

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      43-07160

**Priority:** June 30, 1980

Maximum Diversion Rate:      0.30 CFS  
Maximum Diversion Volume:      60.0 AF

It is hereby certified that G. KURT ANDERSON  
2063 S. 1125 E.  
Elba, ID ID 83342

And

MICHELLE ANDERSON  
C/O 2063 S 1125 E  
ELBA ID 83342

And

BRENDA E ANDERSON  
C/O 2063 S 1125 E  
ELBA ID 83342

And

TRAVIS L ANDERSON  
2063 S 1125 E  
ELBA ID 83342

has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated June 30, 1980; and has  
submitted Proof of Beneficial Use on August 14, 1990. An examination confirms water is diverted from:

**SOURCE**

UNNAMED DRAIN

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| IRRIGATION            | 05/01 to 08/31       | 0.30 CFS              | 60.0 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**

|               |            |                                |
|---------------|------------|--------------------------------|
| UNNAMED DRAIN | NW1/4SW1/4 | Sec. 5, Twp 14S, Rge 25E, B.M. |
| CASSIA County |            |                                |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW  |    |     |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|-----|----|-----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW | SW  | SE | NE | NW | SW | SE | Totals |
| 14S 25E 5   |    |    |    |    |    |    |    |    | 9.0 |    | 6.0 |    |    |    |    |    | 15.0   |

Total Acres: 15

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 43-07160

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 43-53, 43-54, 43-473B and 43-7160 when combined shall not exceed a total irrigation of 122 acres in a single irrigation season.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 15<sup>th</sup> day of January, 2013.

FOR

  
\_\_\_\_\_  
GARY SPACKMAN  
Director



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

January 16, 2013

G KURT ANDERSON  
BRENDA E ANDERSON  
TRAVIS L ANDERSON  
MICHELLE ANDERSON  
2063 S 1125 E  
ELBA ID 83342

RE: License No. 43-7160

### Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Allen Merritt  
Southern Region Manager

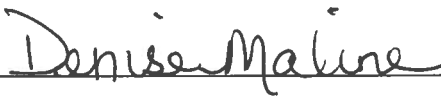
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 43-7160**

**G KURT ANDERSON  
BRENDA E ANDERSON  
TRAVIS L ANDERSON  
MICHELLE ANDERSON  
2063 S 1125 E  
ELBA ID 83342**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline  
Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 43-07160**

**RECEIVED****NOV 23 2012**DEPT. OF WATER RESOURCES  
SOUTHERN REGION**Date of Priority:** June 30, 1980

Maximum Diversion Rate: 0.30 CFS

Maximum Diversion Volume: 60.0 AF

Comes now RAYMOND H ANDERSON  
1146 S 2900 E  
HAZELTON ID 83335

VERLETTA M ANDERSON  
1146 S 2900 E  
HAZELTON ID 83335

and represents to the Director of the Idaho Department  
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 43-07160, and requests that the permit be changed as follows:

**Source:** UNNAMED DRAIN

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 05/01 to 08/31       | 0.30 CFS                 | 60.0 AF              |

**LOCATION OF POINT(S) OF DIVERSION:**

|               |            |                                |
|---------------|------------|--------------------------------|
| UNNAMED DRAIN | NW1/4SW1/4 | Sec. 5, Twp 14S, Rge 25E, B.M. |
| CASSIA County |            |                                |

**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 |        |
| 14S 25E 5   |    |    |    |    |    |    |    |    |    |    | 9.0 | 6.0 |    |    |    |    | 15.0   |

Total Acres: 15

**RECEIVED**

**NOV 23 2012**

**DEPT. OF WATER RESOURCES  
SOUTHERN REGION**

Page 2

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 43-07160**

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 19 day of November, 2012.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 43-07160

\*\*\*\*\*

FOR DEPARTMENT USE ONLY

Preliminary check by JS Fee = 100.00 Received by JS # 5032918 Date 11-26-12

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 43-07160 with the following:

**CONDITIONS OF APPROVAL**

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 15<sup>th</sup> day of January, 2012<sup>13</sup>

FOR

  
\_\_\_\_\_  
GARY SPACKMAN  
Director



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 833301-3380

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

11/02/2012

COPY

G. Kurt Anderson and Brenda Anderson  
Travis L. and Michelle Anderson  
c/o Travis Anderson  
2063 S. 1125 E.  
Elba, ID 83342

RE: Water Right Permit No. 43-07160

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-736-3033..

Sincerely,

Jim Bitzenburg  
Water Resource Agent

Enclosure(s)



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Southern Region • 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

March 9, 2012

Kevin Anderson  
1227 S 2900 E  
Hazelton, ID 83335

RE: Water Right Permit No. 43-07160

Dear Mr. Anderson:

As we discussed on March 7, 2012, the Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified the water use reported that certain elements of the permit have been developed differently than described on the permit. Our recent meeting confirmed the examiner's findings. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, the permit must be amended to depict the water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on the permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

Additionally, as we discussed, please find enclosed the partially completed "Notice of Change in Water Right Ownership" for this right. Please complete and resubmit with the proper copies of deeds, etc. that document current ownership and have all required parties sign the document. As we discussed there is a \$25.00 filing fee to change the ownership of this right. Normally we would seek an assignment of permit but since your father (the original) permit holder has died we will license the right in the current owners' name once

this notice and amendment are returned. Once this right is licensed I will include it in a future transfer application along with rights 43-53, 43-54 and 43-473B. Please find enclosed a map I have created for the future transfer. The map shows the draft place of use for the various rights. Please review and we can adjust if needed. To facilitate that process I am including an additional partially completed "Notice of Change in Water Right Ownership" for these other rights. It should be completed similar to the one for 43-7160. The fee for this change is \$75.00 (\$25 per right). Filing this prior to moving forward with the transfer should make things move quicker.

If you have any questions, please call me at 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", written over a horizontal line.

Allen Merritt, PE  
Southern Region Manager

Enclosure(s)



## 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)

March 1, 2012

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

G. Kurt Anderson & Brenda E. Anderson  
2063 S 1125 E  
Elba, ID 83342

Travis L. Anderson & Michelle Anderson  
2443 W 5825 S  
Roy, UT 84067

RE: Water rights decrees 43-53, 43-54 & 43-473B and Permit 43-7160

Folks:

Our office has been reviewing old water right permits in an effort to get them licensed. Permit 43-7160 in the name of Raymond and Verletta Anderson is being reviewed. Please find a proof report enclosed for your reference. The permit was issued for the development of "ground water" for irrigation purposes on the property you now own and overlaps with the other rights listed above. (Please note that the permit is personal property and did not necessarily convey with the property to the new owners so this matter needs to be straightened out....see below.)

Our records show that in 1991 and 2001 IDWR summer aides conducted field reviews of the property in an effort to license the permit but there appears to have been some confusion since the permit was for development of "ground water" yet no well was observed. To move forward I need conformation from you how the "ground water" is or was being used. The records indicate that at the time of beneficial use recording the "ground water" may have been gathered in a buried drain that delivered water to a pond where it was pumped to a small pasture. I request that you confirm this use. Additionally it appears that our aide's findings will require two things to happen before a license can be issued:

1. The permit must be amended to correctly locate the point of diversion. (location of the drain)
2. The permit must be assigned to the new owners or as an alternative the license be issued in the name of Raymond Anderson and the new owners file an ownership change notice.

Please contact me so these matters can be discussed.

On a related matter, during my review of the permit, I have reviewed current aerial imagery of the property and it appears that pivots now irrigate much of the land. It appears that the water right records need to be updated to correctly show the actual acres being irrigated. Please find enclosed maps and proof reports of the decreed rights listed above. Technically some acres are now being irrigated without a water right while it appears some acres that used to be irrigated may now be dry. In any event you need to properly record where your 122 authorized acres are being used or you could be subject to a violation.

To address the issues outlined above I request your cooperation to contact this office within the next 14 days to schedule an appointment to go over this matters.

These matters may be somewhat complex and not fully communicated in this letter so if you have any questions please do not hesitate to contact this office. Looking forward to here from you soon.

Respectfully,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and a distinct "M".

Allen Merritt, PE  
Southern Region Manager

Enc:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 43-7160

WATER RIGHT NUMBER: 43-7160

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Current Owner     | RAYMOND H ANDERSON<br>1146 S 2900 E<br>HAZELTON, ID 83335<br>(208)678-7006  |
| Current Owner     | VERLETTA M ANDERSON<br>1146 S 2900 E<br>HAZELTON, ID 83335<br>(208)678-7006 |

Priority Date: 06/30/1980

Basis:

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>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 5/01 to 8/31            | 0.400 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.400 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                      |
|---------------|------------|--------------------------------------|
| GROUND WATER  | SW1/4SW1/4 | Sec. 5,    Twp 14S,    Rge 25E, B.M. |
| CASSIA County |            |                                      |

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 |        |
| 14S | 25E | 5   |    |    |    |    |    |    |    |    |    |    | 20.0 |    |    |    |    |    | 20.0   |

Total Acres: 20

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Remarks:Comments:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 43-7160

Dates and Other Information:

Permit Proof Due Date: 9/1/1990  
Permit Proof Made Date: 8/14/1990  
Permit Approved Date: 8/14/1989  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Field Exam Date: 6/24/1991  
Date Sent to State Office:  
Date Received at State Office:  
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

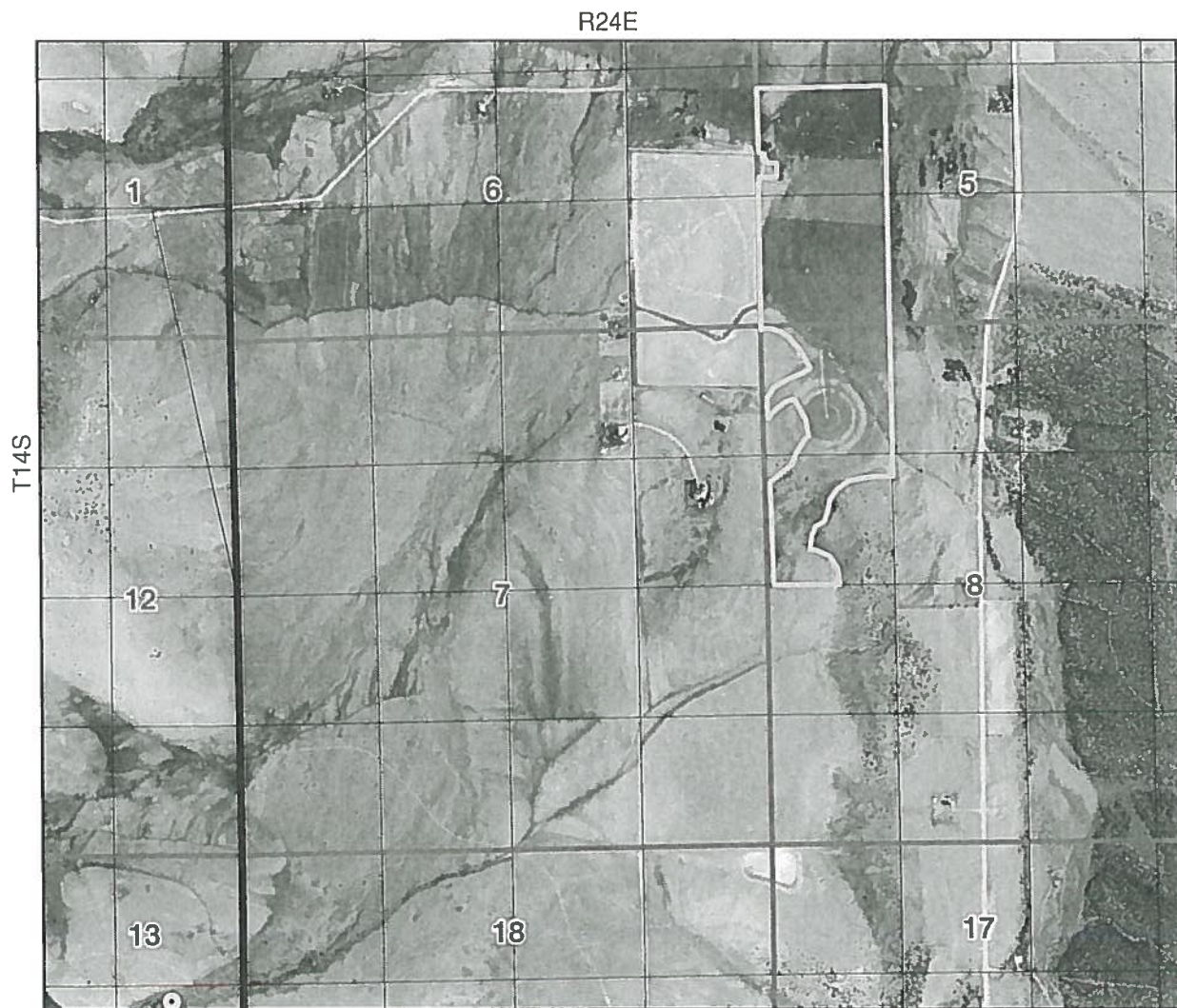
| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

State of Idaho  
Department of Water Resources  
**Water Right Decree**  
43-54  
Diverted from Poison Hollow  
Water Service Area Boundary for G Kurt Anderson



0 0.225 0.45 0.9 Miles

- ⊙ Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters



## Water Right Report 43-54

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Security Interest | D L EVANS BANK<br>PO BOX 87<br>TWIN FALLS, ID 83303<br>(208) 736-5700       |
| Current Owner     | G KURT ANDERSON<br>C/O 2063 S 1125 E<br>ELBA, ID 83342<br>(208) 638-5506    |
| Current Owner     | BRENDA E ANDERSON<br>C/O 2063 S 1125 E<br>ELBA , ID 83342<br>(208) 638-5506 |
| Current Owner     | TRAVIS L ANDERSON<br>2443 W 5825 S<br>ROY, UT 84067<br>(208) 638-5506       |
| Current Owner     | MICHELLE ANDERSON<br>C/O 2063 S 1125 E<br>ELBA, ID 83342<br>(208) 638-5506  |
| Original Owner    | SAMUEL H BARKER<br><br>, ID                                                 |
| Previous Owner    | RAYMOND H ANDERSON<br>1146 S 2900 E<br>HAZELTON, ID 83335<br>(208)678-7006  |

Status: Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 0.500 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.500 CFS             |                      |

Place of Use  
IRRIGATION

| Twp | Rge | Sec | <div style="text-align:center;">NE</div> |    |    |    | <div style="text-align:center;">NW</div> |    |    |    | <div style="text-align:center;">SW</div> |    |    |    | <div style="text-align:center;">SE</div> |    |    |    |               |
|-----|-----|-----|------------------------------------------|----|----|----|------------------------------------------|----|----|----|------------------------------------------|----|----|----|------------------------------------------|----|----|----|---------------|
|     |     |     | NE                                       | NW | SW | SE | NE                                       | NW | SW | SE | NE                                       | NW | SW | SE | NE                                       | NW | SW | SE | <u>Totals</u> |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 43-54

|     |     |   | NE | NW | SW | SE | NE   | NW   | SW | SE | NE | NW   | SW   | SE | NE | NW | SW | SE | Totals |
|-----|-----|---|----|----|----|----|------|------|----|----|----|------|------|----|----|----|----|----|--------|
| 14S | 25E | 5 |    |    |    |    |      |      |    |    |    | 32.0 | 40.0 |    |    |    |    |    | 72.0   |
| 14S | 25E | 8 |    |    |    |    | 30.0 | 20.0 |    |    |    |      |      |    |    |    |    |    | 50.0   |

Total Acres: 122

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. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-53, 43-54, AND 43-473B.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 64 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. B01 SOURCE IS ALSO KNOWN AS ANTELOPE SPRINGS.

Remarks:Comments:

1. kchrste 9/14/2001 change in source  
Comment: corrected source name to poision hollow as shown on quad map

Dates and Other Information:

Licensed Date:  
 Decreed Date: 6/28/2002  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number: 43C  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

| Rate | Volume | Acres |
|------|--------|-------|
|      |        | 122   |

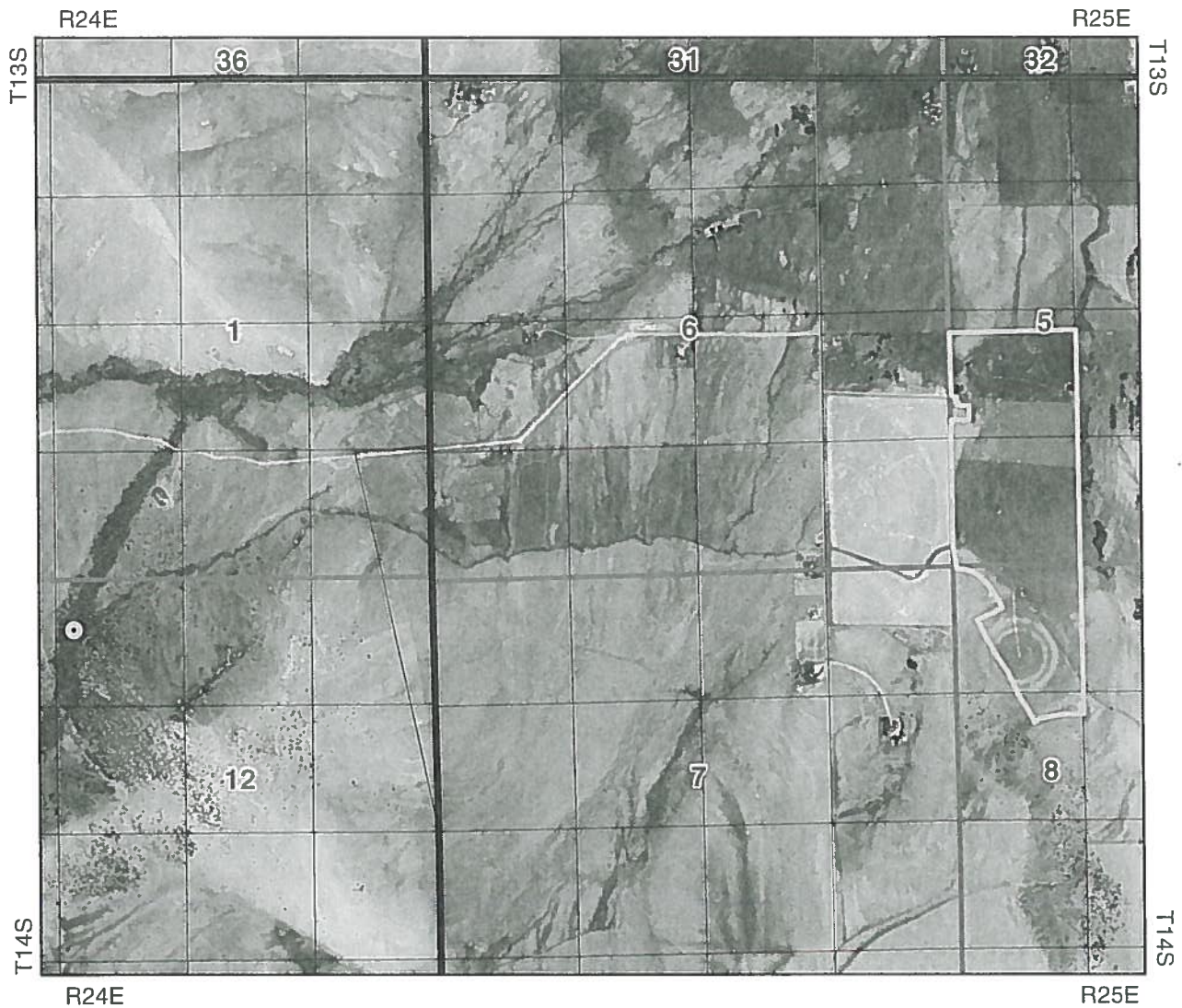
Combined Water Rights: 43-473B , 43-53 , 43-54

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 43-54

Water Supply Bank:

State of Idaho  
Department of Water Resources  
**Water Right Decree**  
43-53 & 43-473B  
Diverted from Cross Creek

Water Service Area Boundary for G Kurt Anderson



0 0.225 0.45 0.9 Miles

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



## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 43-53

WATER RIGHT NUMBER: 43-53

| <u>Owner Type</u> | <u>Name and Address</u>                                                    |
|-------------------|----------------------------------------------------------------------------|
| Security Interest | D L EVANS BANK<br>PO BOX 87<br>TWIN FALLS, ID 83303<br>(208) 736-5700      |
| Current Owner     | G KURT ANDERSON<br>C/O 2063 S 1125 E<br>ELBA, ID 83342<br>(208) 638-5506   |
| Current Owner     | BRENDA E ANDERSON<br>C/O 2063 S 1125 E<br>ELBA, ID 83342<br>(208) 638-5506 |
| Current Owner     | TRAVIS L ANDERSON<br>2443 W 5825 S<br>ROY, UT 84067<br>(208) 638-5506      |
| Current Owner     | MICHELLE ANDERSON<br>C/O 2063 S 1125 E<br>ELBA, ID 83342<br>(208) 638-5506 |
| Original Owner    | SUSIE BARKER<br><br>, ID                                                   |
| Original Owner    | SAMUEL H BARKER<br><br>, ID                                                |
| Previous Owner    | RAYMOND H ANDERSON<br>1146 S 2900 E<br>HAZELTON, ID 83335<br>(208)678-7006 |

Priority Date: 04/01/1894

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| CROSS CREEK   | CASSIA CREEK     |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 2.400 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.400 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| CROSS CREEK   | NW1/4NE1/4NW1/4 | Sec. 12, Twp 14S, Rge 24E, B.M. |
| CASSIA County |                 |                                 |

Place of Use

IRRIGATION

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 43-53

| Twp | Rge | Sec | NE |    |    |    | NW |      |     |    | SW |      |      |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|------|-----|----|----|------|------|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW   | SW  | SE | NE | NW   | SW   | SE | NE | NW | SW | SE |        |
| 14S | 25E | 5   |    |    |    |    |    |      |     |    |    | 32.0 | 40.0 |    |    |    |    |    | 72.0   |
| 14S | 25E | 8   |    |    |    |    |    | 28.0 | 3.5 |    |    |      |      |    |    |    |    |    | 31.5   |

Total Acres: 103.5

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.15 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-53 AND 43-473B.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-53, 43-54, AND 43-473B.
4. F01 WATER IS DELIVERED THROUGH THE BARKER DITCH.

Remarks:Comments:

1. kchrste 6/7/2001 noe filed

Comment: Mr Anderson filed a notice of error and identified approximately 9 acres that has been under the barker ditch system but was not recommended. After reviewing the maps and visiting with him, I am changing the place of use to include those acres and modifying any remarks as needed. The claimant is also intending on filing a transfer to further modify the place of use to recognize a center pivot that is uphill from the barker ditch.

Dates and Other Information:

Licensed Date:  
 Decreed Date: 6/28/2002  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number: 43C  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-53

| <u>Rate</u>                                    | <u>Volume</u> | <u>Acres</u> |
|------------------------------------------------|---------------|--------------|
|                                                |               | 122          |
| Combined Water Rights: 43-473B , 43-53 , 43-54 |               |              |

Water Supply Bank:

## Water Right Report 43-473B

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 43-473B

|         |   |  | NE | NW | SW | SE | NE   | NW  | SW | SE | NE | NW   | SW   | SE | NE | NW | SW | SE | Totals |
|---------|---|--|----|----|----|----|------|-----|----|----|----|------|------|----|----|----|----|----|--------|
| 14S 25E | 5 |  |    |    |    |    |      |     |    |    |    | 32.0 | 40.0 |    |    |    |    |    | 72.0   |
| 14S 25E | 8 |  |    |    |    |    | 28.0 | 3.5 |    |    |    |      |      |    |    |    |    |    | 31.5   |

Total Acres: 103.5

Conditions of Approval:

1. F01 WATER IS DELIVERED THROUGH THE BARKER DITCH.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 122 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-53, 43-54, AND 43-473B.
3. THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.15 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-53 AND 43-473B.
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.

Remarks:Comments:

1. kchrste 6/7/2001 noe response

Comment: Mr Anderson filed a notice of error and identified approximately 9 acres that has been under the barker ditch system but was not recommended. After reviewing the maps and visiting with him, I am changing the place of use to include those acres and modifying any remarks as needed. The claimant is also intending on filing a transfer to further modify the place of use to recognize a center pivot that is uphill from the barker ditch.

Dates and Other Information:

Licensed Date:  
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 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number: 43C  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-473B

| <u>Rate</u>                                    | <u>Volume</u> | <u>Acres</u> |
|------------------------------------------------|---------------|--------------|
|                                                |               | 122          |
| Combined Water Rights: 43-473B , 43-53 , 43-54 |               |              |

Water Supply Bank:

RECEIVED

DEC 06 2005

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

Department of Water Resources  
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 43-53                 |                              | -     |                       |                              |       |
| 43-54                 |                              | -     |                       |                              |       |
| 43-4738               |                              | -     |                       |                              |       |
| * Permit 43-7160      |                              | -     |                       |                              |       |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Raymond H. Anderson  
1146 S 2900 E, Hazelton, ID 83335
4. New Owner/Claimant(s) G. Kurt Anderson & Brenda E. Anderson & Travis L. & Michelle Anderson  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address c/o Travis Anderson, 2063 S. 1125 E
- City, State and ZIP Code Elba, ID 83342
- New Telephone Number (208) 638-5506
5. Date you acquired the property 12-1-2005

\* Records updated during licensing process 1/2013.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) T. A. H. O. L.  
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

## For Office Use Only

|                       |                     |                            |
|-----------------------|---------------------|----------------------------|
| Received by <u>BJ</u> | Date <u>12-6-05</u> | Fee <u>\$100.</u>          |
| Received by <u>GO</u> | Date <u>12-6-05</u> | Receipt No. <u>5028213</u> |
| Processed by _____ AJ | Date _____          | WR _____ Date _____        |

305523

WHEN RECORDED MAIL TO

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

## WARRANTY DEED

Steven R Anderson and MarJean Lewis, Successor Co-Trustees of Raymond H Anderson and Verletta M Anderson Trust GRANTOR(S)  
OF Syracuse, COUNTY OF Davis, STATE OF Utah  
HEREBY CONVEY AND WARRANT TO  
G. Kurt Anderson and Brenda E Anderson, husband and wife and Travis L. Anderson and Michelle Anderson, husband and wife.

GRANTEE(S)

OF Elba, COUNTY OF Cassis, STATE OF Idaho

FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, THE FOLLOWING DESCRIBED TRACT OF LAND IN Cassis COUNTY, STATE OF Idaho

The land referred to: TOWNSHIP 14 SOUTH, RANGE 25 East of the Boise Meridian, Cassia County, Idaho  
As described in SCHEDULE A, PAGE 2

ALL WATER RIGHTS ~~RELATED~~ TO THIS PROPERTY.

SUBJECT TO EASEMENTS, RESTRICTIONS, ENCUMBRANCES AND RIGHTS OF WAY OF RECORD, AND TAXES FOR THE YEAR 2005 AND THEREAFTER.

WITNESS, THE HAND(S) OF SAID GRANTOR(S), THIS DAY OF 2005

SIGNED IN THE PRESENCE OF

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

) Steven R Anderson  
) MarJean Lewis  
) \_\_\_\_\_  
) \_\_\_\_\_  
) \_\_\_\_\_  
) \_\_\_\_\_

STATE OF UTAH )  
COUNTY OF WEBER )

ON 1<sup>st</sup> Dec 2005, PERSONALLY APPEARED BEFORE ME, Steven R. Anderson and MarJean Lewis, THE SIGNER(S) OF THE WITHIN INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXCUTED THE SAME.



Susan Anderson  
NOTARY PUBLIC

RECORDED AT THE REQUEST OF  
MarJean Anderson  
20638 11253  
Elba 83342

2005 DEC 6 AM 10 22

FEE 6.00 DEPUTY 46  
RECORDER

CASSIA COUNTY, IDAHO  
LARRY A. MICKELSEN

305523

CONTINUATION

SCHEDULE A

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,  
CASSIA COUNTY, IDAHO

Section 5:

That part of the  $W\frac{1}{2}SW\frac{1}{4}$  described as follows, to wit:

Commencing at a point 14.72 rods South of the Northwest corner of the  $SW\frac{1}{4}$  of said Section 5;

Thence running South on the Section line a distance of 145.28 rods, to the Southwest Corner of said Section 5;

Thence running East a distance of 80 rods to the Southeast corner of the  $SW\frac{1}{4}SW\frac{1}{4}$  of said Section 5;

Thence running North a distance of 145.28 rods;

Thence West 80 rods to the place of Beginning.

Section 8:

$W\frac{1}{2}NW\frac{1}{4}$