

M E M O R A N D U M

Date: September 02, 2003
To: Transfer 70780
From: dcarlson
Re: transfer evaluation

This transfer proposes to change the POU for these two water rights after an ownership split and a partial unstacking of the water rights. original right 33-31P was split by sale of partial POU by Amy to Isam.

Authority to File:

Applicant provided tax notices and is the owner of record as far as SRBA decree.

Water Right Validity:

This water right was decree in the SRBA in 2000. Forfeiture is not an issue.

Injury to Other Water Rights:

Watermaster will give his recommendation as to this transfer.
Transfer will be advertised to determine any protests.

Enlargement of Use:

There is no evidence of enlargement of use.

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70780

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Leo D. Amy Phone 208-767-3418

1st Office address 1398 Hwy 22 Howe, Idaho 83244

PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes SALE OF PARTS OF RANCH. RETAINED PORTIONS
OF DESCRIBED WATER RIGHTS

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>33-14859</u>	<u>9/01/1879</u>	<u>1.00</u>	<u>Irri</u>	<u>4/01</u> to <u>11/01</u>
<u>33-000912</u>	<u>6/01/1891</u>	<u>0.70</u>	<u>Leas</u>	<u>4/01</u> to <u>11/01</u>
				to
				to

2. Total amount of water being transferred 1.70 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Little Lost River tributary to Sinks

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres 121.4

Tingon

PART 1

6. General Information:

a. Description of diversion system HEADGATE OFF LITTLE LOST RIVER. WATERMASTER
CONTROLLED.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
REFERENCED WATER RIGHTS (PORTIONS) ARE BEING RETAINED BY SELLER.
THOSE PORTIONS FROM WHICH WATER IS MOVED OFF WILL BE DRIED, OR,
RECONFIGURED THROUGH ANOTHER TRANSFER TO BE FILED BY THE
BUYER, ISHAM FARMS

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

70780

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T70780

Page 1

09/02/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14859

WATER RIGHT NUMBER: 33-14859

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEO D AMY PO BOX 2113 HOWE, ID 83244 (208)767-3418

Priority Date: 09/01/1879

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

LITTLE LOST RIVER NW1/4NE1/4SE1/4 Sec. 4, Twp 05N, Rge 29E, B.M.
BUTTE 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	
05N	29E	2												23.4					23.4
05N	29E	3																23.0	23.0
05N	29E	11					38.0	37.0											75.0

Total Acres: 121.4

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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 33-00091D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.30 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 854 AF.

T70780

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T70780

Page 2

09/02/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14859

2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 33-00091D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 244 ACRES IN A SINGLE IRRIGATION SEASON.
3. Explanatory RIGHT NO. 33-00091D IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. dcarlson 8/6/2003 ownership change
Comment: this was 33-31P split paid by isham farms \$100
the adjudication started this split 7/2003

Dates and Other Information:

Licensed Date:
Decreed Date: 8/11/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
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

T70780

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-91E

WATER RIGHT NUMBER: 33-91E

Owner Type Name and Address
Current Owner LEO D AMY
 PO BOX 2113
 HOWE, ID 83244
 (208)767-3418

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

Source Tributary
LITTLE LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 4/01 to 11/01 0.700 CFS
 Total Diversion: 0.700 CFS

Location of Point(s) of Diversion
LITTLE LOST RIVER NW1/4NE1/4SE1/4 Sec. 4, Twp 05N, Rge 29E, B.M.
 BUTTE 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	
05N	29E	2						40.0	40.0				27.0						107.0
							L 4												
05N	29E	3				39.0											23.0		62.0
05N	29E	11					38.0	37.0											75.0

Total Acres: 244

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.

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 33-00031P IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 244 ACRES IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-91E

2. Explanatory RIGHT NO. 33-00031P IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 33-00031P IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.30 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 854 AF.

Comments:

1. ARUBERRY 3/8/1999 COPIED FROM REMARKS

Comment: INFORMATION FOR THIS CLAIM HAS BEEN SUPPLIED BY DEED. THIS RIGHT RENUMBERED FROM A33-10063. ***** THIS RIGHT WAS RENUMBERED FROM A33-00032B TO CORRECTLY REFLECT SPLIT HISTORY OF DECREED RIGHT. ****19MAR96 ABR*** TRANSFER NO. 5252 TRANSFER NO. 5252 CHANGES THE PLACE OF USE FOR 33-00031P AND 33-00091D.

2. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. psdaggs 8/5/2003 11:07:47 AM Water Right

Comment: This water right record was updated by decree record from old RightID 2082 to new RightID 355959

Dates and Other Information:

Licensed Date:

Decreed Date: 8/11/2000

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 33

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

T5N, R29E

VA Ranch

NESE
14.9

WSW
3

SESE
28.9

NENW
39.6

NWNW
37.7

Little Lost River

T 70780

page 7068

PART 3

3. CHANGES IN NATURE OF USE

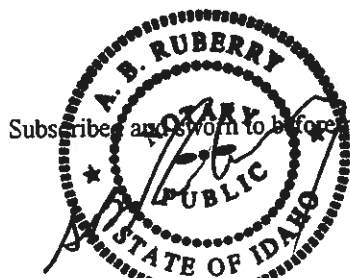
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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



Subscribed and sworn to before me this

Leo D. Army
 (Signature of Applicant)

4th day of August, 20 03

ALEX B. RUBERRY
 (Notary Public)

My commission expires 9/23/2009

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 5 attachments

Received by DC Date 8/4/2003 Protest filed by _____

Prelim. Check by DC Fee \$290

Received by DE Date 8/4/2003 E029071

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

10/11/02

PM0100 - PARCEL MASTER INQUIRY

14:07:29

PARCEL: RP 05N29E112400 A

F9=MS

F23=AG

LEGAL DESCRIPTION

AMY, LEO DAVID
& AMY, CLEO I.

N2NW4
SEC 11

HC#65 BOX 2113

CODE AREA 1000 OWNER CODE
PARC TYPE LOC CODE
EFFDATE 1011997 EXPDATE
PREV PARCEL RP05N29E112400A

HOWE ID 83244

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2001	75100	AC	30008				
5	2001	1900	AC	70				
19	2001	3000	AC					

\$ 469.32

TOTALS 80000 30078

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

0/11/02

PM0100 - PARCEL MASTER INQUIRY

14:07:06

PARCEL: RP 05N29E023001 A

F9=MS

F12=RC F14=HO

F19=SP

F23=AG

CB

LEGAL DESCRIPTION

AMY, LEO DAVID
& AMY, CLEO I.

W2SW4

SEC 2

CAT	RY	QUANTITY	UN	Category Values			CB MRKT	OTHER
				VALUE	HO MRKT	HO EXMP		
1	2001	60 77500	AC 265	20538	15300 192%			
10	2001	1000	AC	4000	OUT		4000	
19	2001	1500	AC					
31	2001			43460	OUT	43460	21730	43460
32	2001			14600	OUT			
				82,698				
								$\$ 623.34 \times 19.2\% = 119.68$

Bottom

F3=Exit F5=Refresh F6=Market Adjustment F7=New Construction
ALREADY AT BOTTOM OF AREA

Less 20 Acres

0/11/02

PM0100 - PARCEL MASTER INQUIRY

14:07:23

ARCEL: RP 05N29E037201 A

F9=MS

F12=RC

F17=DD F19=SP

F23=AG

LEGAL DESCRIPTION

AMY, LEO DAVID
& AMY, CLEO I.E2SE4 LESS T#35197
SEC 3

HC # 65 BOX 2113

CODE AREA 1000 OWNER CODE

PARC TYPE LOC CODE

HOWE ID 83244

EFFDATE 1012001 EXPDATE

PREV PARCEL RP05N29E037201T

for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO	MRKT	HO	EXMP	CB	MRKT	OTHER
1	2001	60 77530	AC ⁸³⁴⁰	26358	20400	40.3%					
19	2001	1200	AC	out							
32	2001			24250	out						

864.70 x 40.3% = 348.74

TOTALS 78730

50608

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

10/11/02

PMO100 - PARCEL MASTER INQUIRY

14:07:02

PARCEL: RP 05N29E031800 A

F9=MS

F23=AG

LEGAL DESCRIPTION

AMY, LEO D.
& AMY, CLEO I.SE4NE4
SEC 3

HC # 65 BOX 2113

CODE AREA 1000 OWNER CODE
PARC TYPE LOC CODE
EFFDATE 1011997 EXPDATE
PREV PARCEL RP05N29E031800A

HOWE ID 83244

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2001	39500	AC	10468				
19	2001	500	AC					

163.34

TOTALS

40000

10468

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

0/11/02

PM0100 - PARCEL MASTER INQUIRY

14:06:56

PARCEL: RP 05N29E024800 A

F9=MS

F23=AG

AMY, LEO D
& AMY, CLEO I

E2SW4
W2SE4
SEC 2

LEGAL DESCRIPTION

HC # 65 BOX 2113

CODE AREA 1000 OWNER CODE
PARC TYPE LOC CODE
EFFDATE 1011997 EXPDATE
PREV PARCEL RP05N29E024800A

HOWE ID 83244

x for parcel		comments							
CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER	
1	2001	86900	AC	24284					
4	2001	71300	AC	12121					
19	2001	1800	AC						

\$ 568.04

TOTALS 160000 36405

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 02, 2003

DAVID S ANDREASON
WATER DISTRICT 33
PO BOX 31
HOWE, ID 83244-0031

RE: Application for Transfer 70780
Water Right Number(s) 33-14859 , 33-91E

Dear Watermaster:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by September 16, 2003.

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

Sincerely,

W Roger Warner
Water Right Supervisor

Enclosure(s)

WRW:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2003

Legal Notice Department
ARCO ADVERTISER
PO BOX C
ARCO ID 83213

RE: Transfer No. 70780
Water Right No(s). 33-14859 33-91E

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 10, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
10/15/03
SC*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 70780

LEO D AMY, 1398 HWY 22, HOWE ID 83244, has filed Application No. 70780 for changes to the following water rights within BUTTE County:

Right No. 33-14859

Priority 9/1/1879

Source LITTLE LOST RIVER

Use IRRIGATION (121.4 acres) 1.00 CFS

Total Amount 1.00 CFS

Point(s) of Diversion NWNESE S4 T05N R29E

Place of Use S11 T05N R29E
S2 T05N R29E
S3 T05N R29E

Right No. 33-91E

Priority 6/1/1891

Source LITTLE LOST RIVER

Use IRRIGATION (244 acres) 0.70 CFS

Total Amount 0.70 CFS

Point(s) of Diversion NWNESE S4 T05N R29E

Place of Use S11 T05N R29E
S2 T05N R29E
S3 T05N R29E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicant is changing his place of use for these two water rights after an ownership split and a partial un-stacking of the water rights. The new place of use is within Sec 2, 3 and 11 T5N R29E for 121.4 acres.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before November 10, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on October 23 and 30, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2003

LEO D AMY
1398 HWY 22
HOWE ID 83244

RE: Application for Transfer No 70780
Water Right No(s) 33-14859 33-91E

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Arco Advertiser on October 23 and 30, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

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

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

W Roger Warner
Water Right Supervisor

WRW:sc

AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 03 2003

Department of Water Resources
Eastern Region

I, Vickie Christensen
of The Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for

2 consecutive weeks, commencing with the issue dated October 23, 2003

and ending with the issue dated _____

October 30, 2003

STATE OF IDAHO

COUNTY OF BUTTE

On this 23rd day of October

in the year of 2003, before me, a Notary

Public, personally appeared

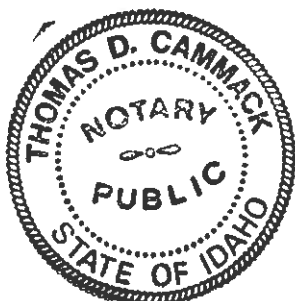
Vickie Christensen

known or identified to me to be the person, whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Thomas D. Cammack
Notary Public for Idaho

Residing at Arco, Id

My commission expires: 1-23-2004



PUBLIC NOTICE

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

TRANSFER NO. 70780

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Priority 9/1/1879

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Use IRRIGATION (121.4 acres) 1.00 CFS

Total Amount 1.00 CFS

Point(s) of Diversion NWNES S4 T05N R29E

Place of Use

S11 T05N R29E

S2 T05N R29E

S3 T05N R29E

Right No. 33-91E

Priority 6/1/1891

Source LITTLE LOST RIVER

Use IRRIGATION (244 acres) 0.70 CFS

Total Amount 0.70 CFS

Point(s) of Diversion NWNES S4 T05N R29E

Place of Use

S11 T05N R29E

S2 T05N R29E

S3 T05N R29E

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KARL J. DREHER, Director

Published on October 23 & 30, 2003.