

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 76104

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

Name of Applicant(s) John Lezamiz Family LTD Partnership Phone 208-734-7510Mailing address PO Box 389 Twin Falls, ID 83303-0389 Email _____

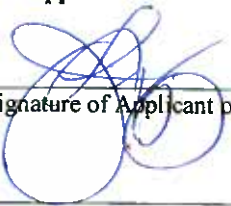
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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.

	<u>John Lezamiz - Managing Partner</u>	<u>11/6/09</u>
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. Create a permissible place of use for all water rights**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.9 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 5.9 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 #

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 155 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

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: Existing wells, 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: _____

N/A

- 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: N/A

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

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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

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Diversion Rate

2.4 CFS

Annual Volume

Total Diversion

2.4 CFS

Location of Point(s) of Diversion

BIG LOST RIVER

NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S31	NENE	24.00	T07N R25E S31	SWNE	40.00
T07N R25E S31	SENE	24.00	T07N R25E S31	SENE	30.00
T07N R25E S31	NESE	37.00			

Total Acres: 155

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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.
2. 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. F01 Water is delivered through the Burnett Ditch.
5. E56 The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
6. E52 The rights listed below are limited to a total combined diversion rate of 5.90 cfs.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.

Decreed Date: 8/5/2009

**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
 BIG LOST RIVER

Tributary
 SINKS

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	5/01 to 10/15	2.7 CFS	
	Total Diversion	2.7 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER
 CUSTER County

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

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S31	NENE	24.00	T07N R25E S31	SWNE	40.00
T07N R25E S31	SENE	24.00	T07N R25E S31	SENE	30.00
T07N R25E S31	NESE	37.00			

Total Acres: 155

Page _____ of _____

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
2. 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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. K06 This right is limited to the irrigation of 135 acres within the place of use described above in a single irrigation season.
6. E52 The rights listed below are limited to a total combined diversion rate of 5.90 cfs.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
7. F01 Water is delivered through the Burnett Ditch.

Decreed Date: 8/5/2009

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

Current Water Right No.: 34-232

Current Owner: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP

Priority Date: 6/1/1886

Origin: Water Right

Status: Active

Basis: Decreed

Source

CONGDON SPRINGS

Tributary

CONGDON SPRINGS CREEK

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Total Diversion

Diversion Rate

0.8 CFS

0.8 CFS

Annual Volume

Location of Point(s) of Diversion

CONGDON SPRINGS

CUSTER County

NW1/4NE1/4

Sec. 31, Twp 07N, Rge 25E 8.M.

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S31	NENE	24.00	T07N R25E S31	SWNE	40.00
T07N R25E S31	SENE	24.00	T07N R25E S31	SENE	30.00
T07N R25E S31	NESE	37.00			

Total Acres: 155

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E52 The rights listed below are limited to a total combined diversion rate of 5.90 cfs.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
3. E56 The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
4. 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.
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.

Decreed Date: 8/5/2009

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 34-2275**76104**

Priority Date: 06/11/1946

Origin: Water Right

Basis: Decreed

Status: Active

Source: CONGDON SPRINGS**Tributary to:** CONGDON SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01 10/15	1.30 CFS		
	Total Diversion	1.30 CFS		

Source and Point(s) of Diversion:

CONGDON SPRINGS	SEWNNE	07N 25E	31	CUSTER
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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	
07N 25E 31	19.0			23.0									18.0				60.0

Total Acres: 60

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 84 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00230, 34-00231, 34-00232 AND 34-02350.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.16 CFS.
COMBINED RIGHT NOS.: 34-00230, 34-00231, 34-00232 AND 34-02350.
5. 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.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 34-2275

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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 affect 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?

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 34-2350**76104**

Priority Date: 07/13/1959

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.60 CFS	280.0 AFA	
Total Diversion		1.60 CFS	280.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNE 07N 25E 31 CUSTER

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	
07N 25E 31	24.0			23.0									33.0				80.0

Total Acres: 80

Conditions/Remarks:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 84 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00230, 34-00231, 34-00232 AND 34-02275.
2. 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.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.16 CFS.
COMBINED RIGHT NOS.: 34-00230, 34-00231, 34-00232 AND 34-02275.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 34-2350

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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 affect 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?

Page _____ of _____

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

Current Water Right No.: 34-2418

Current Owner: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP

Priority Date: 5/24/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary**Beneficial Use**

IRRIGATION

From To

04/01 to 11/01

Total Diversion

Diversion Rate

1.26 CFS

1.26 CFS

Annual Volume

262.5 AF

262.5 AF

Location of Point(s) of Diversion

GROUND WATER

CUSTER County

NW1/4NE1/4

Sec. 31, Twp 07N, Rge 25E B.M.

Place of UseIRRIGATION Within CUSTER County

T07N R25E S31	SWNE	40.00	T07N R25E S31	SENE	30.00
T07N R25E S31	NESE	5.00			

Total Acres: 75

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.
2. E56 The rights listed below are limited to the irrigation of a combined total of 155 acres in a single irrigation season.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.
3. E52 The rights listed below are limited to a total combined diversion rate of 5.90 cfs.
Combined Right Nos.: 34-00230, 34-00231, 34-00232, 34-02275, 34-02350 and 34-2418.

Decreed Date: 10/16/2009

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

76 10 4

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

76 10 4

☐ 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 rights(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**.

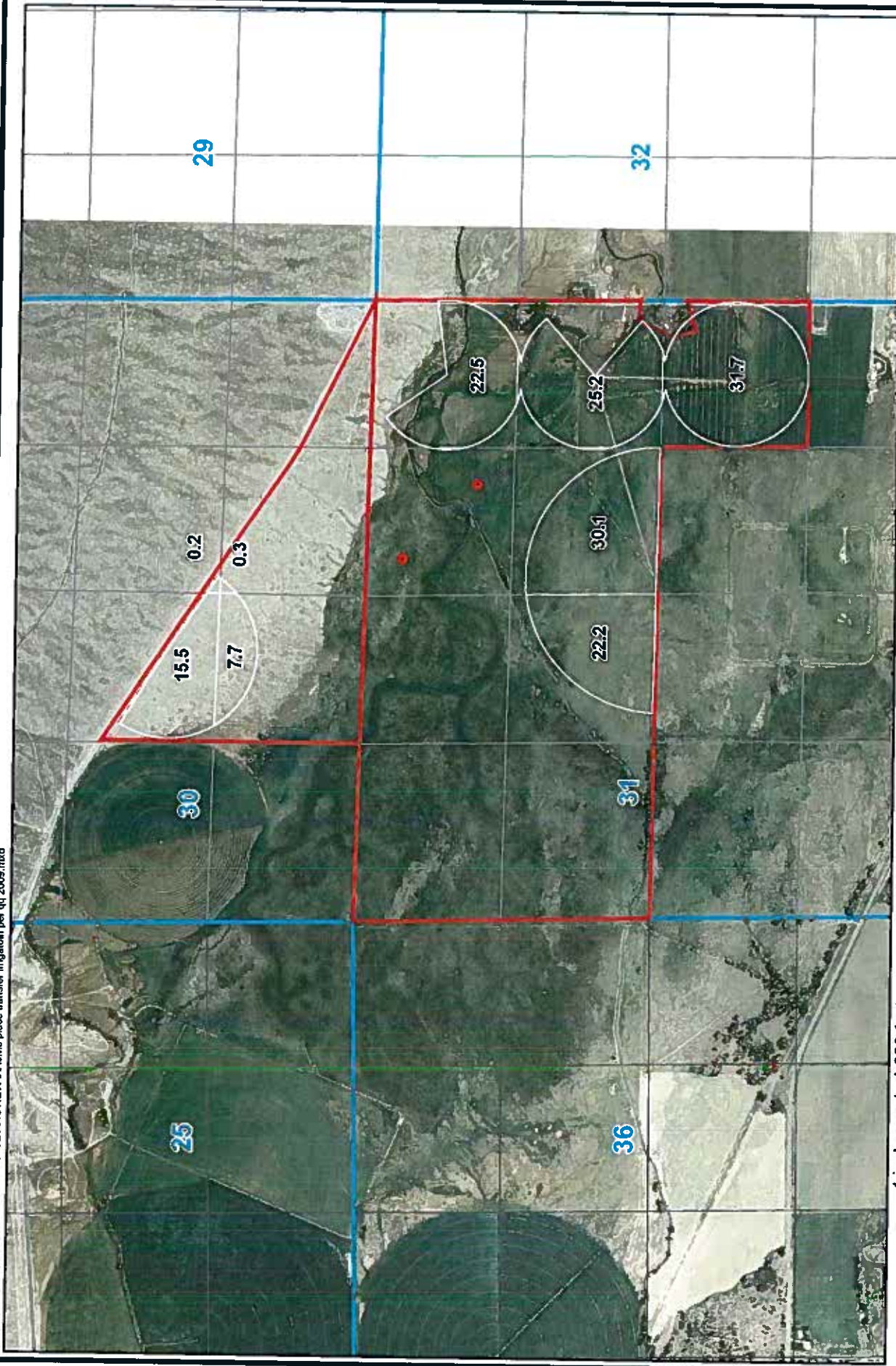
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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 _____ Date _____ Prelim. Check by _____ Date _____
 Fee Paid 450 Date 11/10/09 Received by B/wac Receipt # 6035450
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

76 10 4

I:\projects\LEZAMIZ - WOODBURY PLACE\VIEW SHOT\Home place transfer Irrigation per q1 2009.mxd

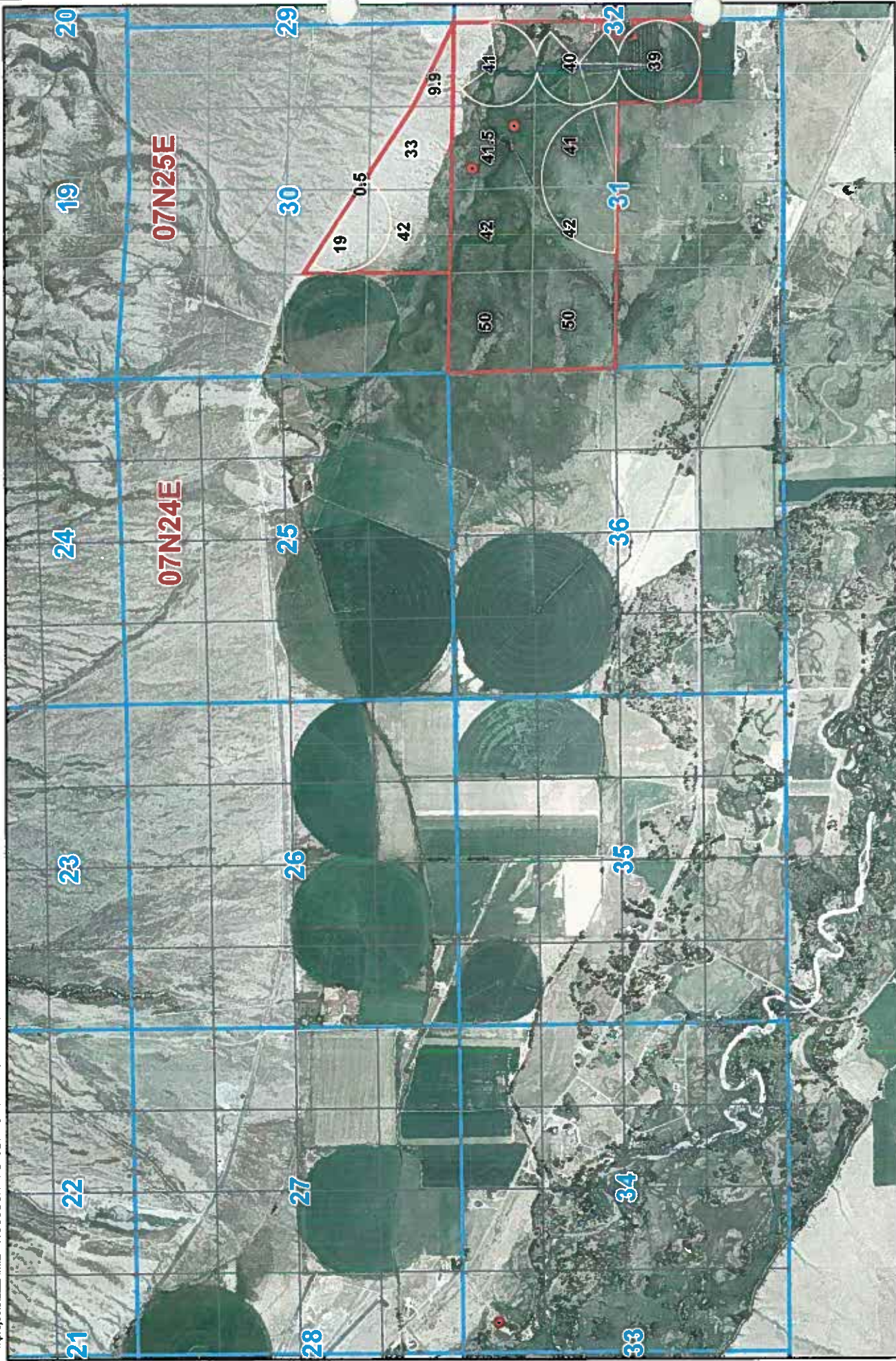


1 inch equals 1,200 feet

LEZAMIZ, J. - TRANSFER MAP
(IRRIGATION IN PPU AT THE HOME PLACE)
NAIP 2006 AERIAL PHOTO

- LEGEND**
- Points of Diversion_HP
 - Homeplace PPU Boundary
 - Section_Lines
 - 107n24e
 - 107n25e
 - Irrigation 155.4 ac

BROCKWAY ENGINEERING, PLLC.
ALR - DEC. 1, 2009

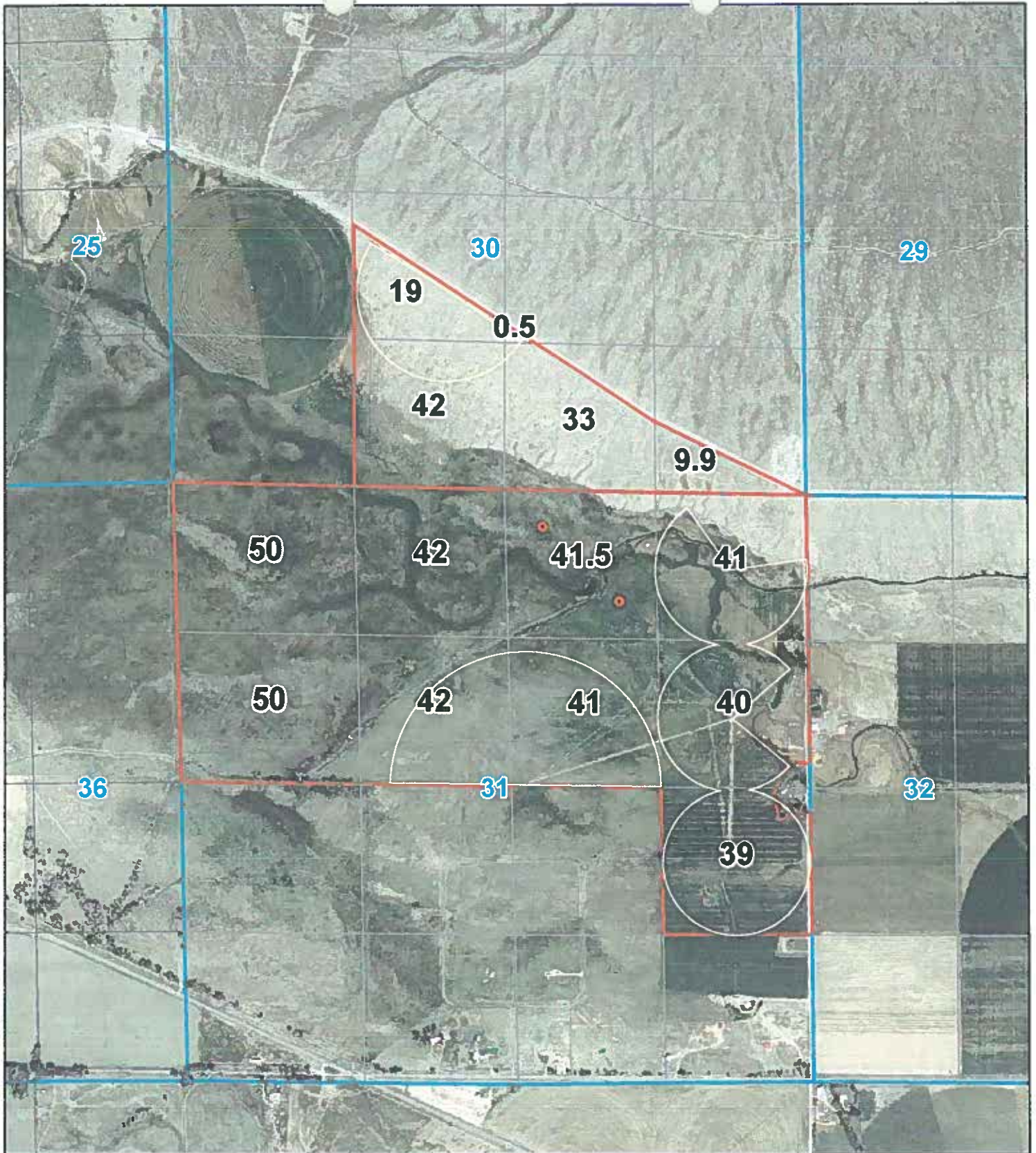


1 inch equals 2,150 feet

LEGEND

LEZAMIZ, J. - TRANSFER MAP
(PPU AT THE HOME PLACE)
NAIP 2006 AERIAL PHOTO

Home Place Proposed Irrigation=155 Acres



1 inch equals 1,200 feet

**LEZAMIZ, J. - TRANSFER MAP
(PPU AT THE HOME PLACE)
NAIP 2006 AERIAL PHOTO**

LEGEND

- Points_of_Diversion_HP
- Homeplace PPU Boundary
- Section_Lines
- t07n24e
- t07n25e
- Home Place Proposed Irrigation=155 Acres



BROCKWAY ENGINEERING, PLLC.
ALR - NOV. 5, 2009

NO. L 4574

Return to:

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

**Due no later than December 31, 2008
Annual Report Form**

1. Mailing Address - Correct 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

**NO FILING FEE IF
RECEIVED BY DUE DATE**

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

5. Organized Under the Laws of:

**IDAHO
L 4574**

6.

Signature

Name (Typed or Printed)

John Lezawiz

Date 10/10/08

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

238220
Custer County Reg. of
John Lezamiz
Time 11:58 AM Date 12/22/2008
Barbara G. Breedlove, Clerk
[Signature] \$3.00
Deputy

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

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

Patent No. 11-2008-0001

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

23355-1

Custer County Rec. of
Idaho Title Co Alliance
 Time 4:10 PM Date 3/7/06
 Ethel M. Teck, Clerk
W. M. Teck, 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

433534
SECTION 33, 6 FEET TO THE SOUTHEAST CORNER OF THE
NORTHWEST QUARTER SOUTHWEST QUARTER SECTION 33; THENCE
NORTH 00° 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° 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° 14' 27" WEST ALONG THE EAST BOUNDARY OF THE NORTHWEST
QUARTER SECTION 33, 1972.84 FEET; THENCE SOUTH 82° 49' 28" WEST,
665.59 FEET; THENCE NORTH 00° 16' 26" WEST 740.88 FEET ALONG AN
EXISTING FENCE LINE; THENCE NORTH 89° 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° 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° 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° 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° 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° 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° 57' 40" WEST

→ 33554

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.

October 16, 2009

Ernie Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402-1718

Re: Rescindment of 4 Approved Water Right Transfers:
#74000, #74013, #74664, #74665

Dear Mr. Carlson :

With notice of this letter, I would like to rescind four (4) approved water right transfers: #74000, #74013, #74664 and #74665

I would like the water to remain as it has been, and not be changed as per the requirements of the above transfers.

Your time and help has been greatly appreciated with these transfers and other water right needs, as we continue to move forward with our farm land and irrigation.

Please feel free to contact either myself or Erick Powell, with any questions you may have.

Sincerely,



John Lezamiz
John Lezamiz Family LTD Partnership
847 Canyon Springs
Twin Falls, ID 83301

Cc: Erick Powell
Brockway Engineering
2016 North Washington Street, Ste 4
Twin Falls, ID 83301

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No.

76104

**MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

RECEIVED

NOV 10 2009

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: _____

76104