

Transfer No. 73444

78318

Name of Applicant **Walter J. Lachewitz, Jr.** Phone **(410) 721-6246**

Post Office address 2410 Bell Branch Road, Gambrills, MD 21054 RECEIVED

RECEIVED

APR 05 2006 2006

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

DEPT. OF WATER RESOURCES
SOUTHERN REGION

2. Describe the reason for the proposed changes Applicant proposes enlarging an existing pond where his irrigation pump is now located. This transfer is being filled for annual storage of 6.3 ac.ft. which includes evaporative loss from the 0.86 acres of open water. The nature of use will also be changed from irrigation to recreational storage for the water transferred. The period of use will be changed from 4/1 though 11/1 to year-round, 1/1 to 12/31.

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
* <u>37-7215F</u>	<u>03/29/1973</u>	<u>6.3 afa</u>	<u>Recreation Storage</u>	<u>1/1</u> to <u>12/31</u>
<u>37-7215F</u>	<u>03/28/1973</u>	<u>0.11 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>37-562D</u>	<u>05/10/1887</u>	<u>0.09 cfs</u>	<u>Diversion to storage</u>	<u>4/1</u> to <u>11/1</u>
<u>37-562D</u>	<u>05/10/1887</u>	<u>6.3 afa</u>	<u>Recreation</u>	<u>4/1</u> to <u>11/1</u>
			<u>Recreation Storage</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred 0.2 cfs cubic feet per second and/or 6.3 acre-feet per annum.
3. Source of water Big Wood River/ *unnamed stream tributary to Malad river/ * Big Wood River
4. Point(s) of Diversion:

	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
*		NE	NW	NW	22	2N	18E	Blaine	ditch diversion
*		NE	NW	NW	22	2N	18E	Blaine	onstream pond
*		NE	NW	NW	22	2N	18E	Blaine	irrigation pump from pond
		SE	SW	NE	16	2N	18E	Blaine	Cove Canal

5. Lands irrigated or place of use:

[illegible]

Total Acres 7.8

WITHDRAWN

SCANNED
MAR 22 2007

PART 1

6. General Information:

- a. Description of diversion system Water in the unnamed stream flows from a spring fed pond on property to the north. It passes through a ditch diversion on Lachewitz's north property line. It then runs in a natural channel to the small existing pond where it is pumped to charge a hand line irrigation system. Cove Canal water is diverted to the small pond during times of pumping only.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
0.86 acres will be covered by the new pond. An additional 1.66 acres will be dried up and no longer irrigated.
- d. Remarks:
6.3 ac-ft. is the volume associated with 2.5 acres of pasture (2.53 afa/acre) to account for 4.2 ac-ft. of storage in pond and evaproative losses from 0.86 acres of pond surface.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

SCANNED
MAR 27 2007

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 37-562D**Priority Date:** 05/10/1887**Origin:** Adjudication Claim**Basis:** Decreed**Status:** Active**Source:** BIG WOOD RIVER**Tributary to:** MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	1.14 CFS		
Total Diversion		1.14 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER SESWNE 02N 18E 16 BLAINE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 22					3.0	26.3											29.3

Total Acres: 29.3

Conditions/Remarks:

1. CHANGE IN POD AND/OR POU IS CLAIMED PURSUANT TO IDAHO CODE §42- 1416A TO THE EXTENT IT DIFFERS FROM FROST DECREE.

***** OWNERSHIP CHANGE RESULTED IN A SPLIT. A37-00562D (1.14 CFS) BELONGS TO MAINE/BALTZELL WITH 32 ACRES. A37-00562E (.89 CFS) BELONGS TO LAWSON WITH 25 ACRES. WARRANTY DEED AND LETTER FROM LAWYER TO CONFIRM. THIS IS BASED ON APPROVED TRANSFER 3955.
8/18/95 BY TLB.

***** CHANGE ON SPLIT FROM OWNER'S LETTER. 8/30/95 TLB.

SCANNED
MAR 27 2007

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.09 cfs for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	SW	NE	16	2N	18E	Blaine	Cove Canal

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	22						2.5											2.5

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount 1.05 cfs for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SE	SW	NE	22	2N	18E	Blaine	Cove Canal

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	18E	22					3.0	23.8											26.8

Total Acres _____

26.8
 SCANNED
 MAR 27 2007

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 37-7215F

Priority Date: 03/29/1973

Origin: Adjudication Recommendation

Basis:

Status: Active

Source: UNNAMED STREAM**Tributary to:** BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	0.15 CFS		
	Total Diversion	0.15 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM SWSWSW 02N 18E 15 BLAINE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 18E 22					3.3	7.0											10.3

Total Acres: 10.3

Conditions/Remarks:

- THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS.
37-07215A AND 37-07215B.
***** OWNERSHIP CHANGE FROM A37-7215D RESULTED IN A SPLIT.
MAINE/BALTZELL=A37-07215F(.153 CFS) HAS 10.3 ACRES.
LAWSON=A37-07215G(.305 CFS) HAS 20.5 ACRES. WARRANTY DEED INCLUDED.
- 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.
- LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.

SCANNED
 MAR 27 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

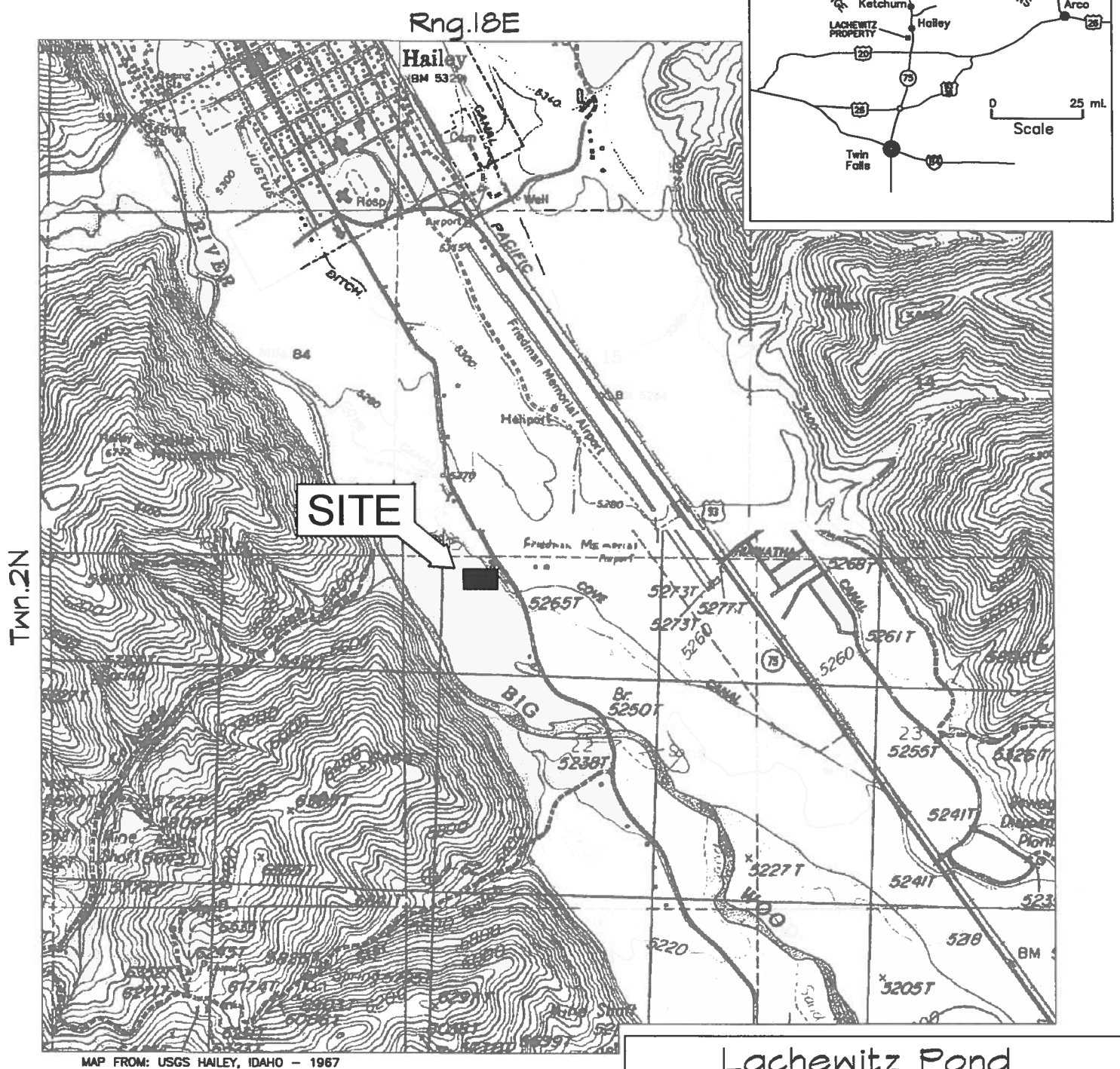
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a 12x12 square grid. The horizontal lines are solid, and the vertical lines are dashed. The text "See Attached" is written in a large, light gray font across the center of the grid.

Scale: 2 inches equal 1 mile. Draw plan in ink.

SCANNED
MAR 27 2007



Lachewitz Pond VICINITY MAP

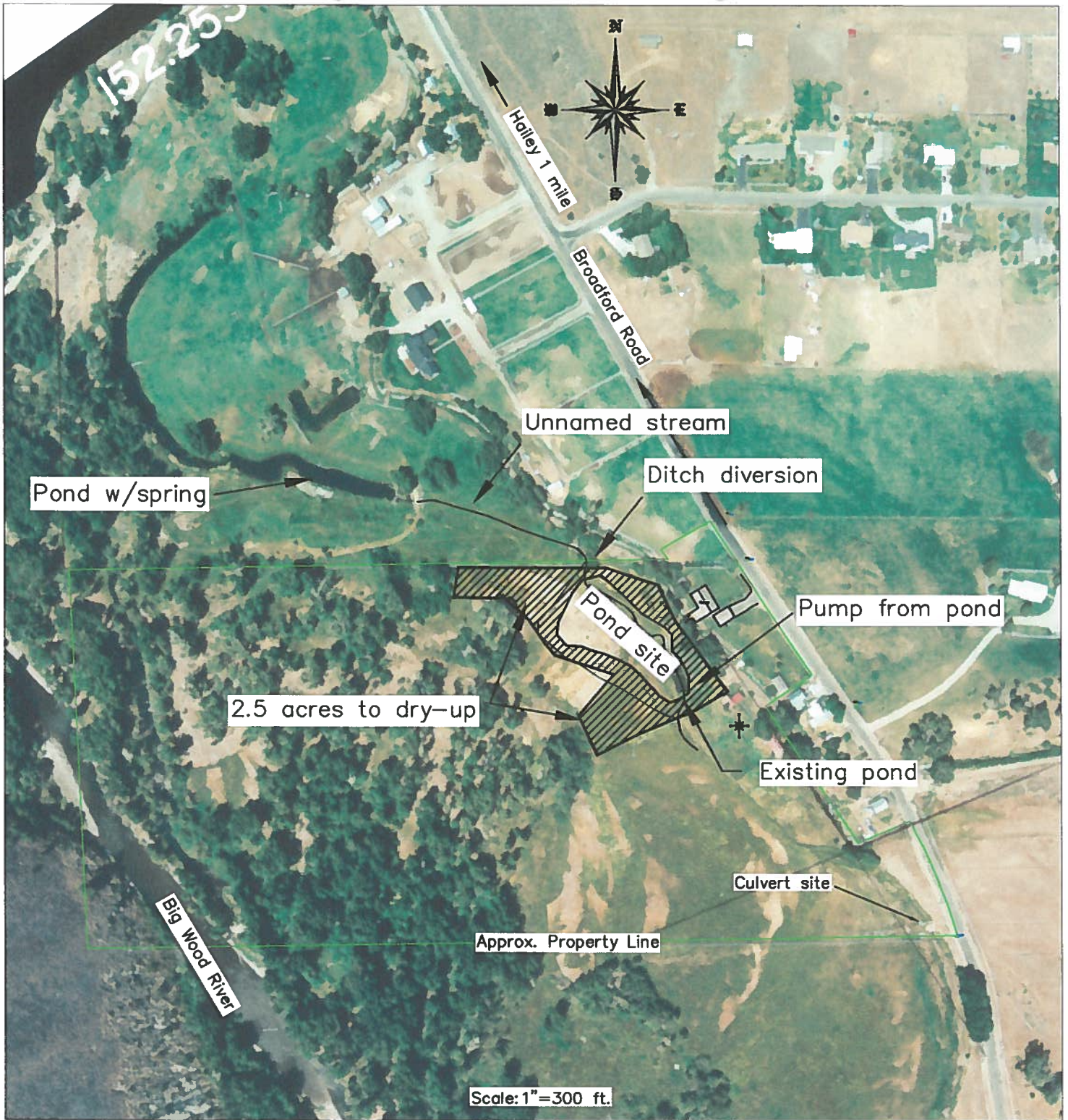
OWNER: WATER LACHEWITZ
IN: SPRING CHANNEL AND WETLANDS IN FLOOD-
PLAIN OF THE BIG WOOD RIVER
NEAR: HAILEY, IDAHO - BLAINE CO.

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE: Rev.	3/30/06
PAGE:	7 of 12
SCALE:	1"=2000ft

SCANNED

MAR 27 2007



Lachewitz Pond Site Site Map

OWNER: WALTER J. LACHEWITZ
IN: SPRING TRIB. OF THE BIG WOOD RIVER
NEAR: HAILEY, IDAHO — BLAINE CO.

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE: Rev.
3/30/06

8 of 12

SCALE:
1"=3000ft

SCANNED

MAR 27 2007

PART 3**B. CHANGES IN NATURE OF USE**

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|---------------------------|--------------------------|------------------------|---------------------------|
| | <u>Recreation</u> | <u>0.09 cfs</u> | | <u>4/1</u> to <u>11/1</u> |
| | <u>Recreation storage</u> | <u>6.3 afa</u> | | <u>1/1</u> to <u>12/1</u> |
2. Quantity and quality of return flows and location of discharge: Pond will be built on the unnamed stream (source for right 37-7215F). Water will flow through the pond, water from the Cove Canal will run into the pond and be re-directed from the pond through the pump.
3. Describe effects on other water uses resulting from the proposed change:
None anticipated

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

STEPHANIE STEVENS
 Notary Public, State of Maryland
 Anne Arundel County
 My Commission Expires: Oct. 8, 2008

Subscribed and sworn to before me this 31 day of march, 2006

(Signature of Applicant)

(Notary Public)

My commission expires 10/8/08

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by P. SKINNER Date 4/5/2006 Protest filed by _____

Prelim. Check by P. SKINNER Fee \$250.00 5028539

Receipted by P. SKINNER Date 4/5/2006

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

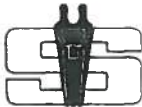
_____ received _____ by _____

Copy of transfer sent to lien holder _____

SCANNED
 MAR 27 2007

pg 10 of 12

THIS INSTRUMENT WAS FILED FOR
RECORD BY BLAINE COUNTY
TITLE, AS AN ACCOMMODATION
ONLY, IT HAS NOT BEEN EXAMINED
AS TO ITS EXECUTION OR AS TO
ITS EFFECT UPON THE TITLE.



Instrument # 499938
HAILEY, BLAINE, IDAHO
2004-03-03 03:33:00 No. of Pages: 2
Recorded for : BLAINE COUNTY TITLE
MARSHA RIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index to: WTYQCCORP DEED

QUITCLAIM DEED

THIS INDENTURE, Made this 20th day of May, 2003 between

WALTER J. LACHEWITZ, JR. and LINDA A. LACHEWITZ, husband and wife

as Grantor and

WALTER J. LACHEWITZ, JR.

as Grantee

whose current address is 2410 BELL BRANCH ROAD, GAMBRILLS, MD 21054

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREBIN.

Parcel Number: 02N18022358BA

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 said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

LINDA A. LACHEWITZ

WALTER J. LACHEWITZ, JR.

State of MARYLAND

ss.

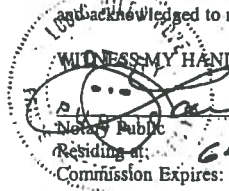
County of PRINCE GEORGE

On this 29th day of MAY, 2003, before me, the undersigned, a Notary Public, in and for said State, personally appeared WALTER J. LACHEWITZ, JR. AND LINDA A. LACHEWITZ

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

(SEAL)



Notary Public

Residing at:

Commission Expires:

6401 GOLDEN TRIANGLE DR, GREENBELT MD 20770
6/1/06

SCANNED
MAR 21 2007

LEGAL DESCRIPTION

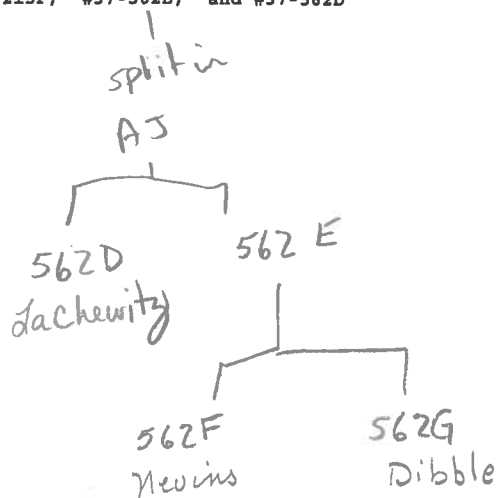
Order Number: 01010198

A parcel of land within Section 22, Township 2 North, Range 18 East of Boise Meridian, with reference to Survey by Jim W. Koonce, L.S. 792 recorded April 6, 1995 as Instrument No. 377171, more particularly described as follows:

Commencing at N1/16 corner of said Section 22; thence
North 01°52'44" West 419.71 feet to the Point of Beginning; thence
North 01°52'44" West 820.78 feet; thence
North 89°38'27" East 1,290.36 feet; thence
North 35°24'24" West 26.50 feet; thence
North 60°19'55" East 123.48 feet; thence
around a curve to the left a distance of 216.41 feet, with a radius of
5,240.50 feet, a central angle of 02°21'58" and a chord of 216.40 feet that
bears South 32°13'50" East; thence
South 33°33'04" East 183.00 feet; thence
South 56°36'56" West 121.91 feet; thence
South 33°26'31" East 356.93 feet; thence
North 67°41'40" East 119.66 feet to Broadford Road; thence
around a curve to the left a distance of 267.58 with a radius of 1,095.92
feet, a central angle of 13°59'22" and a cord of 266.92 feet that bears South
21°36'39" East; thence
South 89°46'02" West 1,875.41 feet to the Point of Beginning.

Together with the following water rights:

#37-10619; #37-7215F; #37-562B; and #37-562D





REAL ESTATE CENTER

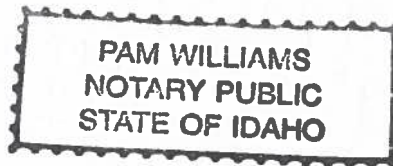
400 NORTH MAIN • P.O. BOX 669, HAILEY, IDAHO 83333 • (208) 788-4903

3-29-06

To: I.D.W.R.

To my knowledge the irrigation
on the property owned by Walt
Lachewitz, Tax lot 7201 Blaine
County Id., has been for raising
Pasture grass and normally grazed
by cattle or horses.

David L. Cropper.
Broker



Pam Williams
Commission expires May 9, 2006