

Rushing, Emalee

From: Rushing, Emalee
Sent: Wednesday, December 05, 2007 1:41 PM
To: 'sford@kmclaw.com'
Subject: Ownership change for LDS basin 45 rights
Attachments: Notes re LDS ownership change.pdf

Please find attached the notes I've made regarding the 3 ownership changes submitted.

Total fees submitted = \$900
Total ownership requests = 37

I can process 2 of the 37 ownership changes.

1 cannot be processed without further info.

34 cannot be processed with further info or each of the 34 will need to be divided. There will be an additional fee of \$75 per split - if all 34 are divided, \$2,550 will be due.

Please let me know how you wish to proceed. You can call, fax or email if you have further questions or documents you wish to add.



Notes re LDS
ownership change...

Thank you,
Emalee Rushing

Idaho Dept. of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone: 208-287-4952
Fax: 208-287-6700
Email: emalee.rushing@idwr.idaho.gov

NOTES RE OWNERSHIP CHANGE REQUESTS (3 REQUESTS TOTAL)

REQUEST #1 (4 WRs-\$100 paid)

Ownership Change Request for WRs:

45-2441, 45-10975, 45-11037, 45-2590 - Deed (recorded as 305828) matches WR **except** - Exhibit A Pg. 3 - exception as listed for Tract 1.

Total acres for WRs = 159

Covered acres per deed = 155.8

Need add'l info or split required.

REQUEST #2 (16 WRs - \$375 paid)

Ownership change request which lists WRs:

45-2353B

45-2378B

45-2377F

45-2423B

45-2424B

45-2475B

45-2533B

45-2534D

45-2606D

45-2702B

45-4076B

45-13781

45-13805

45-13806

45-2357B

45-11865

For all of the WRs listed to the left – Deed #305826 – 3 exceptions on the deed remove small portions of each WR and require splits or need further deeds which cover the exceptions.

1. 11S 22E Sec24 NW NW 4.6 acres not covered (Ex A pg 2 Exception for Sec. 24)

2. 11S 22E Sec26 NW NE 1.5 acres not covered (Ex A pg 3 Exception Tract 1)

3. 11S 22E Sec26 SE NE 1.5 acres not covered (Ex A pg 3 Exception Tract 2)

See attached map #1 for a visual

Total acres for WRs = 1111 Covered areas per deed = 1103.4

No matching deed – this is the portion listed as exception on Deed (recorded as 305826) Ex. A pg. 3 Tract 1

REQUEST #3 (17 WRs - \$425 paid)

Ownership change request which lists WRs:

45-2353A

45-2475A

45-13782

This group to the left match except for 18.1 acres in Sec. 34

45-2357A

45-2533A

45-13804

See attached map #2

45-2377E

45-2606C

45-2534C

45-2378A

45-2702A

No exceptions on deed 305922 – just 18.1 acres not accounted for. ..

45-2423A

45-4076A

Need additional documentation or each WR will require a split

45-2424A

45-13803

45-2440 OK to process (matches deed 305922 Parcel 1)

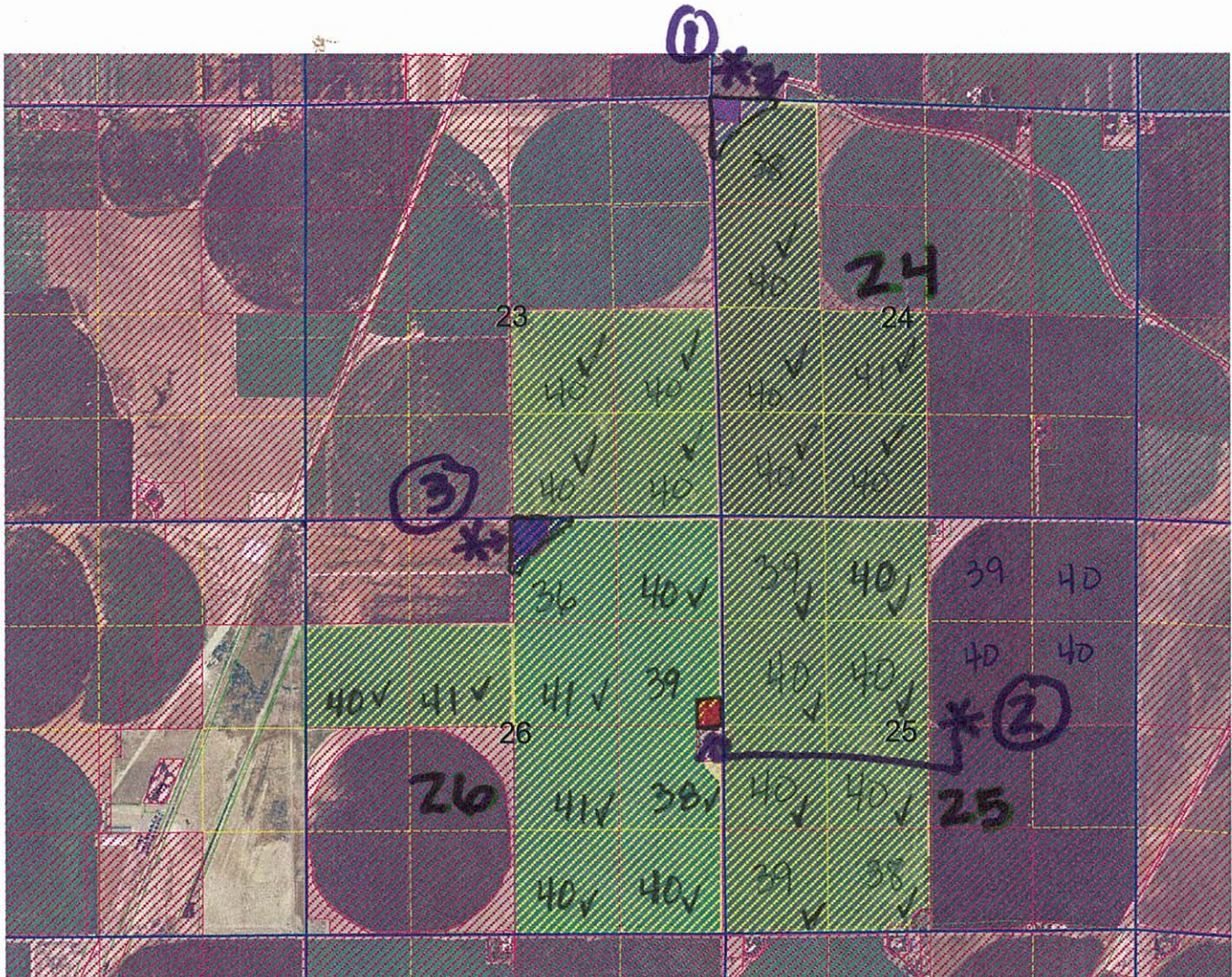
45-11864 – OK to process deed submitted doesn't match but found another one which works (deed was recorded as 305691)

BOLDED WR #s were not on your fax inquiry – but listed on the Notice of Change in Water Right Ownership

MAP #1

Township 11S, Range 22 East

Exceptions noted

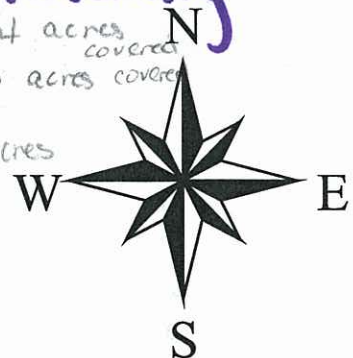


0.5 0 0.5 1 Miles

* = Areas not matching

- Sections
- Right POU
- Sec 26 exception Tract 1
- Sec 26 exception Tract 2
- QQ
- Sec 24 exception

1 ^{with} 38 acres - only 33.4 acres covered
 2 ^{with} 39 acres - only 37.5 acres covered
 3 ^{with} 36 acres - only 34.5 acres covered



PARCEL NO. 3

TOWNSHIP 11 SOUTH, RANGE 22 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 23: SE $\frac{1}{4}$

Section 24:

W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, EXCEPT the following described tract:

Beginning at the Northwest corner of Section 24 of T.11 S., R.22 E., B.M., said corner marked by a $\frac{5}{8}$ " rebar with 3" aluminum cap on top which shall be the Point of Beginning;

Thence South 87 degrees 50 minutes 00 seconds East along the north section line for a distance of 818.06 feet;

Thence South 02 degrees 10 minutes 00 seconds West for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar;

Thence South 02 degrees 10 minutes 00 seconds West for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar;

Thence along a curve to the left for a distance of 1036.27 feet; said curve having a radius of 1442.34 feet and a central angle of 41°09'54" and a long chord bearing of South 47 degrees 44 minutes 20 seconds West for a distance of 1014.13 feet;

Thence South 88 degrees 52 minutes 16 seconds West for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar;

Thence South 88 degrees 52 minutes 16 seconds West for a distance of 25.00 feet to a $\frac{1}{2}$ " rebar on the west section line;

Thence North 01 degrees 07 minutes 44 seconds West along said line for a distance of 764.04 feet to the Point of Beginning.

Section 25: W $\frac{1}{2}$, EXCEPT the following described tract:

Beginning at the South $\frac{1}{4}$ section corner of Section 25 of T.11 S., R.22 E., B.M., said corner marked by a iron pipe with brass cap on top which shall be the Point of Beginning;

Thence South 89 degrees 25 minutes 24 seconds West along the south section line for a distance of 232.30 feet;

Thence North 00 degrees 43 minutes 30 seconds East for a distance of 30.79 feet to a $\frac{1}{2}$ " rebar;

Thence North 00 degrees 43 minutes 30 seconds East for a distance of 158.22 feet to a $\frac{1}{2}$ " rebar;

Thence North 49 degrees 18 minutes 36 seconds East for a distance of 303.64 feet to a $\frac{1}{2}$ " rebar on the east line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$;

Thence South 00 degrees 03 minutes 01 seconds West along said line for a distance of 384.63 feet to the Point of Beginning.

-Continued-

Section 26:

E½, S½NW¼, EXCEPT the following described tracts:

Tract No. 1

2

Beginning at the Southeast corner of the NE¼;
Thence N 00°05'53" W (north, rec.) for a distance of 330 feet;
Thence S 89°44'44" W (west, rec.) for a distance of 330 feet;
Thence S 00°05'53" E (south, rec.) for a distance of 330 feet;
Thence N 89°44'44" E (east, rec.) for a distance of 330 feet to the Point of Beginning.

Tract No. 2

3

Beginning at the North ¼ section corner of Section 26 of T.11 S., R.22 E., B.M.,
said corner marked by a iron pipe with brass cap on top which shall be
the Point of Beginning;

Thence North 89 degrees 33 minutes 55 seconds East along the north section line
for a distance of 727.57 feet to a ½" rebar;

Thence South 00 degrees 00 minutes 18 seconds East for a distance of 25.00
feet to a ½" rebar;

Thence South 00 degrees 00 minutes 18 seconds East for a distance of 23.79
feet to a ½" rebar;

Thence along a non-tangent curve to the left for a distance of 957.25 feet, said
curve having a radius of 1435.80 feet and a central angle of 38°11'57"
and a long chord bearing of South 46 degrees 08 minutes 20 seconds
West for a distance of 939.62 feet;

Thence South 89 degrees 33 minutes 55 seconds West for a distance of 50.00
feet to a ½" rebar on the west line of the NE¼;

Thence North 00 degrees 00 minutes 18 seconds West along said line for a
distance of 694.26 feet to the Point of Beginning.

-Continued-

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2357B

WATER RIGHT NUMBER: 45-2357B + 14 other WRS

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	LING & ROBINSON C/O ROGER D LING PO BOX 396 RUPERT, ID 83350-0396 (208)436-4717
Current Owner	BEAN HOLDING LLC 650 S 200 W BURLEY, ID 83318 (208)678-9430

Priority Date: 12/13/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.960 CFS	912.00 AF
	<u>Total Diversion:</u>	1.960 CFS	912.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4NE1/4	Sec. 26, Twp 11S, Rge 22E, B.M.
CASSIA County		
GROUND WATER	SW1/4SW1/4	Sec. 25, Twp 11S, Rge 22E, B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4	Sec. 26, Twp 11S, Rge 22E, B.M.
CASSIA County		
GROUND WATER	SW1/4SW1/4	Sec. 24, Twp 11S, Rge 22E, B.M.
CASSIA County		
GROUND WATER	SW1/4NW1/4	Sec. 25, Twp 11S, Rge 22E, B.M.
CASSIA County		
GROUND WATER	SW1/4SW1/4NE1/4	Sec. 26, Twp 11S, Rge 22E, B.M.
CASSIA 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		
11S	22E	23														40.0	40.0	40.0	40.0	160.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2357B

11S 22E 24				38.0	40.0		41.0	40.0	40.0	40.0		239.0	
				33.4									
11S 22E 25				40.0	39.0	40.0	40.0	40.0	39.0	38.0		316.0	
11S 22E 26		40.0	36.0	41.0	39.0		40.0	41.0				396.0	
		34.5		37.5						38.0	41.0	40.0	40.0

Total Acres: 1111

2 short by 7.6 acres

Conditions of Approval:

1. RIGHT NO. 45-13781 IS AN EXPANSION OF THIS RIGHT AND OTHERS PURSUANT TO SECTION 42-1416B, IDAHO CODE.
2. E53 USE OF THIS RIGHT WITH RIGHT NO. 45-2533B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 912 AF.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 228 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 45-2533B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 228 ACRES IN A SINGLE IRRIGATION SEASON.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1111 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2353B, 45-2357B, 45-2377F, 45-2378B, 45-2423B, 45-2424B, 45-2475B, 45-2533B, 45-2534D, 45-2606D, 45-2702B, 45-4076B, 45-13781, 45-13805 & 45-13806.
8. 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.
9. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.61 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3704 AF. COMBINED RIGHT NOS.: 45-2353B, 45-2357B, 45-2377F, 45-2378B, 45-2423B, 45-2424B, 45-2475B, 45-2533B, 45-2534D, 45-2606D, 45-2702B, 45-4076B, 45-13781, 45-13805 & 45-13806.

Remarks:Comments:

1. kpickett 2/13/2006 POD
Comment: Correlated PODID 610120 from SpatialDataID 189542 to SpatialDataID 189555
2. kpickett 2/13/2006 POD
Comment: Correlated PODID 610122 from SpatialDataID 189016 to SpatialDataID 189011



See Reg. #3

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-2353A

WATER RIGHT NUMBER: 45-2353A

+ 14 other WRS

Owner Type

Name and Address

w/ same place of use

Attorney

LING & ROBINSON
C/O ROGER D LING
PO BOX 396
RUPERT, ID 83350-0396
(208)436-4717

Current Owner

BEAN FARMS INC
152 W 700 S
BURLEY, ID 83318
(208)678-7736

Priority Date: 10/24/1950

Basis: Decreed

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.440 CFS

288.00 AF

Total Diversion:

1.440 CFS

288.00 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SW1/4

Sec. 3, Twp 12S, Rge 22E, B.M.

CASSIA County

GROUND WATER

SE1/4SW1/4

Sec. 4, Twp 12S, Rge 22E, B.M.

CASSIA County

GROUND WATER

NW1/4NW1/4

Sec. 3, Twp 12S, Rge 22E, B.M.

CASSIA 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	
OK	11S	22E	27										40.0	35.0					75.0
Short by 18.1 acres	11S	22E	34	40.0	36.0	40.0	40.0	32.0	39.0	39.0	30.0	39.0	39.0	37.0	39.0	39.0	40.0	39.0	607.0 588.9
DK	12S	22E	3					39.0	22.0	38.0	40.0	40.0	40.0	40.0	39.0				298.0
								L 3	L 4										

covered on deed

Total Acres: 980

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-2353A

Conditions of Approval:

1. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.86 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3264 AF. COMBINED RIGHT NOS.: 45-2353A, 45-2357A, 45-2377E, 45-2378A, 45-2423A, 45-2424A, 45-2475A, 45-2533A, 45-2534C, 45-2606C, 45-2702A, 45-4076A, 45-13782, 45-13803 & 45-13804.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 980 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2353A, 45-2357A, 45-2377E, 45-2378A, 45-2423A, 45-2424A, 45-2475A, 45-2533A, 45-2534C, 45-2606C, 45-2702A, 45-4076A, 45-13782, 45-13803 & 45-13804.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT NO. 45-13782 IS AN EXPANSION OF THIS RIGHT AND OTHERS PURSUANT TO SECTION 42-1416B, IDAHO CODE
7. 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.

Dates and Other Information:

Licensed Date:
Decreed Date: 5/6/2005
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False