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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 72217

RECEIVED

AUG 24 2005

## APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED PART 1

Department of Water Resources  
Name Southern RegionMountain View Land, LPPhone (208) 531-5104Post Office address 719 E. 700 N. Rupert, ID 83350

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point ☒ Change place of use  
☒ Change nature of use ☒ Change period of use ☒ Other Split Rights
2. Describe the reason for the proposed changes To create a permissible place of use for the remaining irrigation water rights appurtenant to this property.

## 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
- | Right Number    | Priority         | Amount (cfs/ac-ft) | Nature of Use     | Period of Use               |
|-----------------|------------------|--------------------|-------------------|-----------------------------|
| <u>36-16310</u> | <u>4/20/1950</u> | <u>3.83/796</u>    | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |
| _____           | _____            | _____              | _____             | _____ to _____              |
2. Total amount of water being transferred 3.83 cubic feet per second and/or 796 acre-feet per annum.
3. Source of water Ground Water tributary to \_\_\_\_\_
4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County   | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|----------|--------------------------|
|     | SW  | SE  | NE  | 27   | 7S   | 25E | Minidoka | Existing Irrigation Well |
|     |     |     |     |      |      |     |          |                          |
|     |     |     |     |      |      |     |          |                          |
|     |     |     |     |      |      |     |          |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals  |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |         |
| 7S   | 25E  | 27   | 40     | 40     | 40     | 40     |        |        |        |        |        |        |        |        | 40     | 40     | 40     | 40     | 320 PPU |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |         |

## PART 1

6. General Information:

- a. Description of diversion system 1 Existing well, distribution piping & sprinklers.  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:  
Portion of 36-16310 transferred to dairy use. Net reduction  
of 65 acres of irrigation within proposed PPU to allow additional volume diverted  
at dairy.  
 \_\_\_\_\_
- d. Remarks:  
Water will be diverted at existing authorized location, no ESPA mitigation  
required.  
See companion transfer of 65 acres to dairy use.  
 \_\_\_\_\_

### 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 \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

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Transfer No. \_\_\_\_\_

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

*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

- a. Decree No. 36-16310 Decreed to Mountain View Land, LP  
in case of SRBA 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 a 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 Ground Water tributary to \_\_\_\_\_4. Date of priority 4/20/1950

## 5. Water is used for the following purpose:

Amount 5.08/1056 for Irrigation purposes from 3/15 to 11/15  
(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 5.08 cubic feet per second and/or 1056 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County   | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|----------|--------------------------|
|     | SW  | SE  | NE  | 27   | 7S   | 25E | Minidoka | Existing Irrigation Well |
|     |     |     |     |      |      |     |          |                          |
|     |     |     |     |      |      |     |          |                          |

## 8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 7S   | 25E  | 27   | 33     | 33     | 33     | 33     |        |        |        |        |        |        |        |        | 33     | 33     | 33     | 33     | 264    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 2649. Describe any other water rights used for the same purpose as described above None

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

No If yes, describe \_\_\_\_\_

**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 3.83/796 for Irrigation purposes from 3/15 to 11/15  
 (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 | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County   | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|----------|--------------------------|
|     | SW  | SE  | NE  | 27   | 7S   | 25E | Minidoka | Existing Irrigation Well |
|     |     |     |     |      |      |     |          |                          |
|     |     |     |     |      |      |     |          |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 7S   | 25E  | 27   |        | 1      | 33     | 33     |        |        |        |        |        |        |        |        | 33     | 33     | 33     | 33     | 199    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 199

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

1. Amount 1.25/260 for Irrigation purposes from 3/15 to 11/15  
 (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 | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County   | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|----------|--------------------------|
|     | SW  | SE  | NE  | 27   | 7S   | 25E | Minidoka | Existing Irrigation Well |
|     |     |     |     |      |      |     |          |                          |
|     |     |     |     |      |      |     |          |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 7S   | 18E  |      | 33     | 32     |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 65     |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 65

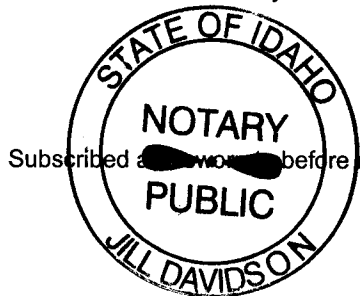
**PART 3****B. CHANGES IN NATURE OF USE**

1. 

| <u>New Nature of Use</u> | <u>Amount</u><br>(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:  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Describe the effects on other water uses resulting from the proposed change:  
 \_\_\_\_\_  
 ESPAM Transfer Spreadsheet attached.  
 \_\_\_\_\_  
 Portion of existing irrigation right 36-16310 transferred to dairy use  
 \_\_\_\_\_  
 65 net acres will be dried up within proposed irrigation PPU to authorize increased  
 \_\_\_\_\_  
 diversion volume for dairy facility expansion.  
 \_\_\_\_\_

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.



Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

24<sup>TH</sup>

day of

August

, 2005.

(Signature of Applicant)

(Notary Public)

My commission expires

November 18, 2010

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date 8-24-05

Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee \_\_\_\_\_

Receipted by \_\_\_\_\_ Date \_\_\_\_\_

Published in \_\_\_\_\_

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 \_\_\_\_\_