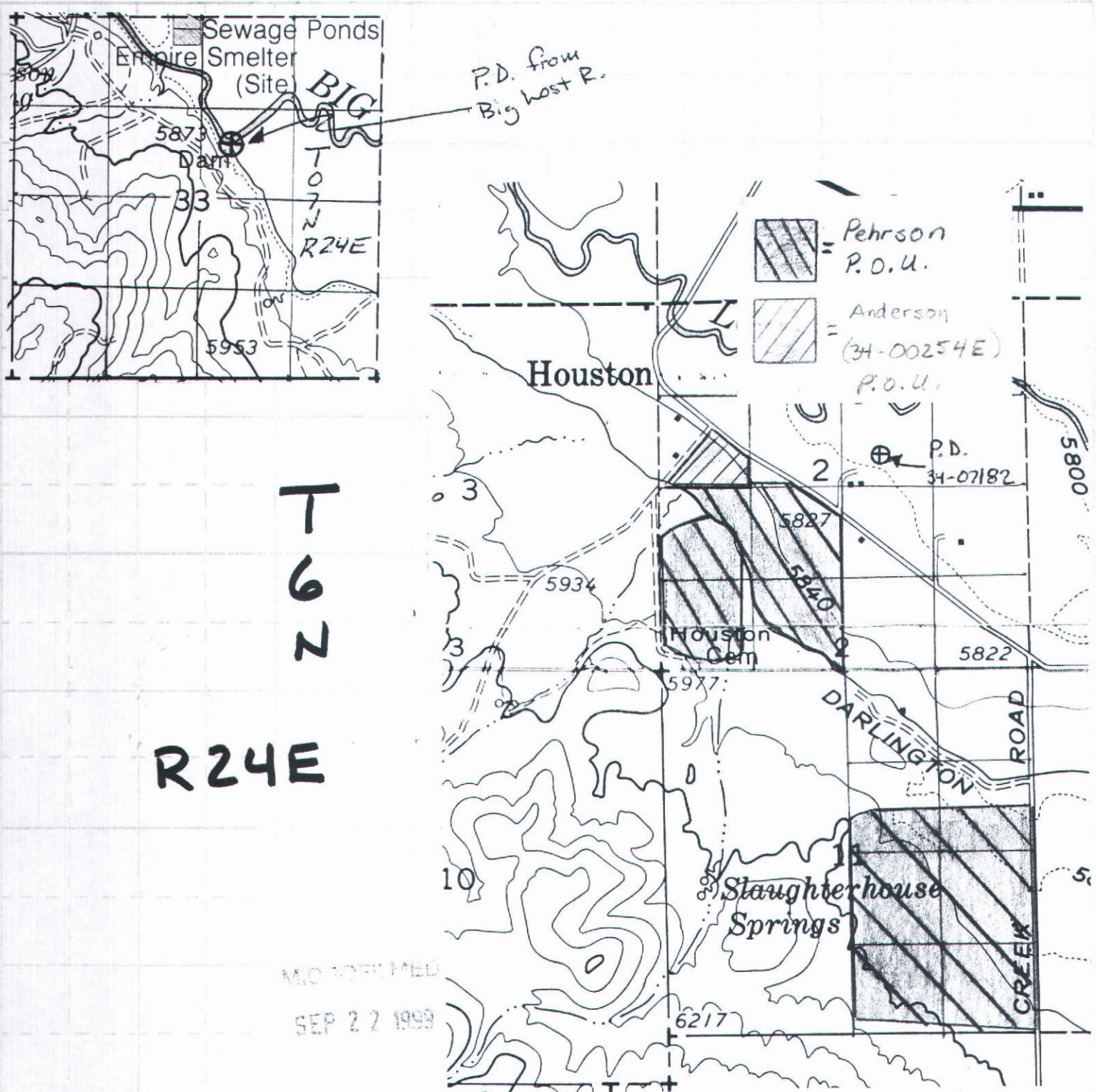


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.



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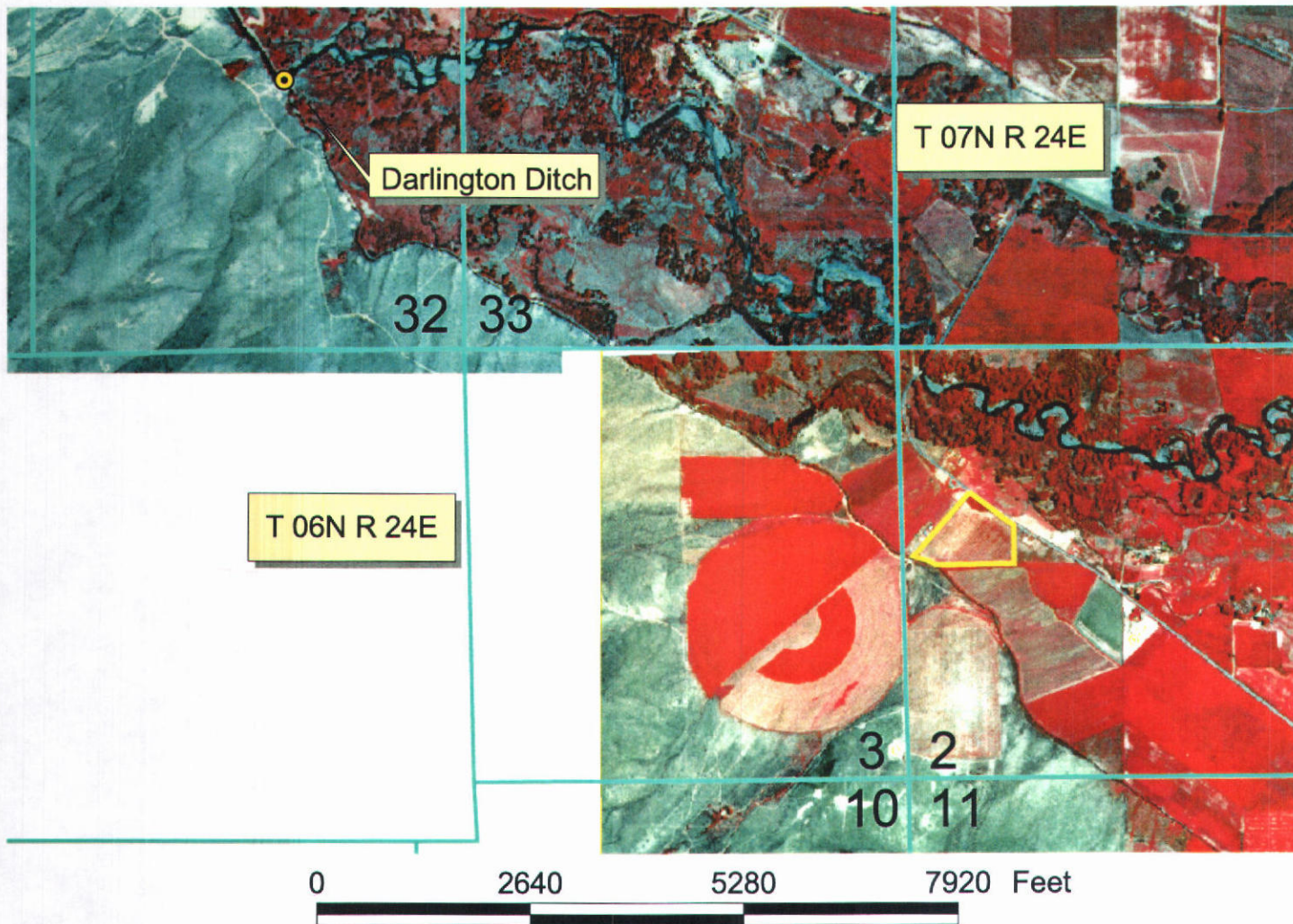
SCALE: 2-inches equal 1 mile. Draw plan in ink.

1:24 000

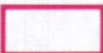
JUL 23 2003

STATE OF IDAHO
Department of Water Resources

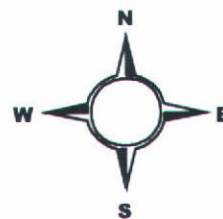
Water Right(s): 34-00452C



LEGEND

-  Point of Diversion
-  Place of Use
-  Section Line
-  Quarter-section line

Acres Irrigated = 8



GIS Place of Use illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: April 2000
MICROFILMED
JUL 23 2003

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4315
WATER RIGHT NO(S). 34-00452C/34-07182/34-10933/34-10950

This is to certify that:

MARLIN D ANDERSON	&	RANDY PEHRSON
JUDITH D ANDERSON		PEGGY PEHRSON
RT 1 BOX 18		PO BOX 238
MACKAY ID 83251		MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MARLIN D OR JUDITH D ANDERSON			
Right No. 34-00452C :			
Priority: 06/01/1885			
IRRIGATION	05/01 to 10/15	0.40 CFS	56.0 AF
SUBTOTAL:		0.40 CFS	56.0 AF
RANDY OR PEGGY PEHRSON			
Right No. 34-07182 :			
Priority: 04/18/1977			
IRRIGATION	04/15 to 10/15	3.68 CFS	1095.5 AF
Right No. 34-10933 :			
Priority: 04/22/1884			
IRRIGATION	05/01 to 10/15	1.63 CFS	284.9 AF
Right No. 34-10950 :			
Priority: 05/31/1884			
IRRIGATION	05/01 to 10/15	0.72 CFS	126.0 AF
SUBTOTAL:		6.02 CFS	* 1095.5 AF
TOTAL:		6.43 CFS	1151.5 AF

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TRANSFER NO. 4315
WATER RIGHT NO(S). 34-07182/34-10933/34-10950

SOURCETRIBUTARY OF

Right No. 34-07182 : GROUNDWATER

Right No. 34-00452C/34-10933/34-10950 :
BIG LOST RIVER

SINKS

LOCATION OF POINT(S) OF DIVERSION:

Right No. 34-00452C/34-10933/34-10950 : NWSWNE , Sec. 33, Township 07N, Range 24E

Right No. 34-07182 : SWSWNE , Sec. 2, Township 06N, Range 24E
 Injection SWSWNE , Sec. 2, Township 06N, Range 24E
 Rediversion NWSWNE , Sec. 33, Township 07N, Range 24E
 CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 34-00452C :						
06N	24E	2	SWNW 16			16
Right No. 34-07182/34-10933/34-10950 :						
06N	24E	2	SENW 1	NESW 38	NWSW 30	
			SWSW 28	SESW 25		122
		11	SWNE 19	SENE 21	NESE 39	
			NWSE 40	SWSE 35	SESE 37	191
						* 313 **

Total number of acres irrigated under Transfer 4315: 329

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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TRANSFER NO. 4315
WATER RIGHT NO(S). 34-07182/34-10933/34-10950

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- ** 6. Right 34-10933 is limited to the irrigation of 81.4 acres within the place of use described above in a single irrigation season.
- ²⁹⁶ ** 7. Right 34-10950 is limited to the irrigation of 36.0 acres within the place of use described above in a single irrigation season.
- * 8. Rights 34-07182, 34-10933 and 34-10950 when combined shall not exceed a total annual maximum diversion volume of 1095.5 af at the field headgate and the irrigation of 313.0 acres.
9. The period of use for irrigation described under Rights 34-00452C, 34-10933 and 34-10950 may be extended in seasons of unusual characteristics to a beginning date of April 20 and an ending date of October 31 at the discretion of the watermaster for Water District 34.
10. The use of water for irrigation under Right 34-07182 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 October 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.
11. Water diverted under Right 34-07182 is exchanged by injecting water diverted under this right into the Big Lost River at the point of injection described above, and diverting an equal amount from the Big Lost River at the upstream point of rediversion described above.
12. Measuring devices and lockable controlling works of a type acceptable to IDWR shall be permanently installed and maintained at the points of injection and rediversion.
13. Approval of Transfer 4315 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 19th day of August, 1999.

Z. Glen Saxton
Chief, Water Allocation Bureau

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JUL 23 2003

Page 1 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4315
RECEIVED
MAR 30 1998
Department of Water Resources

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Randy or Peggy Pehrson Phone 588-2532
Post Office address PO Box 238 Mackay Id. 83251

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 Give Mr. Anderson all of 34-00452C
2. Describe the reason for the proposed changes Mr. Pehrson purchased all of land irrigated under these rights, except the 16 acres in SWNN Sec. 02.

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
<u>34-10933</u>	<u>4-22-1884</u>	<u>1.628 cfs</u>	<u>Irrigation</u>	<u>5-1 to 10-15</u>
<u>34-10950</u>	<u>5-31-1884</u>	<u>0.72 cfs</u>	<u>Irrigation</u>	<u>5-1 to 10-15</u>
<u>(GW) 34-07182</u>	<u>4-18-1977</u>	<u>3.68 cfs</u>	<u>Irrigation</u>	<u>4-15 to 10-15</u>
<u>34-00452C</u>	<u>6-01-1985</u>	<u>0.08 cfs</u>	<u>Irrigation</u>	<u>5-1 to 10-15</u>
<u>34-00452C</u>	<u>6-01-1985</u>	<u>0.38 cfs</u>	<u>Irrigation</u>	<u>5-1 to 10-15</u>
		<u>8.40</u>		

2. Total amount of water being transferred 6.428 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch (BLR)
	SW	SW	NE	02	06N	24E	Custer	(Groundwater)
	SW	SW	NE	02	06N	24E	Custer	point of Injection " "
	NW	SW	NE	33	07N	24E	Custer	point of redirection " "

5. Lands irrigated or place of use: * There is no actual change in P.D.'s or delivery syst

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
06N	24E	02							1	38	30	28	25					122	
		11			19	21								39	40	35	37	191	
																		313 total	
06N	24E	02																16 total	

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JUL 23 2003

Total acres 329

PART 1**6. General Information:**a. Description of diversion system _____

☒ Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes NO 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:

NONE

d. Remarks:

Making only 34-00452C pertinent to SWNW 5.02 makes more sense than trying to give a pro-rata share of all rights to the 16 acres still owned by Anderson.

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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JUL 23 2003

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SEP 22 1999

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00452C

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	0.40 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 06/01/1885

LOCATION OF POINT(S) OF DIVERSION: NWSWNE , Sec. 33, Township 07N, Range 24E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	24E	2	SWNW 16	SENW 1	NESW 38	
			NWSW 30	SWSW 28	SESW 25	138
		11	SWNE 19	SENE 21	NESE 39	
			NWSE 40	SWSE 35	SESE 37	191
Total number of acres irrigated:						329

CONDITIONS/REMARKS:

1. THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416 (1).
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-10950, 34-10933 AND 34-07182 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 822.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 329 ACRES IN A SINGLE IRRIGATION SEASON.
4. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

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JUL 23 2003

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SEP 22 1999

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 _____
 in case of SRBA vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-07182 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 Groundwater tributary to _____

4. Date or priority 4-18-1977

5. Water is used for the following purpose:

amount 3.68 cfs for Irrigation purposes from 4-15 to 10-15
 (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 3.68 cubic feet per second and/or _____ 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	SW	NE	02	06N	24E	Custer	
	SW	SW	NE	02	06N	24E	Custer	(Point of injection)
	NW	SW	NE	33	07N	24E	Custer	(point of redirection) <u>Darlington Ditch</u>

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	
06N	24E	02							16	1	38	30	28	25					138
		11							19	21					39	40	35	37	191

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SEP 22 1999

Total acres 329

9. Describe any other water rights used for the same purposes described above 34-00452C, 34-10933

34-10950

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)
 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	

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JUL 23 2003

SEP 22 1999

Total acres _____

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 _____
 in case of SRBA vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-10933 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 Big Lost River tributary to Sinks

4. Date or priority 4-22-1884

5. Water is used for the following purpose:

amount 1.628 cfs for Irrigation purposes from 5-1 to 10-15
 (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 1.628 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

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	
06N	24E	02						16	1	38	30	28	25						138
		11			19	21								37	40	35	37		191

JUL 23 2003

Total acres 329

9. Describe any other water rights used for the same purpose as described above 34-00452C, 34-10950

34-02182

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)
 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	

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JUL 23 2003

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SEP 22 1999

Total acres _____

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 _____
 in case of SRBA vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 34-10950 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 Big Lost River tributary to Sinks

4. Date or priority 5-31-1884

5. Water is used for the following purpose:

amount 0.72 cfs for Irrigation purposes from 5-1 to 10-15
 (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 0.72 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	33	07N	24E	Custer	Darlington Ditch

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	
06N	24E	02							16	1	38	30	28	25					138
		11			19	21									39	40	35	37	191

JUL 23 2003

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SEP 22 1999

Total acres 329

9. Describe any other water rights used for the same purpose as described above 34-10933, 34-00452C,
34-07182

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)
 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	

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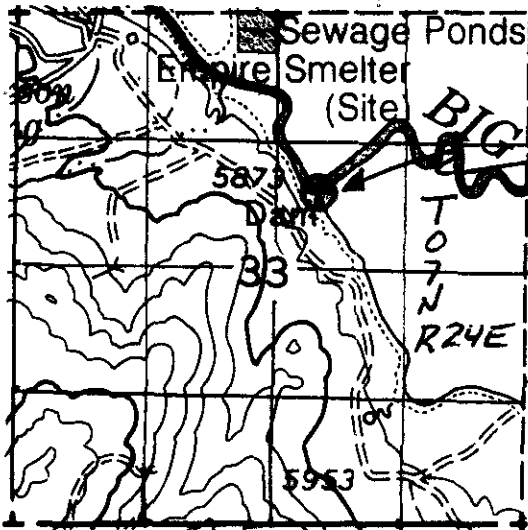
MICROFILMED

SEP 22 1999

Total acres _____

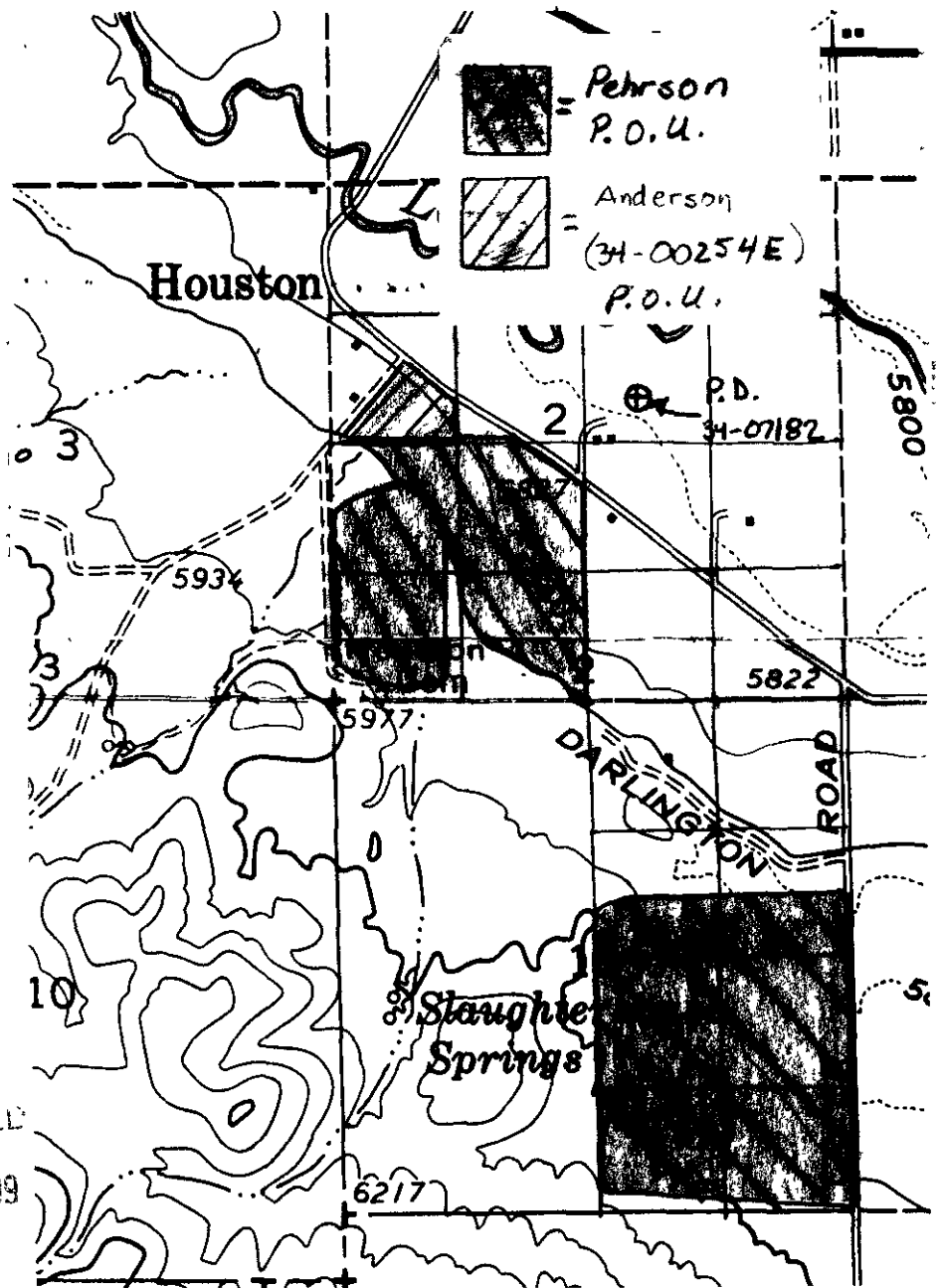
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.



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

1:24 000 JUL 23 2003

PART 3

B. CHANGES IN NATURE OF USE

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

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

3. Describe effects on other water uses 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.

Subscribed and sworn to before me this

Randy L. Linn
(Signature of Applicant)
Third day of March, 1994

Robert F. Vaden
(Notary Public)

My commission expires

Nov 9/1994

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and attachmentsReceived by WM Date 3/7/94 Protest filed by Prelim. check by Fee 50 \$019551Receipted by LB Date 3-7-94Published in Custer Publishing Co. Copies of protest forwarded by Pub. dates 3-17-24-94 Hearing held by Date Watermaster recommendation requested on Recommended for ☒ approval ☐ denial rec'd. by Copy of transfer sent to lien holder

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2002 FEB -7 AM 8:23

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**

	)	Water Right 34-00452C
In Re SRBA	)	
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
_____	)	PROVISIONS, NUNC PRO TUNC

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated: February 4, 2002



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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JUL 23 2003

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00452C

1998 JAN 15 PM 1:04
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: MARLIN D ANDERSON
JUDITH D ANDERSON
RT 1 BOX 18
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.4 CFS

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T07N R24E S33 NWSWNE Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.4 CFS

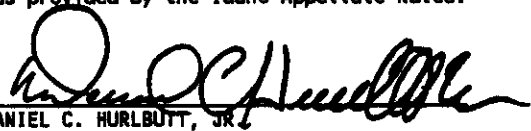
PLACE OF USE: IRRIGATION Within CUSTER County
T06N R24E S02 SWNW 16 SENW 1 NESW 38 NWSW 30
S11 SWSW 28 SESW 25
SWNE 19 SENE 21 NESE 39 NWSE 40
SWSE 35 SESE 37
329 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 34-10950, 34-10933 AND
34-07182 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 329
ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00452C

PAGE 1
DEC-29-1997

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1111 2 3 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

April 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RANDY & PEGGY PEHRSON
PO BOX 238
MACKAY ID 83251

RE: Transfer #4315 for water right(s) 34-07182, 34-10933, 34-10950
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Pehrson:

On August 18, 1999, the Idaho Department of Water Resources (IDWR) approved Transfer #4315, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

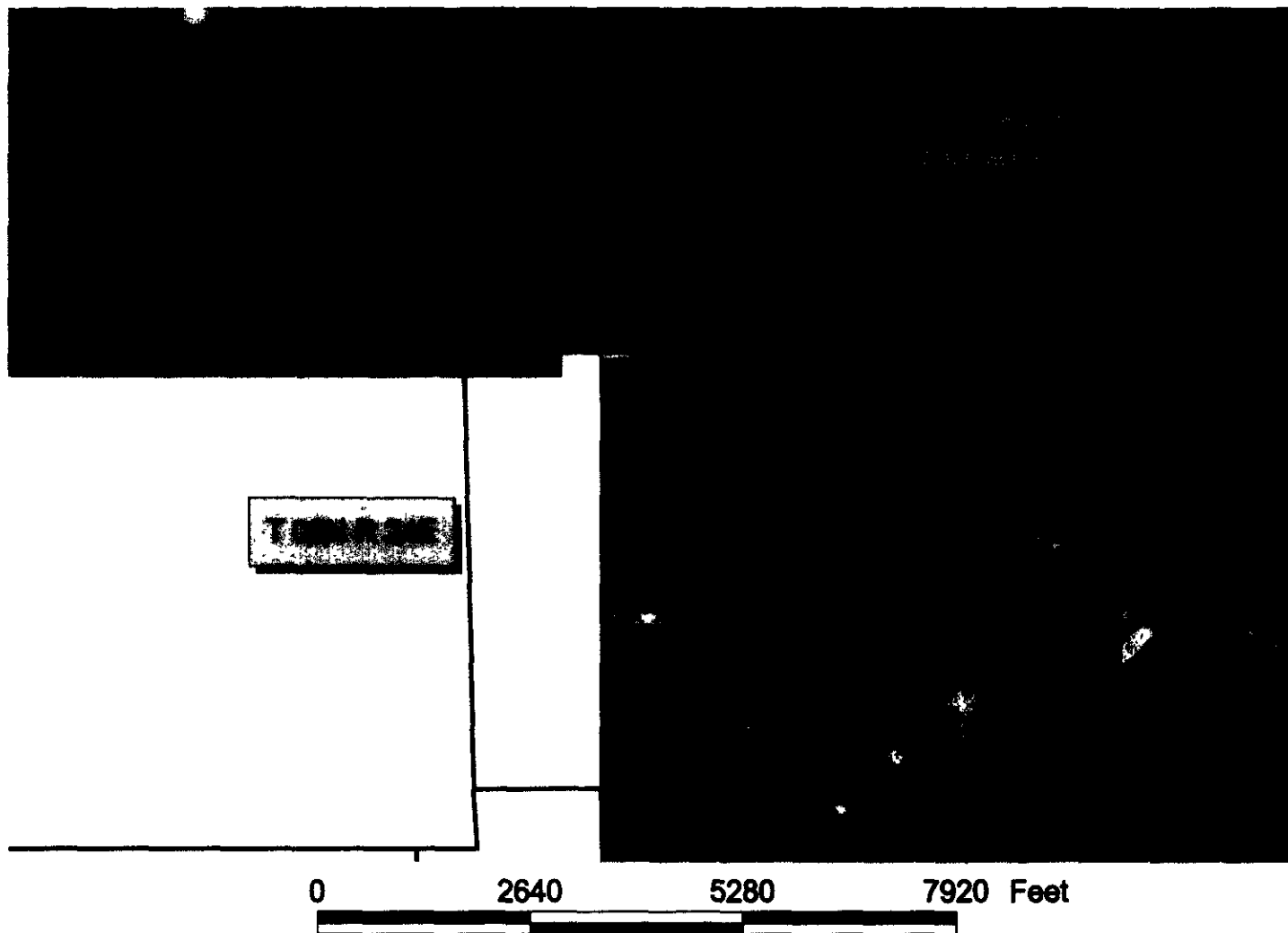
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APR 23 2003

STATE OF IDAHO

Department of Water Resources

Water Right(s): 34-00452C



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

)

Water Rights: 34-00452C,
34-07182, 34-10933, 34-10950

)

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 4315

☐ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 20, 2000

Ernest Carlson

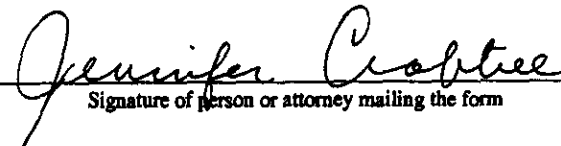
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/21, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
MARLIN & JUDITH ANDERSON
RT 1 BOX 18
MACKAY ID 83251

RANDY & PEGGY PEHRSON
PO BOX 238
MACKAY ID 83251
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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JUL 23 2003

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00452C

NAME & ADDRESS: MARLIN D ANDERSON
JUDITH D ANDERSON
RT 1 BOX 18
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.4 CFS
56.0 AFY

PRIORITY DATE: 06/01/1885

POINT OF DIVERSION: T07N R24E S33 NWSWNE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-15	0.4 CFS
			56.0 AFY

THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE
EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING
DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF
THE WATERMASTER FOR WATER DISTRICT 34.

PLACE OF USE: IRRIGATION Within CUSTER County
T06N R24E S02 SWNW 16
16 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH THE DARLINGTON DITCH.

MEMORANDUM

TO: Files 34-00452C, 34-07182, 34-10933 & 34-10950

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 4315

DATE: August 18, 1999

Transfer 4315 changes the place of use under the above referenced rights to reflect a change of ownership of the majority of the land with the seller retaining use of one of the rights on the remaining property. The Andersons originally owned all the 329.0 irrigated acres under these rights. The Pehrsons purchased 313.0 acres of the land and the Andersons retained 16.0 of the irrigated acres and use of Right 34-00452C.

These rights are a combination of surface rights and a groundwater right (34-07182) delivered through a common system; water is diverted from the Big Lost River into the Darlington ditch. No physical changes occur through this transfer in the delivery system. The place of use under the rights is changed only to reflect the ownership split of land and rights. Region staff felt that a water master comment was not required since no physical change is made in use.

Two of these rights were originally recommended with expansion conditions that were later found to be unconstitutional. The rights were reformatted eliminating the expansion in the place of use and all four rights have recently been resubmitted to the SRBA court as Supplemental Director's Reports to address the irrigation season. The approval is based on these rights as recently recommended. The transfer will also update the ownership change from Anderson to Pehrson.

Recommended conditions include watermaster control, measuring & lockable controlling works, irrigation overlap, permissible place of use, combined right limits, season of use limits, groundwater exchange/measuring devices requirement at point of injection & redirection, right-of-way and standard transfer conditions.

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JUL 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1999

MARLIN D ANDERSON
JUDITH D ANDERSON
RT 1 BOX 18
MACKAY ID 83251

&

RANDY PEHRSON
PEGGY PEHRSON
PO BOX 238
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00452C/34-07182/
34-10933/34-10950 (Transfer (4315))

Dear Mr. & Mrs. Anderson & Mrs. & Mrs. Pehrson:

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 4315). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack
for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

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SEP 22 1999

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JUL 23 2003

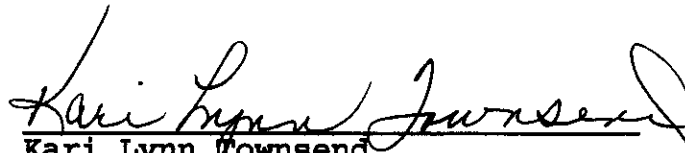
CERTIFICATE OF MAILING

I hereby certify that on the 19th day of **August, 1999** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

**RE: TRANSFER OF WATER RIGHTS 34-00452C/34-07182/
34-10933/34-10950 (Transfer 4315)**

**MARLIN D ANDERSON
JUDITH D ANDERSON
RT 1 BOX 18
MACKAY ID 83251**

**RANDY PEHRSON
PEGGY PEHRSON
PO BOX 238
MACKAY ID 83251**


Kari Lynn Townsend
Secretary

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SEP 22 1999

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JUL 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1999

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251-0053

RE: TRANSFER OF WATER RIGHTS 34-00452C/34-07182/
34-10933/34-10950 (Transfer 4315)

Dear Doug:

Enclosed is a copy of the recently approved Amended Transfer of Water Right for the above referenced water rights (Transfer 5453) in the names of Marlin D. & Judith D. Anderson and Randy & Peggy Pehrson.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at 208-327-7947.

Sincerely,

for Keri Lynn Townsend
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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SEP 22 1999

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101 23 2003

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MEMORANDUM

TO: Files 34-00452C, 34-07182, 34-10933 & 34-10950

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 4315

DATE: August 18, 1999

Transfer 4315 changes the place of use under the above referenced rights to reflect a change of ownership of the majority of the land with the seller retaining use of one of the rights on the remaining property. The Andersons originally owned all the 329.0 irrigated acres under these rights. The Pehrsons purchased 313.0 acres of the land and the Andersons retained 16.0 of the irrigated acres and use of Right 34-00452C.

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Two of these rights were originally recommended with expansion conditions that were later found to be unconstitutional. The rights were reformatted eliminating the expansion in the place of use and all four rights have recently been resubmitted to the SRBA court as Supplemental Director's Reports to address the irrigation season. The approval is based on these rights as recently recommended. The transfer will also update the ownership change from Anderson to Pehrson.

Recommended conditions include watermaster control, measuring & lockable controlling works, irrigation overlap, permissible place of use, combined right limits, season of use limits, groundwater exchange/measuring devices requirement at point of injection & redirection, right-of-way and standard transfer conditions.

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JUL 23 2003
SEP 22 1999

TRANSFER REVIEW SHEET
(07-98)

Transfer # 4315

Date Reviewed 08-17-99

Right(s) 3400452C 34-10950 } SRBA "R" recommendations
34-07182 }
34-10933 }

34-00452C + 34-07182 Deeded/All 4 rts resubmitted for Supplemental Dir. Reports

☒ WRQ/Split Summary ☒ SRBA Status ☐ Run POU Comparison Report

B:Change P/D C:Add P/D ☒ D:Change P/U E:Change Nature of Use
 F:Change Period of Use G:Other H:Change P/D & Add P/D
 I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Per SRBA-

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) None - Sold all property except 11 acres & retained
WR 34-00452C (all) 40 acs/11 acres = 2.02 acs/acre
Change of Ownership - Describes Anderson retaining 34-00452C (originally 11" -
After app changed to reflect all 20" on 11 acres.) Warranty Deed attached for Pebrin's
property.

Check Transfer Against Recorded Right Season/Vol. 3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☒ P/D ^{No Change} (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 34 Water District (12) Yes Pertinent Conditions Supplemental Dir. Reports (13) NO Expansion

(3) Per SRBA season & conditions
 (5) 3.5 x 11.6 = 56.0 acs < VDR 34-00452C
3.5 x 81.4 = 284.9 acs < VDR 34-10933 } W/34-07182
3.5 x 36.0 = 126.0 acs < VDR 34-10950 } 313 acres/1095.5 acs
 (8) Split P/U 11 & 313 acres

(11) No physical change to delivery or total P/U - Region staff felt WRI comment N4

Transfer Remarks PP/U - 34-10933 + 10950 ^{81.4} ³⁶ W35 W57
 Conditions R04, R43, R59, T07, T08

Database/Processing Notes ☐ Standard ☒ Non-Standard ☒
(Copy approved versions to an "X" prefix on WR (34-00452C + 7182) and
on 25 side (34-10933 + 10950) Comments to base WBS)
"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
 Database Updated Following Approval ☒ Memo/Form Files Deleted ☒
Deeded/Combined Deeded WRS 08-18-99 CB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: Pam Skaggs FROM: H.W. Jones

DOCUMENT DESCRIPTION: Change of ownership & Warranty deed
Anderson & Peterson

TOTAL NUMBER OF PAGES (Including this page): 6

*
* BILLING ADDRESS: _____
* _____
* _____
*
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
*

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MICROFILMED SEP 22 1999
JUL 23 2003

MEMO

FROM: H.W. JONES
TO: PAM SKAGGS
RE: TR 4315

ORIGINALLY WE SPLIT OUT 16 ACRES FOR MR. ANDERSON WITH 0.32 CFS OF RIGHT 34-00452C. THIS LEFT 0.08 CFS FOR MR. PEHRSON WITH ALL THE OTHER RIGHTS. WE DID IT THIS WAY SO DIDNT HAVE TO PRORATE SMALL PORTIONS OF EACH RIGHT TO THE 16 ACRES. THAT PROCEDURE MAKES DELIVERING THE RIGHTS ALMOST IMPOSSIBLE.

ERNIE CARLSEN HAS STATED THAT HE HAS NO PROBLEM WITH ALL OF THE 0.40 CFS GOING WITH THE 16 ACRES. AFTER A TELEPHONE CALL TO THE APPLICANT PEHRSON, HE ALSO AGREED.

WE HAVE NO PROBLEM WITH THE 0.025 CFS/ACRE AND IN FACT THE ADJUDICATION HAS FOUND THAT 0.02 CFS/ACRE IS NOT SUFFICIENT MANY TIMES FOR VARIOUS GROUND AND IRRIGATION SYSTEMS.

IN LOOKING AT THIS TRANSFER I WONDERED WHY WE DID IT IN THE FIRST PLACE. I INQUIRED WITH ERNIE WHY WE DIDNT JUST DO A CHANGE OF OWNERSHIP AND HE SAID THAT CERTAIN THINGS WERE DONE ON CERTAIN DATES THROWS THIS BACK AS A TRANSFER.

ANYWAY, LET ME KNOW WHAT YOU THINK AS THIS BIG LOST AREA IS A GRAVEL AND LOESS SOIL AREA AND REALLY CAN TAKE THE WATER. WE HOWEVER CAN LIVE WITH SEVERAL OPTIONS IF NEED BE.

MY BEST,

SKIP

3-11-98

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SEP 22 1999

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JUL 23 2003

Form 42 (4087)

RECEIVED

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type
(see instructions on back of page)

JAN 25 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____ Block _____ Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

Water Right Number(s)
Assigned by IDWR:A34-00452C, A34-10933, A34-07182, A34-00452C Water Resources
Eastern District OfficeName and Address of Former
Owner/Claimant(s)(Seller):

MARLIN D. AND/OR JUDITH D. ANDERSON

RT. 1. BOX 18

MACKAY, ID 83251

New Owner/Claimant
(Purchaser):

RANDY D. AND/OR PEGGY W. PEHRSON

New Mailing Address:

P. O. BOX 238

MACKAY, ID 83251

New Telephone Number:

(208) 588 - 2532

Does the change in ownership result in a splitting of the water right owned/claimed? xx yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner.

Split 16" of A34-00452C, stays w/original owner; 4" transfers.

All balance transfers.

Attach proof of
ownership, describe
proof attached:

Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

Signature of New
Owner/Claimant(s)

Date 1-20-94

Date 1-20-94

Signature of Former
Owner/Claimant(s):

Date 1-20-94

Date 1-20-94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken:

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

JUL 23 2003

MICROFILMED

SEP 23 1999

205708

WARRANTY DEED

FOR VALUE RECEIVED, MARLIN D. ANDERSON and JUDITH D. ANDERSON, husband and wife, Grantors, do hereby Grant, Bargain, Sell and Convey unto RANDY D. PEHRSON and PEGGY W. PEHRSON, Grantees, whose current address is P. O. Box 238, Mackay, Idaho 83251, the following described real estate, to-wit:

SEE EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF: THIS DEED IS OFFERED AS CONSIDERATION OF AND AS A PART OF A 1031 TAX-DEFERRED EXCHANGE.

TOGETHER WITH all water rights, wells, range rights, irrigation fixtures or equipment, and appurtenances, and

TOGETHER WITH perpetual easements running with and for the benefit of the conveyed lands as follows:

a) An easement for access, ingress and egress, whether pedestrian, vehicular, or with equipment, as reasonably necessary to use, service, maintain, repair or replace that certain irrigation pump located at a well approximately one thousand (1,000) feet, more or less, NE of the NE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, of the above Township and Range.

This roadway easement shall extend along and upon the existing roadway or travelway commencing at the approximate NE corner, NE $\frac{1}{4}$ SW $\frac{1}{4}$, such Section 2 and running thence Northerly and Easterly. The burdened lands are those lands of Grantors herein lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2, and the benefited lands are those described in the above conveyance.

The easement conveyed shall be of the width or encompass the lands reasonably necessary, and shall follow the existing course as reasonable to insure the continued beneficial use by Grantees herein. All uses of the easement area not in conflict with this grant are reserved to Grantors. This easement is not a grant to the public or for the benefit of lands not described in the above grant.

b) An easement to the extent reasonably necessary for service, maintenance and repair of the above described well and pump, and for utility service to the same along with a ditch extending North from such well to a river channel. This easement shall create the same general benefits, burdens and uses or purposes as those described in a) above, and shall be interpreted in light of the present and existing uses.

c) An easement for use, service, repair, replacement and maintenance of a certain well and pump presently located upon lands of Grantors approximately seventy-five (75) feet

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NE of the NW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, above described, along with a pipeline extending from the well and pump to the NW corner of the lands of Grantees described within this deed and for the benefit of those lands. This easement shall create the same general benefits, burdens and uses or purposes as those described in a) above, and shall be interpreted in light of the present and existing uses.

Reservation: Grantors, however, hereby reserve and except from this grant a perpetual roadway easement for access, ingress and egress, for pedestrian or vehicular traffic, and for the movement of machinery and equipment as follows:

a) Such easement shall extend from the NE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 2, South 350 feet, more or less, to the County road. The easement shall lie adjacent to and immediately West of the East boundary of such NE $\frac{1}{4}$ SW $\frac{1}{4}$ described, and shall be thirty (30) feet in width. The rights reserved include the right to maintain, service, repair and improve the roadway for the use, benefit and enjoyment of Grantors and shall run with the lands of Grantors in the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2 described, and to adjoining lands now owned by them. This easement and right shall not run to the public or to or for the benefit of owners of lands not described.

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 Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 20, 1994.


Marlin D. Anderson


Judith D. Anderson

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STATE OF IDAHO,

)

: ss.

County of Custer)

On this 20th day of January, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared MARLIN D. ANDERSON and JUDITH D. ANDERSON, husband and wife, known to me to be the persons who names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

James B. Bennett
Notary Public for
Residing at: *Orlando Idaho*
My Commission Expires: *1-21-99*

0205708

Custer County Assn. of
Custer County Title

Time *4:30 P.M.*

1-20-94
Elizabeth P. [unclear]
Launa [unclear]
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EXHIBIT "A"

TOWNSHIP 6 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 11: NW1/4, SE1/4, S1/2S1/2NE1/4

SECTION 2: SW1/4 EXCEPTING THEREFROM:

A parcel of land generally described as being a portion of the NE1/4SW1/4 of Section 2, Township 6 North, Range 24 East of the Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the West one-quarter corner of said Section 2, thence North 89°31'30" East along the North boundary of the Southwest quarter of said Section 2, a distance of 2351.89 feet; thence South 00°00'00" East, a distance of 50.61 feet to the POINT OF BEGINNING of this described parcel of land, thence South 52°07'09" East, 176.64 feet; thence South 37°03'10" West, 52.36 feet; thence North 53°42'33" West, 177.88 feet; thence North 38°17'54" East, 57.29 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for the purpose of ingress and egress across a portion of the NE1/4SW1/4 of Section 2, Township 6 North, Range 24 East, of the Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Commencing at the West one-quarter corner of said Section 2, thence South 82°54'12" East, a distance of 2608.58 feet to the centerline of the Alder Creek Road; thence North 39°12'18" East, a distance of 30.00 feet to the northerly right of way of said road and the centerline POINT OF BEGINNING of a twenty feet wide access easement, thence along the centerline of said access easement, North 45°01'49" West, a distance of 190.74 feet to the westerly end of said twenty feet wide access easement.

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