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FEB 23 2005

Department of Water Resources
Southern Region

Transfer No. 71793

Receipt No. 5027391

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

1. Applicant Information SHOULDER 3 RANCHES INC
 PO BOX 218
 OAKLEY ID 83346

ROBINSON + WHITELEY LLC
P.O. Box 189
OAKLEY, ID 83346

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
45-12909B	AJC/Beneficial Use	0.04	9.2			GROUND WATER
45-2434B	AJC/License	0.32	74.8			GROUND WATER
45-10454	AJC/Beneficial Use	0.04	14.6			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
45-12909B	NO	NO	NO	YES	NO	NO
45-2434B	NO	NO	NO	YES	NO	NO
45-10454	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

THE WELL IN REFERENCE TO WATER RIGHT 45-2434B PUMPS SAND AND
 ALL THE METHODS WE HAVE USED TO ALLEVIATE THE PROBLEM HAVE FAILED.
 WE NEED TO DRILL A NEW WELL IN A DIFFERENT LOCATION.

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

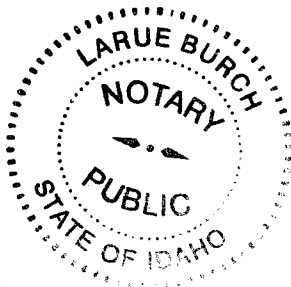
	Rate	Acre Limit	Total Acres	Volume
45-12909B	0.04 cfs			9.2 af
45-2434B	0.32 cfs			74.8 af
45-10454	0.04 cfs			14.6 af
TOTAL	0.36 cfs			98.6 af

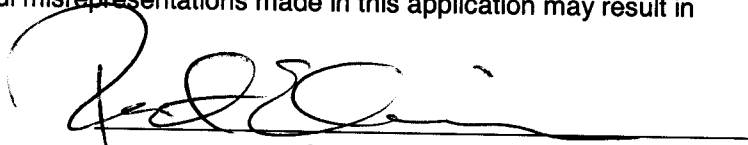
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.




(Signature of Applicant)

PRESIDENT SHOULDER 3 RANCHES, INC.
(Title or Office) ROBINSON + WHITELEY LLC

Subscribed and sworn to before me this 18 day of February, 2005.


(Notary Public)

My commission expires 3-8-08

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

Current Water Right No. 45-12909B**Priority Date:** April 01, 1961**Origin:** Adjudication Recommendation**Basis:** Beneficial Use**Status:** Active

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Department of Water Resources
Southern Region

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
Total Diversion		0.04 CFS	9.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

PLACE OF USE: STOCKWATER

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	22E	31																	X

PLACE OF USE: COMMERCIAL

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	22E	31			X	X									X	X	X	X	X

Conditions/Remarks:

1. 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. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-12909.

3. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
4. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
5. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. The right holder shall accomplish the change authorized by transfer 71275 by December 2, 2005.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

n/a

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 2**

Current Water Right No. 45-2434B

Priority Date: January 27, 1953
 Origin: Adjudication Recommendation
 Basis: License
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01 12/31	0.32 CFS	74.8 AFA	
STOCKWATER	01/01 12/31	0.32 CFS	74.8 AFA	
Total Diversion		0.32 CFS	74.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

PLACE OF USE: COMMERCIAL

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 22E 31			X	X					X				X	X	X	X	

PLACE OF USE: STOCKWATER

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 22E 31									X								

Conditions/Remarks:

1. 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. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2434.

3. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
4. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
5. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
8. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
11. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
12. The right holder shall accomplish the change authorized by transfer 71275 by December 2, 2005.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

n/a

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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Receipt No. 502739/

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

Current Water Right No. 45-10454

Priority Date: January 01, 1955
 Origin: Adjudication Recommendation
 Basis: Beneficial Use
 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>
STOCKWATER	01/01 12/31	0.04 CFS	14.6 AFA	
	Total Diversion	0.04 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

PLACE OF USE: STOCKWATER

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	22E	31																	
14S	22E	6		X	X												X		
				L 2															

Conditions/Remarks:

1. 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. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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6. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
10. The right holder shall accomplish the change authorized by transfer 71275 by December 2, 2005.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

IOWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

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

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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Receipt No. 5027391

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

Proposed Water Right No. 45-12909B

Priority Date: April 01, 1961

Origin: Adjudication
 Recommendation

Basis: Beneficial Use

Status: Active

Source: GROUND WATER

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<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
Total Diversion		0.04 CFS	9.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUNDWATER SE SW Sec. 32 Twp 13S Rge 22E CASSIA County

Describe the proposed diversion system

NEW WELL - 50HP SUBMERSIBLE PUMP WITH 6" PIPE RUNNING UNDERGROUND
TO THE LOCATION OF SANDY WELL TO TIE INTO EXISTING WATER DELIVERY SYSTEM.

PLACE OF USE: STOCKWATER

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 22E 31									X								

PLACE OF USE: COMMERCIAL

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 22E 31			X	X					X				X	X	X	X	

Proposed Water Right No. 45-10454

Origin: Adjudication
Recommendation

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	14.6 AFA	
	Total Diversion	0.04 CFS	14.6 AFA	

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUNDWATER SE SW Sec. 32 Twp 13S Rge 22E CASSIA County

NEW WELL - 50HP SUBMERSIBLE PUMP WITH 6" PIPE RUNNING UNDERGROUND
TO THE LOCATION OF THE SANDY WELL TO TIE INTO EXISTING WATER DELIVERY
PLACE OF USE: STOCKWATER SYSTEM.

Twp	Rge	Sec		NE		NW		SW		SE		Totals
				<u>NE</u>		<u>NW</u>		<u>SW</u>		<u>SE</u>		
13S	22E	31										
14S	22E	6		X L 2								

