

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

JUL 02 2027

WATER RESOURCES
WESTERN REGION

Name of Applicant Jason M. and/or Rachel L. Reynolds Phone 208-580-2840

Post Office address PO Box 613, Mountain Home ID 83647

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

☐ Change nature of use☐ Change period of use☐ Other

2. Describe the reason for the proposed changes To correct current IDWR records by recombining rights 61-7203A and 61-7203B in accordance with the attached Preliminary Order dated June 29, 2001. The splits were the result of transfer 4328, which was rescinded per the Order. Partial decrees were issued 10/25/2000 for both 61-7203A and 61-7203B, prior to the action rescinding the transfer. New wells or additional acres are not proposed. This transfer approach was recommended by Kay Walker and Nick Spencer with IDWR.

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

<u>1. Right Number</u> (Recombined)	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>61-7203A & B</u>	<u>11/25/1976</u>	<u>2.26 cfs/676 af</u>	<u>Irrigation</u>	<u>4/1</u>	to <u>10/31</u>
<u> </u>	<u> </u>	<u>.04 cfs/1.2 af</u>	<u>Domestic</u>	<u>1/1</u>	to <u>12/31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	to <u> </u>

2. Total amount of water being transferred 2.30 cubic feet per second and/or 677.2 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system two wells, pumps and sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

X Yes _____ 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:

Irrigation will continue with water right 61-7247D. For additional explanation, refer to the attached Preliminary Order dated 6/29/2001 and Shelley Keen's memo dated 7/13/2001 for more explanation.

d. Remarks:

Applicant owns the current place of use and points of diversion and the proposed (corrected) place of use and points of diversion.**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

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

FILED _____

JUL 02 2007

WATER RESOURCES
WESTERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED (See Attached Proof 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 _____

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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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 61-7399

page 3a of 8

CaseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/18/2007

WATER RIGHT NO 61-7209A

Owner TypeName and Address

Current Owner CARL F RYNNOLDS & SONS
6184 HOLLIBYNN DR
BOISE, ID 83709

Original Owner C ROBERT MONTEITH
2408 KUNA CAVE RD
KUNA, ID 83634

Priority Date 11/25/1976

Basis Decreed

Status Active

SourceTributary

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	401	10/11	0.92 CFS	276 AFA
DOMESTIC	101	12/11	0.04 CFS	1.2 AFA
Total Diversion			0.96 CFS	

Location of Point(s) of Diversion

GROUND WATER|N:3NE:14:1|Sec 02|Township 03S|Range 04E|BLMORF County

Place(s) of use

Place of Use Legal Description IRRIGATION BLMORF County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	04E	2	1	N:NE:	36		S:NE:	33						

Place of Use Legal Description DOMESTIC BLMORF County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	04E	2	1	N:NE:										

Total Acres 69

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 NOT LATER THAN THE ENTRY OF A FINAL UNREBUDED DECREE SECTION 42-1412(6), IDAHO CODE.
- 2 N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 3 TWO POINTS OF DIVERSION LOCATED IN TOWNSHIP 03S, RANGE 04E, SECTION 02, LOT 1, (NONE).
- 4 DOMESTIC USE IS FOR 1 HOME & 20 RANGE CATTLE. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- 5 N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- 6 C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61. WATER RIGHT NO. SOURCE, NONE, NONE. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN. WATER RIGHT NO. SOURCE, NONE, NONE. ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates

Decreed Date

Decreed Date 10/26/2006

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 Counselor

Water District Number

Generic Max Rate per Acre

Generic Max Volume per Acre

Civil Case Number

Old Case Number

Decree Plaintiff

Decree Defendant

Swan Falls Trust or Negotiant

Swan Falls Dismissed

DIP Act Number

Cary Act Number

Mitigation Plan False

Close

PART 2

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

Yes _____ If yes, describe CRP Program

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(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:

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

3. 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 _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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:

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

3. 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 _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED (See Attached Proof Report)

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. 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 _____

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 61-7399 _____

page 5a of 8

DateIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/18/2007

WATER RIGHT NO 61-7205H

Owner Type	Name and Address
Current Owner	CARL F REYNOLDS & SONS 6184 JOLIILYNN DR BOISE, ID 83709
Original Owner	C ROBERT MONTIER III 2408 KUNA CANY RD KUNA, ID 83634

Priority Date 11/25/1976
Basis Decreed
Status Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	401	10/31	1.34 CFS	396 AFA
Total Diversion			1.34 CFS	

Location of Point(s) of Diversion

GROUND WATER|SENE|L 5,Sec 01|Township 01S|Range 04E|B MORE County

Place(s) of use

Place of Use Legal Description IRRIGATION|B MORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	04E	1	2	NWNE	46.5	5	SENE	53.5						

Total Acres 100

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 42-14 (2)(c), IDAHO CODE.

2 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCLUDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS RIGHT IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

3 A06 FAILURE TO COMPLY WITH THE CONDITIONS OF THIS ADMINISTRATIVE ORDER IS CAUSE FOR IDWR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

4 A04 THIS RIGHT INCLUDES A CHANGE IN USE APPROVED BY ADMINISTRATIVE ORDER OF IDWR. THE CHANGE IN USE SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE.

5 C15 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE; NONE. THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE; NONE. ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Dates

Licensed Date
Decreed Date 10/26/2000
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 Connected
Water District Number
Generic Max Rate per Acre
Generic Max Volume per Acre
Civil Case Number
Old Case Number
Decree Plaintiff
Decree Defendant
Swan Falls Trust or Nontrust
Swan Falls Dissolved
DLE Act Number
Cary Act Number
Mitigation Plan FalseDate

PART 2

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

Yes _____ If yes, describe CRP Program _____

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(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:

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

3. 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 _____

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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:

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

3. 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 _____

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.

(See Attached Map)

Scale: 2 inches equal 1 mile. Draw plan in ink.

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

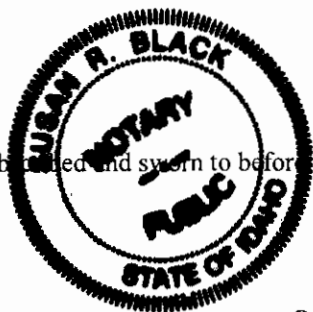
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>N/A</u>			to _____
				to _____

Quantity and quality of return flows and location of discharge: N/A

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

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.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 2nd day of June, 20 07.

[Signature]
(Notary Public)

My commission expires 9-2011

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments

Received by DB Date 7-2-07 Protest filed by _____

Prelim. Check by kw Fee \$330-

Received by LR by DB / W035584 Date 7-2-07

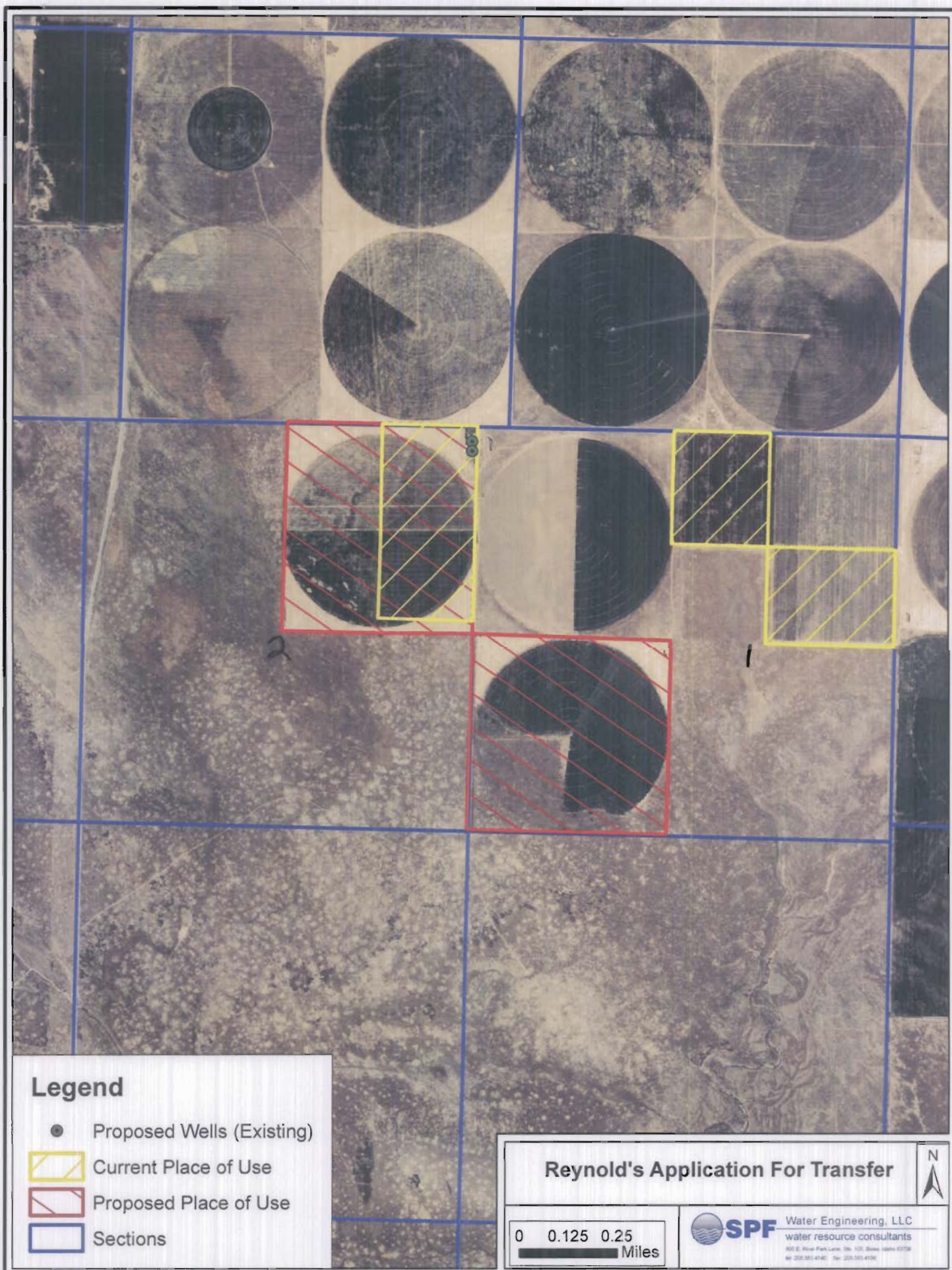
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO 4328)
OF WATER RIGHT NO 61-7203)

PRELIMINARY ORDER

FINDINGS OF FACT

- 1 On July 12, 1993, the Department of Water Resources ("Department") issued Water Right License 61-7203 ("license") to Carl D Hickey and/or Connie M Hickey for the irrigation of 169 acres located in Sections 1 & 2, T3S, R4E, B.M , with groundwater diverted from a well located in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 2, T3S, R4E, B.M
2. On July 21, 1994, the Department approved Application for Transfer No. 4328 ("transfer") submitted in the name of Carl D. Hickey ("right holder") The transfer changed the place of use for 100 acres of the land irrigated under the license to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T3S, R4E, B M. The transfer also changed the location of the point of diversion for the 100 acres to a well located in Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T3S, R4E, B M The 100-acre portion of the license affected by the transfer is designated water right no 61-7203B The portion of the license not affected by the transfer is designated water right no 61-7203A
- 3 On October 2, 2000, the right holder, through his attorney John A. Rosholt, asked the Department to rescind the transfer approval to allow the point of diversion and place of use for water right no 61-7203B to revert back to the locations authorized before the transfer was approved The right holder explained that the transfer was intended to be a temporary measure until the Department could determine the final disposition of Water Appropriation Permit 61-7247D, which is also appurtenant to Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T3S, R4E, B M
- 4 The Department has determined that it should issue Water Right License 61-7247D for the irrigation of Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) and Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T3S, R4E, B.M , with ground water diverted from a well located in Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, T3S, R4E, B M

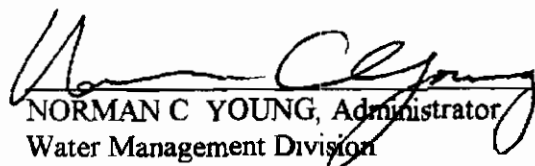
CONCLUSIONS OF LAW

- 1 The Department is authorized to issue Preliminary Orders changing a prior approval
- 2 The right holder having shown sufficient cause, the Department should issue a Preliminary Order rescinding the July 21, 1994, transfer approval

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer 4328 approved on July 21, 1994, is **RESCINDED** and that water right nos. 61-7203A and 61-7203B are re-joined as water right no. 61-7203 as defined in the license.

Dated this 29TH day of JUNE, 2001


NORMAN C YOUNG, Administrator
Water Management Division

MEMORANDUM

DATE: July 13, 2001

TO: Water Right Files 61-7203, 61-7247D, and 61-7399

FROM: Shelley W Keen ^{Suk}

RE: Licensing

On June 26, 2001, Norm Young and I met John Rosholt, Carl Hickey, Robert Osborn, and Steve Reynolds at Carl Hickey's house to conduct a brief field inspection of the place of use for rights 61-7203, 61-7399, and 61-7247D. As a result of the inspection and analysis of information submitted in conjunction with the inspection, IDWR has taken or will take the following actions.

- Issue a license for 61-7247D.
- Rescind Transfer 4328 and recombine 61-7203A and 61-7203B into 61-7203
- Reinstate permit 61-7399 and to issue a water right license for 110 acres of development under the permit.

See below for more details.

61-7247D

IDWR had proposed voiding this permit because the field examiner found no evidence of recent irrigation in 1991. He concluded that if any irrigation was developed, it was forfeited by at least five years of non-use. The authorized development period ended in 1981. The right holder believed that he was entitled to a license, but he could neither produce evidence of use during the development period nor refute the evidence that a long period of non-use had occurred. Meanwhile, IDWR has taken the position that forfeiture does not apply to permits. Therefore, the right holder had only to show that beneficial use occurred during the authorized development period. In October of 2000 the right holder submitted an affidavit of Robert E. Osborn, the original permit holder, stating that he had irrigated the place of use for 61-7247D prior to 1980. At the field inspection mentioned above, John Rosholt provided a photocopy of a 1977 ASCS photography showing that the place of use was irrigated that year.

During the field inspection Mr. Osborn said that in 1976 he used a portable mainline to irrigate about 160 acres in Govt. Lots 1, 2, and 5 in the NE $\frac{1}{4}$ of Section 1, T3S, R4E, from a well in Section 36 of T2S, R4E. In 1977, according to Mr. Osborn, he had a well drilled in Lot 5 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 1 to irrigate the place of use. There is a well log for this well, which still serves as the point of diversion for 61-7247D. (Note that although the field examiner found the well to be in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), the well is south of the east-west trending mainline, which is on

Memo to Water Right Files 61-7203, 61-7247D, and 61-7399

July 13, 2001

Page 2

the line between Lot 1 and Lot 5.) According to Mr. Osborn, from 1977 to 1980 he employed a 200 h p pump to divert 3000 gpm (6.68 cfs) from the well to wheel lines irrigating Govt Lots 1, 2, and 5 in the NE $\frac{1}{4}$ of Section 1, T3S, R4E, and 172 acres in the NW $\frac{1}{4}$ of Section 6, T3S, R5E. Dividing 6.68 cfs by 332 acres comes to 0.02 cfs per acre.

Today the well has a 150 h p pump which, according to operator Steve Reynolds, produces 1200 gpm (2.67 cfs), and it is used to irrigate only Lots 2 and 5 in Section 1, T3S, R4E. Lot 1 is irrigated from other wells under right 61-7247B.

61-7203

When the Mr. Hickey was under the impression that Permit 61-7247D would be voided, he transferred a portion of right 61-7203 to cover 100 acres of irrigation in Lots 2 and 5 in Section 1, T3S, R4E. Now that 61-7247D will be licensed, the transfer is unnecessary. It was rescinded by order on June 29, 2001. The removal right 61-7203 from the same place of use as 61-7247D will not be considered an unstacking of rights because the system was operated as if there was only one water right in use.

61-7399

In 1991 an IDWR field examiner found that permits 61-7203 and 61-7399 shared a point of diversion located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, T3S, R4E, near Carl Hickey's house. The examiner also found that only 169 acres of a possible 329 had been irrigated from the well at any one time. Because 61-7203 had the earlier priority and could cover 169 acres, the examiner recommended licensing 61-7203 for 169 acres within the 329-acre permissible place of use and voiding 61-7399. In 1993 IDWR licensed 61-7203 as recommended. Also in 1993 the permit holder submitted a statement appearing to relinquish all her interest in 61-7399.

ASCS crop reports show that in 1988 about 110 acres of the authorized place of use for 61-7399 were irrigated. Although no more than 169 acres were irrigated from the shared well, Carl Hickey contends that he should be given credit for some land in the NE $\frac{1}{4}$, Section 2, T3S, R4E, that was enrolled in a federal cropland set-aside program and was, therefore, protected from forfeiture. Also, the permit holder, Connie M. Hickey, submitted an affidavit stating that she never intended to relinquish the permit if she were entitled to receive a water right license. Based on this evidence, permit 61-7399 has been reinstated and a license will be issued for 110 acres of irrigation. The diversion when combined with 61-7203 will, however, remain 2.26 cfs for irrigation, which will limit the actual number of acres that can be irrigated in one season. It will remain to be seen if the right holder really can irrigate more than 169 acres with only 2.26 cfs.

WARRANTY DEED

FOR VALUE RECEIVED

Carl F. Reynolds & Sons, a general partnership, consisting of General Partners
Carl F. Reynolds, Steven T. Reynolds, Randy J. Reynolds and David L. Reynolds

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Jason M. Reynolds and Rachel L. Reynolds, husband and wife

GRANTEE(S), whose current address is: PO Box 613 Mountain Home, ID 83647
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 3 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 1: U.S. Government Lot 1 less the Northerly 30 feet, U.S.
Government Lots 2 and 5; SW1/4

Section 2: U.S. Government Lots 1 and 2; S1/2NE1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever. , except those of record.

Dated: July 13, 2006

Carl F. Reynolds
Carl F. Reynolds & Sons

Steven T. Reynolds, (Partner)

STATE OF Idaho)
COUNTY OF Elmore)
On this 14th day of July
in the year 2006, before me, a Notary Public, personally
appeared Randy J. Reynolds, Steven T. Reynolds
or identified to me to be (one of) the partner (s) in the partnership
of Carl F. Reynolds & Sons
and the partner (s) who subscribed said partnership name to the
foregoing instrument, and acknowledged to me that he/she/they
executed the same in said partnership name.
Signature: Steven T. Reynolds
Residing at: Mountain Home
Comm. Exp: 12-27-11

Instrument # 378031
Elmore County, Idaho
03:18pm Jul 18, 2006
For: GUARANTY TITLE INC
No. of Pages: 1 Fee: \$3.00
GAIL L. BEST, Recorder
Deputy: DLE

Attachment 4

Elk Creek Canyon, LLC
1349 Galleria Drive, #200
Henderson, NV 89014

May 18, 2007

SPF Water Engineering, LLC
Attn: Roxanne Brown
600 E. River Park Ln., Suite 105
Boise, ID 83706-6551

Re: Application for Transfer of Water Right(s) 61-7203A/B

Dear Roxanne,

Elk Creek Canyon LLC has reviewed a copy of the *Application for Transfer of Water Right* for Carl F. Reynolds & Sons, to include water right nos. 61-7203A and 61-7203B.

Elk Creek Canyon LLC has entered into a contract with Carl F. Reynolds & Sons to purchase the property where the transfer of water rights will occur. Elk Creek Canyon LLC does not oppose the transfer being proposed on the property.

Sincerely



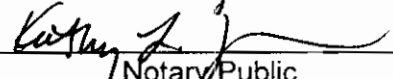
John Erickson, Manager
Elk Creek Canyon LLC

State of Nevada

County of Clark)
) SS.
)

Subscribed and sworn (or affirmed) before me this 18th day of May, 2007.




Notary Public

Residing at Las Vegas, NV

My Commission Expires _____

Attachment 5



Northwest
FARM CREDIT SERVICES

16034 Equine Drive
Nampa, ID 83687
Voice: 208.468.1600 Toll Free: 800.819.3312 Fax: 208.468.1605

June 28, 2007

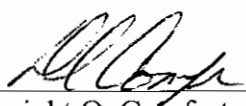
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Refer: Transfer of Water Right 61-7247B, 61-7247D, 61-7399
Carl F Reynolds & Sons to Jason M Reynolds
Transfer of Water Right 61-7203 A&B, Jason Reynolds

Dear Sirs:

Northwest Farm Credit Services hereby acknowledges and agrees to the above changes in ownership from Carl F. Reynolds & Sons to Jason M and/or Rachel L. Reynolds.

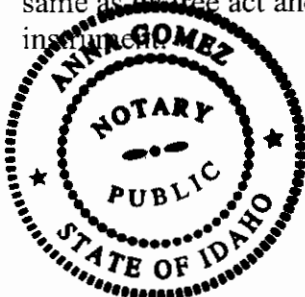
Northwest Farm Credit Services also acknowledges to and agrees to the change in point of diversion and change of place of use application requested by Jason M and Rachel L Reynolds.

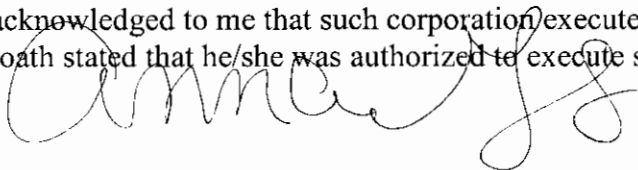
Signed 
Dwight O. Comfort, Relationship Manager / VP
Northwest Farm Credit Services

STATE OF IDAHO
County of CANYON ss.

RECEIVED
JUL 02 2007
WATER RESOURCES
WESTERN REGION

On this 28th day of June, 2007, before me personally appeared Dwight O. Comfort, known to me to be an authorized agent of the Northwest Farm Credit Services, ACA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he/she was authorized to execute said instrument.




Notary Public for the State of Idaho
Residing at CALDWELL, ID
My commission expires 10/11/07

Attachment 6