

RECEIVED

NOV 03 2011

Rev. 06/09

Page _____ of _____

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

77 63 6

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) John Lezamiz Family LTD Partnership Phone 208-734-7510Mailing address 847 Canyon Springs Rd. Twin Falls, ID 83301 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 RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- 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. Transfer 18.9 acres of water to an existing 490.9 acre PPU in which the new irrigation limit will be 173.9 acres. Existing well, pump and piping will be utilized. A new wiper pivot will be installed within the PPU.**

77 63 6

RECEIVED**NOV 29 2011**Department of Water Resources
Eastern Snake PlainSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT**
PART 1 Continued**AMENDED****B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-230	2.4/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-231	2.7/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-232	0.8/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2275	1.3/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2350	1.6/280	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-2418	1.26/262.5	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	34-10895	0.38/66.2	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.45 cfs and/or _____ ac-ft2. Total amount of water proposed to be transferred or changed 6.28 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	NW	NE	31	07N	25E	CUSTER	Ground Water	
		SE	NW	NW	34	07N	24E	CUSTER	Big Lost River	
		SE	NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	
			NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	30									19			42		0.5	33	9.9	104.4
		31	41	41.5	41	40	42	50	50	42					39				386.5

*Limited to 173.9 acres of irrigation within 490.9 acre PPU.

Total Acres (for irrigation use) 490.9*

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 14 2011
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

SUPERCEDED

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-230	2.4/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-231	2.7/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-232	0.8/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2275	1.3/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2350	1.6/280	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-2418	1.26/262.5	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	34-10895	0.38/66.2	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.45 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 6.28 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	NW	NE	31	07N	25E	CUSTER	Ground Water	
		SE	NW	NE	34	07N	25E	CUSTER	Big Lost River	
		SE	NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	
		SE	NW	NW	34	07N	25E	CUSTER	Big Lost River	
			NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	30									19			42		0.5	33	9.9	104.4
		31	41	41.5	41	40	42	50	50	42					39				386.5

*Limited to 173.9 acres of irrigation within 490.9 acre PPU.

Total Acres (for irrigation use) 490.9*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SUPERCEDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-230	2.4/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-231	2.7/	Irrigation	4/01 to 10/31	Big Lost River/Sinks
☒ ☐	34-232	0.8/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2275	1.3/	Irrigation	4/01 to 10/31	Congdon Sp/Congdon Sp Cr
☒ ☐	34-2350	1.6/280	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	34-2418	1.26/262.5	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	34-10895	0.38/66.4	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.45 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 6.28 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	NW	NW	31	07N	25E	CUSTER	Ground Water	
		SE	NW	NE	34	07N	25E	CUSTER	Big Lost River	
		SE	NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	
		SE	NW	NW	34	07N	25E	CUSTER	Big Lost River	
			NW	NE	31	07N	25E	CUSTER	Congdon Springs Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	30									19			42		0.5	33	9.9	104.4
		31	41	41.5	41	40	42	50	50	42					39				386.5

*Limited to 173.9 acres of irrigation within 490.9 acre PPU.

Total Acres (for irrigation use) 490.9*

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing wells, head gates, pumps and pipes.

- b. Who owns the property at the point(s) of diversion? John Lezamiz Family LTD Partnership

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?

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

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
18.9 acres will no longer be irrigated.

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

Notch Butte Farms LLC is covered by 34-12365, 34-490, 34-459, 34-374B and the remainder of 34-10895.

John Lezamiz Family LTD Partnership is covered by 34-230, 34-231, 34-232, 34-2275, 34-2350 and 34-2418.

- 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: Water rights 34-230, 34-231, 34-232, 34-2275 and 34-2350 are currently leased to the Idaho Water Supply Bank. All water rights will be withdrawn from Idaho Water Supply Bank when this transfer is approved.

Page _____ of _____

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

Current Water Right No.: 34-10895

Current Owner: NOTCH BUTTE FARMS LLC
Priority Date: 8/29/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	4.53 CFS	792.4 AF
RECREATION STORAGE	01/01 to 12/31		2.5 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	4.55 CFS	794.9 AF

Location of Point(s) of Diversion

GROUND WATER L2(SW1/4NW1/4NE1/4) Sec. 6, Twp 06N, Rge 25E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	37.40	T06N R25E S6	Lot 2	NWNE	39.80
T06N R25E S6		SWNE	40.30	T06N R25E S6		SENE	35.50
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	14.20
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	28.50
T06N R25E S6		NWSE	23.50	T06N R25E S6		SESE	0.30

Total Acres: 226.4

RECREATION STORAGE Within CUSTER County

T06N R25E S6 NWSE

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Page _____ of _____

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-10895 when combined shall not exceed a total diversion rate of 4.55 cfs and the irrigation of 226.4 acres.
6. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. This right authorizes the diversion of an annual total of 2.5 af of water to be used for the initial filling of the reservoir, and for the replacement of losses caused by evaporation from the reservoir.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. The reservoir established by the storage of water under this right shall not exceed a total capacity of 2.5 acre feet or a total surface area of 0.4 acres.
13. 214 Prior to the diversion and use of water under Transfer approval 77431, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Decreed Date: 12/14/2001

Page _____ of _____

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

Current Water Right No.: 34-230

Current Owner: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date: 6/1/1895
Origin: Water Right
Status: Active
Basis: Decreed

Source		Tributary	
BIG LOST RIVER		SINKS	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	05/01 to 10/15	2.4 CFS	
	Total Diversion	2.4 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER
CUSTER County

SE1/4NW1/4NW1/4 Sec. 34, Twp 07N, Rge 24E B.M.

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S30	NESW	19.00	T07N R25E S30	SESW	42.00
T07N R25E S30	NWSE	0.50	T07N R25E S30	SWSE	33.00
T07N R25E S30	SESE	9.90	T07N R25E S31	NENE	41.00
T07N R25E S31	NWNE	41.50	T07N R25E S31	SWNE	41.00
T07N R25E S31	SENE	40.00	T07N R25E S31	NENW	42.00
T07N R25E S31 Lot 1	NWNW	50.00	T07N R25E S31 Lot 2	SWNW	50.00
T07N R25E S31	SENE	42.00	T07N R25E S31	NESE	39.00

Total Acres: 490.9

Page _____ of _____

Conditions of Approval:

1. X27 This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
8. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
9. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
10. F01 Water is delivered through the Burnett Ditch.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Decreed Date: 8/5/2009

Page _____ of _____

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

Current Water Right No.: 34-231

Current Owner: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date: 6/1/1889
Origin: Water Right
Status: Active
Basis: Decreed

Source		Tributary	
BIG LOST RIVER		SINKS	
Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	05/01 to 10/15	2.7 CFS	
	Total Diversion	2.7 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER
CUSTER County

SE1/4NW1/4NW1/4 Sec. 34, Twp 07N, Rge 24E B.M.

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S30	NESW	19.00	T07N R25E S30	SESW	42.00
T07N R25E S30	NWSE	0.50	T07N R25E S30	SWSE	33.00
T07N R25E S30	SESE	9.90	T07N R25E S31	NENE	41.00
T07N R25E S31	NWNE	41.50	T07N R25E S31	SWNE	41.00
T07N R25E S31	SENE	40.00	T07N R25E S31	NENW	42.00
T07N R25E S31 Lot 1	NWNW	50.00	T07N R25E S31 Lot 2	SWNW	50.00
T07N R25E S31	SENE	42.00	T07N R25E S31	NESE	39.00

Total Acres: 490.9

Page _____ of _____

Conditions of Approval:

1. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. X27 This right is limited to the irrigation of 135 acres within the place of use described above in a single irrigation season.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
8. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. F01 Water is delivered through the Burnett Ditch.
11. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

Decreed Date: 8/5/2009

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

Current Owner:	JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date:	6/1/1886
Origin:	Water Right
Status:	Active
Basis:	Decreed

CONGDON SPRINGS CREEK

Diversion Rate **Annual Volume**
 0.8 CFS
 0.8 CFS

CONGDON SPRINGS
CUSTER County

NW1/4NE1/4 Sec. 31, Twp 07N, Rge 25E B.M.

T07N R25E S30	NESW	19.00	T07N R25E S30	SESW	42.00
T07N R25E S30	NWSE	0.50	T07N R25E S30	SWSE	33.00
T07N R25E S30	SESE	9.90	T07N R25E S31	NENE	41.00
T07N R25E S31	NWNE	41.50	T07N R25E S31	SWNE	41.00
T07N R25E S31	SENE	40.00	T07N R25E S31	NENW	42.00
T07N R25E S31	Lot 1 NWNW	50.00	T07N R25E S31	Lot 2 SWNW	50.00
T07N R25E S31	SENW	42.00	T07N R25E S31	NESE	39.00

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Page _____ of _____

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
2. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. X27 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
7. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Decreed Date: 8/5/2009

Page _____ of _____

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

Current Water Right No.: 34-2275

Current Owner: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date: 6/11/1946
Origin: Water Right
Status: Active
Basis: Decreed

Source
CONGDON SPRINGS

Tributary
CONGDON SPRINGS CREEK

Beneficial Use	From	To
IRRIGATION	05/01 to 10/15	
	Total Diversion	

Diversion Rate	Annual Volume
1.3 CFS	
1.3 CFS	

Location of Point(s) of Diversion

CONGDON SPRINGS	SE1/4NW1/4NE1/4	Sec. 31,	Twp 07N,	Rge 25E B.M.
CUSTER County				

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S30	NESW	19.00	T07N R25E S30	SESW	42.00
T07N R25E S30	NWSE	0.50	T07N R25E S30	SWSE	33.00
T07N R25E S30	SESE	9.90	T07N R25E S31	NENE	41.00
T07N R25E S31	NWNE	41.50	T07N R25E S31	SWNE	41.00
T07N R25E S31	SENE	40.00	T07N R25E S31	NENW	42.00
T07N R25E S31	NWNW	50.00	T07N R25E S31	SWNW	50.00
T07N R25E S31	SENE	42.00	T07N R25E S31	NESE	39.00

Total Acres: 490.9

Page _____ of _____

Conditions of Approval:

1. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for Irrigation of the lands above.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. X27 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
5. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Decreed Date: 12/14/2001

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

Current Owner:	JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date:	7/13/1959
Origin:	Water Right
Status:	Active
Basis:	Decreed

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	1.6 CFS	280 AF
	Total Diversion	1.6 CFS	280 AF

Total Acres: 490.9

Conditions of Approval:

1. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. X27 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. 214 Prior to the diversion and use of water under Transfer approval 76104, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
11. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Decreed Date: 12/14/2001

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

Current Owner:	JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
Priority Date:	5/24/1961
Origin:	Water Right
Status:	Active
Basis:	Decreed

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	1.26 CFS	262.5 AF
	Total Diversion	1.26 CFS	262.5 AF

Total Acres: 490.9

Conditions of Approval:

1. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
3. X35 Rights 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418 when combined shall not exceed a total diversion rate of 5.90 cfs and the irrigation of 155 acres.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
5. 214 Prior to the diversion and use of water under Transfer approval 76104, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 206 These rights are limited to the irrigation of a specific 155 acres within the 490.9 acre place of use authorized by this right in a single irrigation season through the approval of Transfer 76104. The current 155 acres are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 490.9 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. X27 This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.
9. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
10. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
13. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 10/16/2009

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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.:

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by	Date	Prelim. Check by	Date
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Fee Paid _____ Date _____ Received by _____ Receipt # EO 310284

Add'l Fee Paid \$1180.00 Date 11/9/2011 Received by Blue Receipt # E037111

77 63 6

No. L 4574

Return to:

SECRETARY OF STATE
450 NORTH FOURTH STREET
PO BOX 83720
BOISE, ID 83720-0080

NO FILING FEE IF

RECEIVED BY DUE DATE

Due no later than December 31, 2008
Annual Report Form

1. Filing Address - Connect in this box if applicable

JOHN LEZAMIZ FAMILY LIMITED PARTNER
847 CANYON SPRINGS RD
TWIN FALLS, ID 83301

2. Registered Agent and Office NO PO BOX

JOHN LEZAMIZ LLC
847 CANYON SPRINGS RD
TWIN FALLS, ID 83301

3. New Registered Agent Signature

4. Limited Partnerships: Enter Names and Business Addresses of General Partners.

Office held Name

Street or P.O. Address

City

State

Zip

Gen. Partner John Lezawiz 847 Canyon Springs Rd. Twin Falls, ID. 83301

27636

5. Organized Under the Laws of:

IDAHO
L 4574

6.

Signature

Name (Typed or Printed)



JOHN LEZAWIZ

Date 10/11/08

Title Gen. Partner

Issued 10/01/2008

Do Not Tape or Staple

200812005254

The United States of America
To all to whom these presents shall come, Greetings:

IDI-35511

WHEREAS

John Lezamiz Family Limited Partnership

is entitled to a land patent pursuant to Sections 203 and 209 of the Act of October 21, 1976, as amended (43 U.S.C. 1713 and 1719), for the following described land:

Boise Meridian, Idaho
 T. 7 N., R. 25 E.,
 Sec. 30, Lots 13, 14 and 15

Containing 103.88 acres.

NOW KNOW YE, that there is, therefore, granted by the **UNITED STATES**, unto the John Lezamiz Family Limited Partnership, the land described above; **TO HAVE AND TO HOLD** the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, there unto belonging, unto the John Lezamiz Family Limited Partnership and to its successors or assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).
2. A right-of-way for powerline purposes as reserved under Right-of-Way No. IDI 22582, pursuant to Title V of the Act of October 21, 1976 (43 U.S.C. 1767) as to lot 15 of section 30, T. 7 N., R. 25 E., B.M., and the right to enforce all or any of the terms and conditions of the right-of-way.

SUBJECT TO those rights held by Lost River Highway District, its successors or assigns, for an existing road in lots 13 and 15 of section 30, T. 7 N., R. 25 E., B.M., exercised under RS 2477 and noted under Serial No. IDI 23188.



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho, the fourteenth day of January in the year of our Lord two thousand and eight and of the Independence of the United States the two hundred and THIRTY-SECOND.

By


 Jimmie Buxton
 Chief, Branch of Lands, Minerals, Water Rights
 Resource Services Division

238220
 Custer County Reg. 91
 John T. Lezamiz
 Time 11:58 AM Date 12/22/2008
 Barbara C. Breedlove, Clerk
 Deputy \$ 3.00

FILE No. _____

INSTRUMENT No. _____

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED L. VERNON WOODBURY and
VERNETTA B. WOODBURY, Husband and Wife, the Grantor,
 does hereby grant, bargain, sell and convey unto JOHN LEZAMIZ FAMILY LIMITED
PARTNERSHIP, the Grantee,
 whose current address is 847 Canyon Springs Road, Twin Falls, ID 83301
 the following described real estate situated in CUSTER County,
 State of Idaho, to-wit:

See attached LEGAL DESCRIPTION EXHIBIT 'A'

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

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

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

DATED: 3-7-06
L. Vernon Woodbury
 L. Vernon Woodbury

Vernetta B. Woodbury
 Vernetta B. Woodbury

STATE OF IDAHO, County of BUTTE

On this 7th day of March, 2006
 before me, Lyle B. Boyer, a
 Notary Public in and for the said State personally
 appeared

L. Vernon Woodbury
Vernetta B. Woodbury

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

THIS SPACE FOR COUNTY RECORD'S USE ONLY

233554

Custer County Notary
State Title & Co. Alliance
 Time 7:10 P.M. Date 3/7/2006
Ethel M. Geck, Clerk
WILLIAM GECK, JR.

LEGAL DESCRIPTION
EXHIBIT 'A'

TOWNSHIP 7 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

A PARCEL OF LAND IN SECTION 32 AND SECTION 33, BEING GENERALLY DESCRIBED AS A PORTION OF THE NORTHWEST QUARTER NORTHEAST QUARTER SAID SECTION 32, ALL OF THE NORTHEAST QUARTER NORTHEAST QUARTER SECTION 32, ALL OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32; AND A PORTION OF THE NORTHEAST QUARTER NORTHWEST QUARTER SAID SECTION 33, ALL OF THE NORTHWEST QUARTER NORTHWEST QUARTER SECTION 33, ALL OF THE SOUTH HALF NORTHWEST QUARTER SECTION 33, AND ALL OF THE NORTHWEST QUARTER SOUTHWEST QUARTER SECTION 33, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 25 EAST, B.M. THENCE NORTH $88^{\circ} 57' 40''$ WEST ALONG THE NORTH BOUNDARY OF THE NORTHEAST QUARTER NORTHEAST QUARTER SECTION 32 A DISTANCE OF 1321.78 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER NORTHEAST QUARTER SECTION 32; THENCE NORTH $88^{\circ} 57' 40''$ WEST 608.71 FEET ALONG THE NORTH BOUNDARY OF THE NORTHWEST QUARTER NORTHEAST QUARTER SECTION 32; THENCE SOUTH $03^{\circ} 12' 50''$ EAST, 1307.58 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH $89^{\circ} 14' 30''$ EAST, 538.73 FEET ALONG THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER NORTHEAST QUARTER SECTION 32; THENCE SOUTH $89^{\circ} 14' 30''$ EAST ALONG THE SOUTH BOUNDARY OF THE NORTHEAST QUARTER NORTHEAST QUARTER SECTION 32, A DISTANCE OF 1322.71 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER NORTHEAST QUARTER SECTION 32; THENCE SOUTH $00^{\circ} 11' 40''$ EAST ALONG THE EAST BOUNDARY OF SECTION 32, 1295.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32; THENCE NORTH $89^{\circ} 31' 18''$ WEST ALONG THE NORTH BOUNDARY OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32, 1323.65 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32; THENCE SOUTH $00^{\circ} 08' 56''$ EAST ALONG THE WEST BOUNDARY OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32, 1340.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32; THENCE SOUTH $89^{\circ} 15' 08''$ EAST ALONG THE SOUTH BOUNDARY OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32, 1324.80 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER SOUTHEAST QUARTER SECTION 32; THENCE SOUTH $88^{\circ} 53' 24''$ EAST ALONG THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER SOUTHWEST QUARTER

433554

SECTION 33, 1331.6 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER SOUTHWEST QUARTER SECTION 33; THENCE NORTH $00^{\circ} 13' 03''$ WEST ALONG THE EAST BOUNDARY OF THE NORTHWEST QUARTER SOUTHWEST QUARTER SECTION 33, 1341.25 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER SOUTHWEST QUARTER SECTION 33; THENCE SOUTH $88^{\circ} 39' 30''$ EAST ALONG THE SOUTH BOUNDARY OF THE SOUTH HALF NORTHWEST QUARTER SECTION 33, 1338.35 FEET TO THE SOUTHEAST CORNER OF THE SOUTH HALF NORTHWEST QUARTER SECTION 33; THENCE NORTH $00^{\circ} 14' 27''$ WEST ALONG THE EAST BOUNDARY OF THE NORTHWEST QUARTER SECTION 33, 1972.84 FEET; THENCE SOUTH $82^{\circ} 49' 28''$ WEST, 665.59 FEET; THENCE NORTH $00^{\circ} 16' 26''$ WEST 740.88 FEET ALONG AN EXISTING FENCE LINE; THENCE NORTH $89^{\circ} 21' 41''$ WEST ALONG THE NORTH BOUNDARY OF THE NORTHWEST QUARTER SECTION 33, 2012.68 FEET TO THE NORTHEAST CORNER OF SECTION 32, SAID CORNER BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND BEING GENERALLY DESCRIBED AS A PORTION OF THE EAST HALF NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 25 EAST, B.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 33, THENCE SOUTH $00^{\circ} 14' 27''$ EAST ALONG THE EAST BOUNDARY OF THE NORTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 650.37 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG THE EAST BOUNDARY OF THE NORTHWEST QUARTER OF SAID SECTION 33, SOUTH $00^{\circ} 14' 27''$ EAST A DISTANCE OF 1972.84 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33; THENCE NORTH $88^{\circ} 39' 30''$ WEST ALONG THE SOUTH BOUNDARY OF THE NORTHWEST QUARTER OF SAID SECTION 33 A DISTANCE OF 657.38 FEET, MORE OR LESS; THENCE NORTH $00^{\circ} 21' 03''$ WEST ALONG AN EXISTING FENCE LINE, A DISTANCE OF 1874.33 FEET, MORE OR LESS, TO AN EXISTING FENCE CORNER; THENCE NORTH $82^{\circ} 49' 28''$ EAST, 665.59 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND FUTHER EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE NORTHWEST QUARTER NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 32, TOWNSHIP 7 NORTH, RANGE 25 EAST, THENCE NORTH $88^{\circ} 57' 40''$ WEST

233554

ALONG THE NORTH BOUNDARY OF THE NORTHEAST QUARTER, A DISTANCE OF 1930.49 FEET TO THE POINT OF BEGINNING. THENCE SOUTH $3^{\circ} 12' 50''$ EAST A DISTANCE OF 1307.58 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH $89^{\circ} 14' 30''$ EAST A DISTANCE OF 330 FEET; THENCE NORTH $3^{\circ} 12' 50''$ WEST A DISTANCE OF 1310 FEET, MORE OR LESS, TO THE NORTH BOUNDARY OF THE NORTHWEST QUARTER NORTHEAST QUARTER OF SAID SECTION 32; THENCE NORTH $88^{\circ} 57' 40''$ WEST A DISTANCE OF 330 FEET ALONG SAID NORTH BOUNDARY LINE TO THE POINT OF BEGINNING.

ALSO INCLUDING:

TOWNSHIP 7 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 31:

NORTH ONE HALF OF THE NORTHEAST QUARTER; TRACT 13; LOT 1 AND 2; EAST ONE HALF OF THE NORTHWEST QUARTER; SOUTHWEST QUARTER OF THE NORTHEAST QUARTER; TRACT 1165; NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;

EXCEPTING THEREFROM:

A PARCEL OF LAND IN CUSTER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS N. $37^{\circ} 27' W.$, 52.7 FEET FROM THE QUARTER CORNER BETWEEN SECTIONS 31 AND 32, T. 7 N., R. 25 EAST, B.M.; THENCE N. $62^{\circ} 15' W.$, 198.5 FEET; THENCE S. $26^{\circ} 06' W.$, 208.0 FEET; THENCE S. $8^{\circ} 23' E.$, 234.9 FEET; THENCE S. $88^{\circ} 26' E.$, 233.9 FEET; THENCE N. $0^{\circ} 09' W.$, 333.1 FEET TO THE REAL AND TRUE POINT OF BEGINNING.

WATER AGREEMENT

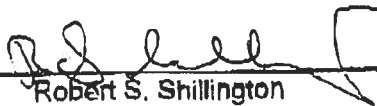
This Water Agreement is entered into this 28th day of October, 2011, by and between NOTCH BUTTE FARMS, LLC (hereinafter Seller) and JOHN LEZAMIZ FAMILY LIMITED PARTNERSHIP, d/b/a MACKAY SPRINGS RANCH (hereinafter Buyer).

Seller agrees to sell, transfer and otherwise convey to Buyer ground, surface and other water rights associated with approximately 18.9 acres of ground, all of which are located in Custer County, Idaho. The water rights being conveyed are shown on the attached Exhibit A; said water rights shall be conveyed to Buyer to be used on Buyer's property as shown on the attached Exhibit B.

The amount of consideration to be paid for said sale and transfer shall be kept confidential and will not be released to third parties and governmental agencies, including the Idaho Department of Water Resources (IDWR), except if the same is necessary to complete the transfer of said water rights. The amount of consideration for this water transfer to be paid by Buyer to Seller is shown on the attached Exhibit C, but copies of said Exhibit C shall be kept blank if this water agreement is submitted to IDWR as a part of a proposed water transfer.

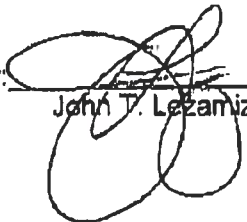
Dated this 28th day of October, 2011.

NOTCH BUTTE FARMS, LLC

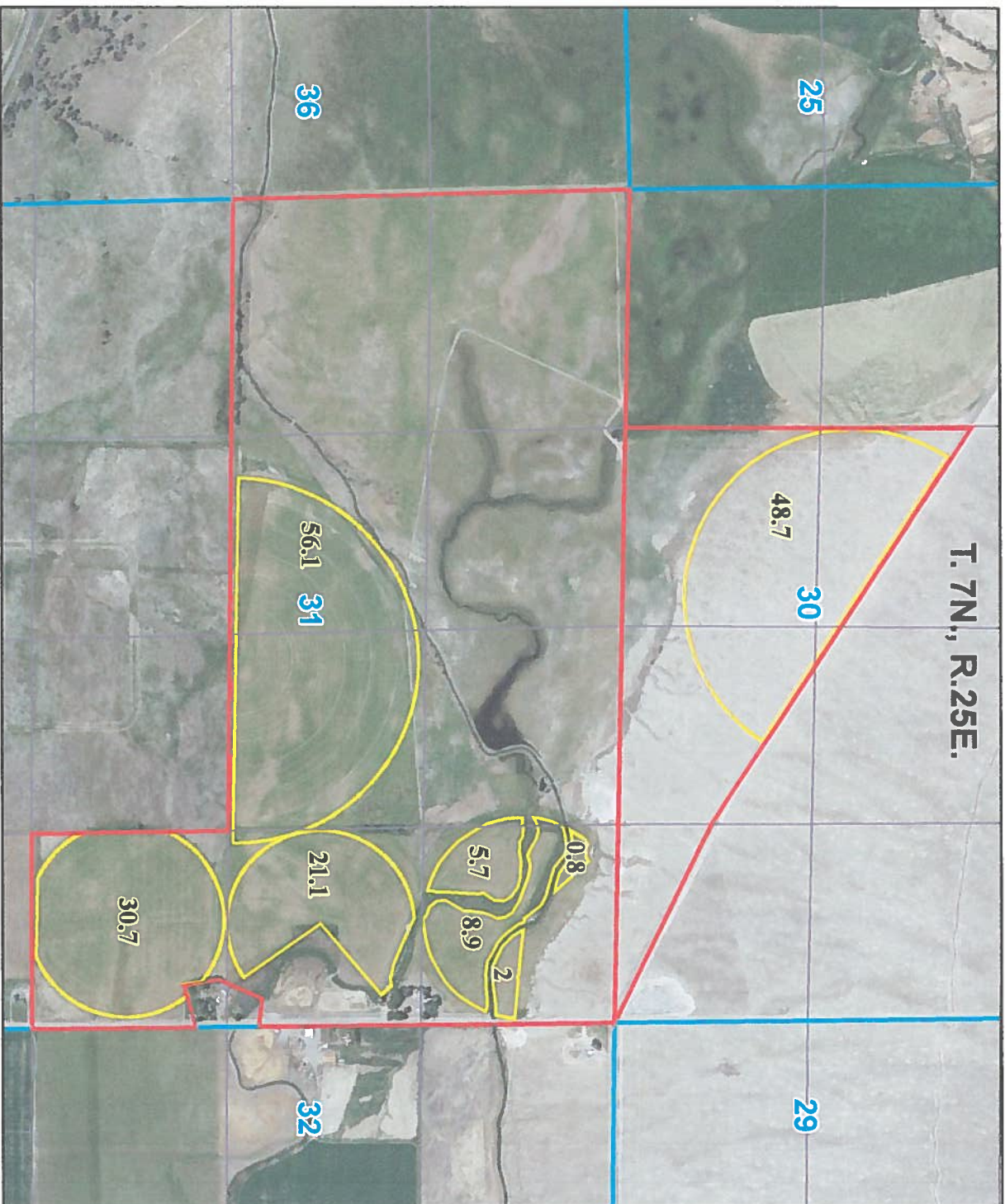
By: 

Robert S. Shillington

MACKAY SPRINGS RANCH

By: 

John T. Lezamiz



0 465 930 1,860 Feet

LEZAMIZ, J. - HOME PLACE
TRANSFER 2011, FROM NOTCH BUTTE
NAIP 2011 AERIAL PHOTO

BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 27, 2011

LEGEND

- Homeplace PPU Boundary
- Section_Lines
- ladesco
- Proposed Irrigation 173.9 acres



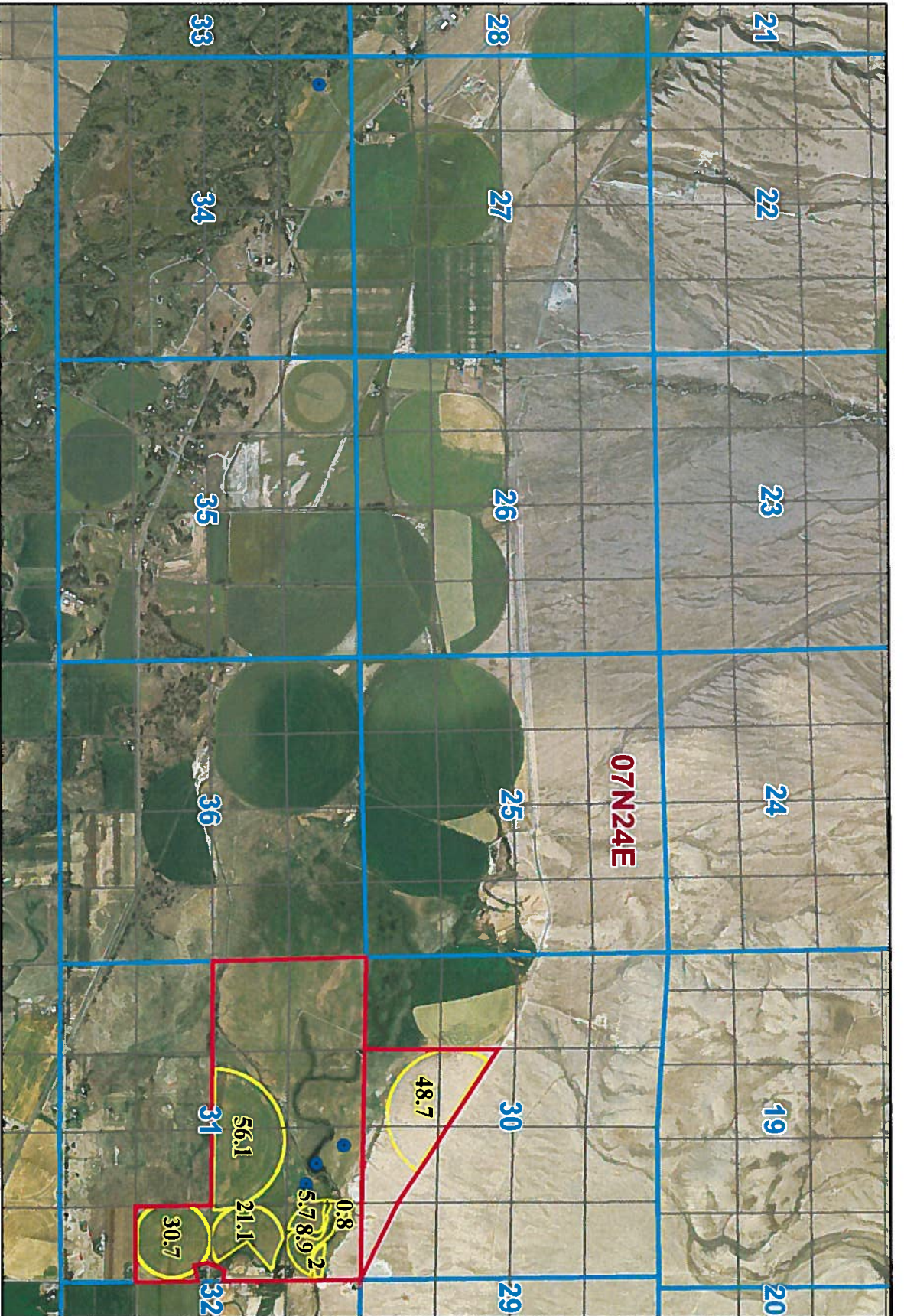
T. 6N. R. 25E.
T. 6N. R. 25E.



0 375 750 1,500 Feet

LEZAMIZ, J. - NOTCH BUTTE MACKAY
TRANSFER TO HOME PLACE 18.9 ACRES
NAIP 2009 AERIAL PHOTO

- LEGEND**
- 2011 PPU
 - QQ lines
 - Acres for Transfer 18.9 ac.
 - Section Lines



LEZAMIZ, J. - HOME PLACE
TRANSFER 2011, FROM NOTCH BUTTE
NAIP 2011 AERIAL PHOTO

RECEIVED

BROCKWAY ENGINEERING, PLLC.
 ALR - NOV. 28, 2011

NOV 28 2011

Department of Water Resources
 Eastern Region

- LEGEND**
- Point of Diversion HP
 - Homeplace PPU Boundary
 - Section Lines
 - Adasec
 - Proposed Irrigation 173.9 acres



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77636

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/>.

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/water/rights/>.
- ☐ ☒ #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: _____

77636