

AMENDED

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71989

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of applicant Ben W. Lukehart Phone 208-459-0684
Post Office address 2802 Pisces, Caldwell, Idaho 83605
Contact John M. Marshall, Givens Pursley LLP, 601 W. Bannock, Boise, ID 83702

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 On October 1, 2003 the Idaho Department of Water Resources approved an Application for Drilling Permit, attached as Exhibit A, that approved drilling of a replacement well for water rights 63-2656A and 63-2656B. A condition of approval requires the applicant to either abandon the existing well or file a transfer to authorize the existing well as an alternate point of diversion within one year. This Application for Transfer complies with the condition of approval by seeking to add the existing well as an alternate point of diversion for right 63-2656A. The existing well is in the same 40-acre tract as the new well. Consequently, the only change requested for the water right is a remark recognizing there are two points of diversion in Township 4N, Range 1W, Section 26, NESE.

B. DESCRIPTION OF RIGHT(S) OR PORTION HEREOF, AFTER THE REQUESTED CHANGE. Please see attached Exhibit C.

1.	Right Number	Priority	Amount (cfs / ac-ft)	Nature of Use	Period of Use
	63-2656A	01/06/1947	0.06	Irrigation	3/15 to 11/15
				Stock water	1/1 to 12/31
				Domestic	1/1 to 12/31

2. Total amount of water being transferred 0.06 cubic feet per second and/or _____ 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
		NE	SE	26	4N	1W	Ada	

5. Lands irrigated or place of use:

5. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1W	26																	

Total acres 2

PART 1

6. General Information:

- a. Description of diversion system Both the existing well and the new well drilled under the approved Application for Drilling Permit, attached as Exhibit A, are outfitted to supply water for all of the purposes of use authorized under right 63-2656A.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA
 _____ 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:
No change.
- 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 said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this day of _____, 19_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED. Please see attached Exhibit B.

Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-2656A 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 B. 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 purpose:

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
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

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?

No _____ If yes, describe _____

B.DESCRPTION 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				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C.DESCRPTION 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

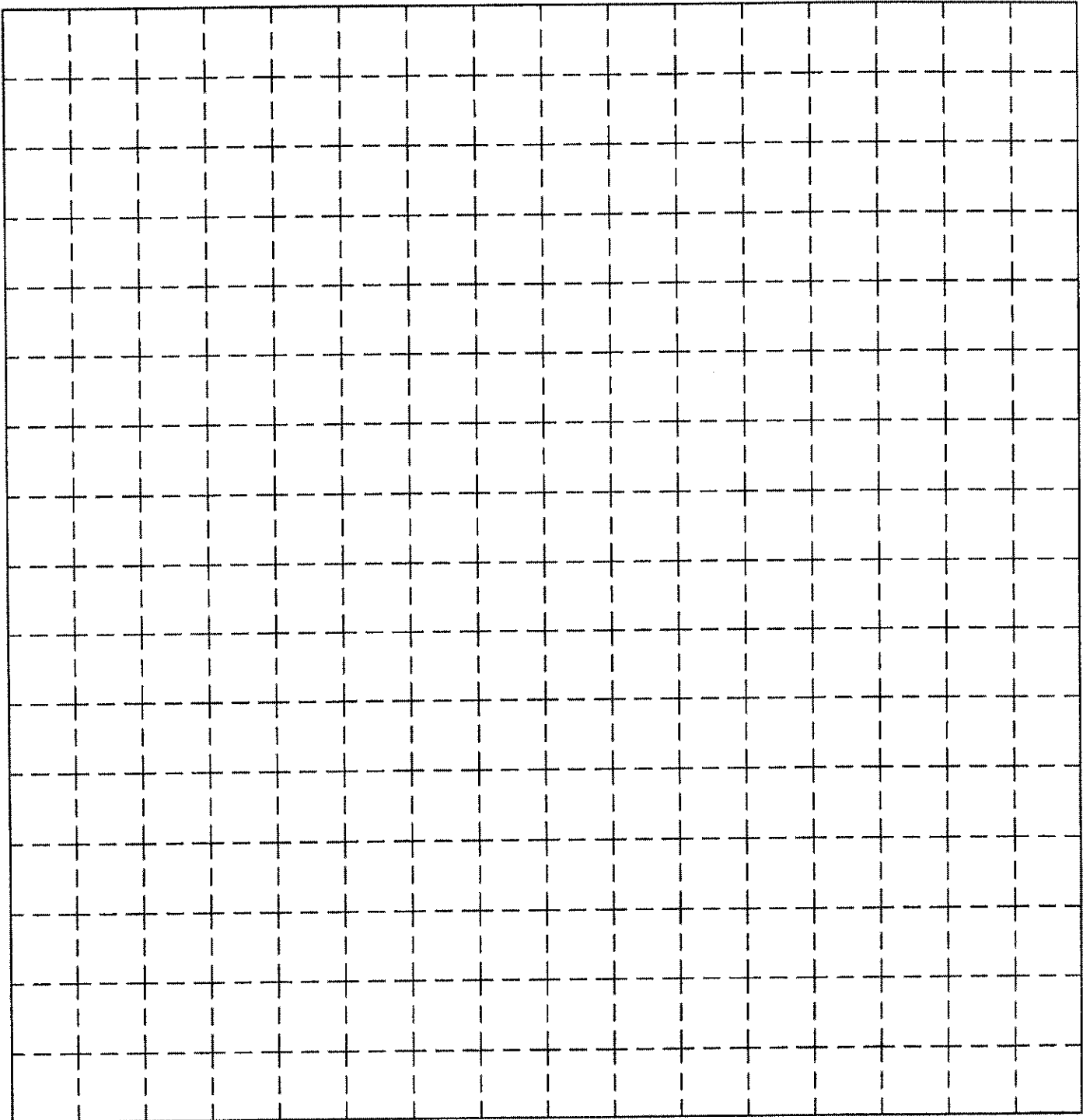
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

**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 rights described in part 1. Clearly depict the land by section, township and range numbers. See attached map



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

PART 3**B. CHANGES IN NATURE OF USE. Not applicable.**

1.	New Nature of Use	Amount (cfs / ac-ft)	Hours/days/year	Period of Use

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

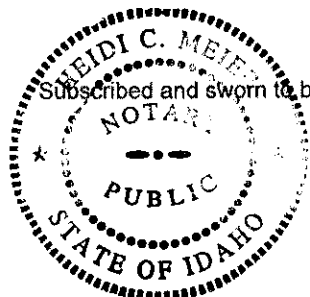
Not applicable

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

None

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

13th day of

(Signature of Applicant)

October2004Heidi C. Meier

(Notary Public)

My commission expires

9/29/2010**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 34 attachmentsReceived by AB Date 10-15-04 Protest filed by _____Prelim. check by _____ Fee \$100 -Received by AB # W032307 Date 10-15-04

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 _____

New Well

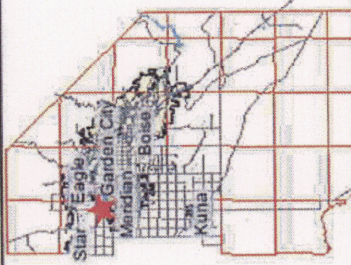


Lukehart

Existing Well



Map Center: 116° 24' 51.9" W, 43° 39' 10.3" N



- Major Streets**
 - MINOR ARTERIAL
 - MAJOR COLLECTOR
 - SECTION
 - PRINCIPAL ARTERIAL
 - INTERSTATE
 - Other
 - Minor Streets**
 - LOCAL
 - PARKS
 - PRIVATE
 - RESIDENTIAL
 - Other
 - Street Names (minor)**
 - Addresses**
 - Parcels**
 - *ImageDirectory**
- Schools**
 - Parks**
 - City Limits**
 - Kuna
 - Boise
 - Garden City
 - Eagle
 - Star
 - Meridian
 - Other

Map Scale
1 : 555

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION. Use and distribution of this map subject to disclaimer notices at www.adacountyassessor.org.

EXHIBIT A

Form 236-1
1/31/03

Drilling Permit No. 87-329-807453
Drilling Permit I.D. Tag No. DOO-30589
Water Right Permit No. 63-2856A, 63-2856B
Injection Permit No. _____

RECEIVED

OCT 01 2003

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Marty Goldsmith
2. Mailing Address: Farwest LLC, 4487 North Dresden Place, Suite 102
City: Boise State: ID Zip Code: 83714 Telephone: (208) 388-0189
3. Proposed Well Location: Twp. 4N Rgs. 1W Sec. 26 1/4 NE 1/4 SE 1/4;
Gov't Lot No. _____ County Ada Lat. _____ Long. _____
Street Address of Well Site 5375 North Linder Road City Meridian
One at least name of road + Distance to Road or Landmark
Lot, block and subdivision _____
4. Proposed Use of Well:
☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/4 acre of land, if the total use is not in excess of 13,000 gpd; or any other use, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Livestock ☐ Test ☐ Other _____
Type _____ Number Hds _____ (Describe)
☐ INJECTION
☐ MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____
5. Well Construction Information:
A. ☐ New well ☐ Modify ☒ Replace
B. Proposed Casing Diameter 6-inch Proposed Maximum Depth 150 feet
C. Anticipated bottom hole temperature:
DD 68 F or less ☐ 85 F to 212 F ☐ 212 F. or more
(Cold Water Well) (Low Temp. Geo. Well) (Geothermal Well)
6. Construction Start Date: October 3, 2003
7. Anticipated Well Driller: Bivenside SCS Driller's Lic. No. 223 212
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's Signature: Terry H. Scanlan Date October 1, 2003
Address (if different than owner): Scanlan Engineering, 600 E. River Park Lane, Suite 105
City: Boise State: ID Zip Code: 83706 Telephone: 208-383-4140
Title: Consultant to Farwest LLC (Marty Goldsmith)
(Owner, Firm Representative, Other)

**ACTION THE DEPARTMENT OF WATER RESOURCES
APPROVED**

This Permit is _____ Date 10/16/03

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
2. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare, which may be required before construction of the well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum of 50 feet and 100 feet respectively from a septic tank.
3. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
4. Approval of this drilling permit does not authorize trespass on the land of another party.
5. This permit does not constitute other local, county, state or federal approvals, which may be required for construction of a well.
6. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
7. If a bottom hole temperature of 85 or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
8. Idaho Code, § 56-2201 - 56-2210 requires the applicant and/or his contractors to contact "DigLine" (DigLine is a one-call center for utility notification) not less than 2 working days prior to the start of any excavation for this project. The "DigLine" Number for your area is 1-800-342-1585.
9. Please be advised that this drilling permit should be considered and treated as a preliminary permit. If you are in disagreement with this preliminary permit you have fourteen (14) days of the service date of this permit to petition the Department for reconsideration pursuant to Section 87-5243, Idaho Code.
10. The well tag for the drilling permit/start card shall be securely and permanently attached to the well casing through welding or by the use of four closed end domed stainless steel pop rivets. The tag attachment will be done at the time of completion of the well, and prior to removing the drill rig from the drill site.

SPECIFIC CONDITIONS:

The well being replaced shall be properly abandoned within one year of the date this permit is approved, unless, a water right transfer is approved which authorizes an additional point of diversion. The well being replaced shall not be used for irrigation purposes.


Signature of Authorized Department Representative


Sr. WR Agent

Receipt No. 10030970 Received by KH Fee 200.00 Date 10/16/03

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

EXHIBIT B

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

08/17/2004

WATER RIGHT NO. 63-2656A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOUGLAS CALDWELL
Current Owner	SUSAN CALDWELL
	5375 N LINDER RD
	MERIDIAN, ID 83642
	(208)888-7997

Priority Date: 01/06/1947

Basis: License

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	03/15	11/15	0.06 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
DOMESTIC	01/01	12/31	0.02 CFS	
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESE|Sec. 26|Township 04N|Range 01W|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	26		NESE	2									

Place of Use Legal Description: STOCKWATER ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	26		NESE										

Place of Use Legal Description: DOMESTIC ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	26		NESE										

Total Acres: 2

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 42-1412(6), Idaho Code.
2. X01 Domestic use is for 1 home.
3. X02 Stockwater use is for 5 range cattle, goats, and chickens.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



EXHIBIT C

File No.: sample *L702-2671 TMS* **QUITCLAIM DEED**
FOR VALUE RECEIVED

Teresa Alexander, who took title as Teresa Lukehart, ~~FOR THE USE OF HERSELF~~

do hereby convey, release, remise and forever quit claim unto

Ben W. Lukehart, an unmarried man

whose current address is:
the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A" WHICH BY THIS REFERENCE BECOMES A PART HERETO AND IS
COMPRISED OF ONE PAGE

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2002 JUN 21 PM 4:44

RECORDED - REQUEST OF

FEE *10* - DEPUTY *W. Edwards*

102070378

LAWYER'S TITLE

Dated: May 13, 2002

Teresa Alexander
Teresa Alexander

STATE OF Idaho, County of Ada, ss.

On this 13th day of May in the year of 20
2002, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Teresa Alexander

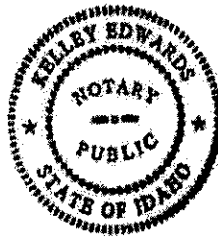
known or identified to me to be the person whose name
is subscribed to the within instrument, and acknowledged
to me that she executed the same.

Signature: *Kelley Edwards*

Name: Kelley Edwards

Residing at: Nampa, ID

My commission expires: 11/08/07



Lawyers Title of Treasure Valley

EXHIBIT "A"

A part of the Northeast quarter of the Southeast quarter of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at the quarter corner common to Sections 25 and 26, Township 4 North, Range 1 West, Boise Meridian; thence
South 00°00'00" East, 620.5 feet along the section line to the REAL POINT OF BEGINNING;
thence continuing
South 00°00'00" East, 330 feet along the section line; thence
leaving the section line
South 90°00'00" West, 352.71 feet; thence
North 00°00'00" East, 330 feet; thence
North 90°00'00" East, 352.71 feet to the REAL POINT OF BEGINNING.

EXCEPT ditch and road rights-of-way.