

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76691

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant L 1 Ltd Partnership Phone 208-657-2252
Mailing Address c/o Lavar Newman, 2943 N 800 E, Montevue, ID 83435 Email _____

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

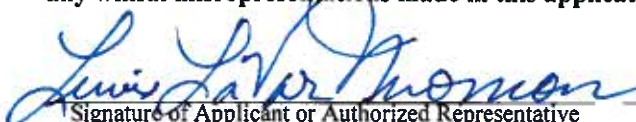
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kmoore@rockymountainenvironmental.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.

 Lewis LAVAR NEWMAN 13 July 2010
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date
OWNER

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. Attached additional pages if necessary and label it **Part 1A.2**. Pivot lengths are being adjusted and mini pivots added in available corners. This transfer proposes to move 5 acres of irrigated ground to another corner of the farm for use under a mini pivot. In addition, a portion of the 1/2 mini pivot in The NWNE of Section 9 will be irrigated from the Roundy well, the point of diversion under water rights 32-2114 and 32-7074; thus, it is proposed that the Roundy well be added as a point of diversion for water right 32-13263. A companion transfer will be filed to add a point of diversion to water rights 32-2114 & 32-7074.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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
☒ ☐	32-13263	4.12 cfs	Irrigation	4/01 to 10/31	Ground water
☐ ☐		1018.5 afa		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
Total Authorized under rights		4.12	cfs and/or	1018.5	ac-ft

2. Total amount of water being transferred or changed 4.12 cubic feet per second and/or 1018.5 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 proposed 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 #
		NE	NE	SE	9	8N	33E	JEFFERSON	GROUND WATER	#20 WELL
		SE	SE	SW	9	8N	33E	JEFFERSON	GROUND WATER	ROUNDY WELL

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	
8N	33E	9	32	37	37	39									32	37	39	38	291

Total Acres (for irrigation use): 291

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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: Two wells to mainline to center pivots. Irrigation of corners uses flood, mini pivots or wheel lines.

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

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

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☐
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage, or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Mortgage with Rabo Agri Finance

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer: Five acres in the NENE of Section 9 will be dried up and transferred to the NWSE of Section 9 for irrigation under a proposed mini pivot. All other adjustments take place within the same QQ and the quantity of irrigated acres does not change.

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) of use: Currently Water rights 32-2114 & 32-7074 irrigate the W 1/2 and water right 32-13263 irrigates the E 1/2 Section 9, T8N, R33E. This transfer proposes adding the P/D of 32-2114 & 32-7074 (Roundy Well) to 32-13263 to facilitate the irrigation of two mini pivots. One mini-pivot in the center of Sec 9, and a half pivot in the NW corner NWNE and the NE corner of the NENW Sec 9. Irrigation of the mini pivots requires rearranging and transferring acres of this water right (32-13263) to cover the corners under the mini-pivots. A companion transfer adds the P/D (Well #20) of 35-13263 to water rights 32-2114 & 32-7074

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: _____

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WATER RIGHT NO. 32-13263

Part 2A

Owner Type Name and Address

Current Owner L 3 LTD PARTNERSHIP
 C/O LAVAR NEWMAN
 2943 N 800 E
 MONTEVIEW, ID 83435
 (208)657-2252

Priority Date: 02/04/1952

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 4.12 CFS 1018.5 AFA

Total Diversion 4.12 CFS

Location of Point(s) of Diversion:

GROUND WATER NENESE Sec. 09 Township 08N Range 33E JEFFERSON County

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

08N	33E	9		NENE 37		NWNE 37		SWNE 37		SENE 39				
				NESE 32		NWSE 32		SWSE 39		SESE 38				

Total Acres: 291

Conditions of Approval:

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the
1. T19 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.

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WARRANTY DEED

For Value Received Larry Simmons and Kristen Simmons, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Lewis Lavar Newman and Louise Newman, husband and wife

whose address is: 2941 North 800 East, Montevue, ID 83435

Hereinafter called the Grantee, the following described premises situated in Jefferson County, ID, to-wit:

Township 8 North, Range 33 E.B.M., Jefferson County, Idaho.

Section 9: E $\frac{1}{2}$

Section 10: NW $\frac{1}{4}$.

EXCEPTING THEREFROM: County Road.

Instrument # 322624
RIGBY, JEFFERSON, IDAHO
2003-05-16 01:28:00 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
CHRISTINE BOULTER Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: May 15, 2003

Larry Simmons

Kristen Simmons

STATE OF IDAHO

)ss.

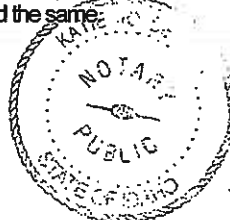
COUNTY OF JEFFERSON

On this 15th day of May, 2003, before me Katie Jo Becker, personally appeared Larry Simmons and Kristen Simmons, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of Idaho

Residing at: Rexburg, Idaho

Commission Expires: 11/08/05



RECEIVED BY
ASSESSOR

For PLATTING
Date 5/16/03 Time 1:28

QUITCLAIM DEED

For Value Received Lewis Lavar Newman and Louise Newman, husband and wife

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do hereby convey, release, remise and forever quit claim unto L 1 Limited Partnership

whose address is: 2943 N 800E Montevideo ID 83435

Hereinafter called the Grantee, the following described premises situated in Jefferson County, Idaho, to-wit:

Township 8 North, Range 33 E.B.M. Jefferson County, Idaho.

Section 9: E 1/2

Section 10: NW 1/4

Excepting Therefrom: County Road.

Microfilm No. 384953
6-4-2010
 At 12:10 o'clock P. M.
 CHRISTINE SOULTER
 Notary Public
 Fee \$ 300 pas Deputy
 Received of Lavar Newman

together with its appurtenances.

Dated: 6-4-2010

Lewis Lavar Newman
 Lewis Lavar Newman

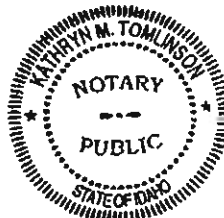
Louise Newman
 Louise Newman

STATE OF IDAHO)
) ss.
 COUNTY OF Jefferson)

[*]

On this 1st day of June, in the year of 20 10 before me, the undersigned, personally appeared Lewis Lavar & Louise Newman known or identified to me (or proved to me on the oath of _____), to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they/he/she executed the same.

Kathryn M. Tomlinson
 Notary Public of Idaho
 Residing at: Trevelton, ID
 Commission Expires: 9-4-15



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Based on the Transfer Processing No. 24 memorandum changes in the point of diversion within the same or adjacent model cell does not require an ESPA Ground Water Model when the application is submitted.

This transfer proposes to add a point of diversion (Roundy Well, within Model Cell: R27, C155) to water rights 32-13263 (Well #20, within Model Cell: R27, C156).

Since Model Cells SP027156 (R27, C156) and SP027155 (R27, C155) are adjacent cells an ESPA Ground Water Model Spreadsheet is not included with this transfer.

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**Rabo
AgriFinance**

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Via UPS Overnight

July 21, 2010

Idaho Dept. of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 834025-1718

Shirley L. Dobbs
Vice President
Closing Department
Office Address One CityPlace Drive
Suite 200
St. Louis, MO 63141
Tel 314-687-4000
Fax 314-687-4432
shirley.dobbs@raboag.com

Re: Loan No. 10001700 - L3 Ltd Partnership
Water Right Nos. 322114, 32-7074 and 32-13263
Water Right Transfer and Change of Point of Diversion

Dear Sirs:

This letter is to acknowledge that Rabo AgriFinance, Inc. ("Lender") has a mortgage on the real property affected by the above referenced water rights. Lender further acknowledges that it has received a copy of the Application for Transfer of Water Right ("Application") on behalf of L3 Ltd Partnership referencing the three water rights listed above.

Per section 5.c. of the Application, Lender acknowledges and confirms that it has no objections to the proposed water right transfer and change in the point of diversion.

We request that you please keep Lender informed as to whether the transfer is approved or not. Should you have any other issues regarding this matter please do not hesitate to contact the undersigned.

Yours truly,

Shirley L. Dobbs
Vice President

cc: L3 Ltd Partnership
2943 North 800 E.
Montevieu, ID 83435

Nathan Thomsen
Sr. Relationship Manager

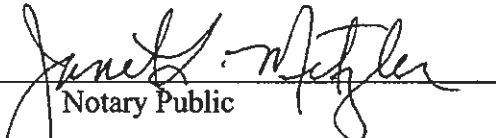
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STATE OF MISSOURI)
) SS:
COUNTY OF ST. LOUIS)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that SHIRLEY L. DOBBS, whose name is signed to the above and foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, she executed the same voluntarily on the day the same bears date.

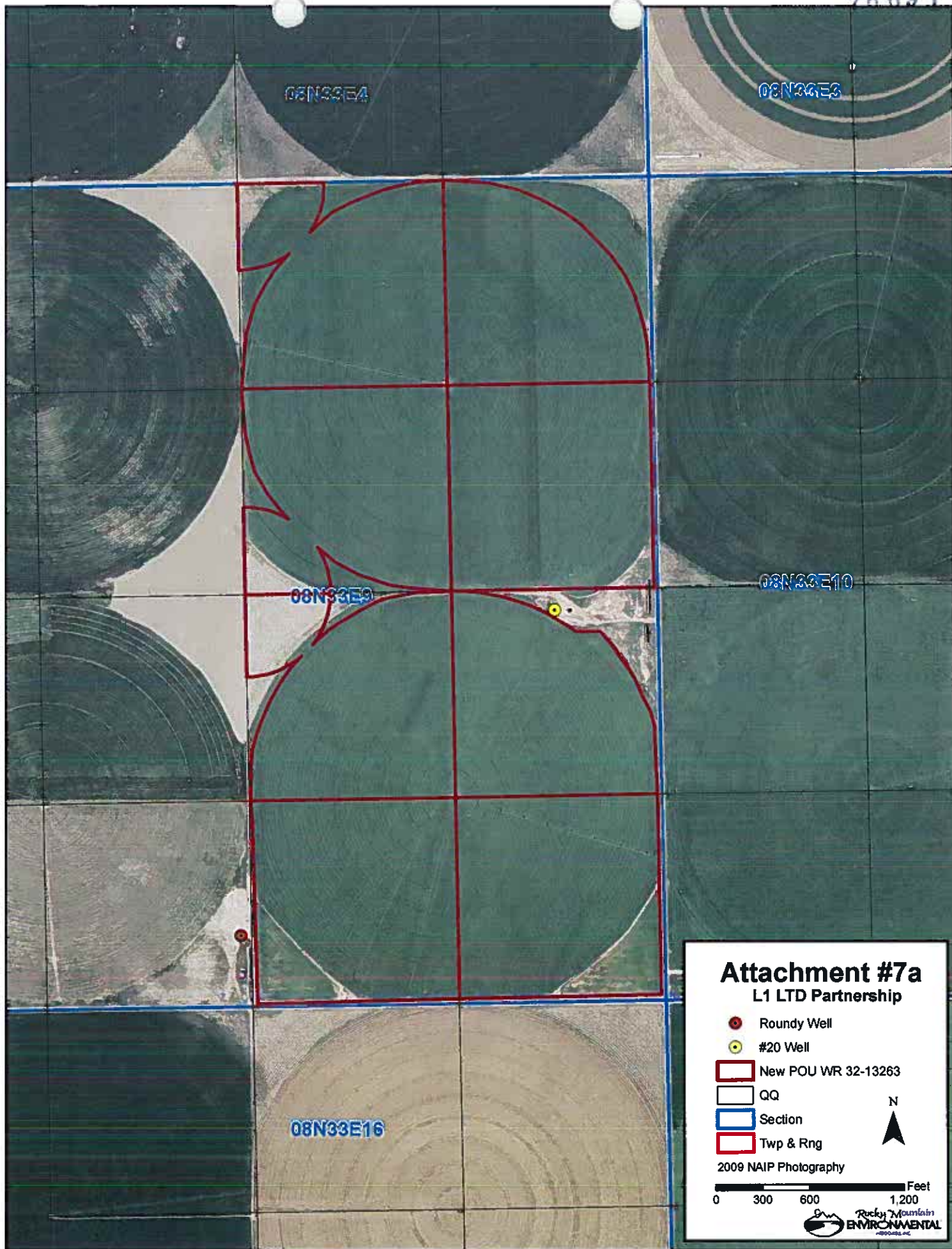
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal of office on this the 21st day of JULY, 2010.

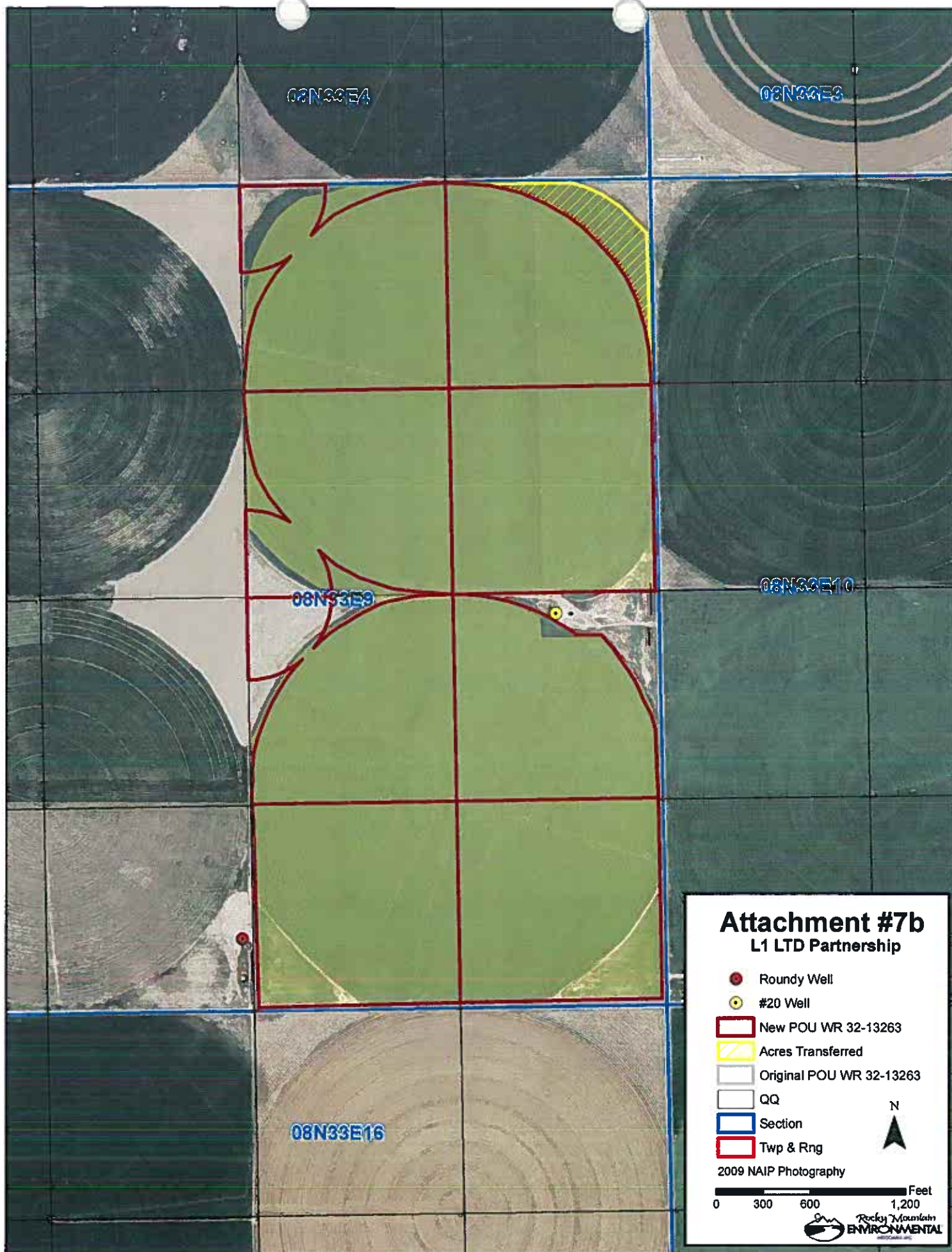



Notary Public

My commission expires:

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 76691

**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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

No. L 2971

Due no later than December 31, 2008

2. Registered Agent and Office NO PO BOX

Return to:

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

Annual Report Form

1. Mailing Address - Correct in this box, if applicable

L1 LIMITED PARTNERSHIP
L LAVAR NEWMAN
2943 N 800 E
MONTEVIEW, ID 83435

L LAVAR NEWMAN

2941 N 800 E
MONTEVIEW, ID 83435

NO FILING FEE IF

RECEIVED BY DUE DATE

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

President L. LAVAR NEWMAN 2943 N 800 E MONTEVIEW ID 83435
MEMBER Louise NEWMAN " " " "

16992

5. Organized Under the Laws of:

IDAHO
L 2971

6.

Signature

Name (Typed or Printed)

L. LAVAR NEWMAN President

Issued 10/01/2008

Do Not Tape or Staple

200812005114