

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72572APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Kenneth D Andrus, Colleen Lloyd Andrus, Jim Andrus Phone 776-5380Post Office address 6948 East Old Oregon Trail Rd., Lava Hot Springs, Idaho 83246

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 Put water in pipeline to avoid shrink and gain gravity pressure to obtain more beneficial use

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 UseSee Attachment "A" to _____
to _____
to _____
to _____2. Total amount of water being transferred 7.80 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Toponce Creek tributary to Portneuf River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	SE	33	06S	38E	Caribou	King-Creek Pipeline
	SE	NE	SW	34	06S	38E	Caribou	
	NE	NE	SW	35	06S	38E	Caribou	

5. 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	

All places of use remain unchanged. See part 2 for land description

Total Acres _____

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6. General Information:

a. Description of diversion system Added point of diversion is pipeline (gravity). Other points of diversion are ditches

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
✓ 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:
Would transfer a portion of water to be transferred from point of diversion to land to be irrigated with no shrink incurred. More efficient use

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

<u>RIGHT NO.</u>	<u>PRIORITY</u>	<u>AMOUNT(CFS)</u>	<u>NATURE OF USE</u>	<u>PERIOD</u>
29-10327	6/18/1902	2.99	Irrigation	4/15 to 9/15
29-93B	7/01/1913	0.10	Irrigation	4/15 to 9/15
29-91B	7/01/1909	0.48	Irrigation	4/15 to 9/15
29-107B	6/17/1902	0.60	Irrigation	4/15 to 9/15
29-10330	7/01/1910	0.15	Irrigation	4/15 to 9/15
29-10329	7/01/1908	0.30	Irrigation	4/15 to 9/15
29-13231	7/01/1906	0.07	Irrigation	4/15 to 9/15
29-13232	7/01/1907	0.11	Irrigation	4/15 to 9/15
29-10331	7/06/1868	3.00	Irrigation	4/01 to 10/31

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

Current Water Right No. 29-10327

Priority Date: 06/18/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	2.99 CFS		
	Total Diversion	2.99 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENESW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.29-87 AND 29-102.
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 the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Current Water Right No. 29-10327

6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
8. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

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?

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

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

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

Current Water Right No. 29-93B

Priority Date: 07/01/1913

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.10 CFS		
	Total Diversion	0.10 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S 38E	34	CARIBOU
TOPONCE CREEK	L12 (NEN SW)	06S 38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

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Current Water Right No. 29-93B

4. 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. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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?

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

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

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

Current Water Right No. 29-91B

Priority Date: 07/01/1909

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.48 CFS		
	Total Diversion	0.48 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENESW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
- 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.

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Feb. 6 2006 12:01 PM IDAHO Dept. of Water Resources

No. 5984 P. 3

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTTransfer No. 72572
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PART 2

Current Water Right No. 29-91B

5. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.

Documentation of Ownership of the Current Place of Use *Warrenty deed included*Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *yes*Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer *No change, will continue to water ground*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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Received Time Feb. 6. 1:36PM

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

Current Water Right No. 29-107B

Priority Date: 06/17/1902
Origin: Water Right
Basis: Decreed
Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.60 CFS		
	Total Diversion	0.60 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU
TOPONCE CREEK	L11 (SENESW)	06S	38E	34	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. This priority date is more accurately described as 6/17/1902 NOON.

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

Transfer No. 72572
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Current Water Right No. 29-107B

5. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-91B, 29-93B, 29-107B, 29-10327, 29-10329, 29-10330, 29-10331, 29-10332, 29-13231 and 29-13232.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. 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.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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?

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

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

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

Current Water Right No. 29-10330

Priority Date: 07/01/1910

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/15 09/15	0.15 CFS		
Total Diversion		0.15 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENESW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
3. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-92.
4. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.

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

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Current Water Right No. 29-10330

5. 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.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. Use of the rights listed below is limited to a total combined diversion rate of 7.56 cfs. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
8. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

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?

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

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

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

Current Water Right No. 29-10329

Priority Date: 07/01/1908

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.30 CFS		
	Total Diversion	0.30 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-90.
4. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

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

Current Water Right No. 29-10329

5. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.

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?

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

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

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

Current Water Right No. 29-13231

Priority Date: 07/01/1906

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.07 CFS		
Total Diversion		0.07 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-88.
4. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

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Page 2

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

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-13231

5. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.
6. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
7. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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?

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

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

72572

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

Current Water Right No. 29-13232

Priority Date: 07/01/1907

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.11 CFS		
Total Diversion		0.11 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	L11 (SENE SW)	06S	38E	34	CARIBOU
TOPONCE CREEK	L12 (NENW SW)	06S	38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 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.

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Page 2

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

Transfer No. 72572
Receipt No. _____

Current Water Right No. 29-13232

4. Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-89.
7. THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B

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?

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

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

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Page 1

Transfer No. 72572
 Receipt No. _____

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

Current Water Right No. 29-10331

Priority Date: 07/06/1868
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: TOPONCE CREEK **Tributary to:** PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.14 CFS		
	Total Diversion	3.14 CFS		

Source and Point(s) of Diversion:

TOPONCE CREEK	SENE SW	06S 38E	34	CARIBOU
TOPONCE CREEK	L12 (NENWSW)	06S 38E	35	CARIBOU

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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
- THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-234 AND 29-252.
- THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
- Use of the rights listed below is limited to a total combined diversion rate of 3.144 cfs. Combined Right Nos.: 29-10331 and 29-10332

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Page 2

Transfer No. 72572
Receipt No. _____

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

Current Water Right No. 29-10331

6. Use of this right with Right No. 29-10332 is limited to the irrigation of a combined total of 157.4 acres in a single irrigation season.
7. 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.
8. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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?

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

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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.

The grid is a 12x12 square grid. The top two rows are divided by a dashed horizontal line. The first row of the top section contains the handwritten text "No Changes In Place" in a cursive script. The second row of the top section contains the handwritten text "or Use" in a cursive script. The rest of the grid is empty.

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

PART 3

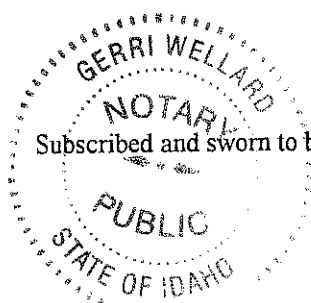
E. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>No Change</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:
Based on priority date there would be no 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.



Kenneth Andrew Jim Andrew Colleen Andrew
(Signature of Applicant)

Subscribed and sworn to before me this 26th day of January, 2004.

Gerri Wellard
(Notary Public)

My commission expires January 2005

FOR DEPARTMENT USE ONLY

Transfer contains 23 pages and 2 attachments

Received by W. Payne Warner Date 1/26/2004 Protest filed by _____

Prelim. Check by _____ Fee \$530.00

Received by WPN Date 1/26/04 E029490

Published in Carbon County Sun 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 _____

WARRANTY DEED

For Value Received

KIM J. and MARCIE B. ANDRUS

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

KENNETH D. ANDRUS, COLLEEN L. ANDRUS and JIM ANDRUS

whose current address is 6948 E. OLD OREGON TRAIL ROAD, LAVA HOT SPRINGS, ID 83246

the grantees, the following described premises, in CARIBOU County Idaho, to wit:

TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian:

SECTION 26: $W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, ALSO a tract in the $NW\frac{1}{4}$, more particularly described as follows: Beginning at the center of said Section 26, and running thence West 2640 feet; thence North 1440 feet; thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh Valley Feeder Canal; thence Northeasterly along the said canal bank 450 feet, more or less, to the East line of $NW\frac{1}{4}$ of the said Section 26; thence South 1750 feet, more or less, to the point of beginning.

SECTION 35: $N\frac{1}{2}N\frac{1}{2}$.

SECTION 36: $N\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$.

Together with the right of ingress and egress to and from the property in SECTION 36, over and across LOT 17, in SECTION 36, TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian, to an existing County road.

Subject to a mortgage executed by RUSSELL A. and SARAH B. HEBDON and subsequently assumed by KIM J. and MARCIE B. ANDRUS, to the Federal Land Bank of Spokane, a corporation, to secure the payment of \$331,000.00, together with interest and any other obligations secured thereby; dated March 26, 1979, recorded April 2, 1979, under Instrument # 99822, in the Microfilm records of Caribou County, Idaho. The present balance of said mortgage is \$156,392.19, which parties of the second part assume and agree to pay in accordance with the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances except matters of public record.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 26, 1990

Kim J. Andrus
KIM J. ANDRUS

Marcie B. Andrus
MARCIE B. ANDRUS

STATE OF IDAHO, COUNTY OF BANNOCK
On this 26th day of JANUARY, 19 90,
before me, a notary public in and for said State, personally
appeared

KIM J. and MARCIE B. ANDRUS

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

Sean Welland
Notary Public
Residing at LAVA HOT SPRINGS

STATE OF IDAHO } 63 138283
County of Caribou

I hereby certify that this instrument was filed
at the request of Kim J. Andrus
at 1:20 o'clock P. M. on
January, 1990
recorded in Microfilm Record
Book 1 of 2
by Decker
Ex-Officio Recorder

ATTACHMENT

T 72572
1 OF 2

Furnished by the AMERICAN LAND

REAL ESTATE PURCHASE AND SALE AGREEMENT

KENNETH D. ANDRUS, COLLEEN L. ANDRUS and JIM ANDRUS, hereinafter called "BUYER" agrees to purchase, and the undersigned agrees to sell the following described real estate hereinafter referred to as "premises" located in CARIBOU COUNTY, IDAHO. The legal description of said "premises" is as follows: TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian: SECTION 26: $W\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, ALSO a tract in the $NW\frac{1}{4}$, more particularly described as follows: Beginning at the center of said SECTION 26, and running thence West 2640 feet; thence North 1440 feet; thence East 2150 feet, more or less, to the Westerly bank of the Portneuf Marsh Valley Feeder Canal; thence Northeasterly along the said canal bank 450 feet, more or less, to the East line of $NW\frac{1}{4}$ or the said SECTION 26; thence South 1750 feet, more or less, to the point of beginning. SECTION 35: $N\frac{1}{2}N\frac{1}{4}$. SECTION 36: $N\frac{1}{2}NW\frac{1}{4}, NW\frac{1}{4}NE\frac{1}{4}$. Together with the right of ingress and egress to and from the property in SECTION 36, over and across LOT 17, in SECTION 36, TOWNSHIP 6 SOUTH, RANGE 38 E. of the Boise Meridian, to an existing County road.

The total purchase price of said "premises" is TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) payable as follows: BUYER has paid the sum of FORTY THREE THOUSAND SIX HUNDRED SEVEN DOLLARS and EIGHTY-ONE CENTS (\$43,607.81) by personal check and agrees to assume the balance of ONE HUNDRED FIFTY-SIX THOUSAND THREE HUNDRED NINETY-TWO and NINETEEN CENTS (\$156,392.19) mortgage to the Federal Land Bank of Spokane. The undersigned agrees that the mortgage on the "premises" will remain in their name and the BUYERS agrees to make the payments in accordance with the terms of the mortgage.

In addition to the above listed purchase price, the BUYER has paid the undersigned the amount of SEVEN THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$7,970.00) by personal check for stock in the Federal Land Bank of Spokane.

On this 26th day of January, 1990, We hereby approve and accept the sale set forth above and agree to carry out all terms thereof.

Kenneth D. Andrus
KENNETH D. ANDRUS, Buyer

Colleen L. Andrus
COLLEEN L. ANDRUS, Buyer

Jim Andrus
JIM ANDRUS, Buyer

Kim J. Andrus
KIM J. ANDRUS, Seller

Marcie B. Andrus
MARCIE B. ANDRUS, Seller

STATE OF IDAHO, COUNTY OF BANNOCK: On this 26th day of January, 1990, before me, the undersigned, a Notary Public in and for said State, personally known to me to be the persons who signed the foregoing instrument as BUYER and SELLER and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first written above.

Geri Wellard
GERRI WELLARD, NOTARY PUBLIC
Residing at Lava Hot Springs, Idaho
Commission Expires: February, 1992

STATE OF IDAHO } SS
County of Caribou }
I hereby certify that this Instru
at the request of Buyer
at 1:20 o'clock P M this
January, 1990
recorded in Microfilm Records
at Boise Idaho

T 72572
ATTACHMENT 2 OF 2