ground water at existing POU.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Lynn J. Metcalf
Signature of Applicant

6-30-2013
Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 7/1/13 \$50 fee received by JS Receipt No. EQ38843
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

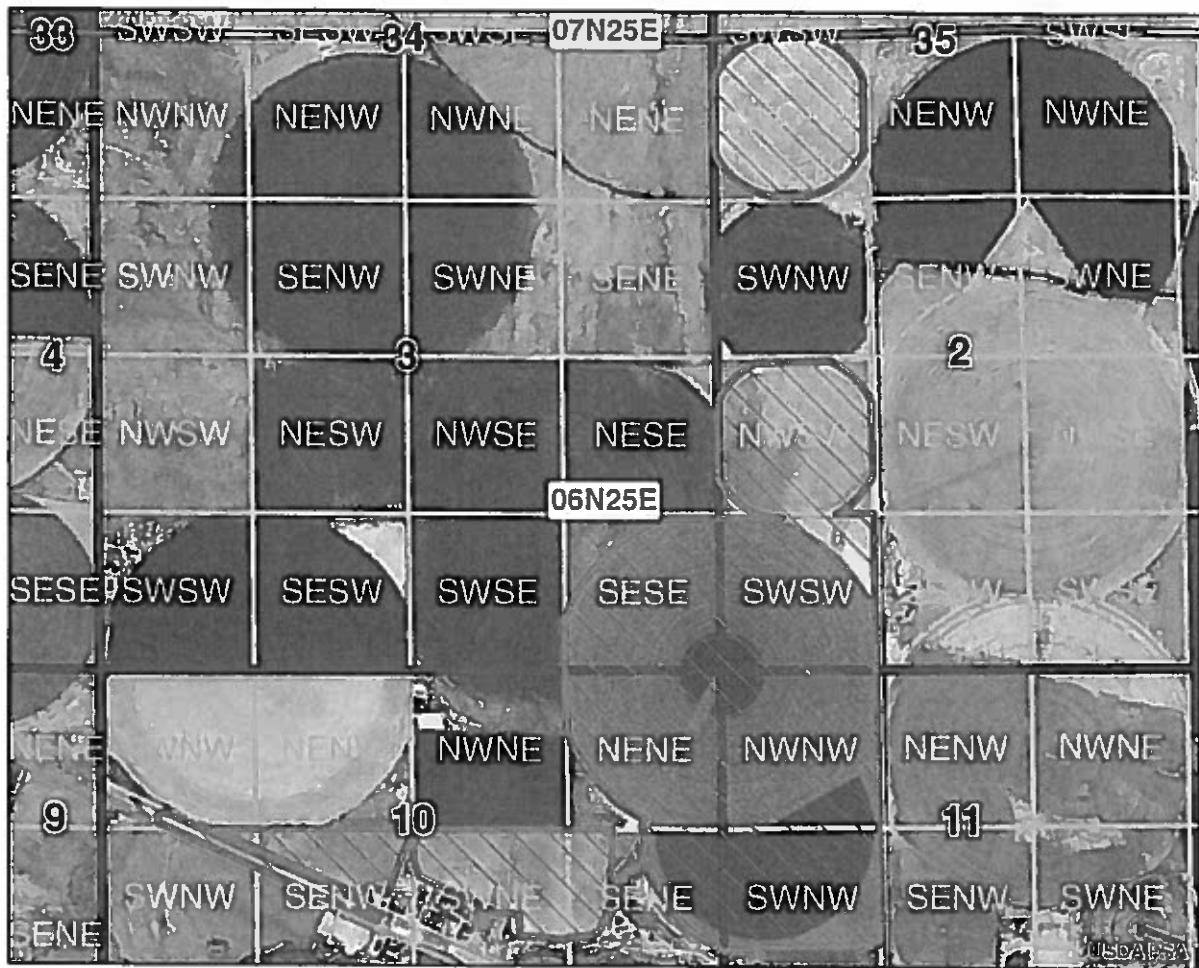
This is to certify that I have examined Temporary Change Application No. TC-34-97 and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

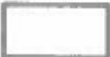
Signed this _____ day of _____

For the Director

**Acres Irrigated under 34-2374A, 34-10740, 34-10742 and 34-10744
(310 Acres)**



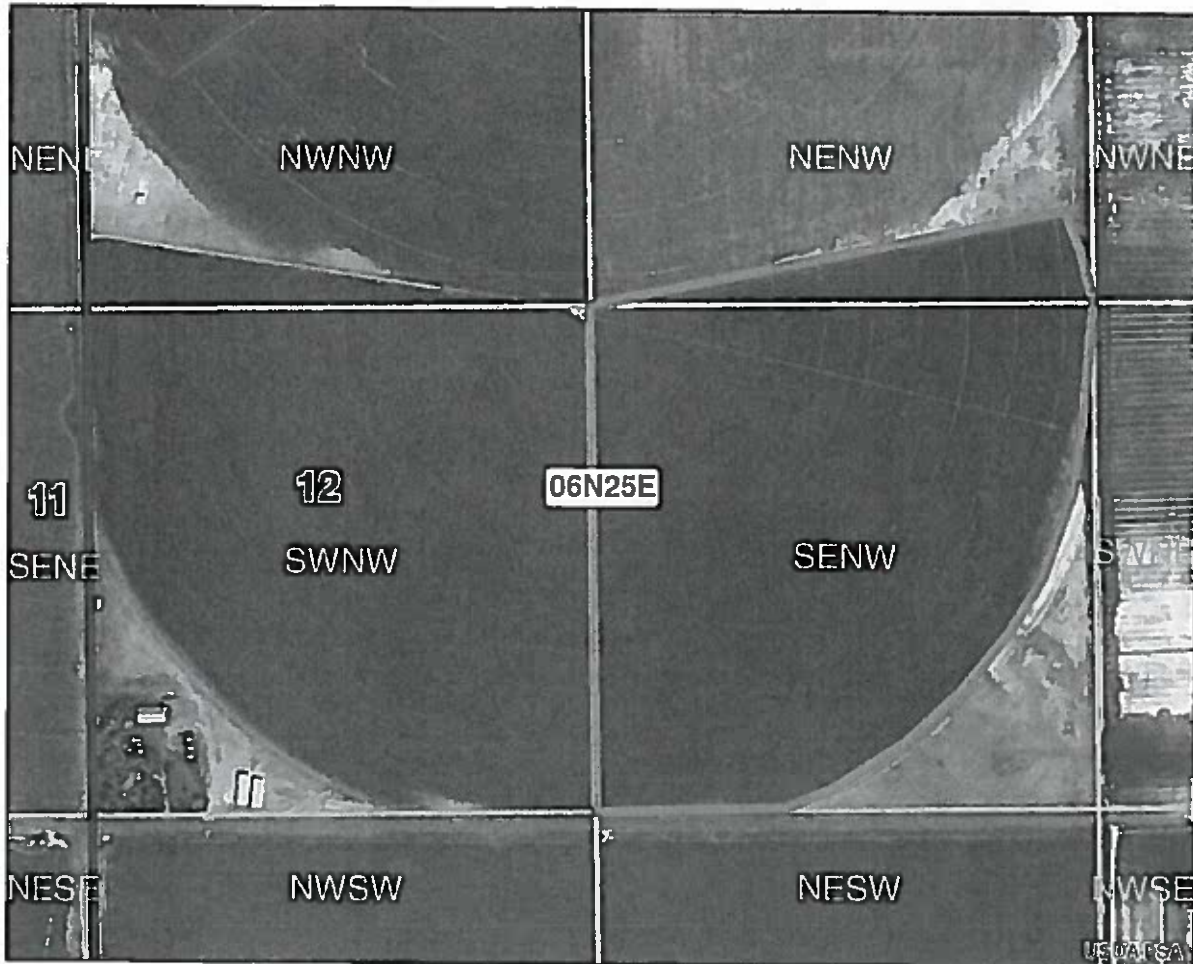
Legend

-  Township/Range
-  Sections
-  QQ
-  Irrigated Acres



2011 Aerial Photography

Proposed POU for Metcalf Drought Emergency Transfers



Legend

-  Metcalf Proposed POU
-  Township/Range
-  Sections
-  QQ

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Miles



2011 Aerial Photography

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-97

Applicant's Name: LYNN METCALF

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: I spoke with Gary on problem with page 2 to D answer, both year no bats were checked, he said water right to be transferred has not been used.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 3rd day of July

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.