

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Applicant Five E Group LLLP Phone (208) 870-7333Post Office address 3094 S. Abigail Way, Boise, ID 83706**RECEIVED****SEP 30 2008****A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use

Department of Water Resources
Eastern Region

- ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Applicant seeks to drill an additional well and transfer a portion of his ground water right to the location of a proposed 50-acre pivot. In addition, the place of use will be adjusted to clarify actual use under the new pivot and an existing 120-acre pivot. A companion transfer will be filed for the associated surface water rights which are deliver through a separate irrigation system: 73-12129, 73-12137, 73-12124.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>73-2160</u>	<u>8/24/1966</u>	<u>2.62 cfs/717.5 ac-ft</u>	<u>irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.62 cubic feet per second and/or 717.5 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
1	SE	NE	NE	3	12N	23E	Custer	existing well
	NW	SW	SW	35	13N	23E	Custer	new well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	23E	3	21 Lot 1	36 Lot 2	0.5		3.7 Lot 3												61.2
13N	23E	34									18			22	32	22.7	36.1	13	143.8

Total Acres 205**75154**

PART 1

6. General Information:

- a. Description of diversion system two wells, pumps to mainlines

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Ground water will be used on the areas shown on the attached map.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer ~~75-154~~

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (see copy of "Adjudication Recommended Right Report")

1. Right as evidenced by:
- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. _____ issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other water right owner of record

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____	for _____	purposes from _____	to _____
(cfs/ac-ft)			
amount _____	for _____	purposes from _____	to _____
(cfs/ac-ft)			
amount _____	for _____	purposes from _____	to _____
(cfs/ac-ft)			

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above 73-12124, 73-12129, 73-12137

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres _____

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Close

75154

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

09/15/2008

WATER RIGHT NO. 73-2160

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FIVE E GROUP LLLP 3094 S ABIGAIL WAY BOISE, ID 83706 208- 342-4722
Directors Report Owner	BEREND FRIEHE
Directors Report Owner	CARLA FRIEHE 2498 RD S NE MOSES LAKE, WA 98837 (209)765-4585
Original Owner	A M HATCH & SONS C/O BERT L HATCH HC 62 BOX 2180 MAY, ID 83253 (208)876-4422
Original Owner	BERT L HATCH
Original Owner	DORIS F HATCH HC 62 BOX 2180 MAY, ID 83235 (208)876-4422

Priority Date: 08/24/1966

Basis: License

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>Volume</u>
IRRIGATION	04/01	10/31	2.62 CFS	717.5 AFA
Total Diversion			2.62 CFS	

75154

Location of Point(s) of Diversion:

75 15 4

GROUND WATER	SENENE Lt 1	Sec. 03	Township 12N	Range 23E	CUSTER County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12N	23E	3	1	NENE	24	2	NWNE	37		SWNE	1.3			
			3	NENW	1.7									
13N		34		NESW	40		SESW	40						
				NWSE	18		SWSE	38		SESE	5			

Total Acres: 205

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.	E55	Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.
3.	U42	Place of use does not include federal public lands.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

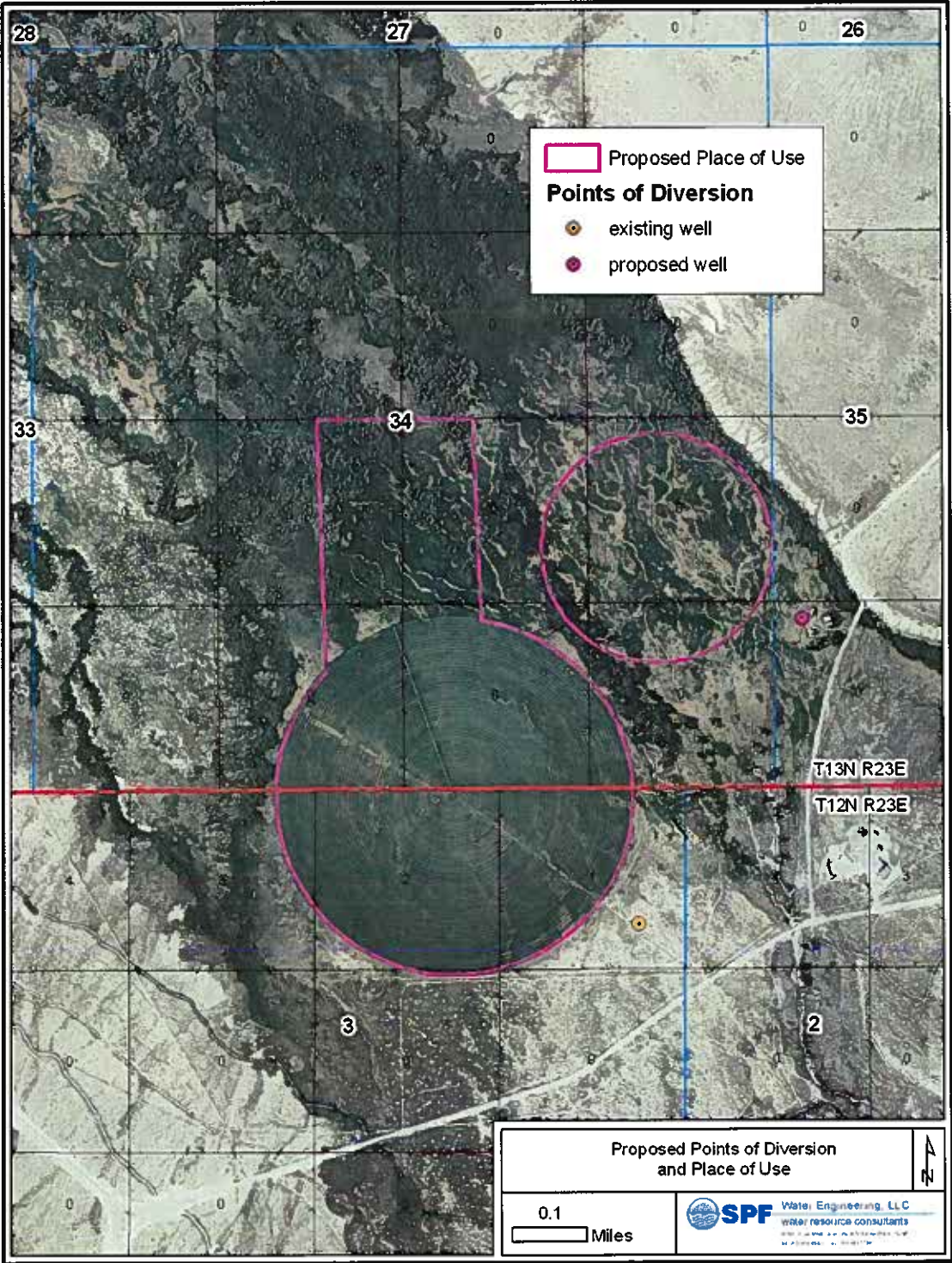
Close

75 15 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

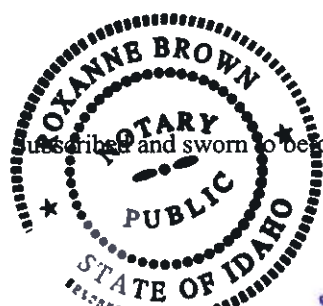
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

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

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.



William Beaton

(Signature of Applicant)

Subscribed and sworn to before me this

24TH

day of

September

, 20

08

Roxanne Brown

(Notary Public)

My commission expires

May 16, 2014

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and _____ attachments

Received by Blake Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by Blake Date 10/6/08 E034489

Published in Challis Messenger Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 28 2008

By _____ Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No. 73-02160

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Five E Group LLLP

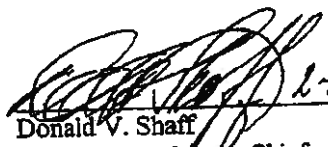
OBJECTOR:

United States of America

William S. Brown 8/26/08
Five E Group LLLP Date
Pro Se

Dan M. Furbush 8/27/08
Larry Brown, Attorney Date
Bureau of Land Management

IDWR Concurrence:

 1-27-08
Donald V. Shaff Date
Adjudication Bureau Chief

 2/27/08
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

02/26/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2160

NAME AND ADDRESS: FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE ID 83706

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.620 CFS
717.50 AFY

PRIORITY DATE: 08/24/1966

POINT OF
DIVERSION: T12N R23E S3 SEWENE Lot 1 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.620 CFS
717.50 AFY

PLACE OF USE:

IRRIGATION in CUSTER County

T12N R23E S03 Lot 1 NENE	24.00	T12N R23E S03 Lot 2 NENE	37.00
T12N R23E S03 SWNE	1.30	T12N R23E S03 Lot 3 NENE	1.70
T13N R23E S34 NESW	40.00	T13N R23E S34 SESW	40.00
T13N R23E S34 NWSE	18.00	T13N R23E S34 SWSE	38.00
T13N R23E S34 SESE	5.00		

205 ACRES TOTAL

Place of use does not include federal public lands.

Right Nos. 73-12124, 73-12129, 73-12137 and 73-2160 are limited to the irrigation of a combined total of 378.2 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on 8/27, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

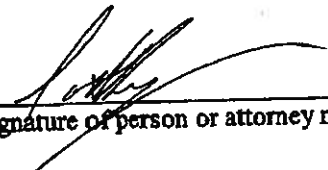
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FIVE E GROUP LLLP
3094 S ABIGAIL WAY
BOISE, ID 83706



Signature of person or attorney mailing form

FILED EFFECTIVE



CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

06 AUG 14 PM 3:41

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited partnership:

Five E Group LLLP

2. The mailing address of the principle office:

2145 E. Boise Avenue, Boise, Idaho 83706

3. The name and business address of the registered agent:

Gregory A. Byron, 3101 W. Main Street, Ste. 200, Boise, Idaho 83702-2099

4. The name and mailing address of each general partner:

Name	Address
William Brent Eaton	2145 E. Boise Avenue, Boise, Idaho 83706
Patti B. Eaton	2145 E. Boise Avenue, Boise, Idaho 83706

(If more space is needed, continue in item 6.)

5. This limited partnership [
- ☒
- is] [
- ☐
- is not] a limited liability limited partnership.

6. Other matters (optional):

7. Signature of all general partners:

William Brent Eaton

William Brent Eaton

Patti B. Eaton

Typed Name

Patti B. Eaton

Typed Name

Typed Name

Typed Name

Secretary of State use only

g:\compliance\forms\cert of limited
partnership.pdf Revised 07/2006

Web Form

IDAHO SECRETARY OF STATE
08/14/2006 05:00
CK: 7415 CT: 44531 BH: 978825
1 @ 100.00 = 100.00 LTD PTR DR # 2
1 @ 20.00 = 20.00 EXPDITE C # 3

25628

No. L 5698	Due no later than August 31, 2008 Annual Report Form	2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address - Correct in this box, if applicable FIVE E GROUP LLP 3094 S ABIGAIL WAY BOISE, ID 83706	GREGORY A BYRON 3101 W MAIN ST STE 200 BOISE, ID 83702
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature

4. Limited Partnerships: Enter Names and Business Addresses of General Partners.

Office held	Name	Street or P.O. Address	City	State	Zip
Gen. Partner	W. Brent Eaton	3094 S. Abigail Way	Boise	ID	83706
Gen. Partner	Patti B. Eaton	3094 S. Abigail Way	Boise	ID	83706

5. Organized Under the Laws of: IDAHO L 5698	6. Signature <u>Patti B Eaton</u> Date <u>8/5/08</u> Name (Typed or Printed) <u>Patti B Eaton</u> Title <u>General Partner</u>	Issued 06/02/2008 Do Not Tape or Staple 200808004628
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Idaho Department of Water Resources

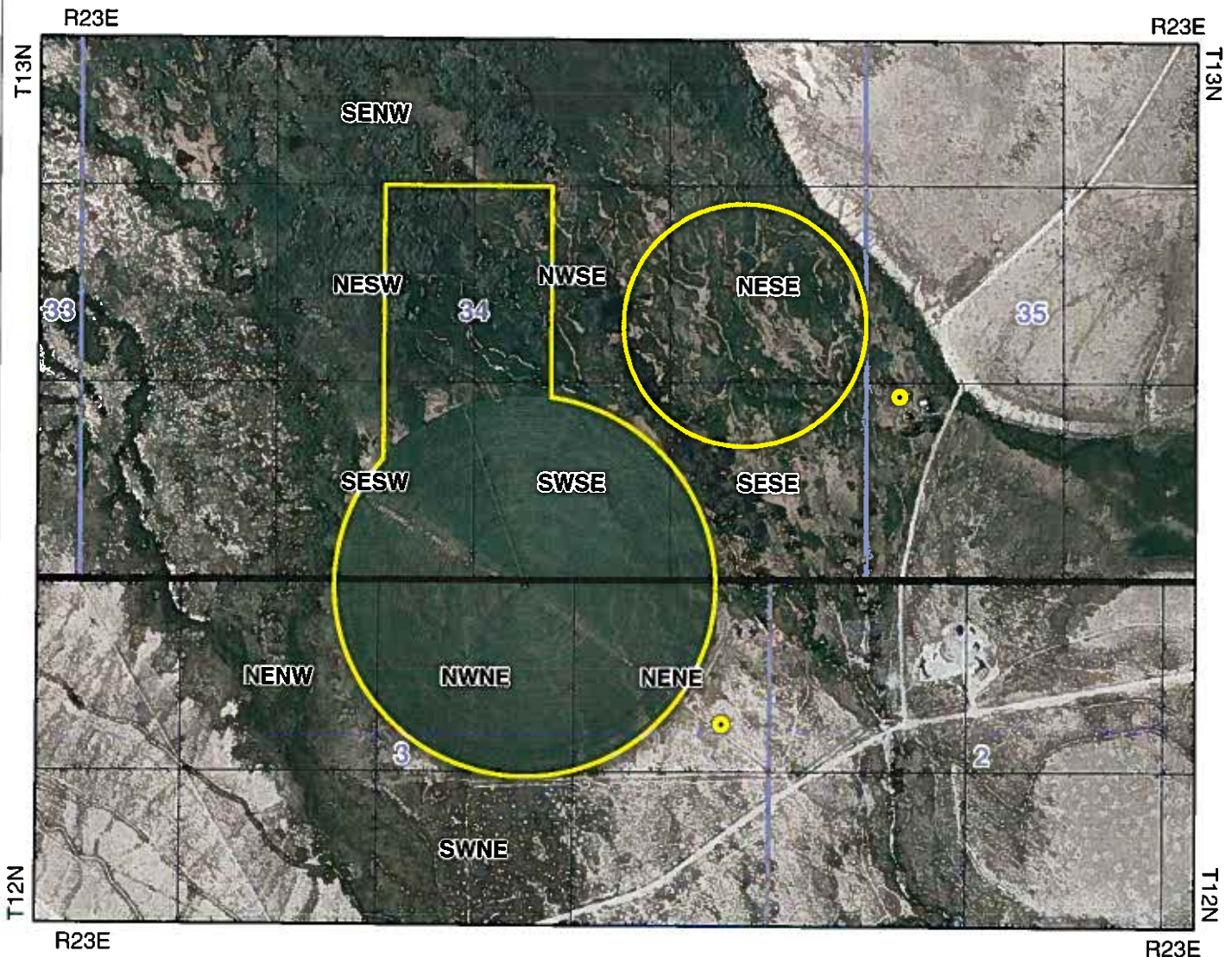
SRBA Claim
73-2160
(IRRIGATION)

Legend

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



Custer County
IDWR Basin 73



Prepared by Blake Jordan
On October 06, 2008
2006 Aerial Photography

0 0.2 0.4 0.8 Miles