

Total acres 13.2

**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. _____ Decreed to Arlo P. Lloyd and Bonita T. Lloyd
in case of In Re SRBA case No. 39576 – Subcase 43-04132
dated July 31, 2003 in the 5th District Court county of Twin Falls
- 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: Stipulated Elements of a Water Right

3. Source of water: Black Sand Hollow Creek tributary to sinks

4. Date or priority 10/19/1928

5. Water is used for the following purpose:

amount .77 cfs for Irrigation purposes from 04/01 to 10/31
(cfs/ac-ft)

amount .03 for for Stock water purposes from 01/01 to 12/31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .77 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
	SE	SE	SW	16	14S	25E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	25E	17				3.3				7.7	1.8			0.4					13.2
14S	25E	17				S				S	S			S					

9. Describe any other water rights used for the same purpose as described above (None) Total acres 13.2

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. 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 _____ 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

C. DESCRIPTION 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)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

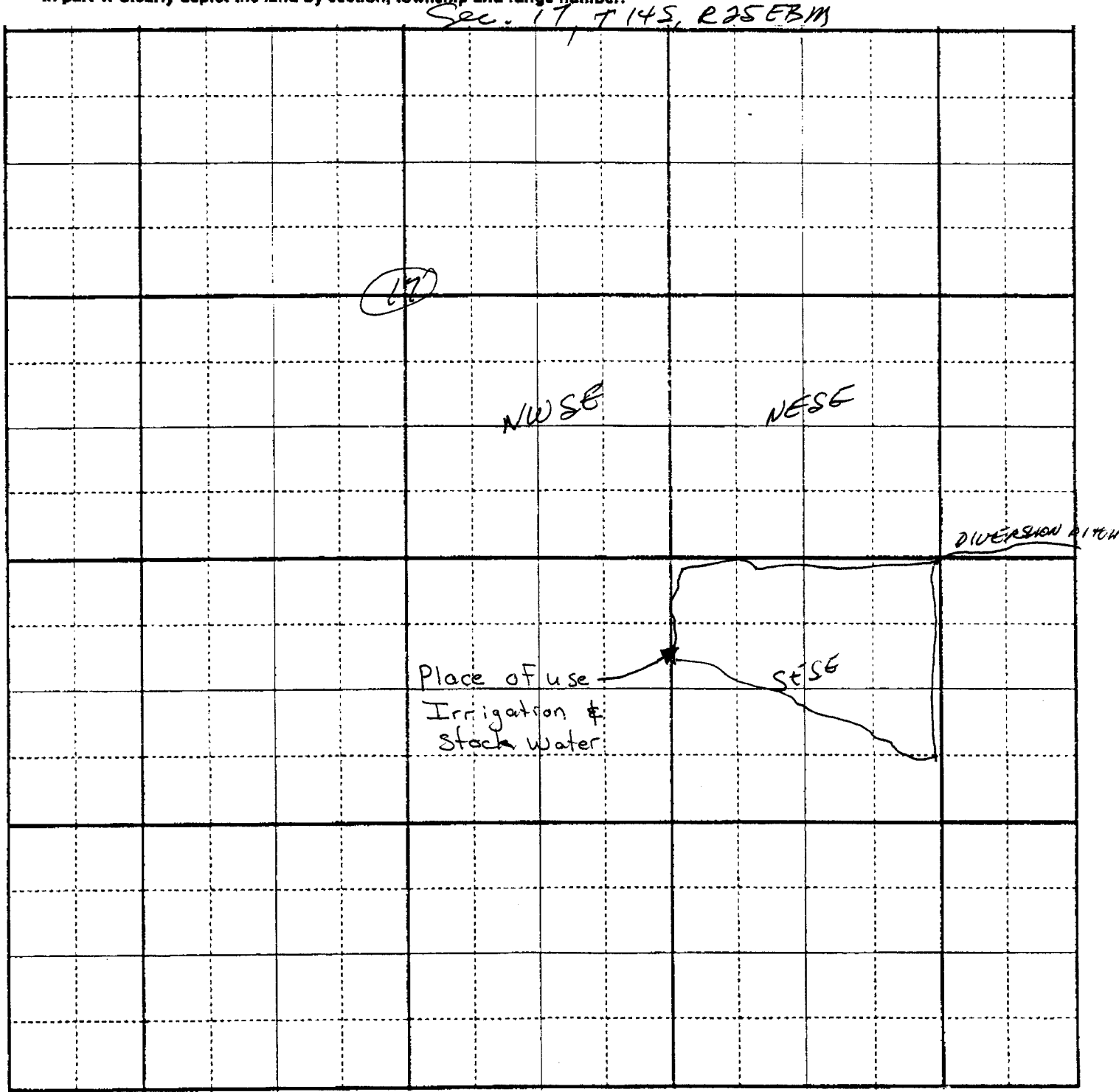
3. Lands irrigated or place of use:

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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 number.



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

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

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft) _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:

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

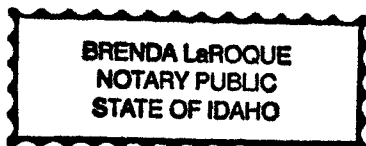
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Arlo P. Lloyd
(Signature of Applicant)

Bonita J. Lloyd
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of March, 2015.



Brenda LaRoque
Notary Public for the State of Idaho
My Commission expires: 02/12/17

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by C. SKINNER Date 3/24/2005

Prelim. check by C. SKINNER Fee \$250.00 S027496

Receipted by C. SKINNER Date 3/24/2005

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial
by _____

REPLACEMENT DEED
FOR
WARRANTY DEED
NUMBER TWO

147855

FOR VALUE RECEIVED J. E. TRACY, INC., an Idaho Corporation, the Grantor, does hereby grant, bargain, sell and convey unto BONITA T. LLOYD, a married woman, dealing in her sole and separate property, whose present address is Almo, Idaho, 83312, the Grantee, an undivided one-half interest in the following described real property, located in Cassia County, Idaho, to-wit:

The North Half of the Southwest Quarter; the Northwest Quarter of the Southeast Quarter; The Southeast Quarter of the Southeast Quarter; The Southeast Quarter of the Southwest Quarter; The Southwest Quarter of the Northeast Quarter of Section 17, Township 14 South, Range 25, East of the Boise Meridian, and the North Half of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, the Northeast Quarter of the Northwest Quarter of Section 20, Township 14 South, Range 25, East of the Boise Meridian.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee her heirs and assigns forever. And the said Grantor does hereby covenant to and with the Grantee that it is the owner in fee of said premises, that said premises are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

This Deed replaces a Deed executed by J. E. TRACY, INC., on September 13, 1978, which was lost prior to recording.

DATED this 27 day of ^{Nov. B.T.L.} ~~August~~, 1982.

J. E. TRACY, INC.

By William H. Tracy
President

ATTEST:

John Tracy
Secretary

STATE OF IDAHO)

County of Cassia)

ss.

On this 27 day of ^{Nov. B.T.L.} ~~August~~, 1982, before me the undersigned Notary Public in and for said State, personally appeared William H Tracy and Glenn E Tracy, President and Secretary respectively of the above-named corporation, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said corporation.

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

(SEAL)

Valery J Ward
Notary Public
Residing at Almo, Ida
My Commission Expires: Life

RECORDED AT THE REQUEST OF
Barbara J. Ward
FILM 153
DEC 3 1 11 PM '82
CASSIA COUNTY IDAHO
FRANK E. WATKINS
REGISTER
FEE 4.00 DEPUTY llh
Edna, Idaho

10

December 82

RB

147855

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 43-4132

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Roger D. Ling

Attorney for Arlo and Bonita Lloyd

Date

IDWR CONCURRENCE:

Kelly K. Christensen

Sr. Water Resource Agent

Date

Candice M. [Signature]

Approved as to form
Attorney for IDWR

Date

STANDARD FORM 5

06/25/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4132
NAME AND ADDRESS: BONITA T LLOYD
ARLO F LLOYD
HC 61 BOX 1508
ELBA ID 83326

SOURCE: BLACK SAND HOLLOW CREEK TRIBUTARY: SINKS
QUANTITY: ~~0.540 CFS~~ 0.770 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
PRIORITY DATE: 10/19/1928

POINT OF DIVERSION:

T14S R25E S16 SESEEN Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	~~0.540 CFS~~ 0.770 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R25E S17	SWNE	1.8	T14S R25E S17	NESE	3.3
T14S R25E S17	NWSE	7.7	T14S R25E S17	SWSE	0.4

STOCKWATER Within CASSIA County

T14S R25E S17	SWNE		T14S R25E S17	NESE	
T14S R25E S17	NWSE		T14S R25E S17	SWSE	

11.4 13.2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

THE FLOW RATE QUANTITY RECOMMENDED ABOVE INCLUDE ~~0.51~~ .51 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE
FIELD HEADGATE.

9F - 43-4132 1

CERTIFICATE OF SERVICE

I certify that on _____, 2003, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Roger D. Ling
Ling Robinson
P.O. Box 396
Rupert, ID 83350

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

2003 JUN 30 AM 9: 50

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Subcase 43-04132
) (Lloyd)
)
) SPECIAL MASTER REPORT

RECEIVED
MAR 09 2005
Department of Water Resources
Southern Region

Findings of Fact

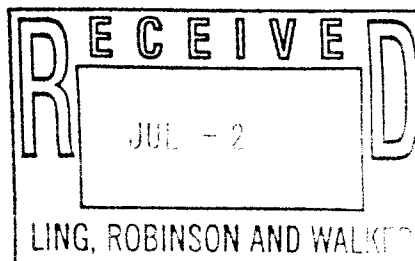
Bonita and Arlo Lloyd, HC 61, Box 1508, Elba, Idaho, 83326, filed a *Notice of Claim to a Water Right* on June 2, 1989, claiming 1.6 cfs from Black Sand Hollow for year-'round stockwater use and for irrigation of 120 acres in Cassia County from April 1 to November 1 with a priority date of April 1, 1909, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43* on September 28, 2001. The Director recommended the claim as filed, but for .54 cfs to irrigate 11.4 acres from April 1 to October 31 with a priority date of October 19, 1928.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On October 25, 2002, the Lloyds were granted leave to file a late objection to quantity, priority date and place of use.

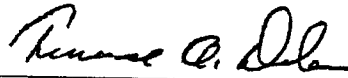
On April 4, 2003, the United States was dismissed as a party based on a *Stipulation to Resolve Objection and Motion to Dismiss the United States as a Party* filed by the Lloyds and the United States on March 4, 2003. On June 25, 2003, the Lloyds filed a *Standard Form 5*, with IDWR's concurrence, agreeing to .77 cfs to irrigate 13.2 acres.

Conclusions of Law

The Lloyds are entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04132*.



DATED June 30, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 31 2003

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-04132

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS:

ARLO P LLOYD
BONITA T LLOYD
HC 61 BOX 1508
ELBA, ID 83326

SOURCE:

BLACK SAND HOLLOW CREEK TRIBUTARY: SINKS

QUANTITY:

0.77 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE:

10/19/1928

POINT OF DIVERSION:

T14S R25E S16

SESESW

Within Cassia County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater
Irrigation

PERIOD OF USE
01-01 TO 12-31
04-01 TO 10-31

QUANTITY
0.03 CFS
0.77 CFS

PLACE OF USE:

Irrigation

T14S R25E S17

SWNE 1.8
NWSE 7.7

Within Cassia County
NESE 3.3
SWSE 0.4

13.2 Acres Total

Stockwater

T14S R25E S17

SWNE
NWSE

Within Cassia County
NESE
SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 43-04132 File Number: 00233

