STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 69702

This is to certify that: EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706
(208)344-2772

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
61-7246A	WR/Decreed	12/16/1975	2.72 cfs	612 af	N/A	136.0	GROUND WATER
61-7283A	WR/Decreed	08/23/1976	1.5 cfs	337.5 af	N/A	75.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
61-7246A	YES	NO	YES	YES	NO	NO
61-7283A	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
61-7246A	**61-11966**	0.6 cfs	135 af	30.0	960.0	**61-11965**	2.12 cfs	477 af	N/A	106.0
61-7283A	**61-7283A**	1.5 cfs	337.5 af	75.0	960.0		N/A	N/A	N/A	N/A
COMBINED TOTALS							N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of November, 2004

Gary Spackman
Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 61-7246A

WATER RIGHT NO. 61-11965
As Modified by Transfer No. 69702

In accordance with the approval of Transfer No. 69702, Water Right No. 61-11965 is now described as follows.

Right Holder: EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

Priority Date: December 16, 1975

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	2.12 CFS	477.0 AF
			2.12 CFS	477.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NW¼ SE¼ SE¼ Sec. 23 Twp 02S Rge 04E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 23													26.5	26.5	26.5	26.5	106.0

Total Acres: 106

CONDITIONS OF APPROVAL

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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of November, 2004

Gary Spackman
Chief, Water Allocation Bureau

WATER RIGHT NO. 61-11966
As Modified by Transfer No. 69702

In accordance with the approval of Transfer No. 69702, Water Right No. 61-11966 is now described as follows.

Right Holder: EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

Priority Date: December 16, 1975

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.60 CFS	135.0 AF
			0.60 CFS	135.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NW¼ SW¼ NW¼ Sec. 11 Twp 02S Rge 04E ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S 04E 10	40.0	40.0	40.0	40.0													160.0
02S 04E 11	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					480.0
02S 04E 12					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Total Acres: 960

CONDITIONS OF APPROVAL

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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. This right is limited to the irrigation of 30 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-11966
As Modified by Transfer No. 69702

6. Right 61-7283A is also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of November, 2004

Gary Spackman

Chief, Water Allocation Bureau

WATER RIGHT NO. 61-7283A
As Modified by Transfer No. 69702

In accordance with the approval of Transfer No. 69702, Water Right No. 61-7283A is now described as follows.

Right Holder: EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

Priority Date: August 23, 1976

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Volume
IRRIGATION	03/15	to 11/15	1.50 CFS	337.5 AF
			1.50 CFS	337.5 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER NW¼ SW¼ NW¼ Sec. 11 Twp 02S Rge 04E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	04E	10	40.0	40.0	40.0	40.0													160.0
02S	04E	11	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					480.0
02S	04E	12					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320.0

Total Acres: 960

CONDITIONS OF APPROVAL

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 when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. This right is limited to the irrigation of 75 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 61-7283A
As Modified by Transfer No. 69702

6. Right 61-11966 is also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10th day of November, 2004

Chief, Water Allocation Bureau

RECEIVED

MAY 31 2002

Department of Water Resources

Form 1-222
12-92

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69702

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

I agree to the following application changes.
5/30/02 Date.

Name of applicant EISENMAN FAMILY TRUST Phone (208) 344-2772

Post Office address 2988 SOUTH OWYHEE STREET BOISE ID 83706

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 CREATE A PERMISSIBLE PLACE OF USE

2. Describe the reason for the proposed changes TO INCORPORATE 960 ACRES OF ADDITIONAL LAND TO UTILIZE MY EXISTING WATER RIGHTS (61-7283 & 61-7246) AT CINDERCONE BUTTE IN A PERMISSIBLE PLACE OF USE RIGHT. A PERMISSIBLE PLACE OF USE RIGHT ALLOWS FOR A MUCH GREATER FLEXIBILITY FOR MAINTAINING MY POTATO ROTATION - TOTAL OF 211 ACRES IRRIGATION.

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	
61-7283A	8/23/1976	1.50/337.5	IRRIGATION	3/15	to 11/15
61-7246A	12/16/1975	0.60/135	IRRIGATION	3/15	to 11/15
					to
					to

2. Total amount of water being transferred 2.10 CFS cubic feet per second and/or 472.5 AFA acre-feet per annum.

3. Source of water GROUNDWATER tributary to

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	NW	11	2S	4E	ELMORE	NORTH FARM WELL

5. Lands irrigated or place of use:

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	
2S	4E	10	40	40	40	40													160
2S	4E	11	40	40	40	40	40	40	40	40	40	40	40	40					480
2S	4E	12					40	40	40	40	40	40	40	40					320

Total acres 960 ACRES

 Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system ALL GROUNDWATER WELLS, SPRINKLERS

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

ALL LANDS WILL BE USED IN A 5-YEAR POTATO ROTATION. THE LANDS WHERE WATER IS COMING COMING FROM WILL BE DRIED UP AND ANOTHER TRANSFER WILL BE FILED TO INCORPORATE THAT GROUND INTO A PERMISSIBLE PLACE OF USE AT A LATTER DATE WHEN THE GROUND COMES INTO THE CURRENT ROTATION.

d. Remarks:

POINT OF DIVERSION TO ADD IN S-11 EXISTS. WELL WAS DEVELOPED FOR A DESERT LAND ENTRY WHICH DID NOT FOLLOW THROUGH

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____.

_____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7283A

WATER RIGHT NUMBER: 61-7283A

Owner Type	Name and Address
Current Owner	EDITH L WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256
Current Owner	HAROLD D WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256
Current Owner	EARL E WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256

Priority Date: 08/23/1976

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	1.500 CFS	337.50 AF
	Total Diversion:	1.500 CFS	337.50 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 23, Twp 02S, Rge 04E, B.M.

ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	04E	23									35.0			40.0					75.0

Total Acres: 75

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7283A

1. Explanatory RIGHT NO. 61-07246A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. RHOWERTO 9/25/1998 TRANSFER
Comment: CLAIM AMENDED PER TRANSFER NO. 3361 APPROVED 5/31/1989.

2. AJU10-JS 11/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. dbo 2/1/2002 3:36:37 PM Partial Decree
Comment: This water right record was updated by decree record from old rightid 50236 to new RightID 411226

Dates and Other Information:

Licensed Date:
Decreed Date: 10/26/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

PART 2

Transfer No. _____

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 ALL OF RIGHT WILL BE MOVED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

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				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	

Total acres _____

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

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

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				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	

Total acres _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7246A

WATER RIGHT NUMBER: 61-7246A

Owner Type	Name and Address
Current Owner	EDITH L WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256
Current Owner	EARL E WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256
Current Owner	HAROLD D WARD 1000 N 025 E RUPERT, ID 83350 (208)532-4256

Priority Date: 12/16/1975

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	3/15 to 11/15	2.720 CFS	612.00 AF
	Total Diversion:	2.720 CFS	612.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SE1/4 Sec. 23, Twp 02S, Rge 04E, B.M.

ELMORE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	04E	23													35.0	33.0	32.0	36.0	136.0

Total Acres: 136

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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7246A

1. Explanatory RIGHT NO. 61-07283A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. RHOWERTO 9/25/1998 TRANSFER
Comment: CLAIM AMENDED BY TRANSFER 3360, APPROVED 5/31/1989.

2. AJU10-JS 11/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. dbo 2/1/2002 3:35:39 PM Partial Decree
Comment: This water right record was updated by decree record from old rightid 50191 to new RightID 411225

Dates and Other Information:

Licensed Date:
Decreed Date: 10/26/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

PART 2

Transfer No. _____

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 0.60/135 (cfs/ac-ft) for IRRIGATION purposes from 3/15 to 11/15
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	23	2S	4E	ELMORE	EISENMAN SOUTH

3. Lands irrigated or place of use:

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	
2S	4E	23													7.5	7.5	7.5	7.5	30

Total acres 30

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

1. amount 2.12/477 (cfs/ac-ft) for IRRIGATION purposes from 3/15 to 11/15
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	23	2S	4E	ELMORE	EISENMAN SOUTH

3. Lands irrigated or place of use:

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	
2S	4E	23													27.5	27.5	27.5	27.5	106

PLEASE NOTE: EACH 1/4 1/4 IN THE SE WILL HAVE 27.5 ACRES.

Total acres 106

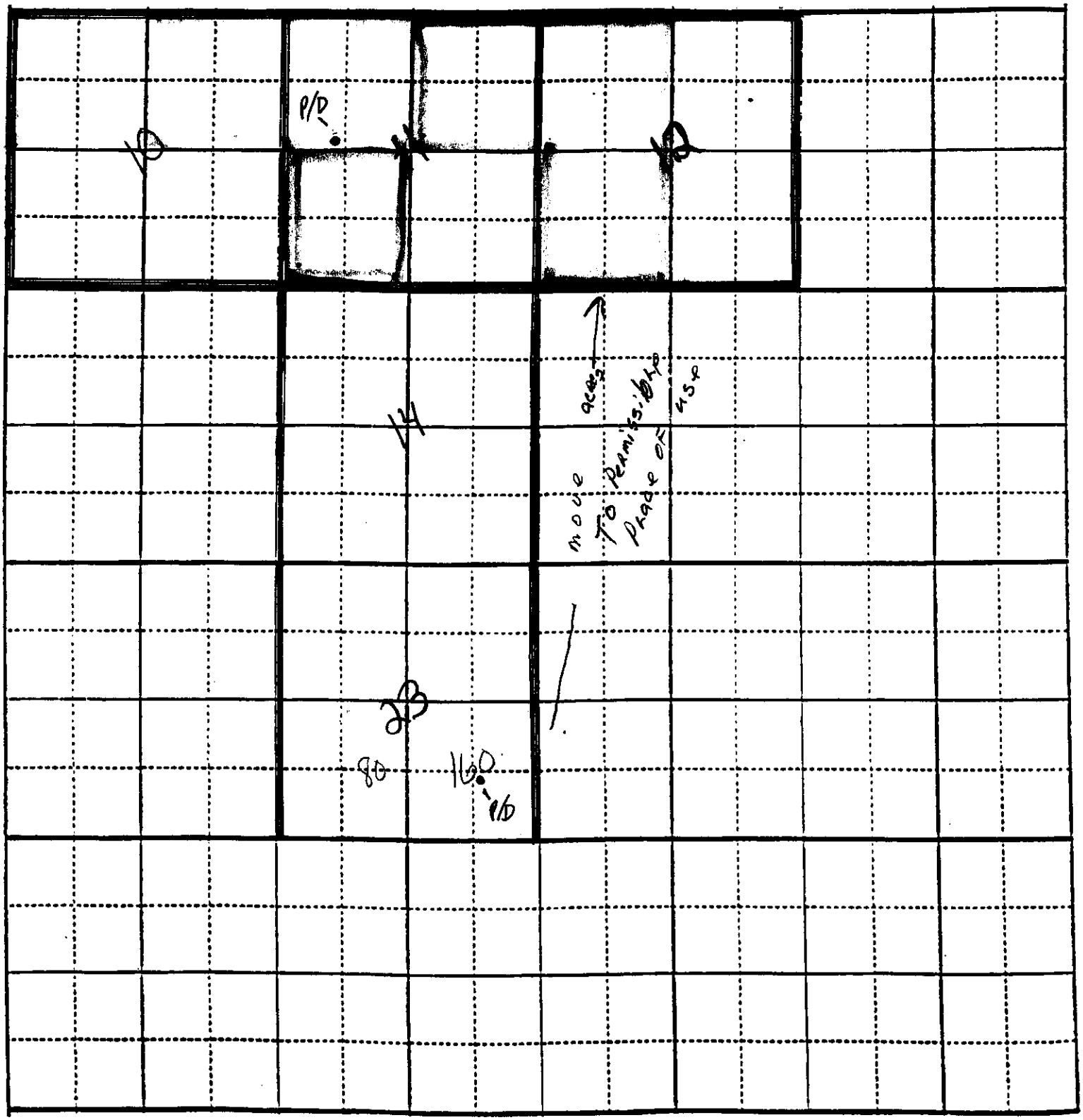
Transfer No. _____

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.



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
Same			_____ 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:
No effect on other water users. Amount of water used is the same, just used at different locations

---

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.

Patricia L Overman
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of Jan, 20 02.

Lori Graves
(Notary Public)

LORI GRAVES NOTARY PUBLIC STATE OF IDAHO

My commission expires 6/18/04

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

Received by LG Date 1/28/02 Protest filed by _____

Prelim. Check by _____ Fee 410 W028679 _____

Receipted by LG Date _____ _____

Published in MOUNTAIN HOME NEWS Copies of protest forwarded by _____

Pub. Dates 3-6 & 13-02 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

WARRANTY DEED

FOR VALUE RECEIVED
Harold Ward aka Harold D. Ward and Edith Ward aka Edith L. Ward, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Leonard J. Eisenman and Patricia L. Eisenman, husband and wife

GRANTEE(S), whose current address is: HC 34 Box 34090 Boise, Id 83716
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 23: E1/2SW1/4 and SE1/4

SAVE AND EXCEPT

A strip of land 30 feet wide running along the South side of the Southeast Quarter of Section Twenty-three, Township Tow South, Range Four East, Boise Meridian, as disclosed in Right-of-Way Deed, recorded February 17, 1982, as Instrument No. 210054, records of Elmore County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: December 1, 2000

Harold D Ward
Harold D. Ward

Edith L. Ward
Edith L. Ward

STATE OF Idaho, County of Elmore, ss.

On this 1st day of December
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Harold D. Ward, Edith L. Ward

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

Signature: Sheryl A Reyment

Name: Sheryl A Reyment
(type or print)

Residing at: Mountain Home

My commission expires: 12/27/05

SHERYL A. REYMENT NOTARY PUBLIC STATE OF IDAHO

Attach A

WARRANTY DEED

FOR VALUE RECEIVED
J. Grant Baldwin and Evelyn F. Baldwin, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Leonard J. Eisenman and Patricia L. Eisenman, husband and wife

GRANTEE(S), whose current address is: HC 34 Box 34090 Boise, Id 83716
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 2 South, Range 4 East, Boise Meridian, Elmore County, Idaho

Section 10: NE1/4
Section 11: NW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: October 25, 2000

J Grant Baldwin
J. Grant Baldwin

Evelyn F. Baldwin
Evelyn F. Baldwin

STATE OF Idaho, County of Lemhi, ss.

On this 27 day of October
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
J. Grant Baldwin, Evelyn F. Baldwin

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

Signature: Diana Dee McClain

Name: DIANA DEE McCLAIN
(type or print)

Residing at: Salmon ID.
My commission expires: 5-22-2001

LAND LEASE

This lease made this 5th day of September, 2001 by and between **BENNETT CREEK FARMS/CINDERCONE FARMS, INC.** (two general partnerships) referred to as **"TENANT"** and **LEONARD EISSENMAN** referred to as **"LANDLORD."**

WITNESSETH

The landlord is the owner of the real property described: ~~240/ac~~ 160/ac

1. S ½ of Section 23, Township 2 South, Range 4 East, B.M.
2. NW ¼ of Section 11, Township 1 South, Range 4 East, B.M.
3. NE ¼ of Section 10, township 1 South, Range 4 East, B.M.

Said real property is hereinafter referred to as **PREMISES**.

Tenant desires to lease the premises from the landlord, the landlord hereby leases to the tenant and the tenant hereby leases from the landlord the premises under the terms and conditions hereinafter set forth.

TERMS

The term of this lease shall be from September 1st , 2001 to and including the 31st day of December 2004 or until the crop is harvested. The alfalfa crop is to remain in production at the end of the three-year lease. Tenant and Landlord will renegotiate terms of contract at that time.

RENTAL

1. Tenant hereby covets and agrees to pay the Landlord $14000.00 per year for the period of three years. Rent shall be paid for the pivot of 120 acres, which will be planted in alfalfa.
2. The yearly rent will be paid in 2 equal installments with the first payment of the year due on or before April 15th and the final yearly payment on or before December 15th.

LANDLORD OBLIGATION

1. Landlord shall take full responsibility in keeping any and all expenses and costs of every kind and nature attendant to the use and operation of the well(s), pump(s), motor(s), bowl(s), and buried mainline.
2. Landlord will provide adequate water of 900 GPM for 1 pivot to the crop with good pressure at all times during the growing season, (45 lb. Pressure).

ATTACH C-1

TENANT OBLIGATION

1. Tenant will provide all fertilizer, seed, labor and machinery.
2. Tenant will farm premises in a husband like manner.
3. Tenant will repair any damage to mainline and fence due to negligence on their part.
4. Tenant will pay power costs to irrigate the alfalfa crop.
5. Tenant agrees to maintain pivot in good working order for the term of the lease. Tenant may utilize the adjoining 2nd pivot for parts to run first pivot.
6. Leased ground will be added to Tenant's liability insurance, not to be less than $1,000,000.00.

SALE OF PROPERTY

In the event the Landlord shall sell the above described premises, or any portion there of, during the terms of this agreement, Landlord shall make said sale, with the terms of this lease.

ATTORNEYS FEES

In the event either party defaults in the performance or non performance of the terms of this agreement, and it shall become necessary to resolve the default by any course of legal action, whether the same be through litigation or by intervention of attorneys, the party determined to be at fault shall pay to the prevailing party reasonable attorney's fees and all expenses and costs thus incurred.

Leonard Eissenman — Date: 10-17-01

Steve Reynolds — Date: 10/17/01
Bennett Creek Farms

C
Attach #-2

PPM WATER RIGHTS

I, John Ballou, do own the property of the NE ¼ of Section 11, Township 2 South, Range 4 East B.M. I do agree that Steve Reynolds, acting on the behalf of Bennett Creek Farms, will include this said property in their PPU water rights so as this property can be irrigated in a potato crop rotation every five to six years.

John L. Ballou — 3-24-02

John Ballou — Date

Steve Reynolds — 3-20-02

Steve Reynolds — Date

JOHN L. BALLOU

6498 South Appomattox Way
Taylorsville, Utah 84123
Phone: (801) 266-4158
Fax: (801) 685-2560
Barn: 1332 West Park Way Ave.

Attach D

PPM WATER RIGHTS

I, Mr. Robert Rowett, do own the property of the SW ¼ of Section 11, Township 2 South, Range 4 East, in Elmore County. I do agree that Steve Reynolds, acting on the behalf of Bennett Creek Farms, will include this said property in their PPU water rights so as this property can be irrigated in a potato crop rotation every five to six years.

Rowett Partnership
By: Robert Rowett

Mr. Robert Rowett, Partner

5/1/02
Date

Steve Reynolds

Steve Reynolds

4-28-02
Date

Attach DE

Form Approved — OMB No. 0560-0001

IDAHO

,78 (02-01-91)

REPORT OF ACREAGE

FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 2001

DATE: 07-17-2001

. NUMBER: 379

Original: gd

Revision:

ator Name and Address ID

NETT CREEK FARMS PARTNERSHIP 8764
BOX 99
JUNTAIN HOME, ID 83647-0099

Cropland: 242.7

Farmland: 300.0

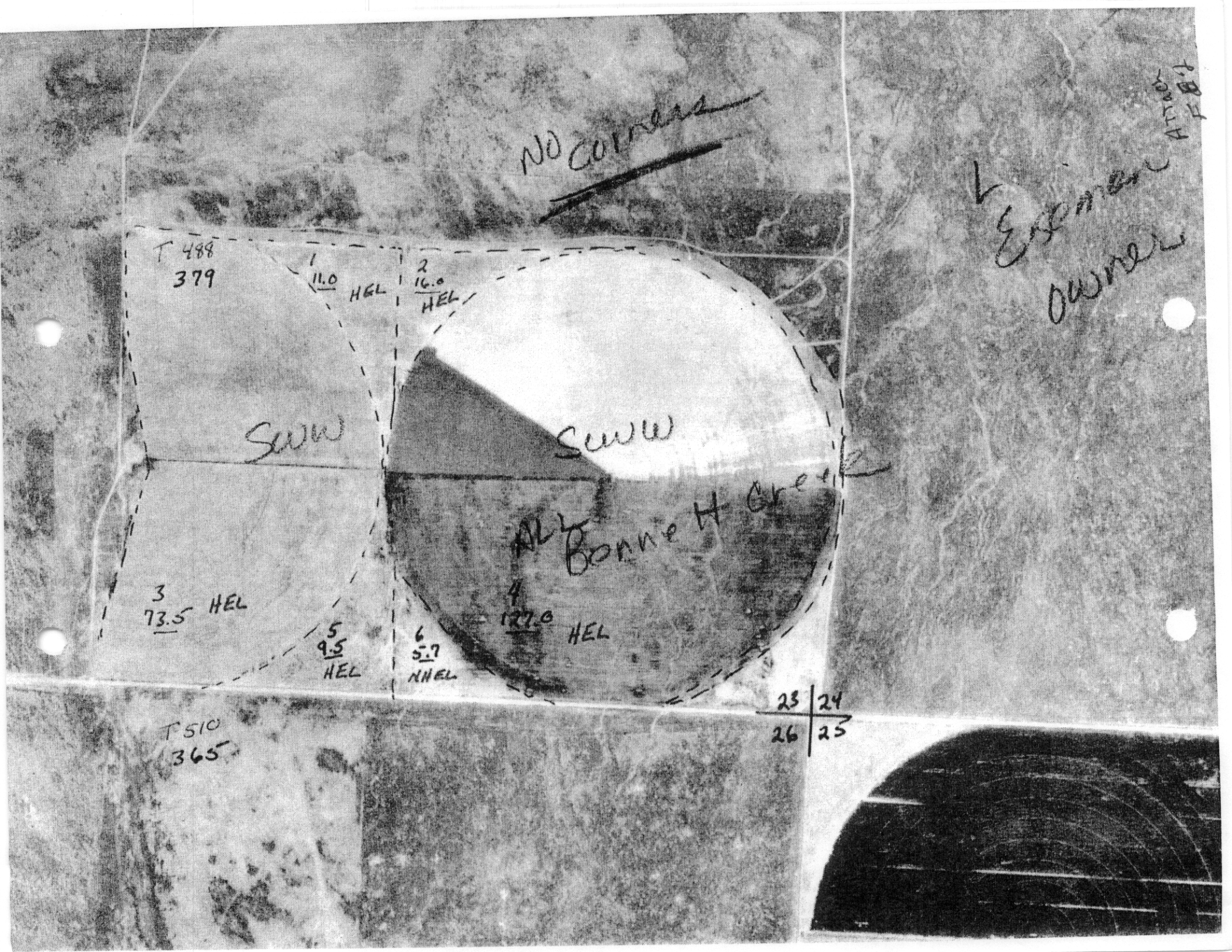
Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	Prod Share	Prod ID
488	1	Ni	FALOW				11.00			I	1.0000	8764
	2	Ni	FALOW				16.00			I	1.0000	8764
	5	Ni	FALOW				9.50			I	1.0000	8764
	6	Ni	FALOW				5.70			I	1.0000	8764
	3	Ir	WHEAT	SWW	Grain		73.50			I	1.0000	8764
	4	Ir	WHEAT	SWW	Grain		127.00			I	1.0000	8764

Crop Type	Prac	IU	Non-Irrig	Irrigated
FALOW	N		42.2	
WHEAT	SWW	I GR		200.5

Photo Number/Legal Description: K16 R4E T2S SEC 23

Cropland: 242.7 Reported: 242.7 Difference: .0 Reported D,S,R: .0

ATTACH FSA


NO corners
T 488
379
1
11.0
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2
16.0
HEL
SWW
SWW
Bonne H Cr
3
73.5
HEL
4
127.0
HEL
5
9.5
HEL
6
5.7
NHEL
T 510
365
23
24
26
25

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578 (02-01-91) REPORT OF ACREAGE PROGRAM YEAR 2000

FARM NUMBER: 379 FARM AND TRACT DETAIL LISTING DATE: 06-05-2000

Operator Name and Address ID

HAROLD D WARD 0367
PO BOX 88
GRAND VIEW, ID 83624-0088

Original: gd
Revision:
Cropland: 242.7
Farmland: 300.0

Tract Number	Field Num	ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	Prod Share	Prod ID
488	1		Ir	WHEAT	SWW	Grain		11.00			I	.5000 .5000	0367 5968
	2		Ir	WHEAT	SWW	Grain		16.00			I	.5000 .5000	0367 5968
	4B		Ir	WHEAT	SWW	Grain		63.50			I	.5000 .5000	0367 5968
	3A		Ir	ALFAL		Hay		36.80			I	.5000 .5000	0367 5968
	5		Ir	WHEAT	SWW	Grain		9.50			I	.5000 .5000	0367 5968
	6		Ir	WHEAT	SWW	Grain		5.70			I	.5000 .5000	0367 5968
	3B		Ir	PTATO	GRA	Proces	F FAV	36.70			I	.1250 .1250 .7500	0367 5968 7796
	4A		Ir	PTATO	GRA	Proces	F FAV	68.30			I	.1250 .1250 .7500	0367 5968 7796

Crop	Nirr	Irr	Crop	Nirr	Irr	Crop	Nirr	Irr
ALFAL	36.8		OFAV	105.0		WHEAT		105.7

Photo Number/Legal Description: K16 R4E T2S SEC 23

Cropland: 242.7 Reported: 247.5 Difference: 4.8 Reported D,B,S,R,A: .0

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578 (02-01-91)

REPORT OF ACREAGE
FARM SUMMARY

PROGRAM YEAR 2000

DATE: 06-05-2000

FARM NUMBER: 379

Operator Name and Address ID

HAROLD D WARD 0367
PO BOX 88
GRAND VIEW, ID 83624-0088

Original: _____

Revision: _____

Cropland: 242.7

Farmland: 300.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR FSA COUNTY OFFICE.

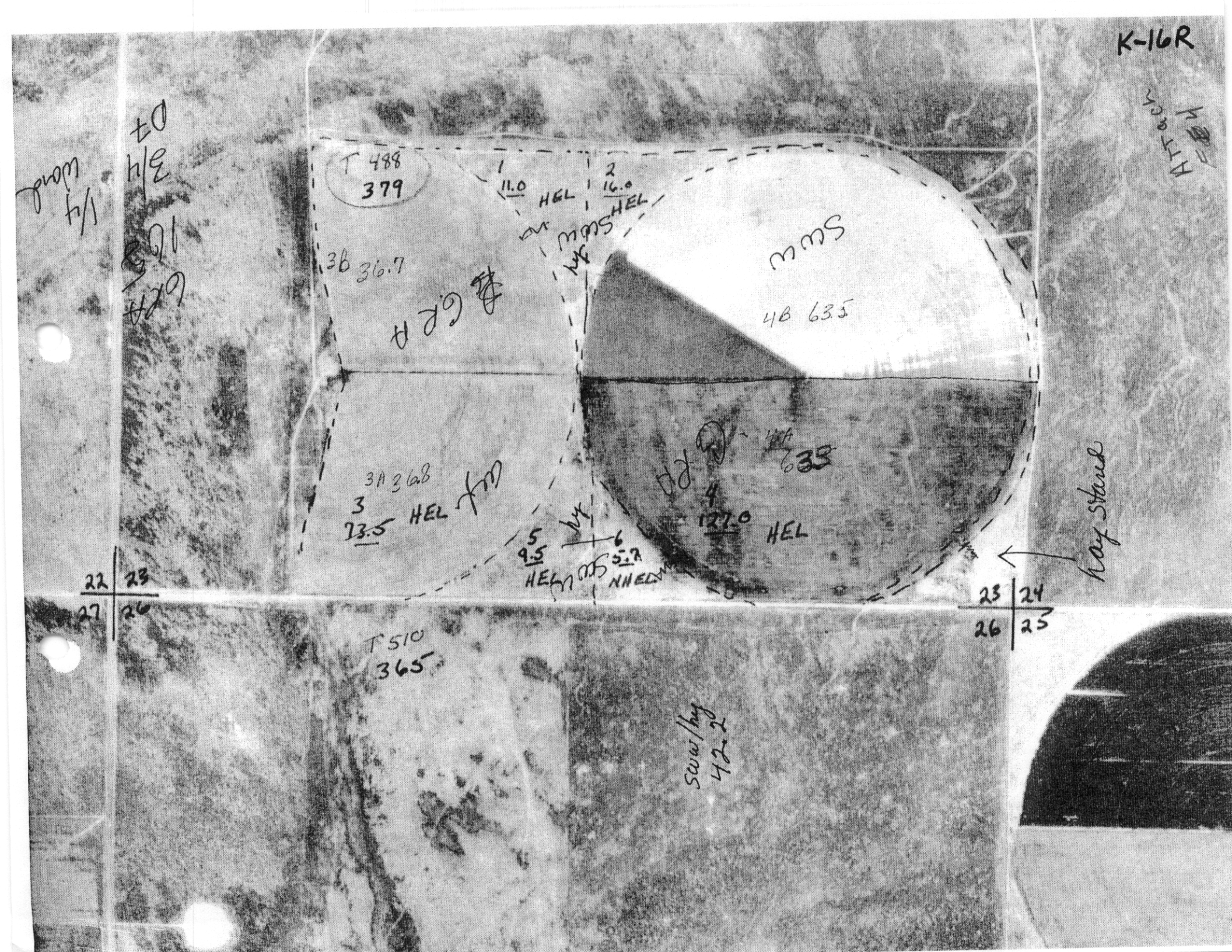
Producer Name	ID	Crop	Share
HAROLD D WARD	0367	WHEAT	.5000
EARL E WARD	5968	WHEAT	.5000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
ALFAL	36.8		OFAV	105.0		WHEAT	105.7	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature Harold D Ward Date 6/5/2K

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.


K-16R
T 488
379
1
11.0
HEL
2
16.0
MMS HEL
MMS
3B 36.7
4B 635
3A 3aB
3
23.5
HEL
4
127.0
HEL
5
9.5
HEL
6
5.7
NHEL
22 23
27 26
23 24
26 25
T 510
365
Sawl/hay
42.2
hay stands

ELMORE, IDAHO

FSA-578(02-01-91)

FARM NUMBER: 379

Operator Name and Address ID

HAROLD D WARD 0367
PO BOX 88
GRAND VIEW, ID 83624-0088

Form Approved - OMB No. 0560-0004

REPORT OF ACREAGE

PROGRAM YEAR 1999

FARM AND TRACT DETAIL LISTING

DATE: 06-29-1999

Original: GL

Revision:

Cropland: 242.7

Farmland: 300.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	D/ M	Crop Stat	Plnt Prac	Prod Share	Prod ID
488	2	Ir	PTATO	GRA	Proces	F FAV	16.00			I	2	.1250 .1250 .7500	0367 5968 7796
	4A	Ir	PTATO	GRA	Proces	F FAV	63.50			I		.1250 .1250 .7500	0367 5968 7796
	1	Ir	ALFAL		Hay		11.00			I		1.0000	5968
	3	Ir	ALFAL		Hay		73.50			I		1.0000	5968
	5	Ir	ALFAL		Hay		9.50			I		1.0000	5968
	6	Ir	ALFAL		Hay		5.70			I		1.0000	5968
	4B	Ir	ALFAL		Hay		63.50			I		1.0000	5968

Crop	Nirr	Irr	Crop	Nirr	Irr
ALFAL	163.2		OFAV	79.5	

Photo Number/Legal Description: F14 R 4E T 2S SEC 23

Cropland: 242.7 Reported: 242.7 Difference: .0 Reported D,B,S,R,A: .0

ATTACH F#5

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578(02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1999

FARM NUMBER: 379 FARM SUMMARY DATE: 06-29-1999

Operator Name and Address ID

HAROLD D WARD 0367
PO BOX 88
GRAND VIEW, ID 83624-0088

Original: _____

Revision: _____

Cropland: 242.7

Farmland: 300.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR FSA COUNTY OFFICE.

THERE ARE NO PRODUCERS WITH SHARES FOR PROGRAM CROPS.

Producer Name	ID
HAROLD D WARD	0367
EARL E WARD	5968
DERRON FREDERICK	7796

Crop	Reported	Determined	Crop	Reported	Determined
ALFAL	163.2		OFAV	79.5	

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature Harold D Ward Date 6/29/99

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

Attach Ex 6



379 OT

Ward Duncan Fraser Ltd

25/75 Potatoes

1999

N ½ of SE ¼ Sec 23

Attach

ELMORE, IDAHO

FSA-578(02-01-91)

FARM NUMBER: 379

Operator Name and Address ID

HAROLD D WARD
PO BOX 88
GRAND VIEW, ID 83624-0088

0367

Form Approved - OMB No. 0560-0004

REPORT OF ACREAGE

FARM AND TRACT DETAIL LISTING

PROGRAM YEAR 1998

DATE: 07-15-1998

Original: _____

Revision: _____

Determined

Cropland: 242.7

Farmland: 300.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lod Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	Plnt Prac	Prod Share	Prod ID
488	1	Ir	WHEAT	SWW	Grain		11.00	11.00	00	I	2		DEF
	2	Ir	WHEAT	SWW	Grain		16.00	16.00	00	I	2		DEF
	3	Ir	ALFAL		Hay	NCROP	73.50	73.50	00	I			DEF
	4	Ir	ALFAL		Hay	NCROP	127.00	127.00	00	I			DEF
	5	Ir	WHEAT	SWW	Grain		9.50	9.50	00	I	2		DEF
	6	Ir	WHEAT	SWW	Grain		5.70	5.70	00	I	2		DEF

Crop	Nirr	Irr	Crop	Nirr	Irr
NCROP	200.5		WHEAT		42.2

Photo Number/Legal Description: F14 R 4E T 2S SEC 23

Cropland: 242.7 Reported: 242.7 Difference: .0 Reported D,B,S,R,A: .0

Attach FSA

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1998

FARM NUMBER: 579

FARM SUMMARY

DATE: 07-13-1999

Operator Name and Address ID

HAROLD O WARD 0367
PO BOX 68
GRAND VIEW, ID 83624-0068

Original: _____

Revision: _____

Cropland: 242.7

Farmland: 300.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts.

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR FSA COUNTY OFFICE.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
HAROLD O WARD	0367	.5000
EARL E WARD	5980	.5000

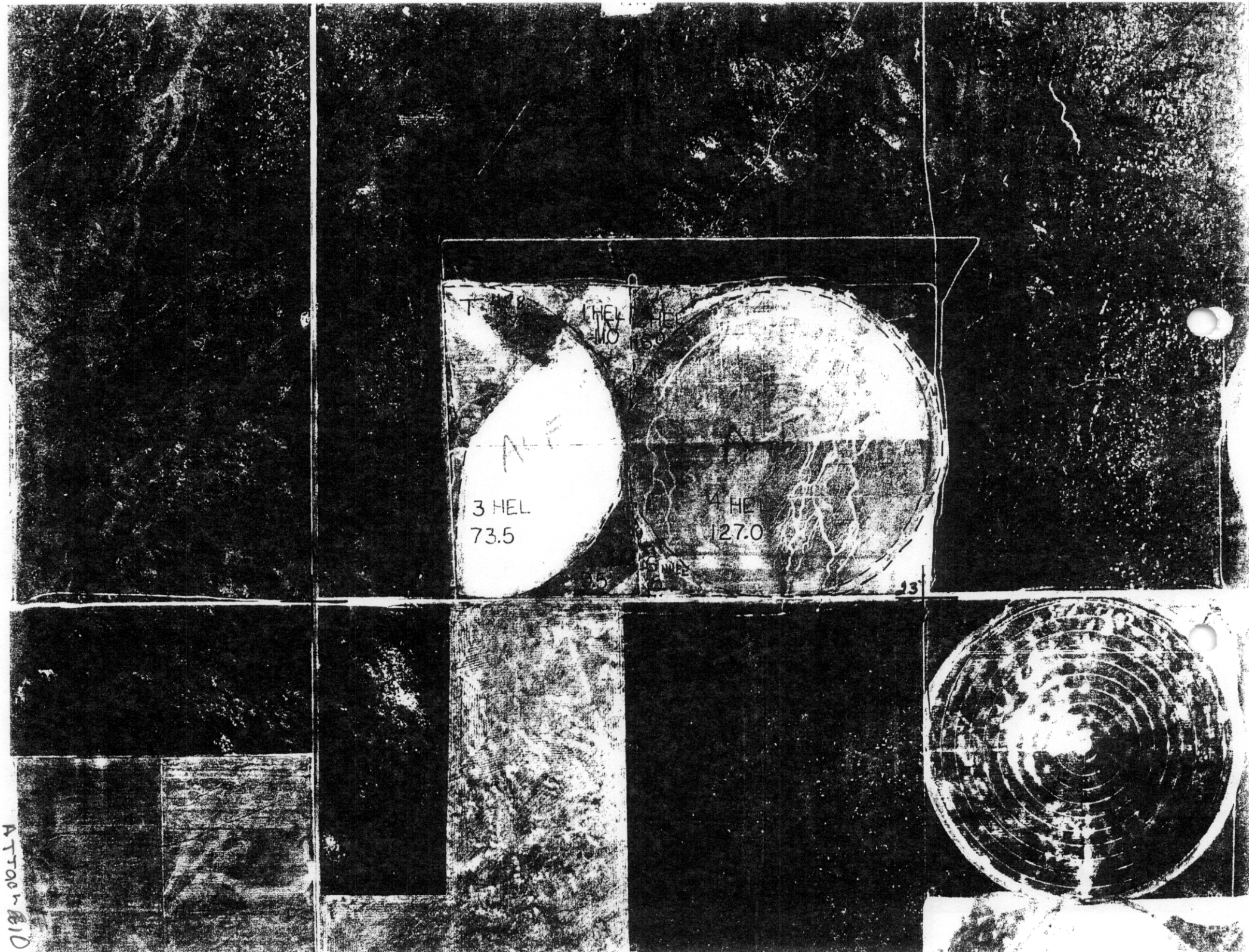
Crop	Reported	Determined	Crop	Reported	Determined
NCROP	200.5	200.5	WHEAT	42.2	42.2

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature | Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

Attach F9


3 HEL
73.5
4 HEL
127.0

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

FSA-578(02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1997

FARM NUMBER: 379 FARM AND TRACT DETAIL LISTING DATE: 05-22-97

Operator Name and Address ID

HAROLD D WARD 0367
PO BOX 88
GRAND VIEW, ID 83624-0088

Original: gdw

Revision:

Cropland: 242.7

Farmland: 300.0

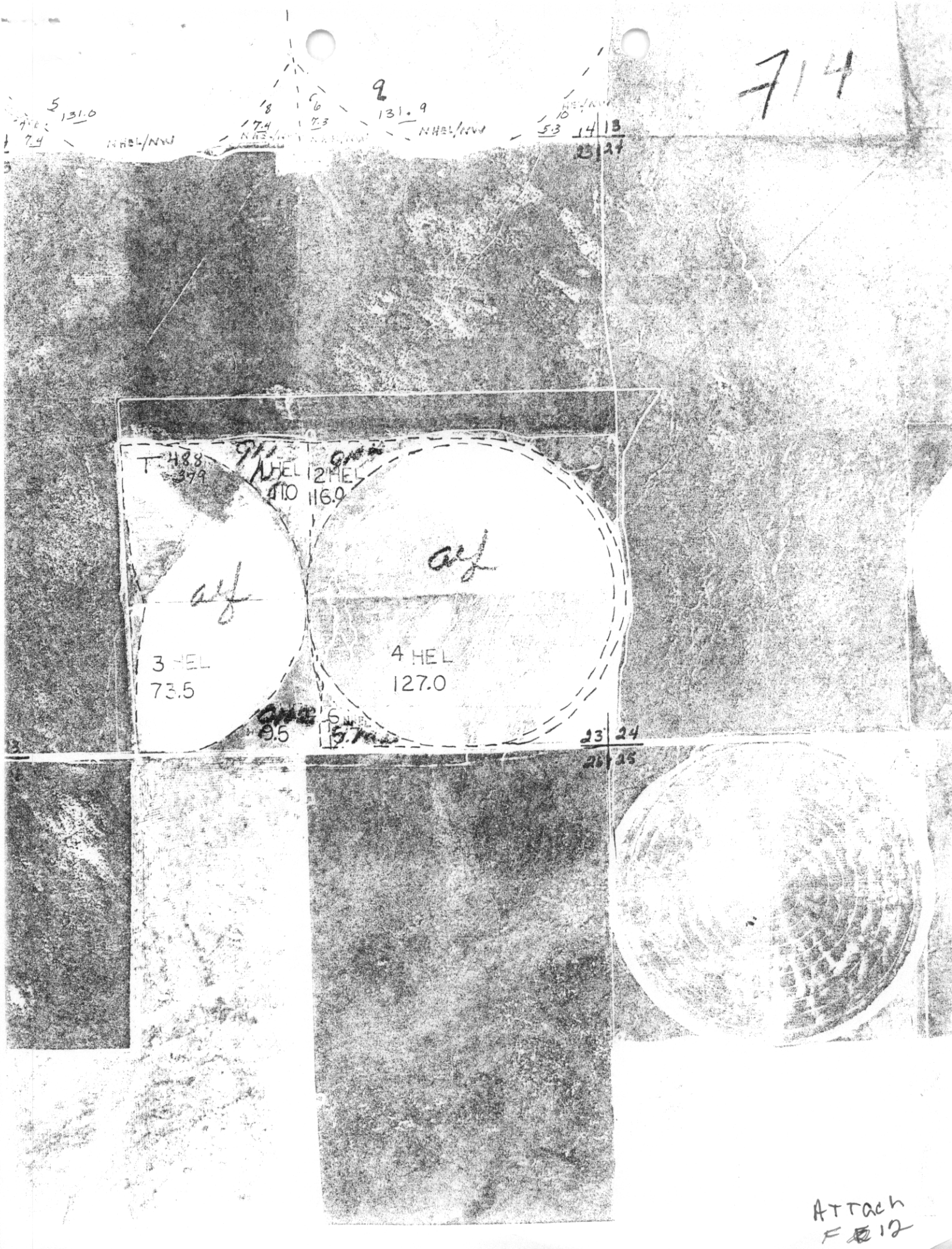
Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	PltPr FCIC	Prod Share	Prod ID
488	1	Ir	GRASS	OTH	Hay	NCROP	11.00			I			DEF
	2	Ir	GRASS	OTH	Hay	NCROP	16.00			I			DEF
	5	Ir	GRASS	OTH	Hay	NCROP	9.50			I			DEF
	6	Ir	GRASS	OTH	Hay	NCROP	5.70			I			DEF
	3	Ir	ALFAL		Hay	NCROP	73.50			I			DEF
	4	Ir	ALFAL		Hay	NCROP	127.00			I			DEF

Crop	Nirr	Irr
NCROP	242.7	

Photo Number/Legal Description: F14 R 4E T 2S SEC 23

Cropland: 242.7 Reported: 242.7 Difference: .0 Reported D,B,S,R,A: .0

Attach #11


7/4
5
131.0
7.4
NHEL/NW
8
7.4
NHEL/NW
6
7.3
9
131.9
NHEL/NW
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5.3
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13
23
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T 48.8
37.9
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NHEL
11.0
12HEL
116.0
af
af
3 HEL
73.5
4 HEL
127.0
9.5
5.7
23
24
26
25
ATTACH
F 12

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2004

EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

RE: Transfer No.: 69702 - Water Rights 61-7283A, 61-7246A, 61-11965, 61-11966
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4948.

Sincerely,

Pamela S Skaggs

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69702

WATER RIGHTS 61-7283A, 61-7246A, 61-11965, 61-11966

EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706

Kari Lynn Townsend
Secretary

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: October 25, 2004

To: Transfer 69702

From: E Retelle

Re: Evaluation of Sufficiency of Information Submitted

Transfer involves rights 61-7283A and 61-7246A that serve as ground water irrigation rights, both diverted from a well in the NWSESE of Section 23, T2S, R4E, B.M., for Eisenman Family Trust. This transfer involves changing the PoU of all 75 acres of 61-7283A and 30 acres (of 136 acres) of 61-7246A to a 960acre permissible place of use in the NE1/4 of section 10, the NE1/4, NW1/4 and SW1/4 of section 11 and the NW1/2 and SW1/4 of section 12, T2S, R4E, B.M. The PoDs will also be changed to a well in the SWNW, Sec. 11 T2S, R4E, B.M.

- **Authority to File:**

Applicant is not listed as current owner of rights on IDWR records, but has provided warranty deeds showing ownership of all the land and its appurtenances at the current PoU, some of the land at the proposed PoU and lease and landowner agreements for the portion of the proposed PoU not owned by the applicant.

- **Water Right Validity:**

Rights 61-7283A and 61-7246A have been decreed in the SRBA October 26, 2000.

- **Injury to Other Water Rights:**

None anticipated. Water to be used in the same amount as before and in the same Township and Range.

- **Enlargement of Use:**

None apparent. Applicant proposes dry up all acres that will be transferred. The nature of use remains the same and the applicant plans to irrigate the same types of crops as always.

- **Local Public Interest:**

No negative impacts anticipated.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use of water is recognized as beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

RECEIVED

MAY 31 2002

COMMENT LETTERS

Form 222a

Department of Water Resources

January 2002

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Eisaman Family TRUST Transfer No. 69702

Reviewed by DAN Date 2-14-02

Data entered by DAN

1. Right number(s) 61-7283A & 61-7246

Caution before processing: 2-1-02 X Partial Decree to WR ___ Ownership Change filed & split completed

2. Type of right X Decree ___ License ___ Stat. Claim ___ BU Claim

3. Purpose of transfer ___ Change P/D X Add P/D X Change P/U

___ Change N/U ___ Change Period ___ Split Right

___ Other: _____

4. Check Existing Right

X Source X Priority X Amount
X Purpose X Period X SRBA Claim
X Description of original point(s) of diversion
X Description of original place of use
X Overlapping rights for original P/D &/or P/U

5. **Check Proposed Right** for amount of land &/or water transferred:

a. ___ Analysis memo – *always include unless justify why not needed*

b. ___ All of right

c. X Part of right – *Note: Part B should normally be completed only if part of right is owned by applicant* ALL OF 61-7283A & PORTION OF 61-7246

d. X Description of point(s) of diversion

e. X Description of place of use

f. X Map showing proposed P/D &/or P/U

g. X Correct notarized signature and fee – *see Transfer Memo #23 about fees if necessary*

h. X Proof of ownership of right &/or land from which water is transferred

i. NO Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.

j. N/A Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. X Overlapping rights for current & proposed scenarios

Current ~~[illegible]~~ NO

Proposed YES A Permissible Place of use.

l. X SRBA Claim(s) Rights Decreed in SRBA.

m. X Comment letters ____ No X Yes as follows:

____ Water District # ____ IDFG ____ Other per attached

Mountain Home Groundwater Committee

Ron Lydett, Charles Olsen, David Olsen

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on N/A , received on ____

Other comment letters received ____ Yes X No

2. Affidavit of publication received: X Yes

3. Published correctly: X Yes ____ No

If No, re-publication required: ____ Yes ____ No

4. Protests received: ____ Yes X No ____ *If yes*, acknowledgement sent

RECOMMENDATIONS

1. ✓ Approve ____ See attached memo

2. ____ Deny due to ____

3. Conditions of Approval Permissible place of use

4. Recommended by [signature] Date 5/28/02

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): Yes ____

2. File forwarded to S.O. by [signature] Date 5-30-02

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON DAN
DATE: 5/8/02

RE: EISENMAN FAMILY TRUST TRANSFER, RIGHTS 61-7283A & 61-7246A

The transfer proposes to dry up all 75 acres from water right 61-7283A in the E ½ SW S23 and 30 acres in the SE S23 from water right 61-7246A and move the appurtnenant groundwater to a 960 acre permissible located in NE S10, NE and W ½ of S11, and the W ½ of S12. The water will be drawn from an existing well in the SNW S11. All sections described are located in T2S R4E. This transfer will move the entire amount of 1.50 cfs and 337.5 afa of water right 61-7283A and will move 0.60 cfs and 135 afa of water right 61-7246A to the new place of use.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 10 pages and 3 attachments. Note the location of the following application items:

Attach. A – Ownership Documentation of current place of use .

Attach. B – Ownership Documentation of portion of proposed place of use.

Attach. C – Lease agreement for portion of proposed place of use.

Attach. D - Land owner agreement for remaining portion of proposed place of use.

Attach. E - Land owner agreement for remaining portion of proposed place of use.

Attach. F – Crop reports from Farm Service Agency for current place of use (attach F1-F12).

Applicant prepared the application.

Other information used in this review includes Ownership coverage maps, Place of Use Comparison Sheets, Point of Diversion comparison Sheet, Crop comparison memo dated 3/8/2002, and Copy of transfer 5034 (new # 66457) attached to this memo.

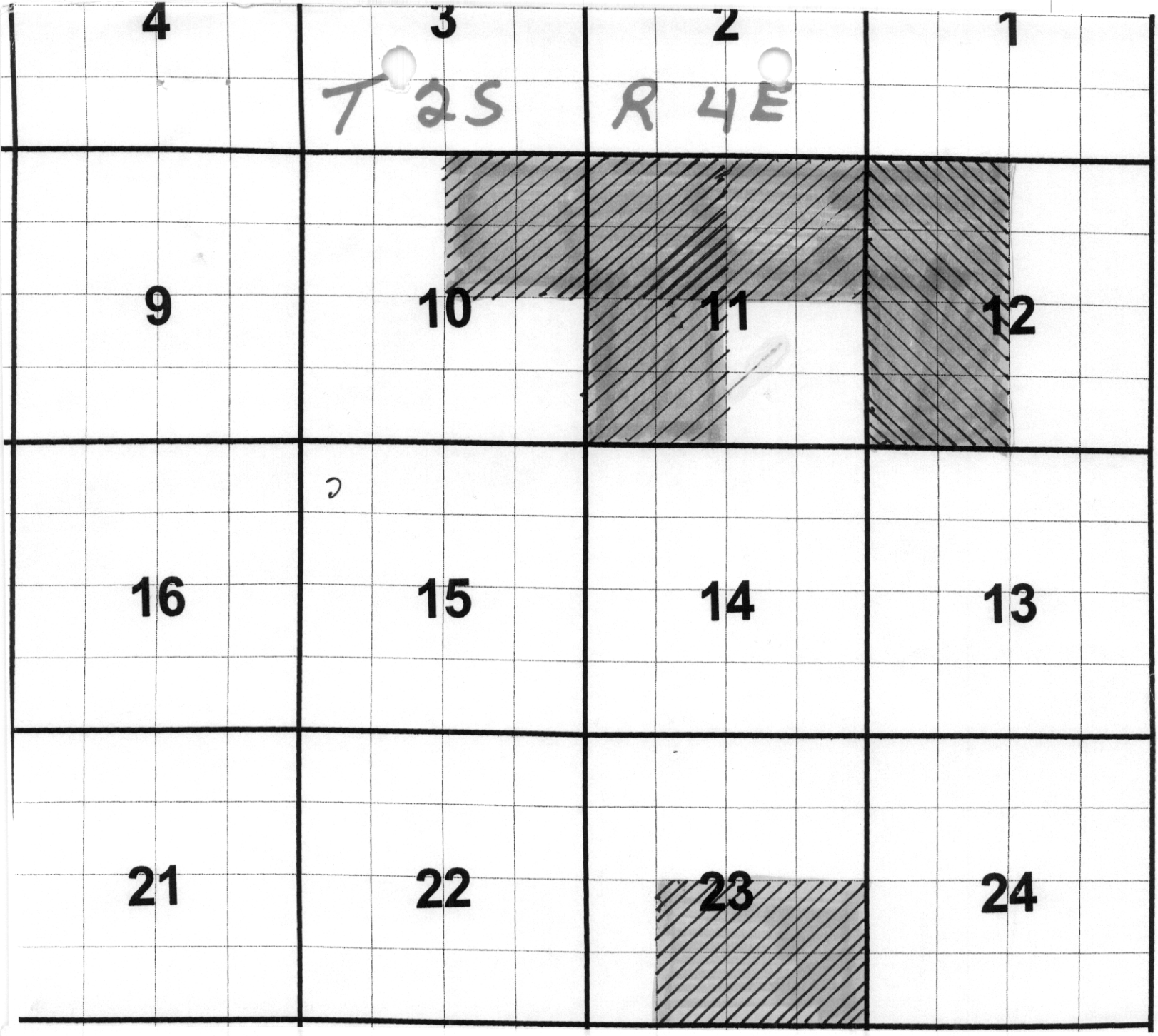
NARRATIVE

This transfer proposes to move water from the Eisenman farm in S23 to a permissible place of use in S10, S11, and S12 all in T2S R4E. The crop reports submitted show that this property has been irrigated in the last 5 years and these rights have been decreed in the Snake River Basin Adjudication (SRBA). Therefore, forfeiture should not be an issue.

There are no overlapping rights on the current place of use, so there should not be a problem in this area. Transfer 5034 (new # 66457) was filed in 3/25/1997 on water rights 61-7196, 61-7204, 61-7206C, 61-7240, and 61-7330. Transfer 5034 describes the same lands described in this transfer for S12. However, Transfer 5034 requested a permissible place of use, similar to this transfer. Therefore, water can be moved from field to and there would still be lands idle described in both transfers.

RECOMENDATIONS

This transfer should be approved as listed on the application with the same conditions previously listed on the water rights. Measurement of well and reporting of lands irrigated each year may be needed to ensure the water rights are not being exceeded.



Lands where WATER is Being Moved FROM

Lands where WATER is Being Moved TO

Lands Being Leased BY Reynolds

Lands Owned BY Reynolds

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	61-7246A	EDITH L WARD, EARL E WARD, HAROLD D WARD,	GROUND WATER	02S04E23													35	33	32	36	136
Right	61-7283A	EDITH L WARD, HAROLD D WARD, EARL E WARD,	GROUND WATER	02S04E23									35			40					75

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
No Results Found FOR 2S R4E S11																					

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	61-7306D	IDAHO WASTE SYSTEMS INC,	GROUND WATER	02S04E12		3.5	3.5														7
TClaim	61-7196B	CARL F REYNOLDS & SONS,	GROUND WATER	02S04E12					40	40	40	40	40	40	40	40					320
TClaim	61-7206C	CARL F REYNOLDS & SONS,	GROUND WATER	02S04E12					40	40	40	40	40	40	40	40					320
TClaim	61-7240B	CARL F REYNOLDS & SONS,	GROUND WATER	02S04E12					40	40	40	40	40	40	40	40					320
TClaim	61-7330	CARL F REYNOLDS & SONS,	GROUND WATER	02S04E12					40	40	40	40	40	40	40	40					320
TRight	61-7204	CARL F REYNOLDS & SONS,	GROUND WATER	02S04E12																	7
TRight	61-7306D	IDAHO WASTE SYSTEMS INC,	GROUND WATER	02S04E12		3.5	3.5														7

This is a TRANSFER. (OLD#5034-New#66457) That was Filed TO CReaTe a PPU. 320 acRe OVERLAP LANDS Where THIS TRANSFER PROPOSES TO move WaTeR. BOTH TRANSFERS Have enough LAND TO ALLOW MOVEMENT.

2/15/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
No Results Found FOR T2S R4E S10																					

P/D SEARCH FOR T2S R4E S11 SWNW										
BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Version Number
NO RESULTS FOUND										

P/D SEARCH FOR T2S R4E S23 SESE

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
61	7246	A	Decreed	Active	12/16/1975	2.72	GROUND WATER	IRRIGATION	WARD, EARL E (Current); WARD, EDITH L (Current); WARD, HAROLD D (Current)	wrWaterRight
61	7283	A	Decreed	Active	8/23/1976	1.5	GROUND WATER	IRRIGATION	WARD, EARL E (Current); WARD, EDITH L (Current); WARD, HAROLD D (Current)	wrWaterRight

MEMORANDUM

TO: GARY SPACKMAN

FROM: DANIEL A. NELSON

DATE: 3/8/02

SUBJECT: REYNOLDS CROP ROTATION

Gary I reviewed the crop rotation for the Eisenman transfer that Reynolds is transferring into the permissible place of use. The following are numbers that I came up with for the total consumptive use for all crops each year: (The calculation sheets are also attached.)

1997 → 3.10 afa/acre average for all crops
1998 → 2.91 afa/acre average for all crops
1999 → 2.81 afa/acre average for all crops
2000 → 2.19 afa/acre average for all crops
2001 → Not used because some of the land had already been idled in preparation for this transfer.

4 YEAR AVERAGE → 2.75 afa per year average for all crops grown.

If all 242.7 acres were potatoes the consumptive use would be 2.15 afa. Therefore, approximately .6 afa/acre or 145.6 afa will not be consumptively used if the only crop grown is potatoes. Therefore, there is no expansion with the Reynolds rotation plan.

A copy of this memo and the worksheets have been put into the Eisenman transfer file.

CONSUMPTIVE USE ESTIMATION USING AGRIMET

FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : **REYNOLDS CHECK**
BY: **Daniel A. Nelson**
DATE: **3/8/2002**
AGRIMET REPORTING SITE **GRANDVIEW ID**

1997 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	200.50	SPRINKLER	75	37.50	835.42	626.56
WHEAT	0.00	SPRINKLER	75	22.80	-	0.00
POTATO	0.00	SPRINKLER	75	25.80	-	0.00
GRASS	42.20	SPRINKLER	75	36.10	169.27	126.95
	0.00	SPRINKLER	75	0.00	-	0.00
TOTALS	242.70				1,004.69	753.51

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	242.70
ACRE FEET VOLUME DIVERTED PER ANNUM	1,004.69
ACRE FEET VOLUME CONSUMED PER ANNUM	753.51

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	4.14
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	3.10

CONSUMPTIVE USE ESTIMATION USING AGRIMET

FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : **REYNOLDS CHECK**
BY: **Daniel A. Nelson**
DATE: **3/8/2002**
AGRIMET REPORTING SITE **GRANDVIEW ID**

1998 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	200.50	SPRINKLER	75	37.50	835.42	626.56
WHEAT	42.20	SPRINKLER	75	22.80	106.91	80.18
POTATO	0.00	SPRINKLER	75	25.80	-	0.00
	0.00	SPRINKLER	75	0.00	-	0.00
	0.00	SPRINKLER	75	0.00	-	0.00
TOTALS	242.70				942.32	706.74

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	242.70
ACRE FEET VOLUME DIVERTED PER ANNUM	942.32
ACRE FEET VOLUME CONSUMED PER ANNUM	706.74

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	3.88
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	2.91

CONSUMPTIVE USE ESTIMATION USING AGRIMET

FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : **REYNOLDS CHECK**
BY: **Daniel A. Nelson**
DATE: **7/27/1999**
AGRIMET REPORTING SITE **GRANDVIEW ID**

1999 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	163.20	SPRINKLER	75	37.50	680.00	510.00
WHEAT	0.00	SPRINKLER	75	22.80	-	0.00
POTATO	79.50	SPRINKLER	75	25.80	227.90	170.93
	0.00	SPRINKLER	75	0.00	-	0.00
	0.00	SPRINKLER	75	0.00	-	0.00
TOTALS	242.70				907.90	680.93

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	242.70
ACRE FEET VOLUME DIVERTED PER ANNUM	907.90
ACRE FEET VOLUME CONSUMED PER ANNUM	680.93

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	3.74
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	2.81

CONSUMPTIVE USE ESTIMATION USING AGRIMET

FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994

US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : **REYNOLDS CHECK**

BY: **Daniel A. Nelson**

DATE: **7/27/1999**

AGRIMET REPORTING SITE **GRANDVIEW ID**

2000 IRRIGATION YEAR

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	36.80	SPRINKLER	75	37.50	153.33	115.00
WHEAT	105.70	SPRINKLER	75	22.80	267.77	200.83
POTATO	75.00	SPRINKLER	75	25.80	215.00	161.25
	0.00	SPRINKLER	75	0.00	-	0.00
	0.00	SPRINKLER	75	0.00	-	0.00
TOTALS	217.50				636.11	477.08

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	217.50
ACRE FEET VOLUME DIVERTED PER ANNUM	636.11
ACRE FEET VOLUME CONSUMED PER ANNUM	477.08

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	2.92
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	2.19

CONSUMPTIVE USE ESTIMATION USING AGRIMET

FROM AGRICULTURE CROP WATER USE SUMMARY 1988-1994
US BUREAU OF RECLAMATION PACIFIC NORTHWEST REGION FEBRUARY 1995

EVALUATION FOR TRANSFER : **REYNOLDS CHECK**
BY: **Daniel A. Nelson**
DATE: **3/8/2002**
AGRIMET REPORTING SITE **GRANDVIEW ID**

~~1997 IRRIGATION YEAR~~ POTATO USE ONLY

Crop	Acres	Method	Application EFF. %	IR for Crop in/season	Crop Div. Vol AF/Ann	Crop CU AF/Ann
ALF	0.00	SPRINKLER	75	37.50	-	0.00
WHEAT	0.00	SPRINKLER	75	22.80	-	0.00
POTATO	242.70	SPRINKLER	75	25.80	695.74	521.81
GRASS	0.00	SPRINKLER	75	36.10	-	0.00
	0.00	SPRINKLER	75	0.00	-	0.00
TOTALS	242.70				695.74	521.81

SUMMARY OF CONSUMPTIVE USE PER AGRIMET STATION

NUMBER OF ACRES IRRIGATED:	242.70
ACRE FEET VOLUME DIVERTED PER ANNUM	695.74
ACRE FEET VOLUME CONSUMED PER ANNUM	521.81

AVERAGE ACRE FEET VOL DIVERTED PER ACRE:	2.87
AVERAGE ACRE FEET VOL CONSUMED PER ACRE:	2.15

Statewide + Mt. Homes news ads

FORM 222
1/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

APPLICANT Reynolds & Sons TRANSFER NO. 5034

INITIAL ALLOCATION REVIEW BY SL DATE 3/25/97, 11/13/00
SRBA SUPERVISOR REVIEW BY N/A DATE

1. Right number(s) 61-07196 -07204 -07206C -07240 -07330

2. Type of right ___ Decree ✓ License ___ Statutory Claim
___ SRBA Beneficial Use Claim

3. Purpose of transfer ✓ Change P/D ___ Add P/D ✓ Change P/U
___ Change N/U ___ Change Source ___ Split Right
✓ Other: PPOU

4. **Check Existing Right:** ✓ Source ✓ Priority ✓ Amount ✓ Purpose
✓ Period ✓ SRBA Claim
✓ Description of original point(s) of diversion
✓ Description of original place of use
✓ Overlapping rights on original place of use

5. **Check Proposed Right** for amount of land &/or water transferred:

✓ **Also see attached memo for more analysis information** = 11/13/00

a. ✓ All of right

b. N/A Part of right (***NOTE! Part B should be filled in only if part of right is owned by the applicant***)

c. ✓ Description of point(s) of diversion

d. ✓ Description of place of use

e. ✓ Map showing P/D & P/U after transfer

f. ✓ Correct notarized signature and $100 fee

g. ✓ OK Proof of ownership of right &/or land from which water is transferred

h. ✓ Expansion in use of right - Comments:
NONE APPARENT - NO INCREASE IN ACRES/YEAR, RATE or VOLUME.

i. ✓ Existing rights from same source, on land water is being transferred to; right number(s): _____

OK - SEE Memo

j. ✓ SRBA claim(s) - Comments (***NOTE!*** *Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain*) _____

OK - SEE memo .... transfer will allow SRBA to wrap up

k. ✓ Comment letters ___ Yes ✓ No

If yes ___ Water District #

___ Other, see #2 below for name and address

PUBLICATION REVIEW

1. Legal Notice electronically sent to DWR03::VAULT? ✓ Yes

2. COMMENT LETTERS

Watermaster recommendation requested on N/A, Received on _____

Other comments letters: N/A See attached information

3. Transfer published correctly? ✓ Yes ___ No

4. Affidavit of publication received? ✓ Yes ___ No

5. Protests received? ___ Yes ✓ No; Acknowledgement sent? ___ Yes

6. Data entry of application completed? ✓ Yes

RECOMMENDED ACTION

1. ✓ Approve ___ See attached memo

2. ___ Deny due to _____

3. Conditions (special conditions in Water Districts) See Steve Lester's memo of 11/13/00.

4. By Gary S Date 12/19/00

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? ✓ Yes

2. File forwarded to S.O.: by _____ date 1-22-01

MEMORANDUM

To: File no. 61-07240B, 61-07196B, 61-07206C, 61-07330 and 61-07204 (Transfer No. 5034) in the Name of Carl F. Reynolds & Sons

From: Gary Spackman

Re: Recommendation of Approval and Observations

Date: December 19, 2000

I recommend approval of transfer no. 5034. I rely on a memorandum written by Steve Lester on November 13, 2000, for details regarding the application and proposed conditions of approval. Application for transfer no. 5034 illustrates a couple of inheritant problems with permissible places of use approved by IDWR. First, a letter in the file from Northwest Farm Credit Services, states that a mortgage is filed on Reynolds' property. The letter states that the application for transfer is acceptable to Farm Credit Services, but also states that the lender assumes the collateral of the water rights will remain the same. When a permissible place of use is approved, I am not sure whether the security interest of the lender might change. It would not change as to the obligations of Carl Reynolds and Sons. A third party purchaser of land may expect water to come with the land because of our approval. The permissible place of use blurs the description of the land upon which the water right is appurtenant. Reynolds could be using the water on land that is leased or purchased to which Farm Credit Services has no security interest. I do not know how to protect the security interest of Farm Credit Services in our approval, and do not propose to do so. I merely point out the possible problem.

In addition, the permissible place of use is a single transfer for multiple systems. This is not normally what we require for an application for transfer.

MEMORANDUM

TO: File

FROM: Steve Lester

DATE: November 13, 2000

RE: Transfer No. 5034, Carl Reynolds & Sons

The transfer proposes a different PPOU arrangement. Four wells representing three separate systems will be used for a rotation practice covering four parcels of land. The applicant wants a flexible arrangement to minimize the need for additional transfers as rotation details change each year. The applicant requests approval to use separate systems in one transfer based on the plan. The wells and acres are in the Cinder Cone Butte CGWA.

DOCUMENTS AND APPLICATION PREPARATION

The application consists of 14 pages and 3 attachments. Note the location of the following application items:

Attach. A – map of proposed plan

Attach. B – 1995 through 1997 photos and crop reports for current P/U 61-07330

Attach. C – applicant's narrative, ownership information and lease details.

The applicant prepared the filing and submitted it in early 1997. The original was returned to the applicant for corrections. A copy of the revised filing was kept at IDWR. The applicant lost the original document. By the end of 1997, the applicant approved revisions noted on the replacement application.

Other information used in this review includes Cindy Hodges' 2-12-97 memo, SRBA recommendations, IDWR maps #1-3 and an "access worksheet." All of these are included with this memo.

CURRENT RECORDS & PROPOSED CHANGE

The five rights include four licenses recommended in the SRBA plus one license developed after SRBA commencement. Portions of three rights underwent a temporary change in Transfer #4290-4292. Those transfers, approved in 1995, described parts of 61-07196, 61-07206C and 61-07240. The transfers expired at the end of 1998 irrigation season, and the rights returned to their licensed descriptions at that time.

IDWR maps #1-3 display the following scenarios for the five licenses:

- Map #1, rights currently licensed after temporary transfers expired in 1998
- Map #2, rights during the temporary transfer period ending in 1998
- Map #3, rights proposed in Transfer #5034.

Initial processing of Transfer #5034 occurred prior to SRBA recommendations. Part 2 of the application correctly listed the rights as licensed because temporary transfers were not recorded in the database per S.O. directive. Statewide advertising, which incorporated the temporary transfers, did not result in protests. SRBA recommendations occurred after initial transfer processing for all but right 61-07204, the post-SRBA license.

The transfer proposes to use some combination of four existing wells for 17.92 cfs to irrigate up to 924 acres per year in a 2640 acre PPOU. The applicant owns some of the proposed PPOU and leases the remainder. See the narrative in Transfer Attachment C for an explanation.

Domestic use in 61-07196 and 61-07240 will continue from a licensed well in SENW S7. Irrigation under these two rights will proceed from two licensed wells in NESW S6. Although the applicant will retain ownership of the domestic portions of the rights, both licenses show splits on page 1 of the transfer based on separate diversions for separate uses. The other three licenses will not be split. This seems acceptable.

VERIFICATION & OTHER ANALYSIS

The recent forfeiture period for a 1997 transfer application runs from 1992 through 1996. Validity of rights 61-07196, 61-07206C and 61-07240 is assumed via 1995 approval of Transfer #4290-4292. Rights 61-07204 and 61-07330 were not included in the temporary transfers. The 1993 field exam of right 61-07204 assures validity of the post-SRBA right. License 61-07330 appears valid based on 1995-1997 evidence of beneficial use found in Transfer Attachment B.

SRBA recommendations support four of the rights. The fully recommended rights include the following:

- 61- 07196 for rearranged acres in an accomplished P/U change compared to the licensed P/U
- 61-07206C for rearranged acres in an accomplished P/U change compared to the licensed P/U
- 61-07240 for the licensed P/U
- 61-07330 for the licensed P/U.

The applicant owns all of the rights as evidenced by SRBA recommendations plus the post-SRBA license issued to the applicant. Transfer Attachment C includes voluminous ownership and lease material but does not fully document access to the proposed PPOU. See the attached "access worksheet" for details. Transfer approval could include conditions about legal access to the PPOU instead of asking for more information from the applicant.

Each right remains limited to its rate of flow and licensed number of acres according to the following table on page 3. The table includes proposed splits for 61-07196 and 61-07240.

RIGHT #	CFS	ACRES
61-07196B	6.40	320
61-07204	4.82	241 *
61-07206C	.80	40
61-07240B	3.26	163
61-07330	2.64	160
TOTAL	17.92	924

* Note: 61-07204 currently defines 241 acres/year in a 316 acre area.

No overlapping rights occur in the licensed P/U. Rights 61-07265 and 61-07298 use one or both of the wells in NESW Section 6, but the two rights serve different land for other owners.

RECOMMENDATIONS

Approve the rotation plan to use varying combinations of three systems for four parcels of land. Limit the use per right to the rate and acres/year in the above table. Allow the standard irrigation season of 3/15-11/15.

Include *possible* annual water measurement reporting and *possible* identification of specific acres to be irrigated each year per system. Although the data is not needed in the short term, future circumstances may require such information.

No new wells should be drilled. No right-of-way, easement or trespass should be conveyed with transfer approval.

Should water level measurements be required since the site falls in the CGWA? The Mt. Home GWMA Advisory Committee might find the data useful.

Standard conditions not already noted should be used.

Transfer approval will amend SRBA recommendations and allow the adjudication process to continue. The transfer is the only item delaying completion of the SRBA process.

MEMORANDUM

February 12, 1997

TO: Transfer Application, Carl F. Reynolds and Sons
61-07196, 07206, 07240, 07204 and 07330

FROM: Cindy Hodges

RE: Application Comments

The following is clarifying information collected at the time of receipt of this filing, which should be of assistance in the analysis of the application. See also the narrative provided by Steve Reynolds which describes the scope of the project.

- The intent of the transfer is to consolidate and expand the permissible place of use established on transfer nos. 4290, 4291 and 4292. The previous transfers affected different portions of right nos. 61-07196, 61-07240 and 61-07206, and were proposed and approved as temporary changes. The approved transfers are stored under X prefixes on the WR database and will be deleted at the end of the 1998 irrigation season. The original records remain intact, and these are the ones referenced in the transfer. I asked Jim Johnson via mail message (copy attached) if the X records should be used for transfer processing and his feeling is that they should not. In some manner, however, we should reflect the existence of the preceding transfers and the fact that they will be superseded by the present transfer *at the time of its approval,* even if this occurs before the temporary expiration date of 12-1-98. Perhaps this could be accomplished in advertising (Jim thinks not), or perhaps only in transfer comments.

- The four listed wells represent three separate diversion systems serving specific sets of acres used in a land rotation regime. The plan of operation calls for a variable number of acres to be irrigated per system per year. Conventional transfer processing has required that a given number of acres be allotted to a specific system. This transfer proposes the flexibility not only to rotate irrigated lands among permissible acres but also to rotate withdrawals of water between authorized points of diversion which are not physically interconnected.

TRANSFER SUMMARY

- Ownership documentation is provided for the Wing rights (@ original P/U) and for the Weitz right 61-07330. Ownership documentation should be on file for 61-07204 in the vault file due to a recent ownership change, so I did not solicit it. Jim J. is going to confirm this for me.

CONFIRMED 3/7/97 CONV. w/ Jim J CH

- The above plan of operation utilizes a significant amount of leased land. In order to retain interest in the water rights, leases contain language which disclaims the lessors interest in the rights. Copies of all applicable leases are attached; I have not

reviewed them in depth. Most leases are not continually in effect but are activated as required for that year's rotation. The most recent lease agreement has been included for all lands shown which are not owned by Reynolds.

- Lienholder acknowledgement has been obtained from Farm Credit Services for lands under all rights *except* 61-07330. The lands under 61-07330 were recently acquired under private contract and lienholder acknowledgement is being solicited. Because of applicant's efforts thus far in assembling this application, I recommend that we proceed with processing without delay. If applicant cannot get a lienholder acknowledgement, he says they have an option to pay off the contract and thus circumvent this obstacle.

Completed with 12/17/97
insert in Attachment C.
Reynolds owns P/u-7330
in whole ... no liens etc.
-JL 11/8/00

SRBA
DIRECTORS REPORT 61-07196

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07196

Name and Address: CARL F REYNOLDS AND SONS
CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER

Quantity: 6.40 CFS
1440.60 AFY

Priority Date: 09-06-1974

Compare to license: fewer tracts & shuffle acres/tract but same total.

Proposed: B = in 5.6 well
A = dom 5.7 well
in other

Diversion Point: T03S R05E S06 NESW Within Elmore County
S07 SENW

TWO POINTS OF DIVERSION LOCATED IN T03S, R05E, S06, NESW.

Purpose and Period of Use:

Purpose of Use	Period of Use	Quantity
Irrigation	03-15 TO 11-15	6.40 CFS
		1440.00 AFY
Domestic 1 HOME	01-01 TO 12-31	.04 CFS
		.60 AFY

Place of Use:

Irrigation — Within Elmore County

T03S R05E S07	NENW 38	LOT 1 (NWNW) 44	
LOT 2	(SWNW) 42	SENW 38	
	NESW 40	SESW 40	
	NWSE 38	SWSE 40	

320 Acres Total

Domestic — Within Elmore County

T03S R05E S06 SESW

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07240 & 61-07206C.

SRBA
DIRECTORS REPORT 61-07206C

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07206C

Compare to license: fewer tracts, all acres in S, 18 but same total. proposed entire right in xfer.

Name and Address: CARL F REYNOLDS AND SONS
CINDER CONE FARMS
MOUNTAIN HOME, ID 83647

Source: GROUNDWATER

Quantity: .80 CFS
180.00 AFY

Priority Date: 11-08-1974

Diversion Point: T03S R05E S06 NESW Within Elmore County

TWO POINTS OF DIVERSION LOCATED IN T03S, R05E, S06, NESW.

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-15 TO 11-15	.80 CFS 180.00 AFY

Place of Use: Irrigation Within Elmore County
T03S R05E S18 NENW 40
40 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07196 & 61-07240.

Return to SRBA Home Page

SRBA
DIRECTORS REPORT 61-07240

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07240

Recommended as licensed

Name and Address: CARL F REYNOLDS AND SONS
CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

Proposed: A = irr. S.6 well
to transfer A = dom. S.7 well

Source: GROUNDWATER

Quantity: 3.30 CFS
734.10 AFY

Priority Date: 09-10-1975

Diversion Point: T03S R05E S06 NESW Within Elmore County
S07 SENW

TWO POINTS OF DIVERSION LOCATED IN NESW, S6, T3S, R5E.

Purpose and Period of Use:

Purpose of Use	Period of Use	Quantity
Irrigation	03-15 TO 11-15	3.26 CFS
		733.50 AFY
Domestic 1 HOME	01-01 TO 12-31	.04 CFS
		.60 AFY

Place of Use:

Irrigation — Within Elmore County
T03S R05E S06 NESW 38
LOT 6 (NWSW)44
LOT 7 (SWSW)44
SESW 37
163 Acres Total

Domestic — Within Elmore County
T03S R05E S06 SESW

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-07196 & 61-07206.

Return to SRBA Home Page

SRBA
DIRECTORS REPORT 61-07330

Return to SRBA Home Page

IWT072 IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 61-07330

Recommended as licensed

Name and Address: CARL F REYNOLDS AND SONS
C/O CINDER CONE FARMS
1115 W 24TH S
MOUNTAIN HOME, ID 83647

Proposed: entire right

Source: GROUNDWATER

Quantity: 2.64 CFS
720.00 AFY

Priority Date: 05-24-1977

Diversion Point: T02S R04E S35 SENE Within Elmore County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	03-15 TO 11-15	2.64 CFS
			720.00 AFY

Place of Use: Irrigation Within Elmore County

T02S R04E S35	NENE 40	NWNE 40
	SWNE 40	SENE 40

160 Acres Total

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

Return to SRBA Home Page

WR5809NP
No. 61-07204

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL F REYNOLDS AND SONS	01/05/1975	IRRIGATION	04/01	10/31	4.820 CFS	964.00 AFA
					TOTAL DIVERSION:	4.820 CFS	964.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 8.490 CFS

Point(s) of Diversion: T02S R05E S20 SESW ELMORE County
S30 NESW NWSE ELMORE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
02S	05E 19					40	40	40	40	40	40	38	38					316.0
																TOTAL ACRES		316.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07195A 61-07210 61-07306C 61-07390 61-07424

Other Water Rights Listing Overlapping Place(s) of use:
T61-071968 T61-07204 T61-07206C T61-072408 T61-07330

Conditions of Approval:

R31 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.0 afa per acre for
- irrigation of the lands above.

Remarks: GEN One point of ~~diversion is located on or near line between~~ NWSE and NESW, S30, T02S, R05E.
This right is limited to the irrigation of 241 acres within the ~~place of use~~ described above in a single irrigation season.
This right when combined with Rights 61-07195A and 61-07210 is limited to a total combined diversion rate of 23.47 cfs and a total combined annual diversion volume of 5636 af.
This right when combined with the following rights is limited to a total combined diversion rate of 20.68 cfs and a total combined annual diversion volume of 4664 af. The combined rights include: 61-07306A, 61-07390 and 61-07424.
This right when combined with the following rights shall not exceed an annual diversion volume of 8372 af nor the irrigation of a combined total of 2334 acres in a single irrigation

Proposed to xfer Entire Right

SRBA N/A per prot > 11/87; Field exam 1993 within 5 years of filing T. 5034

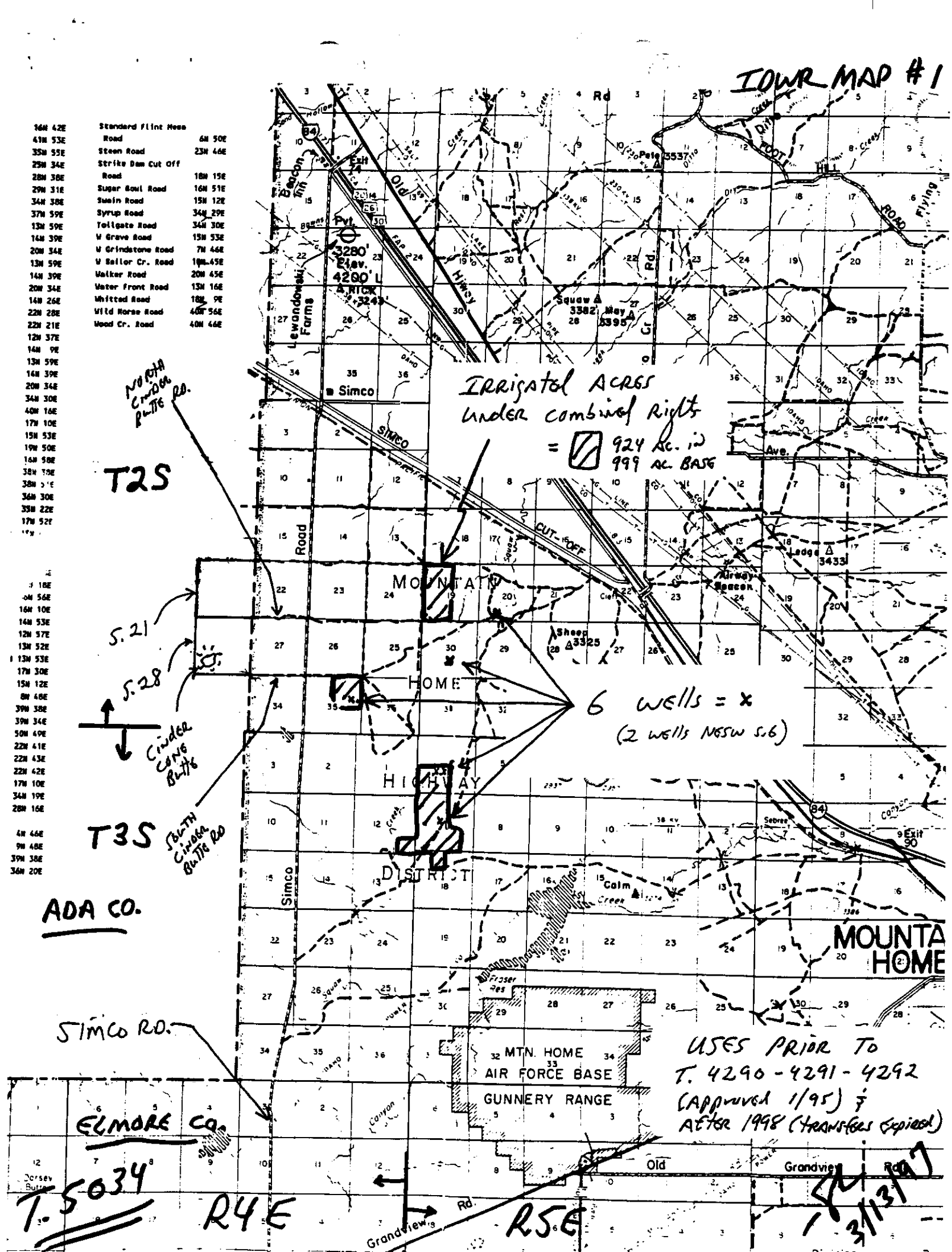
Remarks: season. The combined rights include: 61-07195A, 61-07210, 61-07306A, 61-07390 and 61-07424.

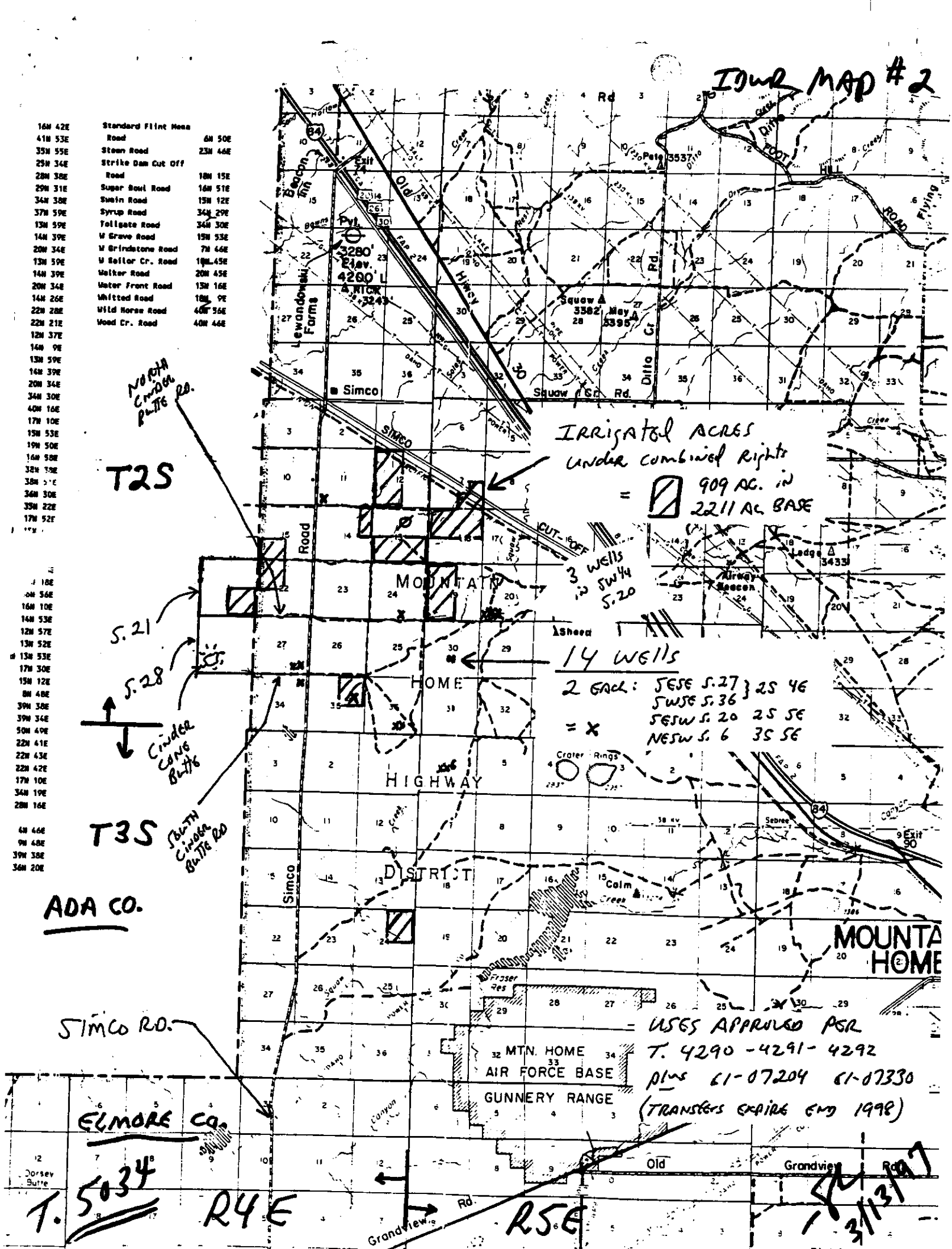
Dates:					
	App. Received:	11/06/1974	Priority Date:	01/05/1975	(Priority Date Advanced.)
	Proof Due Date:	10/01/1992	Proof Made Date:	11/30/1992	(Proof Received Late.)
	Exam Made Date:	06/22/1993	Exam Sent to S.O.:	05/12/1995	
	Licensed Date:	11/13/1995			

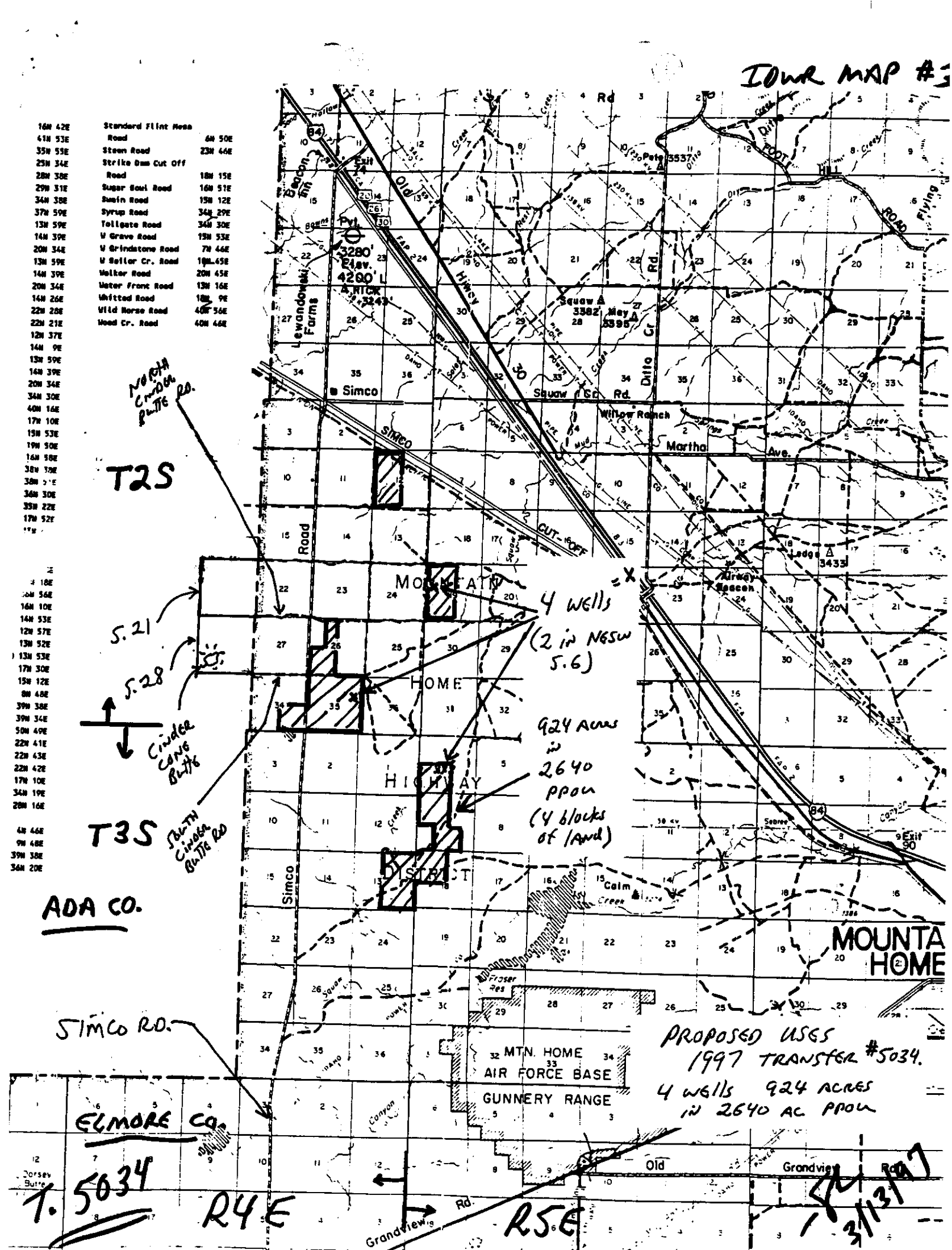
Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 10/01/1992 User-ID: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

Audit: 07/02/86 05/01/88 CONVERT 12/21/88 CURTIS 09/21/89 CURTIS
03/19/91 MILLER 10/01/92 COMMENTS 12/04/92 GUSTAFSO 11/04/93 BUFFINGT
10/28/94 STAYLOR 07/12/95 BCHAPMAN 08/18/95 BCHAPMAN 08/18/95 BCHAPMAN
08/25/95 BCHAPMAN 09/08/95 BCHAPMAN 09/08/95 BCHAPMAN 11/08/95 SKEEN
11/14/96 PSKAGGS 12/19/96 PHARRELL 04/03/97 SCURTIS 04/08/97 PSKAGGS
04/07/97 SCURTIS 04/08/97 PSKAGGS


IDWR MAP #1
Standard Flint Hose Road 6N 50E
Steen Road 23N 46E
Strike Dam Cut Off Road 18N 15E
Sugar Bowl Road 16N 51E
Swain Road 15N 12E
Syrup Road 34N 29E
Tailgate Road 34N 30E
W Grave Road 15N 53E
W Grindstone Road 7N 46E
W Sailor Cr. Road 10N 45E
Walker Road 20N 45E
Water Front Road 13N 16E
Whitted Road 18N 9E
Wild Horse Road 40N 56E
Wood Cr. Road 40N 46E
NORTH CINDER BUTTE RD.
T2S
IRRIGATED ACRES
Under combined Rights
= 924 Ac. in 999 ac. BASE
6 wells = x
(2 wells NESW S.6)
S.21
S.28
CINDER CONE BUTTE
T3S
SOUTH CINDER BUTTE RD
ADA CO.
SIMCO RD.
ELMORE CO.
T. 5 S 34
R4E
R5E
USES PRIOR TO
T. 4290 - 4291 - 4292
(Approved 1/95) & After 1998 (Transfers Expired)
MOUNTAIN HOME
MTN. HOME AIR FORCE BASE
GUNNERY RANGE
Simco
Lewandowski Farms
Old Hwy 30
Pvt 3280' Elev. 4200'
Squaw Butte 3382
May Butte 3395
Lodge 3433
Sheep 3325
Calm
Fraser Res
Grandview Rd
Old Grandview Rd
1 31 37


IDWR MAP #2
Standard Flint Mesa Road 6N 50E
Steen Road 23N 44E
Strike Dam Cut Off Road 18N 15E
Super Bowl Road 16N 51E
Swain Road 15N 12E
Syrup Road 34N 29E
Tollgate Road 34N 30E
W Grave Road 19N 53E
W Grindstone Road 7N 46E
W Roller Cr. Road 18N 45E
Walker Road 20N 45E
Water Front Road 13N 16E
Whitted Road 18N 9E
Wild Horse Road 40N 56E
Wood Cr. Road 40N 44E
NORTH Cinder Butte Rd.
T2S
IRRIGATED ACRES UNDER COMBINED RIGHTS
= 909 AC. IN 2211 AC. BASE
3 WELLS IN SW¼ S.20
14 WELLS
2 EACH: SESE S.27, SWSE S.36 } 2S 4E
SESW S.20 2S 5E
NESW S.6 3S 5E
= X
S.21
S.28
Cinder Cone Butte
T3S
SOUTH Cinder Butte Rd
ADA CO.
SIMCO RD.
ELMORE CO.
T. 5 S
R4E
R5E
= USES APPROVED PER T. 4290 - 4291 - 4292 plus 61-07204 61-07330 (TRANSFERS EXPIRE END 1998)
Simco
Simco Road
Cut-off
Old Hwy 30
Exit 74
Exit 90
Beacon Inn
Lewandowski Farms
Pvt. 3280' Elev. 4200'
Squaw A 3382
May A 3395
Pete 3537
Ledge 3433
Crater Rings
MOUNTAIN HOME
HIGHWAY
DISTRICT
MTN. HOME AIR FORCE BASE
GUNNERY RANGE
Fraser Res
Calm
Sebree
Dorsey Butte
Grandview Rd.
Old
Grandview
Flying
ROAD
HILL
Ditto Cr.
Squaw Cr. Rd.
Rd.
Creek
Canyon


IDWR MAP #3
Standard Flint Mesa Road 6N 50E
Steen Road 23N 44E
Strike Dam Cut Off Road 18N 15E
Sugar Bowl Road 16N 51E
Sunin Road 15N 12E
Syrup Road 34N 29E
Tollgate Road 34N 30E
V Grave Road 15N 53E
V Grindstone Road 7N 44E
V Keller Cr. Road 10N 45E
Walker Road 20N 45E
Water Front Road 13N 16E
Whitted Road 18N 9E
Wild Horse Road 40N 56E
Wood Cr. Road 40N 44E
NORTH CINDER BUTTE RD.
T2S
5.21
5.28
CINDER CONE BUTTE
T3S
SOUTH CINDER BUTTE RD
4 WELLS
(2 in NESW 5.6)
924 ACRES in 2640 PPOA (4 blocks of land)
MOUNTAIN HOME
HIGHWAY
DISTRICT
ADA CO.
SIMCO RD.
ELMORE CO.
MTN. HOME AIR FORCE BASE
GUNNERY RANGE
Simco
Lewandowski Farms
Deacon Rd
Old Hwy 30
Exit 74
Pvt. 3280' Elev. 4290'
Squaw A 3382
May A 3395
Peterson 3537
Ditto Cr Rd.
Willow Ranch
Martha Ave.
Ledge A 3433
Airway Beacon
Sebree
Calm Creek
Fraser Res
Grandview Rd.
Old
Grandview
PROPOSED USES
1997 TRANSFER #5034.
4 WELLS 924 ACRES
IN 2640 AC PPOA
T. 5034
R4E
R5E
1-31-13

5. Lands irrigated or place of use:

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	
2S	4E	12					40	40	40	40	40	40	40	40					320
2S	~~4E~~ *	19					40	40	40	40	40	40	40	40					320
2S	4E	26					40			40	40	40	40	40					240
2S	4E	34													40	40	40	40	160
2S	4E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3S	4E	13	40	40	40	40									40	40	40	40	320
~~3S~~ 3S	~~5E~~ 5E	~~06~~ 07					40	40	40	40	40 40	40	40	40 40		40	40		~~160~~ 320
3S	5E	18					40	40	40	40									160

* CORRECTED = 5E per Attmt. A 924 acres/year in → Total acres 2,640(FPU)

tracts not described as owned by applicant or leased etc. by Applicants per Attachment C f/or WR/AJ Records.

T. 5034

ACCESS WORKSHEET

Carl F. Reynolds & Sons
3169 Maverick Lane
Boise, Id 83709
208-362-5253

1-28-97

Idaho Department of Water Resources
2735 Airport Way
Boise, Id 83705
208-334-2190

We Carl F. Reynolds & Sons (A General Partnership) do hereby wish to apply for a "Permissible Place of Use" water right located in the Cinder Cone Butte are, east of Boise. The active farming community consists roughly of 7750 acres and eight landowners. Together with this, another 2500 acres of dryland property that is easily accessible and viable in creating and maintaining crop rotations. Water rights for this project approach 6500 acres combined in any one given irrigation season.

We started farming in this area in 1981. We leased approximately 1750 acres from the Montierths'. By 1985 we had an opportunity to expand our potato acreage. To take advantage of this situation we leased more of the Montierth land. By 1986 we were also leasing land from the Wings and in 1987 we leased more land from Carl Hickey. From 1981-1988 we incorporated portions of all these lands into one potato, wheat, and alfalfa crop rotation. Over this period of producing crops, we discovered that a five year crop interval was critically important. This allows for the greatest maximum of yield and quality in potato crops.

Concurrently as our farm operation plans were being developed the U.S. Governments 1986 Farm Bill was being

(45 pgs)

ATTACHMENT C

introduced. This Bill was intended to help farmers through a very difficult period of low priced commodities, due mainly to the over production of most crops. The U.S. Agricultural Department released a "Conservation Reserve Program." This ten year program offered farmers a yearly payment for ten years to let their properties set idle. If and when the farmer and his land met all the regulations he may enroll his property in the CRP. In 1988 and 1989 most of the landlords had elected to participate in this program. It was at this point we began to locate private property that we could lease, and use the water from properties enrolled in the CRP. By 1990 we had located enough land to continue farming in our five year rotation plan. The problem we now faced was that the majority of this land had no water rights. At this point we began working closely with Cindy Hodges. Cindy helped us prepare our first water right transfers. Cindy also helped us prepare a letter to our landlords stating that this was only a temporary transfer and in no way was any water rights for these properties being developed. Occurring simultaneously during this period was the S.R.B.A. process, this meant many hours of work finding and verifying the correct information on well production, crop production, ASCS crop reports, filing existing permits, field exams, and getting permits ready for licensing.

As we continued into the early 90's we have had several opportunities to purchase portions of the Montierth's properties, hoping to incorporate some of his water rights. After several attempts fell short, we finally had the opportunity to purchase Wings' land. In 1994 we were able to close on the property, In 1995 and 1996 we also purchased land from Mike Magarian, Ahmed Paksima, and Gerald Cunningham. Now with land ownership and our own water rights we were able to make our first water right transfer

on a "Permissible Place of Use." This enables us to farm different parcels of land each year without making a transfer each year. To utilize this type of water right Cindy Hodges and Jim Johnson has put the total burden of accountability on Carl F. Reynolds & Sons. We have agreed that Steven Reynolds is responsible to report to Jim & Cindy the locations of each parcel being farmed each year. Steve also reports his crop report each year to the Elmore County FSA. If any questions or concerns should arise at a later date all crop and irrigation production will be recorded. As of December 31, 1996 we have leased farm land from almost all the landowners in the Cinder Cone Butte area. Realizing that this area in the C.G.W.A. I believe that these area land owners feel that as does I.D.W.R that accountability and honesty are essential. I believe that this trust exists today, and can force no negative impact on any other area farmers.

Today Carl F. Reynolds & Sons owns 1767 acres of land. Existing water rights allow the irrigation of 925 acres of this land in any one given irrigation season. To fully maximize the use of the land, and the water a "Permissible Place of Use" water right appears to be a positive answer to the management of the water and lands in the Cinder Cone Butte area. I Steven Reynolds (acting on behalf of Carl F. Reynolds & Sons) accept full responsibility in keeping IDWR and Elmore County FSA abreast each growing season of lands to be farmed and irrigated. I accept responsibility to make sure to abide by any "conditions" that IDWR may require to allow us to use our water rights in this permissible place of use scenario. We want to assure IDWR that responsibility and accountability will be carried out courteously and professionally.

In conclusion we would like IDWR to know that over the past 16 years we have farmed at Cinder Cone, we have had an

opportunity to work with all the various landowners. In 16 years not one problem has manifested. In our initial water right transfers some concerns were expressed by a few of the landowners, however with one meeting, I.D.W.R. and the various parties were able to come to an agreement. This concept is not new to us or the area landlords now. This "Permissible place of use" right will alleviate time and money for both IDWR and Carl F. Reynolds & Sons. It will alleviate the need to file transfers every year. Considering 16 years of experience, knowledge, responsibility, accountability, and history of cooperation among the area farmers we believe now is the right time and the right place to implement this Permissible Place of Use water right.

Sincerely,

Steven T. Reynolds

Steven T. Reynolds
Carl F. Reynolds & Sons

Attach. B not
copied - not
Needed.

Rest of attach. C
not copied - not
Needed.

-JR 11/13/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5034

RECEIVED
FEB 0 7 1997
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 ✓ INFO on #s 1, 8, 10 & 12 Approved by applicant

See signature page 12/17 conv. mer

Name of applicant Carl F. Reynolds & Sons Phone (208)362-5253

Post Office address 3169 Maverick Lane, Boise, ID 83709

COPY

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

We would like to incorporate the water right with our other rights at Cindercone in a permissable place of use right. This transfer of right would give us much greater flexibility for maintaining our potato rotation. Total 924 acres irrigation.

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			
61-07240 B	9/10/75	5.26	irrigation	March 15	to	November 15	
61-7196 B	9/06/74	6.40	"	"	to	"	
61-7206 C	11/8/74	0.30	"	"	to	"	
61-7330	5/24/77	2.64	"	"	to	"	
61-7204	1/05/75	4.82	"	April 1	to	October 31	

2. Total amount of water being transferred 17.92 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	06	3S	5E	Elmore	Wings, Cindercone } 2 P/D
		NE	SW	06	3S	5E	Elmore	Wings, Cindercone } same QQ
		SE	NE	35	2S	4E	Elmore	Weitz, Cindercone
		SW	NW	19	2S	5E	Elmore	Paksima, Cindercone (existent - needs repair)

5. Lands irrigated or place of use:

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	
2S	4E	12					40	40	40	40	40	40	40	40					320
2S	4E*	19					40	40	40	40	40	40	40	40					320
2S	4E	26					40			40	40	40	40	40					240
2S	4E	34													40	40	40	40	160
2S	4E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
3S	4E	13	40	40	40	40									40	40	40	40	320
3S	5E	06					40	40	40	40	40			40					160
3S	5E	07									40			40		40	40		320
3S	5E	18					40	40	40	40									160

* CORRECTED = 5E per Attach. A

924 acres/year in → Total acres 2,640 (FPU)

PART 1

6. General Information:

a. Description of diversion system All groundwater wells.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? XXX 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. See attachments

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

All land will be used in a five year potato rotation.

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____.

_____

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07240

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	3.26 CFS	733.5 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	3.30 CFS	734.1 AF

SOURCE

GROUNDWATER

Priority: 09/10/1975

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 6, Township 03S, Range 05E
SENW , Sec. 7, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	05E	6	NESW	38	Lot 6(NWSW)	44	Lot 7(SWSW)	44	
			SESW	37					163
					Total number of acres irrigated:				163

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	05E	6	SESW

CONDITIONS/REMARKS:

1. 2 points of diversion located in NESW, S6, T3S, R5E.
2. Domestic use is for 1 home.

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07196

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	6.40 CFS	1440.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	Totals	6.40 CFS	1440.6 AF

SOURCE

GROUNDWATER

Priority: 09/06/1974

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 6, Township 03S, Range 05E
SENW , Sec. 7, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	05E	7	NENW	30	Lot 1(NWNW)	44	Lot 2(SWNW)	44	
			SENW	38	NESW	39	Lot 3(NWSW)	1	
			Lot 4(SWSW)	4	SESW	40	NWSE	40	
			SWSE	40					320
					Total number of acres irrigated:				320

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	05E	6	SESW

CONDITIONS/REMARKS:

1. 2 points of diversion located in NESW, S6, T3S, R5E.

PART 2

Transfer No. _____

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

*** B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** "B" to use PPU system

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 6.4 (cfs/ac-ft) for IRR purposes from 3/15 to 11/15
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	6	35	SE	Elmore	Irr. wells (2)

3. Lands irrigated or place of use:

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	
35	SE	7					30	44 L.1	44 L.2	38	39	1 L.3	4 L.4	40		40	40		320

Total acres 320

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

1. amount .04 (cfs/ac-ft) for DOM purposes from 1/1 to 12/31
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	7	35	SE	Elmore	Domestic

3. Lands irrigated or place of use:

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	
35	SE	6												D					

* MM + IRRIS = NON ADDITIVE . RATE & VOLUME

Total acres _____

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07206C

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	0.80 CFS	180.0 AF

SOURCE

GROUNDWATER

Priority: 11/08/1974

LOCATION OF POINT(S) OF DIVERSION: NESW , Sec. 6, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC			ACRES	ACRES	ACRES	TOTAL
03S	04E	12	Lot	4(SESE)	7			7
	05E	7	Lot	3(NWSW)	3			3
		18		NENW	30			30
						Total number of acres irrigated:		40

CONDITIONS/REMARKS:

1. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. Two points of diversion are located within NESW, S06, T03S, R05E.

PART 2

Transfer No. _____

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

_____ 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.)

B + C N/A (No splits)

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

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				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	

Total acres _____

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

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

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				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	

Total acres _____

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07330

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	2.64 CFS	720.0 AF

SOURCE

GROUNDWATER

Priority: 05/24/1977

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 35, Township 02S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
02S	04E	35	NENE	40	NWNE	40	SWNE	40	
			SENE	40					160
					Total number of acres irrigated:				160

CONDITIONS/REMARKS:

PART 2

Transfer No. _____

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

_____ 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.)

B & C N/A (no splits)

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

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				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	

Total acres _____

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

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

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				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	

Total acres _____

TRANS NO.

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07204

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	4.82 CFS	964.0 AF

SOURCE

GROUNDWATER

Priority: 01/05/1975

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 20, Township 02S, Range 05E
NESW , Sec. 30, Township 02S, Range 05E
NWSE , Sec. 30, Township 02S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
02S	05E	19	NENW	40	NWNW	40	SWNW	40	
			SENW	40	NESW	40	NWSW	40	
			SWSW	38	SESW	38			316
					Total number of acres irrigated:				316

CONDITIONS/REMARKS:

1. One point of diversion is located on or near line between NWSE and NESW, S30, T02S, R05E.
2. This right is limited to the irrigation of 241 acres within the place of use described above in a single irrigation season.
3. This right when combined with Rights 61-07195A and 61-07210 is limited to a total combined diversion rate of 22.38 cfs and a total combined annual diversion volume of 4480 af.
4. This right when combined with the following rights is limited to a total combined diversion rate of 20.68 cfs and a total combined annual diversion volume of 4664 af. The combined rights include: 61-07306A, 61-07390 and 61-07424.
5. This right when combined with the following rights shall not exceed an annual diversion volume of 8180 af nor the irrigation of a combined total of 2045 acres in a single irrigation season. The combined rights include: 61-07195A, 61-07210, 61-07306A, 61-07390 and 61-07424.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

1. **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.**

See Attachment A

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

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Same			4/01 to 10/31
				to

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

3. Describe effects on other water uses resulting from the proposed change:
No effect on any other water user's. No increase in water use. This is to maintain a 5 year potato crop rotation.

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.

Carl F. Reynolds & Sons by Steve Reynolds
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of Feb, 19 97.

LORI GRAVES NOTARY PUBLIC STATE OF IDAHO

Lori Graves
(Notary Public)

My commission expires 6/18/98

12/17/97 Steve Reynolds

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 3 attachments

Received by CJL Date 2-7-97 Protest filed by _____

Prelim. check by _____ Fee $100.00

Receipted by CJL W021942 Date 2-7-97

Published in Mtn Home News & Twin Falls Times 4-29-97 Copies of protest forwarded by _____

Pub. dates Twin Falls Trib. & Post Register 4-30-97 Hearing held by _____ Date _____

Watermaster recommendation requested on Id. Statesman 4-16-23 1997 Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACH. A

1S
2S

NEW P/U

4E SE

P/O

61-7204

61-7330

NEW P/U

29

32

2S
3S

P/O

61-7240

P/O (2)

61-7196

61-7206 C

NEW P/U

J. Smith

4E 5E

Montierth
Wings
Ballbuntyne/Woods
Current Rotation Acres
Montierth ground that can be sprayed
Ground coming out of CRP in 96-97 and ground accessable to some water

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69702

EISENMAN FAMILY TRUST
2968 S OWYHEE ST
BOISE ID 83706, has filed Application No. 69702 for changes to the following water rights within ELMORE County:

Right No. 61-7283A
Priority 8/23/1976
Source GROUND WATER
Use IRRIGATION (75 acres) 1.50 CFS 337.5 AFA
Total Amount 1.50 CFS 337.5 AFA
Point(s) of Diversion NWSESE S23 T02S R04E
Place of Use S23 T02S R04E
Right No. 61-7246A
Priority 12/16/1975
Source GROUND WATER
Use IRRIGATION (136 acres) 2.72 CFS 612.0 AFA
Total Amount 2.72 CFS 612.0 AFA
Point(s) of Diversion NWSESE S23 T02S R04E
Place of Use S23 T02S R04E

Remark: The transfer proposes to dry up all 75 acres from water right 61-7283A in the E 1/2 SW S23 and 30 acres in the SE S23 from water right 61-7246A and move the appurtenant groundwater to a 960 acre permisible located in NE S10, NE and W 1/2 of S11, and the W 1/2 of S12. The water will be drawn from an existing well in the SNW S11. All sections described are located in T2S R4E. This transfer will move the entire amount of 1.50 cfs and 337.5 afa of water right 61-7283A and will move 0.60 cfs and 135 afa of water right 61-7246A to the new place of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of $25.00 for each application on or before March 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
First Publication: March 6, 2002.
Last Publication: March 13, 2002.

RECEIVED
MAR 15 2002
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

County of Elmore
STATE OF IDAHO } ss.

I Coleen W. Swenson, do solemnly swear that I am the publisher, of the:

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for two consecutive weeks, the first publication having been made on the 6 day of March, 2002, and the last publication having been made on the 13 day of March, 2002; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 13 day of March, 2002.

Christine M. Lewis
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006

CHRISTINE M. LEWIS NOTARY PUBLIC STATE OF IDAHO

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2002

RON LEYDET
PO BOX 521
MOUNTAIN HOME ID 83647

Re: Application for Transfer No. 69716 in the Name of Idaho Power.
Application for Transfer No. 69702 in the Name of Eiseman Family Trust.
Application for Transfer No. 69717 in the Name of Edward &/or Drusilla Oppedyk.

Dear Mr. Leydet:

Enclosed are copies of the above-referenced applications for transfer which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by March 25, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2002

DAVID OLSON
RT 1 BOX 777 M
MOUNTAIN HOME ID 83647

Re: Application for Transfer No. 69716 in the Name of Idaho Power.
Application for Transfer No. 69702 in the Name of Eiseman Family Trust.
Application for Transfer No. 69717 in the Name of Edward &/or Drusilla Oppedyk.

Dear Mr. Olson:

Enclosed are copies of the above-referenced applications for transfer which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by March 25, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:lm

Encl: Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2002

CHARLES OLSON
RT 1 BOX 777 E
MOUNTAIN HOME ID 83647

Re: Application for Transfer No. 69716 in the Name of Idaho Power.
Application for Transfer No. 69702 in the Name of Eiseman Family Trust.
Application for Transfer No. 69717 in the Name of Edward &/or Drusilla Oppedyk.

Dear Mr. Olson:

Enclosed are copies of the above-referenced applications for transfer which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by March 25, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2002

MHGWMC
C/O GARY SPACKMAN
IDWR WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

Re: Application for Transfer No. 69716 in the Name of Idaho Power.
Application for Transfer No. 69700 in the Name of David &/or Kathleen Palfreyman.
Application for Transfer No. 69702 in the Name of Eiseman Family Trust.
Application for Transfer No. 69717 in the Name of Edward &/or Drusilla Oppedyk.

Dear MHGWMC:

Enclosed are copies of the above-referenced applications for transfer which may be of interest to your agency. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by March 25, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

Nelson, Dan

From: Peppersack, Jeff
Sent: Friday, February 01, 2002 3:46 PM
To: Shaff, Don
Cc: Nelson, Dan
Subject: RE: Move Partial Decrees to water right database.

Done

-----Original Message-----
From: Shaff, Don
Sent: Friday, February 01, 2002 3:29 PM
To: Peppersack, Jeff
Cc: Nelson, Dan
Subject: RE: Move Partial Decrees to water right database.

Jeff, I will need some help for the splits to get Dan the records he needs in Water Rights. Dan only needed two splits from the pair of splits rights, but I started the move for all four rights to get all the splits that have been decreed in the same place.
Thanks,
Don
dshaff@idwr.state.id.us
208/327-7932

-----Original Message-----
From: Nelson, Dan
Sent: Friday, February 01, 2002 11:44 AM
To: Shaff, Don
Subject: Move Partial Decrees to water right database.

Hi Don,

I am going to need a few water partial decrees moved to the water right data base. The water rights I need moved are 61-7283A, 61-7246A, 61-7003, and 61-7075. There are two separate transfers filed on these rights, and I have just started the review on these rights. Could you move these rights over for me when you get time.

Thank you I appreciate it.

Dan Nelson
Western Region

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 27, 2002

Legal Notice Department
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME ID 83647

RE: Transfer Nos. 69702, 69700, 69716, and 69717

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 03/25/2002. Your cooperation is appreciated.

Sincerely

Sue

Sue Taylor
Senior Secretary

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69702

EISENMAN FAMILY TRUST
2988 S OWYHEE ST
BOISE ID 83706, has filed Application No. 69702 for changes to the following water rights within ELMORE County:

Right No. 61-7283A

Priority 8/23/1976

Source GROUND WATER

Use IRRIGATION (75 acres) 1.50 CFS 337.5 AFA

Total Amount 1.50 CFS 337.5 AFA

Point(s) of Diversion NWSESE S23 T02S R04E

Place of Use S23 T02S R04E

Right No. 61-7246A

Priority 12/16/1975

Source GROUND WATER

Use IRRIGATION (136 acres) 2.72 CFS 612.0 AFA

Total Amount 2.72 CFS 612.0 AFA

Point(s) of Diversion NWSESE S23 T02S R04E

Place of Use S23 T02S R04E

Remark: The transfer proposes to dry up all 75 acres from water right 61-7283A in the E ½ SW S23 and 30 acres in the SE S23 from water right 61-7246A and move the appurtnenant groundwater to a 960 acre permissible located in NE S10, NE and W ½ of S11, and the W ½ of S12. The water will be drawn from an existing well in the SNW S11. All sections described are located in T2S R4E. This transfer will move the entire amount of 1.50 cfs and 337.5 afa of water right 61-7283A and will move 0.60 cfs and 135 afa of water right 61-7246A to the new place of use.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of $25.00 for each application on or before March 25, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Mountain Home News on March 6 and 13, 2002.

MEMORANDUM

DATE: **January 22, 2002**

TO: **Files 61-7246A & 61-7283A**

FROM: **KARI LYNN TOWNSEND**

RE: **OFFICE VISIT**

Mrs. Patricia L. Eisenman came into the office today in response to my letter of January 18, 2002.

She wanted to know about paying the filing fee for change of ownership and also wanted to see Lori Graves regarding a Transfer of Water Right involving the above mentioned water rights.

I advised her that the change of ownership could be accomplished at the same time the transfer was processed and that she would not have to pay the filing fee for change of ownership. The change of ownership paperwork was returned to her so that she could include it with the transfer. I also gave her the address of the Western Region office so that she could get in touch with Lori Graves regarding the transfer.

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SEP 04 2002

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 18, 2002

LEONARD J EISENMAN
PATRICIA L EISENMAN
HC 34 BOX 34090
BPOSE OD 83716

RE: Change of Ownership for Decreed Water Rights 61-7246A and 61-7283A

Dear Mr. & Mrs. Eisenman:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Filing Fee** of $25 **per** water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is $25 per water right, except for ownership changes resulting in the division of a water right, which is $100 per water right. We have determined that the filing fee for your notice will be **$50.00.**

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within **30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage (http://www.idwr.state.id.us) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

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FEB 04 2002

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 61-7246 Priority December 16, 1975 Amount 3.02 cfs

THIS IS TO CERTIFY, that Harold D. &/or Edith L. Ward &/or Earl E. Ward of Rupert, Idaho, has complied with the terms and conditions of Permit No. 61-7246 issued pursuant to Application for Permit dated December 16, 1975, and has submitted proof to the Department of Water Resources on December 15, 1980, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 4.08 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
Irrigation	from March 15	to November 15	at 3.02	cfs and	679.5 acre feet
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 3.02 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 679.5 acre feet per year, said waters to be diverted within the SE¼SE¼ Section 23, Twp 2S, Rge 4E, in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	4E	23													35	40	40	36	151

Total number of acres irrigated 151

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