

Transfer No. 76311

Receipt No. E035 718

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information VELMA L METCALF

3816 W 4050 N
MOORE ID 83255
(208)588-3362

Or

LYNN J METCALF
3816 W 4050 N
MOORE ID 83255
(208)588-3362

Will this transfer result in an ownership change? ____ Yes X No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
34-2421	WR/Decreed	1.28	224.0	64.0	70.0	GROUND WATER
34-322	WR/Decreed	0.80		40.0	70.0	BIG LOST RIVER
34-323	WR/Decreed	0.80			70.0	BIG LOST RIVER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-2421	NO	NO	YES	NO	NO	NO
34-322	NO	NO	YES	NO	NO	NO
34-323	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

change the place of use to reflect the current system

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
34-2421	1.28 cfs	64.0	74.0	224.0 af
34-322	0.80 cfs	40.0	74.0	
34-323	0.80 cfs	70.0	74.0	
TOTAL	1.88 cfs	70.0	74.0	

Transfer No. 76311

Receipt No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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.

X 
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

RECEIVED
APR 12 2010
Department of Water Resources
Eastern Region

Transfer No. 76311
Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

X Velma L Metcalf
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

Transfer No. 76311

Receipt No. _____

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

Current Water Right No. 34-2421

Priority Date: June 06, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.28 CFS	224.0 AFA	
Total Diversion		1.28 CFS	224.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNWNW Sec. 12 Twp 06N Rge 25E 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	
06N 25E 12					35.0	35.0											70.0

Total Acres: 70

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.88 CFS.
COMBINED RIGHT NOS.: 34-00322 AND 34-0323.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00322 AND 34-0323.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 64 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Dry

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No

Transfer No. 76311

Receipt No. _____

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

Current Water Right No. 34-322

Priority Date: July 21, 1886

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34 Twp 07N Rge 24E CUSTER 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	
06N 25E 12						35.0	35.0										70.0

Total Acres: 70

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.88 CFS.
COMBINED RIGHT NOS.: 34-00323 AND 34-02421.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00323 AND 34-02421.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Page 7

4. 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.
5. WATER IS DELIVERED THROUGH BURNETT DITCH.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

Transfer No. 76311

Receipt No. _____

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

Current Water Right No. 34-323

Priority Date: June 01, 1889

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34 Twp 07N Rge 24E CLUSTER 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	
06N 25E 12					35.0	35.0											70.0

Total Acres: 70

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.88 CFS.
COMBINED RIGHT NOS.: 34-00322 AND 34-02421.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 70 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00322 AND 34-02421.
4. 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.

Page 9

5. WATER IS DELIVERED THROUGH BURNETT DITCH.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

it will be irrigated by a different system

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 76311

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-2421

Priority Date: June 06, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.28 CFS	224.0 AFA	
	Total Diversion	1.28 CFS	224.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWNWNW Sec. 12 Twp 06N Rge 25E BUTTE County

Describe the proposed diversion system

Point of Diversion # 1 WATER PUMPED FROM WELL TO PRIVATE DITCH, PUMP TO SPRINKLER SYS.

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	
06N 25E 12					3.0	3.0	35.0	33.0									74.0

Total Acres: 74

Transfer No. 76311

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-322

Priority Date: July 21, 1886

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE OF BURNETT DITCH

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 25E 12					3.0	3.0	35.0	33.0									74.0

Total Acres: 74

Transfer No. 76311

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-323

Priority Date: June 01, 1889

Origin: Water Right

Basis: Decreed

Status: Active

Source: BIG LOST RIVER**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

BIG LOST RIVER SENWNW Sec. 34 Twp 07N Rge 24E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 HEADGATE OF BURNETT DITCH

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 25E 12					3.0	3.0	35.0	33.0									74.0

Total Acres: 74



#8

Custer.

FILE No. 5674LRT

INSTRUMENT No. 233703

V

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED KEITH D. LEWIS and
JUANNA BETH LEWIS Husband and Wife, the Grantor,
 does hereby grant, bargain, sell and convey unto LYNN J. METCALF and
VELMA L. METCALF, Husband and Wife, the Grantee,
 whose current address is 3816 West 4050 North, Moore, ID 83255,
 the following described real estate situated in CUSTER and BUTTE County,
 State of Idaho, to-wit:

See attached 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: 3-28-06
Keith D. Lewis
 Keith D. Lewis

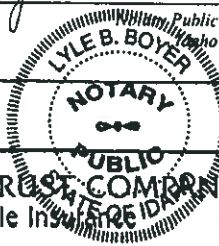
Juanna Beth Lewis
 Juanna Beth Lewis

STATE OF IDAHO, County of BUTTE
 On this 28th day of March, 2006
 before me, Lyle B. Boyer, a
 Notary Public in and for the said State personally
 appeared
Keith D. Lewis and Juanna Beth Lewis

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

Lyle B. Boyer

Residing at Arco,
 Comm. Expires 6-5-2009



THIS SPACE FOR COUNTY RECORD'S USE ONLY.

233703
 Custer County Reg. of
Idaho Title & Trust, Inc
 Time 11:40 A M Date 4/8/2006
 Ethel M. Peck, Clerk
Ruth Bunker \$ 6.00
 Deputy

IDAHO TITLE & TRUST COMPANY
 Escrows • Title Insurance

✓
233703

#8

EXHIBIT A

Township 6 North, Range 25 East of the Boise Meridian, Butte and Custer Counties,
State of Idaho.

Section 12: SE1/4NW1/4 and a triangular shaped parcel of land in the NE1/4NW1/4
described as follows:

Beginning at the Southeast corner of said NE1/4NW1/4; thence North 250 feet,
more or less, to an existing fence line; thence Southwesterly along said fence line 1345
feet, more or less, to the Southwest corner of said NE1/4NW1/4; thence East along the
South boundary of said NE1/4NW1/4 1320 feet, more or less, to the POINT OF
BEGINNING.

3.78 AC

Butte
FILE No. 5674LRT

INSTRUMENT No. _____

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED KEITH D. LEWIS and
JUANNA BETH LEWIS, Husband and Wife, the Grantor,
does hereby grant, bargain, sell and convey unto LYNN J. METCALF and
VELMA L. METCALF, Husband and Wife, the Grantee,
whose current address is 3816 West 4050 North, Moore, ID 83255,
the following described real estate situated in BUTTE and CUSTER County,
State of Idaho, to-wit:

See attached 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 3-28-06

Keith D. Lewis
Keith D. Lewis

Juanna Beth Lewis
Juanna Beth Lewis

STATE OF IDAHO, County of BUTTE

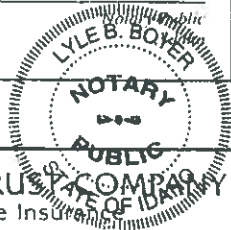
On this 28th day of March, 2006
before me, Lyle B. Boyer, a
Notary Public in and for the said State personally
appeared

Keith D. Lewis and Juanna Beth Lewis

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

Lyle B. Boyer

Residing at Arco,
Comm. Expires 6-5-2009



THIS SPACE FOR COUNTY RECORD'S USE ONLY.

NO. 0042961
RECORDED
MAR 31 2006
A.M. 1:31 P.M.
BUTTE COUNTY RECORDER
Lyle B. Boyer

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

P O Box 50367 Idaho Falls, ID 83405-0367 (208) 522 7895

EXHIBIT A

Township 6 North, Range 25 East of the Boise Meridian, Butte and Custer Counties,
State of Idaho.

Section 12: SE1/4NW1/4 and a triangular shaped parcel of land in the NE1/4NW1/4
described as follows:

Beginning at the Southeast corner of said NE1/4NW1/4; thence North 250 feet,
more or less, to an existing fence line; thence Southwesterly along said fence line 1345
feet, more or less, to the Southwest corner of said NE1/4NW1/4; thence East along the
South boundary of said NE1/4NW1/4 1320 feet, more or less, to the POINT OF
BEGINNING.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED LYNN J. METCALF and
VELMA L. METCALF, Husband and Wife, the Grantor,
does hereby grant, bargain, sell and convey unto KEITH D. LEWIS and
JUANNA BETH LEWIS, Husband and Wife, the Grantee,
whose current address is 4157 North 3600 West, Moore, ID 83255,
the following described real estate situated in BUTTE County,
State of Idaho, to-wit:

See attached EXHIBIT A

SUBJECT TO: all easements, rights or 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: 3-28-05

Lynn J. Metcalf
Lynn J. Metcalf

Velma L. Metcalf
Velma L. Metcalf

STATE OF IDAHO, County of BUTTE

On this 28th day of March, 2006
before me, Lyle B. Boyer, a
Notary Public in and for the said State personally
appeared
Lynn J. Metcalf and Velma L. Metcalf

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

Lyle B. Boyer

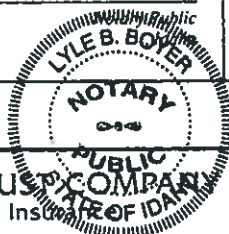
Residing at Arco,
Comm. Expires: 6-5-2009

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

NO. 0042960
RECORDED

MAR 31 2006

AM 130 PM
BUTTE COUNTY RECORDER
[Signature]



IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

EXHIBIT A

Township 6 North, Range 25 East of the Boise Meridian, to the County of Butte, State of Idaho.

Section 12: NW1/4NW1/4, EXCEPTING an existing Well site, Irrigation pump and Easement for access to well site described as follows:

Beginning at a point 486 feet South and 25 feet East of the Northwest corner of said Section 12; thence East 1 Rod; thence South 1 Rod; thence West 1 Rod; thence North 1 Rod to the POINT OF BEGINNING.

ALSO EXCEPTING a triangular shaped parcel of land described as follows:

Beginning at the Southwest corner of the NW1/4NW1/4; thence North along the West boundary of said NW1/4NW1/4 250 feet, more or less, to an existing fence corner; thence in a Southeasterly direction along said fence line 1345 feet, more or less, to the Southeast corner of said NW1/4NW1/4; thence West 1320 feet, more or less, to the POINT OF BEGINNING.