

RECEIVED

NOV 25 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 78942

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) WEBB BROTHERS LAND &amp; LIVESTOCK LLC

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

RECEIVED

NOV 25 2013

DEPT. OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant WEBB BROTHERS LAND & LIVESTOCK LLCPhone (208) 349-5740Mailing Address 22 N YALE RD, DECLO ID 83323

Email \_\_\_\_\_

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

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

- ☐
- No Representative

Name of Representative \_\_\_\_\_

Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email \_\_\_\_\_

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

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Todd B Webb

Signature of Applicant or Authorized Representative

Todd B Webb

Print Name and Title if applicable

11/25/13

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

## A. PURPOSE OF TRANSFER

- | 1.       | Right | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------|-------|-------|-----|-----|---------|---------------|---------------|
| 43-10088 | No    | No    | Yes | Yes | No      | No            | No            |
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**

Application filed to change the point of diversion from an old existing well that will be abandoned to  
a new recently drilled well. Application will also change the stockwater place of use to show its actual  
historical location and to show total diversion rate of 0.08 cfs rather than decreed amount of 0.23 cfs.

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 TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

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

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---------------------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 43-10088                              | 0.080 cfs        | N/A                | N/A        | N/A         |                                             | N/A               | N/A                 | N/A                     | N/A                      |

**COMBINED  
TOTALS**

|           |     |     |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|-----|-----|
| 0.080 cfs | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
|-----------|-----|-----|-----|-----|-----|-----|-----|-----|

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

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

4. Place of Use:

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

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

Proposed Water Right No. 43-10088

Current Water Right Owner  
WEBB BROTHERS LAND  
& LIVESTOCK LLC  
22 N YALE RD  
DECLO, ID 83323

Priority Date: 12/31/1983

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|--------------------|
| DOMESTIC              | 1/01        | 12/31     | 0.040 CFS             |                    |
| STOCKWATER            | 1/01        | 12/31     | 0.040 CFS             |                    |
| Total Diversion       |             |           | 0.080 CFS             |                    |

Source and Point(s) of Diversion:  
GROUND WATER                      NESE                      Sec. 26 Twp 10S Rge 27E CASSIA County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: DOMESTIC

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 27E | 26  |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |        |

Place of Use: STOCKWATER

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 10S | 27E | 26  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

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  
new well and pipeline to two homes and pipeline to stock trough

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

applicant

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

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

No, ☒ If Yes, ☐

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

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

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

Transfer will show actual locations of use

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

N/A

- 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:



## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.  
If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If 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**.

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

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

Transfer Contains 7 pages and                      attachments.  
Received By P. SKINNER Date 11/25/2013 Prelim. Check By                      Date                       
Fee Paid \$200.00 Date 11/25/2013 Received By P. SKINNER Receipt # 5033657  
Add'l Fee Paid                      Date                      Received By                      Receipt #



|                                                                                                                                                        |                                                                                                                                                      |                                                                                                                                    |                                                       |                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------|
| No. <b>W 1200</b>                                                                                                                                      | <b>Due no later than Jun 30, 2013<br/>Annual Report Form</b>                                                                                         |                                                                                                                                    | 2. Registered Agent and Address<br><b>(NO PO BOX)</b> |                           |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> | <b>1. Mailing Address: Correct in this box if needed.</b><br>WEBB BROTHERS LAND & LIVESTOCK, L.L.C.<br>TODD B WEBB<br>22 N YALE RD<br>DECLO ID 83323 |                                                                                                                                    | TODD B WEBB<br>22 N YALE RD<br>DECLO ID 83323         |                           |
|                                                                                                                                                        |                                                                                                                                                      |                                                                                                                                    | 3. <u>New</u> Registered Agent Signature:*            |                           |
| 4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.                                                           |                                                                                                                                                      |                                                                                                                                    |                                                       |                           |
| Office Held                                                                                                                                            | Name                                                                                                                                                 | Street or PO Address                                                                                                               | City                                                  | State Country Postal Code |
| MANAGER                                                                                                                                                | TODD B WEBB                                                                                                                                          | 111 S. YALE ROAD                                                                                                                   | DECLO                                                 | ID USA 83323              |
| MANAGER                                                                                                                                                | MARK A WEBB                                                                                                                                          | 73 N. YALE ROAD                                                                                                                    | DECLO                                                 | ID USA 83323              |
| MANAGER                                                                                                                                                | SCOTT C WEBB                                                                                                                                         | 49 N. YALE ROAD                                                                                                                    | DECLO                                                 | ID USA 83323              |
| 5. Organized Under the Laws of:<br><br><b>ID<br/>W 1200</b>                                                                                            |                                                                                                                                                      | 6. Annual Report must be signed.*<br>Signature: Todd Webb<br>Name (type or print): Todd Webb<br>Date: 04/23/2013<br>Title: Manager |                                                       |                           |
| Processed 04/23/2013                                                                                                                                   |                                                                                                                                                      | * Electronically provided signatures are accepted as original signatures.                                                          |                                                       |                           |

TRANSFER 78942

When recorded, please return to:  
Hillyard, Anderson & Olsen, P.C.  
175 East 100 North  
Logan, Utah 84321

Home Place

Tax Notice should be sent to:  
Todd Webb  
Star Route Box 56M  
Declo, Idaho 83323

**SPECIAL WARRANTY DEED**

WEBB BROTHERS PARTNERSHIP, Grantor, of Cassia County, State of Idaho, hereby grants, warrants and conveys to ~~WEBB~~ ~~BROTHERS PARTNERSHIP, L.P.C.~~, Grantee, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tracts of land in Cassia County, State of Idaho:

(See Exhibit "A" attached hereto for Legal Descriptions)

WITNESS, the hand of said Grantor, this 15 day of March, 1995.

  
Allan L. Webb, General Partner

STATE OF Idaho )  
: ss.  
County of Cassia )

On this 15<sup>th</sup> day of March, 1995<sup>6</sup>, before me, a notary public in and for said State, personally appeared ALLAN L. WEBB, known to me to be the person whose name is subscribed to the within instrument, and who acknowledged to me that he is the General Partner of WEBB BROTHERS PARTNERSHIP, and that he executed the same in such capacity.

  
NOTARY PUBLIC

Residing at Paul 11D  
Comm. Expires 10-16-97

EXHIBIT "A"

LEGAL DESCRIPTION

Township 10 South, Range 27 East, Boise Meridian

Section 24: That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  that lies South and East of the Raft River Road;  
That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  that lies South and East of the Raft River Road;  
That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  that lies South and East of the Raft River Road.

Township 10 South, Range 28 East, Boise Meridian

Section 19: All of Lot 2 that lies East and South of that certain County Road known as Raft River Road.  
All of Lot 3  
All of Lot 4

Township 10 South, Range 27 East, Boise Meridian

Section 25: All that part of Section 25 that lies South and East of the Raft River Road and North of Heglar Road  
EXCEPT the S $\frac{1}{4}$ .

Township 10 South, Range 27 East, Boise Meridian

Section 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 24: S $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 24: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$  lying Northwesterly of the County Road.  
Section 25: That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and NW $\frac{1}{4}$ NE $\frac{1}{4}$  lying Northwesterly of the County Road.

Township 10 South, Range 28 East, Boise Meridian

Section 19: All that portion of Lots 2 and 3 lying Northwesterly of that certain County Road commonly known as Raft River Road.

TOWNSHIP 10 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY IDAHO

Section 35: Part of the E $\frac{1}{2}$ E $\frac{1}{2}$  further described as follows:

Beginning at the "Southeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 35, which point shall be known as the True Point of Beginning;  
Thence South 0°13' West along section line for 1425.56 feet to an iron pin;  
Thence North 88°48' West for 1325.13 feet to an iron pin on the 1/16th section line;  
Thence North 0°13'02" East along said 1/16th section line for 1313.50 feet to an iron pin in an existing fence line;  
Thence North 5°08'40" East along an existing fence line for 1350.75 feet to an iron pin;  
Thence North 32°12'26" East along an existing fence line for 501.69 feet to an iron pin;  
Thence South 12°46'25" East for 431.93 feet to an iron pin;  
Thence South 53°54'54" East for 1043.98 feet to an iron pin on section line;  
Thence South 0°13' West along said section line for 649.71 feet to the True Point of Beginning.

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 25: NW $\frac{1}{4}$ NW $\frac{1}{4}$   
Section 26: NE $\frac{1}{4}$ NE $\frac{1}{4}$

ALL IN CASSIA COUNTY, STATE OF IDAHO

TOGETHER WITH ALL WATER RIGHTS, WATER CLAIMS, AND WATER  
SHARES APPURTENANT TO SUCH LANDS

EXHIBIT "A"  
(Continued)

TOWNSHIP 10 SOUTH, RANGE 27 EAST, BOISE MERIDIAN

Section 25: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, EXCEPTING THEREFROM all that portion lying East of the old Pocatello Highway and North of Haglar Road.

Section 25: SW<sup>1</sup>/<sub>4</sub>, EXCEPTING THEREFROM all that portion lying East of the old Pocatello Highway and North of Haglar Road.

Section 26: SE<sup>1</sup>/<sub>4</sub>, EXCEPTING THEREFROM all that portion lying East of the old Pocatello Highway and North of Haglar Road.

Section 26: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>

Section 35: NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, also part of the SE<sup>1</sup>/<sub>4</sub>, described as follows:

Beginning at the Northwest corner of the NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> of said Section 35, which shall be the Point of Beginning:

Thence South 89°56' East along section line for 929.90 feet to an iron pin, said point lying North 89°56' West for 195.0 feet from the section corner common to Sections 25, 26, 35 and 36;

Thence South 31°48'24" West for 1113.67 feet to an iron pin; Thence South 70°58'37" East for 37.70 feet to an iron pin in an existing fence line;

Thence South 32°12'26" West along an existing fence line for 301.69 feet to an iron pin;

Thence South 5°08'40" West along an existing fence line for 1350.75 feet to an iron pin on the 1/16th section line;

Thence North 0°11'02" East along said 1/16th section line for 2729.57 feet to the Point of Beginning.

LESS an existing 30.0 foot wide gravel road right-of-way and a 30.0 foot wide natural stream right-of-way for Dry Creek crossing through the Southern portion of the above described parcel.

LESS those portions of the above described Sections that have been Deeded to the State of Idaho by Deed recorded February 4, 1916 as Instrument No. 22381; Deed recorded February 4, 1916 as Instrument No. 22394; Deed recorded February 4, 1916 as Instrument No. 22395; Deed recorded February 4, 1916 as Instrument No. 22396; ALSO LESS that portion deeded to the Burley Highway District by Quitclaim Deed recorded November 21, 1928 as Instrument No. 37124, all records of Cassia County, Idaho.

EXCEPTING FROM Sections 25 and 26, the following described property:

Beginning at the Southeast corner of said Section 26, which shall be known as the True Point of Beginning: Thence South 39°58' West for 195.0 feet to a point on the centerline of an irrigation ditch easement; Thence North 27°48' East along said centerline for 1028.4 feet to a point on the South boundary of a county road right-of-way; Thence South 77°40' East along said South boundary for 465.9 feet to a point; Thence South 52°57' East along said South boundary for 1342.5 feet to a point on the South section line of said Section 25; Thence South 89°58' West along said section line for 1611.25 feet to the True Point of Beginning. LESS: 30.0 foot wide irrigation and access easement on the West side.

TOGETHER WITH a 30.0 foot wide irrigation and access easement over and across the West side of the above described exception, as reserved in WARRANTY DEED recorded September 7, 1984 as Instrument No. 163496, records of Cassia County, Idaho.

TOGETHER WITH ALL WATER RIGHTS, WATER CLAIMS, AND  
WATER SHARES APPURTENANT TO SUCH LANDS



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 27, 2013

WEBB BROTHERS LAND & LIVESTOCK LLC  
22 N YALE RD  
DECLO, ID 83323

RE: Transfer No. 78942  
Water Right No(s). 43-10088

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 12/5/2013 and 12/12/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 23, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline  
Administrative Assistant

## Maline, Denise

---

**From:** Maline, Denise  
**Sent:** Wednesday, November 27, 2013 10:02 AM  
**To:** Times News  
**Subject:** LEGAL NOTICE  
**Attachments:** Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on December 5<sup>th</sup> & 12<sup>th</sup>, 2013. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline  
Administrative Assistant, Southern Region  
Idaho Dept of Water Resources  
1341 Fillmore St, Ste 200  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)

November 27, 2013

**LEGAL NOTICE DEPARTMENT**  
TIMES NEWS  
PO BOX 548  
TWIN FALLS, ID 83303-0548

RE: Transfer No. 78476  
Water Right No(s): 37-327, 37-329, 37-59M

RE: Transfer No. 78510  
Water Right No(s): 43-13286, 43-13288, 43-13290

RE: Transfer No. 78942  
Water Right No(s): 43-10088

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 23, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**  
**TRANSFER NO. 78476**

KAREN A ARKOOSH and WILLIAM ARKOOSH, 2005 US HWY 26, GOODING, ID 83330; has filed Application No. 78476 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-327, 37-329, 37-59M. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes changing the place of use and adding a point of diversion for two Little Wood River irrigation rights and a Big Wood River irrigation right that is injected into and rediverted from the Little Wood River. The rights currently allow for the diversion of up to 5.88 cfs from the Little Wood River for the irrigation of up to 245 acres on a farm located approximately 7.0 – 10.0 miles east and 1.5 – 2.25 miles north of the center of Gooding. The proposed change in place of use will allow for the installation of a new sprinkler system on the farm. The proposed additional point of diversion is an existing power plant canal diversion downstream of the currently authorized irrigation diversions on the farm. It is proposed to divert water into this canal and then redivert water from the canal for the new sprinkler system.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**  
**TRANSFER NO. 78510**

BUSHMAN FARM & LIVESTOCK CO LP, 680 W MAIN, LEHI, UT 84043; has filed Application No. 78510 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13286, 43-13288, 43-13290. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a point of diversion associated with water rights 43-13286, 43-13288 and 43-13290. The new well will be one-third of a mile southeast of the old well which will be abandoned. The water rights have a diversion rate of 5.49 cfs. The well will be located approximately one-half of a mile east and 1.5 miles north of the City of Malta.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**  
**TRANSFER NO. 78942**

WEBB BROTHERS LAND & LIVESTOCK LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 78942 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10088. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the authorized point of diversion for a 0.08 cfs domestic and stockwater right to a recently drilled well located approximately 14.9 miles north and 5.6 miles east of Malta (just north of the Yale Road & Heglar Canyon Road intersection). The application also proposes to properly record the actual historical stockwater place of use location.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and the proposed transfers, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before December 23, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on December 5<sup>th</sup> & 12<sup>th</sup>, 2013

## MEMORANDUM

**Date:** November 26, 2013  
**To:** Transfer 78942 File  
**From:** Corey Skinner  
**Re:** Evaluation of Sufficiency of Information Submitted

Application proposes changing the authorized point of diversion for a 0.08 cfs domestic and stockwater right (43-10088) to a recently drilled well located approximately 14.9 miles north and 5.6 miles east of Malta (just north of the Yale Road & Heglar Canyon Road intersection). The application also proposes to properly record the actual historical stockwater place of use location. The current 43-10088 well is actually located in the SESWNE of Section 26, rather than the decreed location of SWSENE of Section 26. The new well was reported to have recently been drilled, and construction of the new well was authorized by Drilling Permit # 870589. Note that the decreed total amount of 0.23 cfs on right 43-10088 appears to be incorrect and will be described as 0.08 cfs after the proposed transfer.

- **Authority to File:**  
The applicant is listed as the current owner of the right according to IDWR records. Deeds have been included with the application showing that the applicant owns the land involved with the transfer.
- **Water Right Validity:**  
The right involved with the transfer was decreed in the SRBA in 1998. Recent aerial photography supports the domestic and stock water uses & locations. Possible forfeiture of the right involved with the transfer does not appear to be an issue.
- **Injury to Other Water Rights:**  
None anticipated. New well is located approximately 1/3 of a mile from the current well.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No negative impact anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**  
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**  
None anticipated.

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