

Transfer No. 74285

Receipt No. 5029818

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information JANET YATES
1941 S 2450 E
MALTA ID 83342
(208)645-2438
Or
KIRTLAND YATES
1941 S 2450 E
MALTA ID 83342
(208)645-2438

RECEIVED
NOV 06 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2307	WR/License	2.90	666.0	166.5	235.0	GROUND WATER
43-10593	WR/Beneficial Use	0.84		68.5	235.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2307	NO	YES	NO	NO	NO	NO
43-10593	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

The current location for the well is located on a neighbors property and is not producing historical flows. The applicant wants to develop a new well on his own property instead of refurbishing the old well.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

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

N/A

5. Total Amounts Transferred

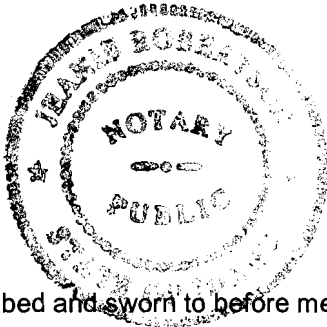
	Rate	Acre Limit	Total Acres	Volume
43-2307	2.90 cfs	166.5	235.0	666.0 af
43-10593	0.84 cfs	68.5	235.0	
TOTAL				

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.



Kurt Dand Gates

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 6th day of November, 2007.

Jean Robertson

(Notary Public)

My commission expires 1-12-13

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

Current Water Right No. 43-2307

Priority Date: March 31, 1948

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.90 CFS	666.0 AFA	
	Total Diversion	2.90 CFS	666.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESWSW Sec. 33 Twp 13S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 27E 33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Conditions/Remarks:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 166.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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. USE OF THIS RIGHT WITH RIGHT NO. 43-10593 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 43-10593 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-10593 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 666 AF.

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?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

There is no change to the place of use only the point of diversion is being moved.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 74285

Receipt No. _____

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

Current Water Right No. 43-10593

Priority Date: June 30, 1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.84 CFS		
	Total Diversion	0.84 CFS		

Source and Point(s) of Diversion:

GROUND WATER NESWSW Sec. 33 Twp 13S Rge 27E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S	27E	33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 43-02307 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.9 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 666 AF.
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. USE OF THIS RIGHT WITH RIGHT NO. 43-02307 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02307 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

There is no change to the place of use only the point of diversion is being moved.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 43-2307

Priority Date: March 31, 1948
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.90 CFS	666.0 AFA	
	Total Diversion	2.90 CFS	666.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 33 Twp 13S Rge 27E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Will use existing irrigation system

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	
13S	27E	33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-10593

Priority Date: June 30, 1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.84 CFS		
	Total Diversion	0.84 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 33 Twp 13S Rge 27E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Will use existing irrigation system

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	
13S	27E	33					40.0	39.0	37.0	40.0	40.0	39.0							235.0

Total Acres: 235

Yates POD Transfer



2004 NAIP Aerial Photograph – 13S 27E Sec 33

THIS BLANK FURNISHED BY CASSIA COUNTY ABSTRACT COMPANY

11.3034

WARRANTY DEED

For Value Received Willard M. Yates and Katherine K. Yates

the grantor do hereby grant, bargain, sell and convey unto

Kirtland W. Yates and Janet Yates
Malta, Idaho 83342

the grantee, the following described premises, to-wit:

The Northwest $\frac{1}{4}$ of Section 33, and the North $\frac{1}{4}$
of the Southwest $\frac{1}{4}$ of Section 33, all in Township
13 South, Range 27 East of the Boise Meridian.
All in Cassia County, State of Idaho.

Together with all water rights thereunto appertaining.

Reserving unto the Grantors all of the natural gas and
mineral rights upon the said premises.2007 JUN 3 PM 2 08
RECORDED
LAND TITLE & ESCROWCASSIA COUNTY, IDAHO
LABET & MCKELLEN
RECORDED
FEE 306.00
Jm

313034

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 29, 1981

Willard M. Yates
Willard M. Yates
Katherine K. Yates
Katherine K. Yates

STATE OF IDAHO, COUNTY OF CASSIA:

On this 24 day of June, 1981, before me, a notary public in and for said State, personally appeared

Willard M. Yates
Katherine K. Yates

known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Joseph A. Engvall
Residing at Barley, Idaho. Comm. Expires Life

REMINDER BURLEY 78

MARTELL C HOLLAND
CASSIA COUNTY ASSESSOR
203 EAST 15TH STREET
BURLEY, ID 83318

2006

ASSESSMENT NOTICE

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

NW1/4, N1/2SW LESS T 5.10
S 33 T 13 R 27
CONTIGUOUS WITH 13527E332400

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 878-3540

PARCEL ADDRESS:

YATES KATHERINE K. TRUSTEE
% YATES KIRILAND W. ETAL
% YATES JANET H/W
1941 SOUTH 2450 EAST
MALTA ID 83242

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 26, 2006

Tax Code Area: 16-0000

Parcel Number: RP 13527E332400 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	150.120 AC	55,461	55,461
3 DRY AGR	73.000 AC	11,096	11,096
19 WASTE	1.000 AC		
SUBTOTAL:	224.120	66,557	66,557
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		66,557	66,557

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	LAST YEAR'S TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY		208-878-1004	09/05/2006
SCH DIST 151		208-878-6400	06/13/2006
RAFT RIVER HWY		208-645-2463	09/05/2006
VALLEY VU CEM		208-645-2628	08/31/2006
RAFT RIVER FIRE		208-645-2498	08/08/2006
FLOOD DIST 15		208-824-5598	No Response
SUBTOTAL:			
FEES:			
TOTAL PROPERTY TAXES & FEES:			

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

Page 1 OF 1

QUITCLAIM DEED

Escrow #1433

313035

For Value Received

Katherine K. Yates, the duly nominated and appointed trustee by will of the decedent Willard Moss Yates

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Kirtland W. Yates and Janet Yates, husband and wife
ADDRESS: 1941 South 2450 East, Malta Idaho 83342

Hereinafter called the grantee, the following described premises, in CASSIA County, Idaho to-wit:

The Northwest Quarter and the North half of the Southwest Quarter 1/4 of Section 33, Township 13 South, Range 27 East of the Boise Meridian

Together with all water rights thereunto appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: December 29, 2006

Katherine K. Yates

Katherine K. Yates, the duly nominated and appointed trustee
 by will of the decedent Willard Moss Yates

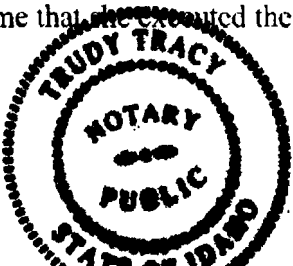
STATE OF IDAHO)
) ss.
 COUNTY OF CASSIA)

LAND TITLE & ESCROW

2007 JAN 3 PM 2:09

308
 313035

On this 29 day of December, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Katherine K. Yates, known or identified to me to be the person whose name is subscribed to the within instrument, as the duly nominated and appointed trustee of by will of the decedent Willard Moss Yates and acknowledged to me that she executed the same.



Trudy Tracy
 Notary Public
 Residing at: *Malta Idaho*
 My Commission expires: *11-13-2012*