

Form 222
1-87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant DeMott Farms, LLC Phone (208) 523-0620
Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, Idaho Falls, Idaho 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Rearrange acres on place of use to cover acres not authorized for irrigation.

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>35-2799</u> | <u>10/29/1965</u> | <u>6.96</u> | <u>Irrigation</u> | <u>04/01</u> to <u>11/01</u> |
| <u>35-2502</u> | <u>04/23/1957</u> | <u>5.84</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| <u>35-4014</u> | <u>06/01/1961</u> | <u>6.4</u> | <u>Irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 19.2 (see Section B.6 below) cubic feet per second and/or N/A acre-feet per annum.
3. Source of water Groundwater Tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SE	32	3N	36E	BONNEVILLE	
	NW	SE	SW	33	3N	36E	BONNEVILLE	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

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	
2N	36E	4					38	40	37	32	38	38	34	12					269
		5	40	39	40	38									25	40	31	34	287
		8	28	38	31	22													119
3N	36E	32			38	38									39	39	38	38	230
		33		27	35		40	35	40	40	36	40	40	15		14			362

6. General Information:

- a. Description of diversion system Well and pump.
- 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The transfer will rearrange acres to cover unauthorized acres on the property. No other changes are proposed.
- d. Remarks:
The applicant received a letter dated May 7, 2007, (see Exhibit A) alleging the irrigation of 25 unauthorized acres primarily in the NWNE of T3N., R36E., Sec. 33. This transfer will allow for the authorized irrigation of these 25 acres, and also shifts acres in the NE 1/4 of T2N., R36E., Sec. 8 for a newly installed pivot. The rearranging of acres only shifts about 35 acres, and at 0.02 cfs per acre, the actual rate being transferred is 0.7 cfs. We have based our filing fee on this amount.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2008.

page 3 of 10

Close

74646

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/07/2008

WATER RIGHT NO. 35-2799

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DE MOTT FARMS LLC 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Directors Report Owner	D & G FARMS 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Original Owner	JESS CROFT IDAHO FALLS, ID 83401

Priority Date: 10/29/1965

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>Volume</u>
IRRIGATION	4/01	11/01	6.96 CFS	
Total Diversion			6.96 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 32	Township 03N	Range 36E	BONNEVILLE County
GROUND WATER	NWSESW	Sec. 33	Township 03N	Range 36E	BONNEVILLE County

74646

page 4 of 10
IRRIGATION Use:

Acre Limit: 620

74646

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	36E	4		NENW	35		NWNW	40		SWNW	40		SENW	35
				NESW	38		NWSW	38		SWSW	34		SESW	12
		5		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	27		NWSE	40		SWSE	32		SESE	40
		8		NENE	28		NWNE	28		SWNE	21		SENE	27
				NESE	3		NWSE	1						
		9		NWNW	7									
				SWNE	40		SENE	40						
		32		NESE	40		NWSE	40		SWSE	40		SESE	40
				NWNE	3		SWNE	35						
03N		33		NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	36		NWSW	40		SWSW	40		SESW	15
				NWSE	12									

Total Acres: 1267

Conditions of Approval:

1.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1267 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02502 & 35-04014. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 620 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.		USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5068 AF. COMBINED RIGHT NOS.: 35-02502 AND 35-04014.
5.		RIGHT NO. 35-02502 & 35-04014 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

74646

page 5 of 10

Close

74646

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/07/2008

WATER RIGHT NO. 35-2502

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DE MOTT FARMS LLC 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Directors Report Owner	D & G FARMS 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Original Owner	JESS CROFT IDAHO FALLS, ID 83401

Priority Date: 04/23/1957

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>Volume</u>
IRRIGATION	4/01	10/31	5.84 CFS	
Total Diversion			5.84 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 32	Township 03N	Range 36E	BONNEVILLE County
GROUND WATER	NWSESW	Sec. 33	Township 03N	Range 36E	BONNEVILLE County

74646

page 6 of 10
IRRIGATION Use:

Acre Limit: 470

74646

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	36E	4		NENW	35		NWNW	40		SWNW	40		SENW	35
				NESW	38		NWSW	38		SWSW	34		SESW	12
		5		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	27		NWSE	40		SWSE	32		SESE	40
		8		NENE	28		NWNE	28		SWNE	21		SENE	27
				NESE	3		NWSE	1						
		9		NWNW	7									
				SWNE	40		SENE	40						
		32		NESE	40		NWSE	40		SWSE	40		SESE	40
				NWNE	3		SWNE	35						
03N		33		NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	36		NWSW	40		SWSW	40		SESW	15
				NWSE	12									

Total Acres: 1267

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5068 AF. COMBINED RIGHT NOS.: 35-02799 AND 35-04014.
2.		RIGHT NO. 35-02799 & 35-04014 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1267 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02799 & 35-04014. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 470 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

74646

Page 1 of 10

Close

74646

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/07/2008

WATER RIGHT NO. 35-4014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DE MOTT FARMS LLC 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Directors Report Owner	D & G FARMS 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402 (208)522-1176
Original Owner	JESSE CROFT & SON INC 9821 N 15TH E IDAHO FALLS, ID 83401 (208)523-3113

Priority Date: 06/01/1961

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>Volume</u>
IRRIGATION	4/01	10/31	6.4 CFS	
Total Diversion			6.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 32	Township 03N	Range 36E	BONNEVILLE County
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74646

GROUND WATER | NWSESW | Sec. 35 | Township 03N | Range 36E | BONNEVILLE County

page 8 of 10
 IRRIGATION Use:
 Acre Limit: 177

74646

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	36E	4		NENW	35		NWNW	40		SWNW	40		SENW	35
				NESW	38		NWSW	38		SWSW	34		SESW	12
				NENE	40		NWNE	40		SWNE	40		SENE	40
		5		NESE	27		NWSE	40		SWSE	32		SESE	40
				NENE	28		NWNE	28		SWNE	21		SENE	27
				NESE	3		NWSE	1						
		8		NWNW	7									
				SWNE	40		SENE	40						
				NESE	40		NWSE	40		SWSE	40		SESE	40
03N		32		NWNE	3		SWNE	35		SWNW	40		SENW	40
				NENW	40		NWNW	40		SWSW	40		SESW	15
				NESW	36		NWSW	40						
		33		NWSE	12									

Total Acres: 1267

Conditions of Approval:

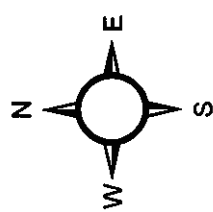
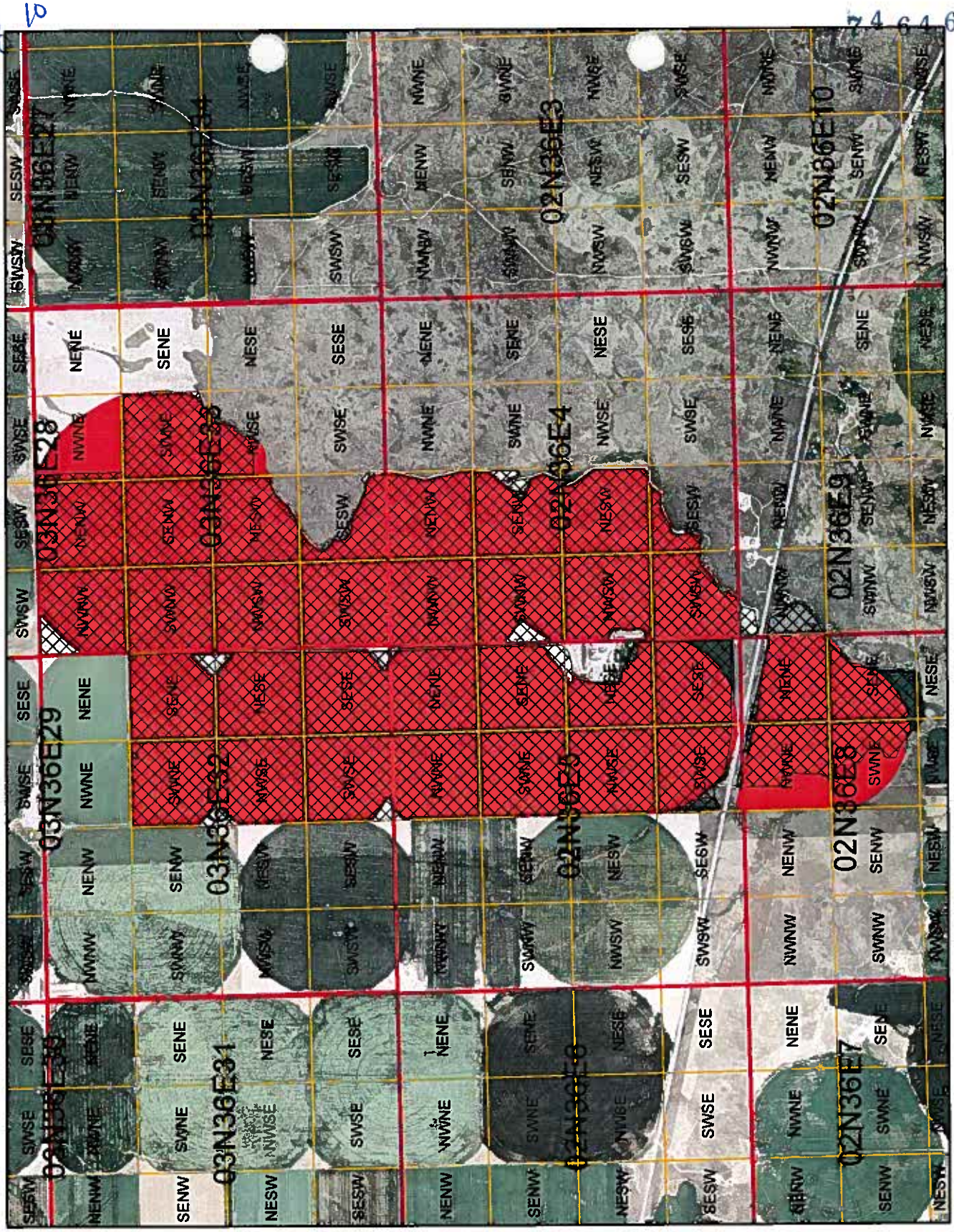
1.		RIGHT NO. 35-02799 & 35-02502 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
2.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1267 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-02799 & 35-02502. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 177 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.		USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 5068 AF. COMBINED RIGHT NOS.: 35-02799 AND 35-02502.

Dates:
 Licensed Date:

74646

page 99 10

TRANSFER: 35-2799, 35-2502, & 35-4014



74 64 6

Legend

- Section_Lines
- Quarter-quarters
- Old_POU
- New_POU

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo



B. CHANGES IN NATURE OF USE

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

2. Quantity and quality of return flows and location of discharge:

N/A

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

None

I hereby asset 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.



Subscribed and sworn to before me this 10th day of March, 2008.

Mary Lou DeMott Manager
(Signature of Applicant) DeMott Farms LLC

Robert L. Jarvis
Notary Public for IDaho
Residing at: Idaho, Idaho
My Commission Expires 11/18/2010

FOR DEPARTMENT USE ONLYTransfer contains 10 pages and 1 attachmentsReceived by _____ Date 3/12/2008 Protest filed by _____Prelim. check by _____ Fee \$250.00Receipted by _____ Date 3/12/2008 E033837Published in Post Register Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

No. W13308 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 63720 BOISE, ID 83720-0080	Due no later than October 31, 2007 Annual Report Form 1. Filing Address: Correct in this box, if applicable. DEMOTT FARMS LLC 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402	2. Registered Agent and Office NO PO BOX MARY LOU DEMOTT 3021 WESTMORELAND CIR IDAHO FALLS, ID 83402	3. New Registered Agent Signature
NO FILING FEE IF RECEIVED BY DUE DATE 4. Limited Liability Companies: Enter Names and Addresses of Members. Office held Name Street or P.O. Address City State Zip Manager, Mary Lou DeMott, 3021 Westmoreland Cir. Idaho Falls, Idaho 83402			
5. Organized Under the Laws of: IDAHO W 13308	6. Signature <u>Mary Lou DeMott</u> Date <u>8/10/07</u> Name <u>Mary Lou DeMott</u> Title <u>Manager</u>		
Issued 08/02/2007 200710064993 Do Not Tape or Staple			