

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76444

APR 16 2010

APPLICATION FOR TRANSFER OF WATER RIGHT

Department of Water Resources

Hamilton Land: Live Fork, ID PART 1

Name of Applicant PO Box 461196, Leids UT 81946 Phone (435) 879-6986Mailing address PO Box 50, Swan Valley ID 83449 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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 4-10-10

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. 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 change ownership
2. 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**. Changing point of Diversion and ownership. Diversion will be moved up stream to an existing POD

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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76-11-

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 ☒ ☐	32-13289	2.45	IRR	4-01 to 10-31	Medicine Lodge, Sinks
☒ ☐	32-13291	1.22	IRR	4-01 to 10-31	Medicine Lodge, Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.67 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 3.67 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	17	WN	35E	Clark	Medicine Lodge	

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	

Total Acres (for irrigation use) _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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:

There is a lockable handgate already installed a weir will be below the handgate, before water enters any irrigation structures

- b. Who owns the property at the point(s) of diversion? *Egan Land and Livestack*

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

This POD is already established.

- 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: *None*

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: *None*

- 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: *None*

- 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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Close

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/31/2010

WATER RIGHT NO. 32-13291

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD TAYLOR & SONS INC PO BOX 51780 IDAHO FALLS, ID 83403 (208) 522-7770

Priority Date: 05/20/1884
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
MEDICINE LODGE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.22 CFS	
Total Diversion			1.22 CFS	

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK	NWNW	Sec. 20	Township 10N	Range 35E	CLARK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10N	35E	20		NWNE	30		SWNE	30									
				NENW	30		SENE	30									
				NESW	30		SESW	30									
				NWSE	30		SWSE	30									

Total Acres: 240

Conditions of Approval:

1.	X35	Rights 32-13289 and 32-13291 when combined shall not exceed the irrigation of 240 acres.
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. 32C.
3.	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.
4.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.	F06	The following rights are diverted through point(s) of diversion described above: 32-34, 32-36, 32-2019, 32-2076, 32-2082, 32-13288, 32-13289, 32-13290 and 32-13291.
7.	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.

Dates:

Licensed Date:

Decreed Date: 10/27/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 32C

Generic Max Rate per Acre:

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=32&Sequen...> 3/31/2010

Close

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/31/2010

WATER RIGHT NO. 32-13289

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD TAYLOR & SONS INC PO BOX 51780 IDAHO FALLS, ID 83403 (208) 522-7770

Priority Date: 10/01/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
MEDICINE LODGE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.45 CFS	
Total Diversion			2.45 CFS	

Location of Point(s) of Diversion:

MEDICINE LODGE CREEK	NWNW	Sec. 20	Township 10N	Range 35E	CLARK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CLARK County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10N	35E	20		NWNE	30		SWNE	30						
				NENW	30		SENE	30						
				NESW	30		SESW	30						
				NWSE	30		SWSE	30						

Total Acres: 240

Conditions of Approval:

1.	X35	Rights 32-13289 and 32-13291 when combined shall not exceed the irrigation of 240 acres.
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. 32C.
3.	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.
4.	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.
5.	F06	The following rights are diverted through point(s) of diversion described above: 32-34, 32-36, 32-2019, 32-2076, 32-2082, 32-13288, 32-13289, 32-13290 and 32-13291.
6.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7.	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.
8.	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.

Dates:

Licensed Date:

Decreed Date: 10/27/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

<http://www.idwr.idaho.gov/apps/ExtSearch/RightReportAJ.asp?BasinNumber=32&Sequen...> 3/31/2010

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ 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.:

Transfer contains _____ pages and _____ attachments.

Received by Blaue Date 4/14/2010 Prelim. Check by Blaue Date _____

Fee Paid 370.00 Date 4/14/2010 Received by Blaue Receipt # E035751

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

76 4 4 4

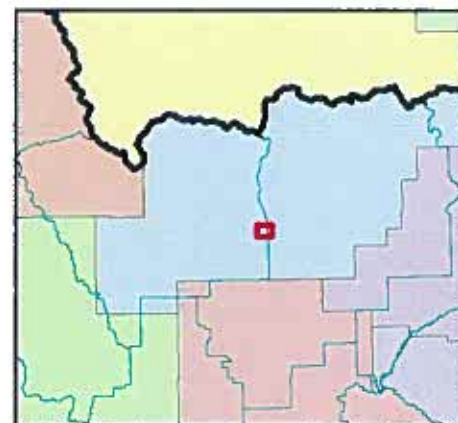


Idaho Department of Water Resources

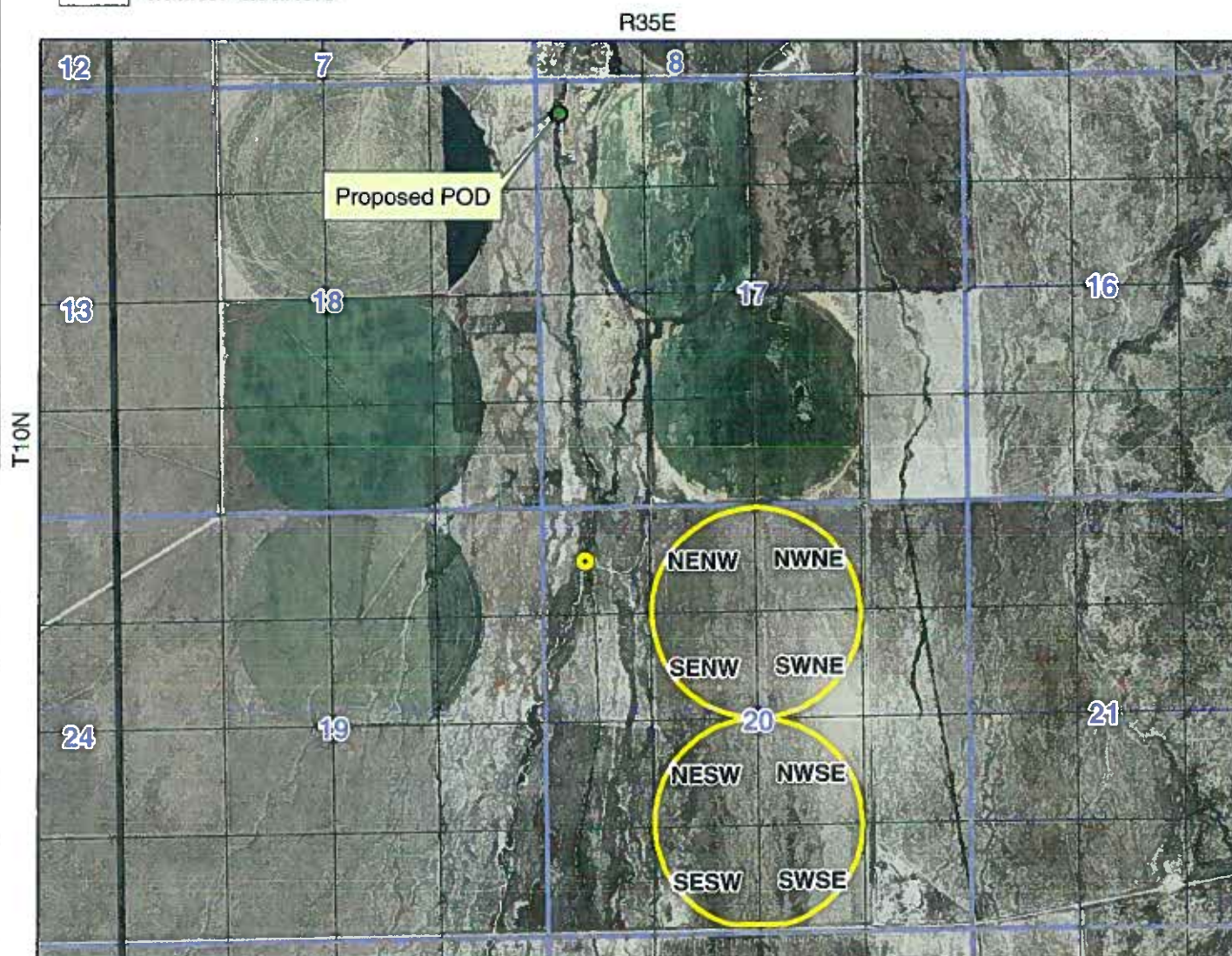
Water Right
32-13289 and 32-13291
(IRRIGATION)

Legend

- Point of Diversion (Current)
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Clark County
IDWR Basin 32



RECEIVED

APR 16 2010

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

Transfer No.

76444

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/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: _____

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Mail Property Tax Notice To:

Hamilton Land & Livestock, LTD
P.O. Box 50
375 State Hwy. 31
Swan Valley, ID 83449

Microfilm No. **053344**
24 Day SEPTEMBER 20 09
At 2:26 O'Clock P M
LISA BLACK
Clark Co. Recorder
Fee \$ 2.00 Deputy
Recorded at Request of
ALLIANCE TITLE

WARRANTY DEED

3060920336
ALLIANCE TITLE & ESCROW CORP

Howard Taylor & Sons, Inc., an Idaho Corporation, Grantor, hereby conveys, grants and warrants to Hamilton Land & Livestock, LTD, Grantee, whose mailing address is P.O. Box 50, 375 State Hwy. 31, Swan Valley, ID 83449, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real property located in Clark County, Idaho:

SEE ATTACHED EXHIBIT "A"

Subject to taxes and assessments for the year 2009 and all subsequent years, to any and all existing easements, rights-of-way, reservations, restrictions and encumbrances which are apparent or of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, and rights-of-way in anywise appertaining to the property herein described.

Grantor retains an easement for the existing headgate, water line for grazing purposes and two irrigation ditches. This retained easement includes ingress and egress access to the headgate, water line for grazing purposes and two irrigation ditches for maintenance of the same.

The following water rights are transferred to the Grantee: Water rights under Decree 32-0034 with a priority date of October 1, 1883, in a total amount of 2.45 cfs, and water rights under Decree 32-0037 with a priority date of May 20, 1884, in a total amount of 1.22 cfs. The following water rights are specifically NOT transferred to the Grantee and are therefore retained by the Grantor: All other water rights pertaining to the above-described real property including, but not limited to, the remaining 0.46 cfs under Decree 32-0034 and the remaining 0.23 cfs under Decree 32-0037.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said premises, that the premises are free from all encumbrances, excepting those as may be herein set

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forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 24th day of September, 2009.

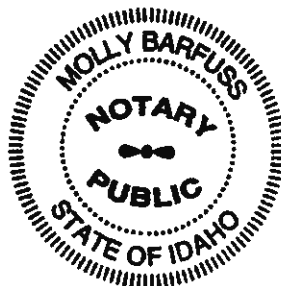
HOWARD TAYLOR & SONS, INC.

Howard Taylor & Sons Inc
By: Carl Taylor
Its: President

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 24th day of September, 2009, before me the undersigned, a Notary Public for Idaho, personally appeared Carl Taylor, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Molly Barfuss
Notary Public for Idaho
Notary Public for the State of Idaho
My Commission Expires Residing in Idaho Falls
Commission Expires 03-7-12

053344

Township 10 North, Range 34 East of the Boise Meridian, Clark County, Idaho.

**Section 24: Southeast Quarter Southwest Quarter
South Half Southeast Quarter**

Excepting Therefrom all of the following described property:

- a. A certain property conveyed to the State of Idaho for roadway purposes by that certain State Highway Right of Way Deed recorded in Book 3 at Page 652A of Miscellaneous Records on July 2, 1951, records of Clark County, Idaho.**

Township 10 North, Range 35 East of the Boise Meridian, Clark County, Idaho.

**Section 19: Southeast Quarter Southwest Quarter
Southeast Quarter
Government Lot 4**

Excepting Therefrom all of the following described property:

- a. A certain property conveyed to the State of Idaho for roadway purposes by that certain State Highway Right of Way Deed recorded in Book 3 at Page 652A of Miscellaneous Records on July 2, 1951, records of Clark County, Idaho.**

**Section 20: West Half
West Half East Half**

Excepting Therefrom all of the following described property:

- a. A certain property conveyed to the State of Idaho for roadway purposes by that certain State Highway Right of Way Deed recorded in Book 3 at Page 652A of Miscellaneous Records on July 2, 1951, records of Clark County, Idaho.**

3060920336KB



CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

2007 DEC 23 AM 8:53

FILED EFFECTIVE

1. The name of the limited partnership is: IDAHO HAMILTON LAND AND LIVESTOCK, LP

2. The name and business address of the registered agent are:

CLETUS R. HAMILTON, P.O. BOX 50, 375 STATE HWY 31, SWAN VALLEY, IDAHO 83449

3. The name and business address of each general partner are:

Name

Address

CLETUS R. HAMILTON

P.O. BOX 50, 375 STATE HWY 31, SWAN VALLEY, IDAHO 83449

SHARON LEE HAMILTON

P.O. BOX 50, 375 STATE HWY 31, SWAN VALLEY IDAHO 83449

(If more space is needed, continue in item 4.)

4. Other matters (optional):

NONE

5. Signature of all general partners:

Cletus R. Hamilton
Sharon Lee Hamilton

CLETUS R. HAMILTON

Typed Name

SHARON LEE HAMILTON

Typed Name

Typed Name

Typed Name

Secretary of State use only

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Revised 01/2001

IDAHO SECRETARY OF STATE
12/23/2002 05:00
CK: 1162 CT: 85921 BH: 652930
1 @ 100.00 = 100.00 LTD PTR DN # 2

Web Form

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