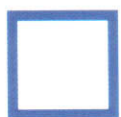
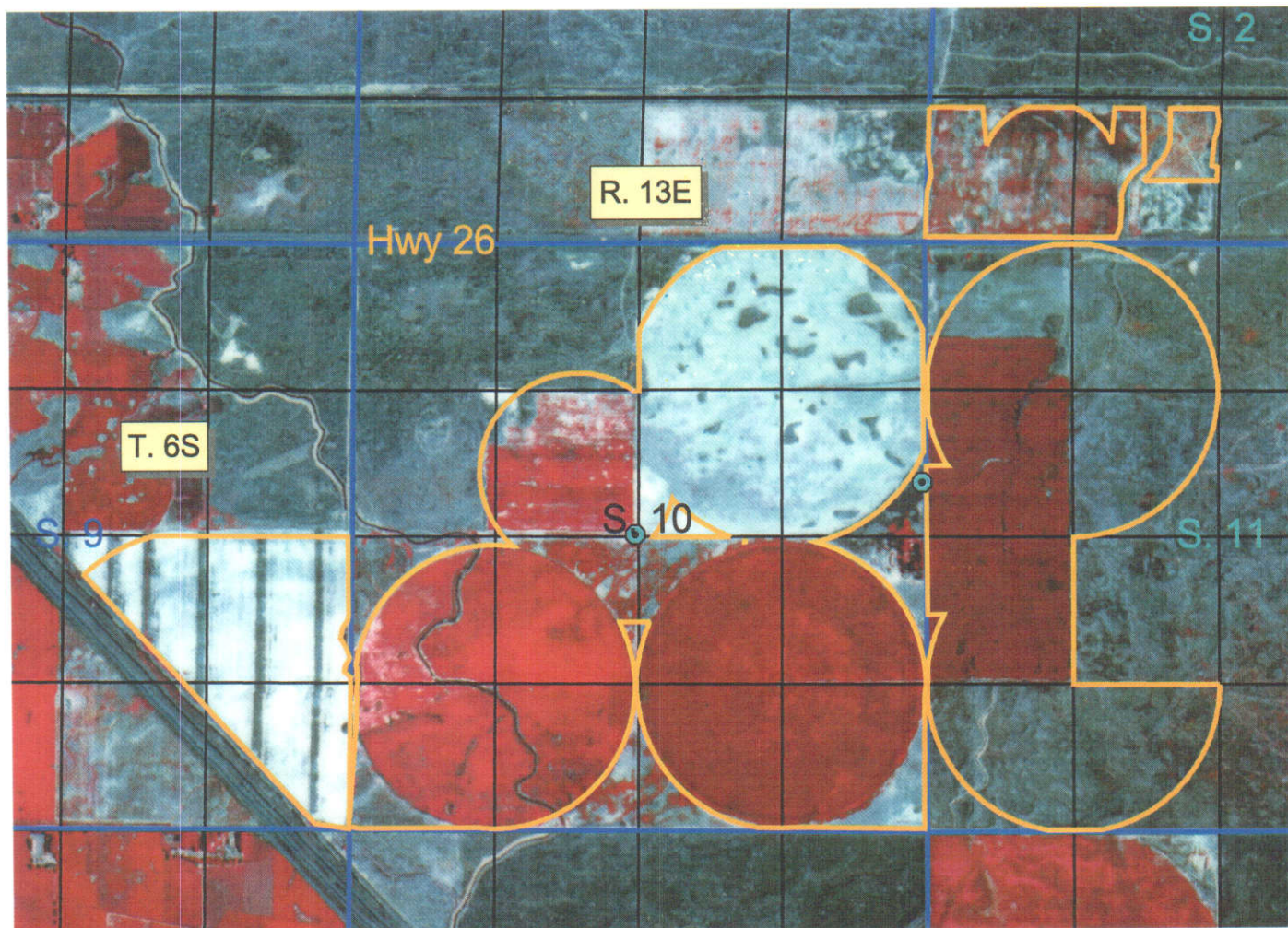


IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Little Sky Farms



Section Lines



Quarter/Quarter Lines

General Location: Farm is 1-3 miles east of Bliss & mainly S of Hwy 26



Existing Wells



Proposed PPU

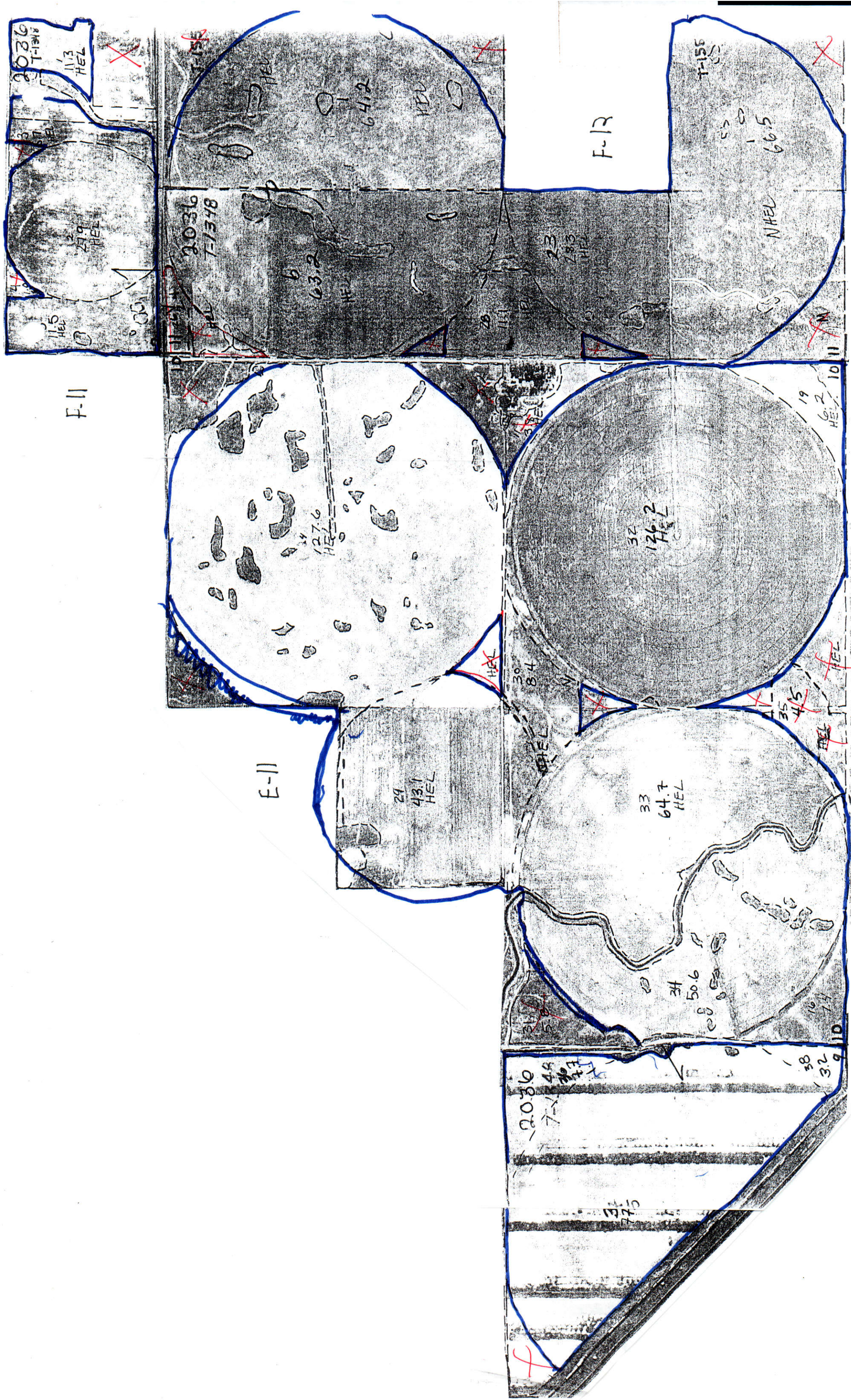
SCANNED
FEB 21 2003

MICROFILMED
JUN 9 2 2003



Prepared By J E Stanton 1-16-2003

1986/87 NAPP Data



1D1-20413

2. These rights for canal purposes granted to North Side Canal Company, its successors or assigns, by Right-of-Way No. 1081-037817, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949).

147095

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Baron Elbert

15 min. pers. 3 o'clock P.M. this 15

Dec 1991 J.A.M.

JOHN A. MYERS Recorder

Carlotta Sch Owner



By Thomson W. Wanner, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1908 (35 Stat. 470), has, in the name of the United States, caused these letters to be under Patent, and the fees of the Bureau to be hereunto affixed.

Given under my hand in Boise, Idaho
the TWENTY-FIFTH day of NOVEMBER
in the year of our Lord one thousand nine hundred and
NINETEEN and of the Independence of the
United States the two hundred and SIXTYEIGHTH

By Henry H. Taylor
Deputy State Director for Operations

MICROFILMED

JUN 02 2003

SCANNED

FEB 21 2003

Patent Number 11-92-0006

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED
APR 16 2003
Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 3rd day of April, 2003, and the date of the last publication was on the 10th day of April, 2003.
Norma DeVoe

On this 10th day of April, in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho
Shelley Sturgeon
Notary Public for Idaho
Residing at Jerome
My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2x

Lines tabular at _____ 8.0¢/Pica
414.56 Lines straight at 29.02 7.0¢/Pica
414.56 Subsequent lines at 24.87 6.0¢/Pica
Affidavit Fee: 2.50
TOTAL COST 56.39

COPY OF NOTICE

(Paste Here)

Water Rights - Little Sky Farms
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Gooding County: **LITTLE SKY FARMS, HC 60 BOX 1745; BLISS ID 83314** filed Application No. 70083 on 3/26/03 for diversion of 9.83 cfs. The application proposes to record a change in the place of use that occurred in the 1990s and to record the correct location of the existing wells. Some of the original farm was sold without water rights, and the water was moved to new land without an approved transfer. The farm is located 1-3 miles east of Bliss, and is mainly south of Hwy 26. For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before April 21, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 4/3 - 4/10 G45438

8118

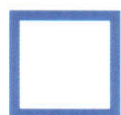
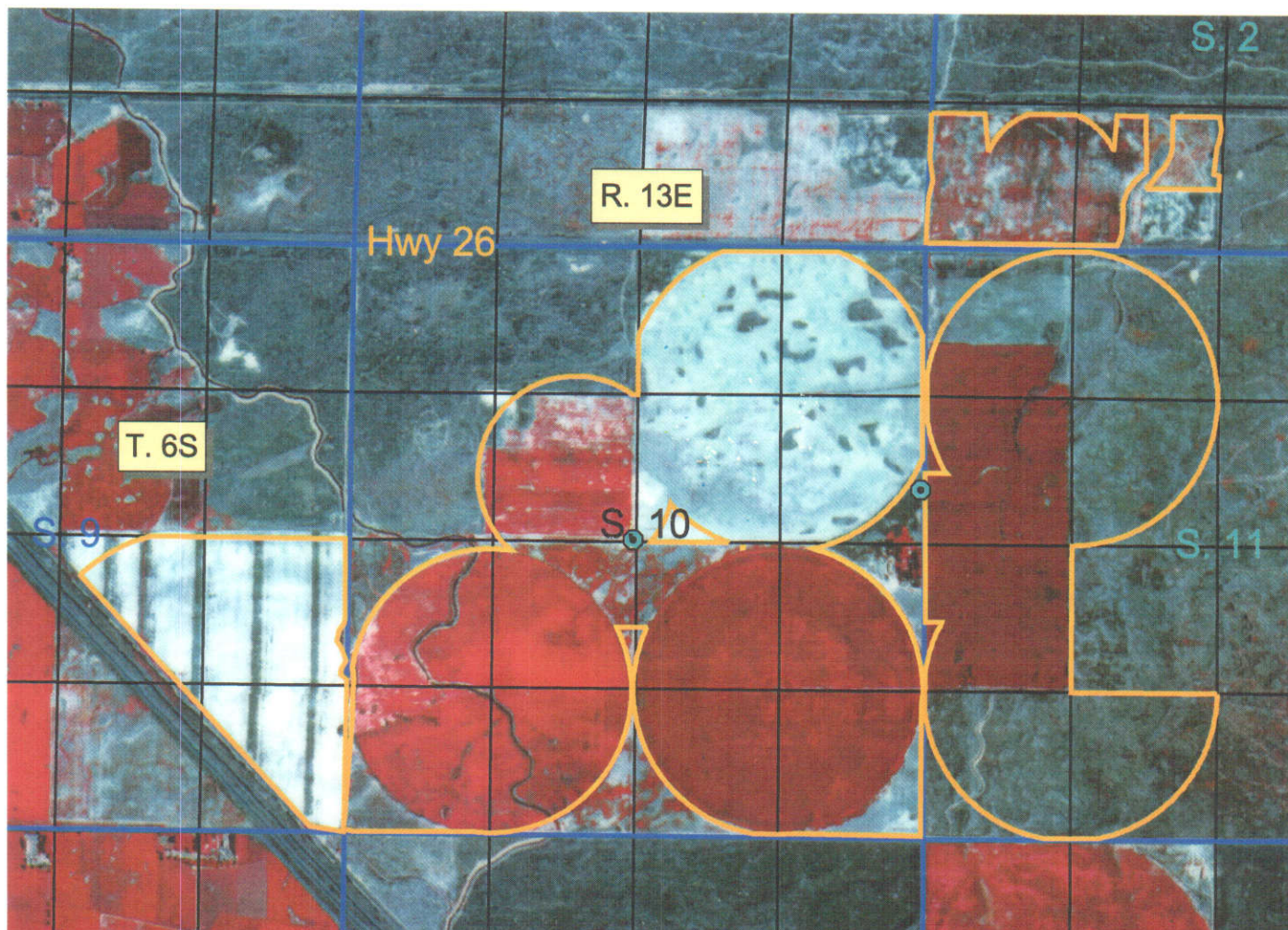
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JUN 02 2003

IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Little Sky Farms



Section Lines



Quarter/Quarter Lines

General Location: Farm is 1-3 miles east of Bliss & mainly S of Hwy 26

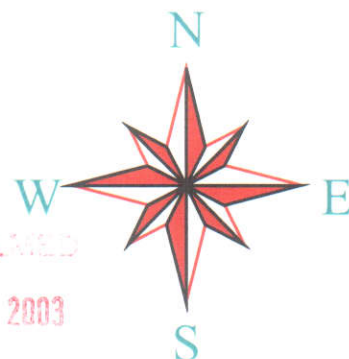


Existing Wells



Proposed PPU

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JUN 02 2003



Prepared By J E Stanton 1-16-2003

1986/87 NAPP Data

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70083

This is to certify that: LITTLE SKY FARMS
 HC 60 BOX 1745
 BLISS ID 83314
 (208)352-4680

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
37-7480	WR/Decreed	02/24/1977	9.83 cfs	3264 af	816.0	896.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7480	NO	YES	YES	NO	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
37-7480	37-7480	9.83 cfs	3264 af	816.0	844.4		N/A	N/A	N/A	N/A
COMBINED TOTALS		9.83 cfs	3264 af	816.0	844.4		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9 day of May, 20 03


 For Chief Water Allocation Bureau

MICROFILMED
 JUN 9 2 2003

WATER RIGHT NO. 37-7480
As Modified by Transfer No. 70083

In accordance with the approval of Transfer No. 70083, Water Right No. 37-7480 is now described as follows.

Right Holder: LITTLE SKY FARMS
 HC 60 BOX 1745
 BLISS ID 83314

Priority Date: February 24, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	9.83 CFS	3,264.0 AF
			9.83 CFS	3,264.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATE SESENE Sec. 10 Twp 06S Rge 13E GOODING County

GROUND WATER SESENW Sec. 10 Twp 06S Rge 13E GOODING 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	
06S 13E 2											35.0	20.0					55.0
06S 13E 9													39.0	22.0	.6	26.0	87.6
06S 13E 10	33.0	34.0	38.0	33.0	2.5		2.3	39.0	39.0	29.0	39.0	31.0	31.0	40.0	32.0	39.0	461.8
06S 13E 11					32.0	32.0	40.0	32.0	40.0	32.0	32.0						240.0

Total Acres: 844.4

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. Prior to the diversion and use of water under Transfer approval 70083, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
3. Prior to diversion of water under this approval, the right holder shall provide lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.

MICHOOTENED

JUN 02 2003

WATER RIGHT NO. 37-7480
As Modified by Transfer No. 70083

4. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. This right is limited to the irrigation of 816 acres within the place of use described above in a single irrigation season.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12/11/2002.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. Use of this right is combined with water from the North Side Canal Co. Ltd.
10. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
11. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 9 day of May, 20 03


For Chief, Water Allocation Bureau

MICROFILMED

JUN 02 2003

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MAY 9 2003

Department of Water Resources

Page 1

Transfer No. 70083

Receipt No. S025142

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**2nd CORRECTED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

MAR 26 2003

Department of Water Resources
Southern Region

1. Applicant Information LITTLE SKY FARMS
HC 60 BOX 1745
BLISS ID 83314
(208)352-4680

Will this transfer result in an ownership change? No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
37-7480	WR/License	9.83	3,264.0	896.0		GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7480	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

The water right has been recommended on land in Sec. 3, but is no longer used there. Instead, we have added additional land in Sec. 11 that was purchased from the BLM in 1991. Several pivots have been installed on the existing land, and some corners have been dried up. The farm also has 300 shares of NSCC water, which are supplemented by the well as needed. Also to describe the location of the west well according to GPS data.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
37-7480	9.83 cfs	816.0	844.4	3,264.0 af
TOTAL	9.83 cfs	816.0	844.4	3,264.0 af

MICROFILMED
JUN 9 2 2003

Transfer No. 70083
Receipt No. S025142

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Jess D. Elliott
(Signature of Applicant)
Partner
(Title or Office)

Subscribed and sworn to before me this 26th day of March, 2002.

Wendy Bell
(Notary Public) State of Idaho

My commission expires 3/24/06



MICROFILMED
JUN 02 2003

Transfer No. 70083
Receipt No. S025142

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

Current Water Right No. 37-7480

Priority Date: February 24, 1977
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
	Total Diversion	9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 10 Twp 06S Rge 13E GOODING County
GROUND WATER	NESW	Sec. 10 Twp 06S Rge 13E GOODING 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	
06S 13E 2											39.0	30.0					69.0
06S 13E 3															39.0	29.0	68.0
06S 13E 9													39.0	25.0	1.0	25.0	90.0
06S 13E 10	35.0	35.0	40.0	39.0			35.0	40.0	34.0	35.0	36.0	34.0	36.0	37.0	37.0		473.0
06S 13E 11					38.0	39.0			39.0								116.0

Total Acres: 896

Conditions/Remarks:

- 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.

MICROFILMED

JUN 12 2002

Page 4

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

The land in Sec. 3 was sold dry by a previous owner, and has not been irrigated since at least 1991.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES See above. We have continued to use the wells, and have added new ground to replace the land in Sec. 3 that we did not buy.

MICROFILMED
JUN 02 2003

Transfer No. 70083
 Receipt No.S025142

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

Proposed Water Right No. 37-7480

Priority Date: February 24, 1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
	Total Diversion	9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 10 Twp 06S Rge 13E GOODING County

GROUND WATER SESENW Sec. 10 Twp 06S Rge 13E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP & SPRINKLERS.

Point of Diversion # 2 WELL, PUMP & SPRINKLERS.

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	
06S 13E 2											35.0	20.0					55.0
06S 13E 9													39.0	22.0	.6	26.0	87.6
06S 13E 10	33.0	34.0	38.0	33.0	2.5		2.3	39.0	39.0	29.0	39.0	31.0	31.0	40.0	32.0	39.0	461.8
06S 13E 11					32.0	32.0	40.0	32.0		40.0	32.0	32.0					240.0

Total Acres: 844.4

MICROFILMED

JUN 22 2003

TRANSFER _____

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MICROFILMED

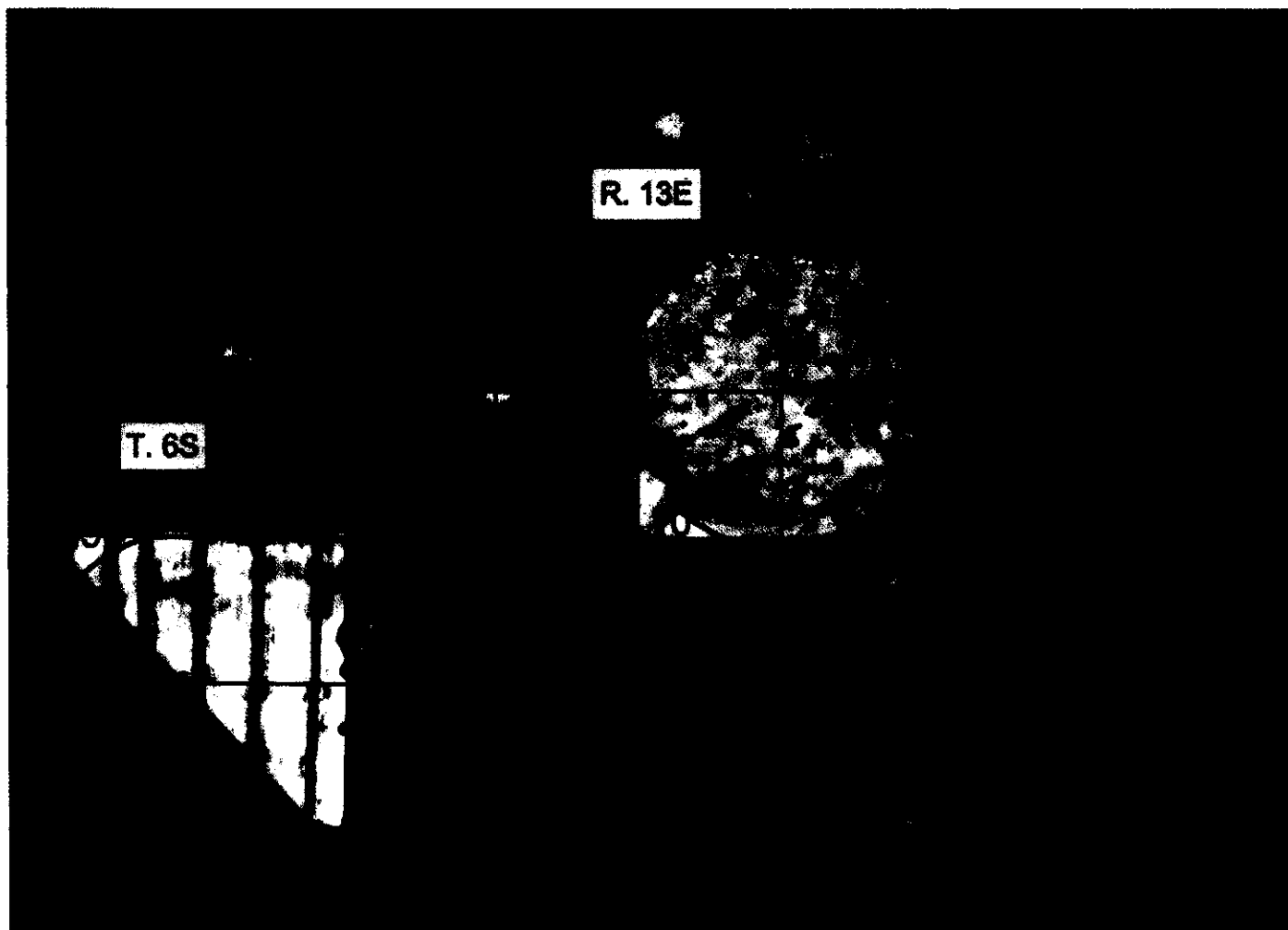
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SCANNED

FEB 21 2003

IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Little Sky Farms



Section Lines



Quarter/Quarter Lines

General Location: Farm is 1-3 miles east of Bliss & mainly S of Hwy 26



Existing Wells

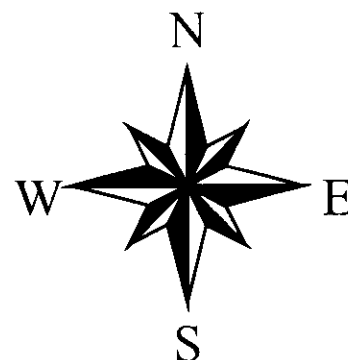


Proposed PPU

SCANNED
FEB 21 2003

MICROFILMED

FEB 21 2003



Prepared By J E Stanton 1-16-2003

1986/87 NAPP Data

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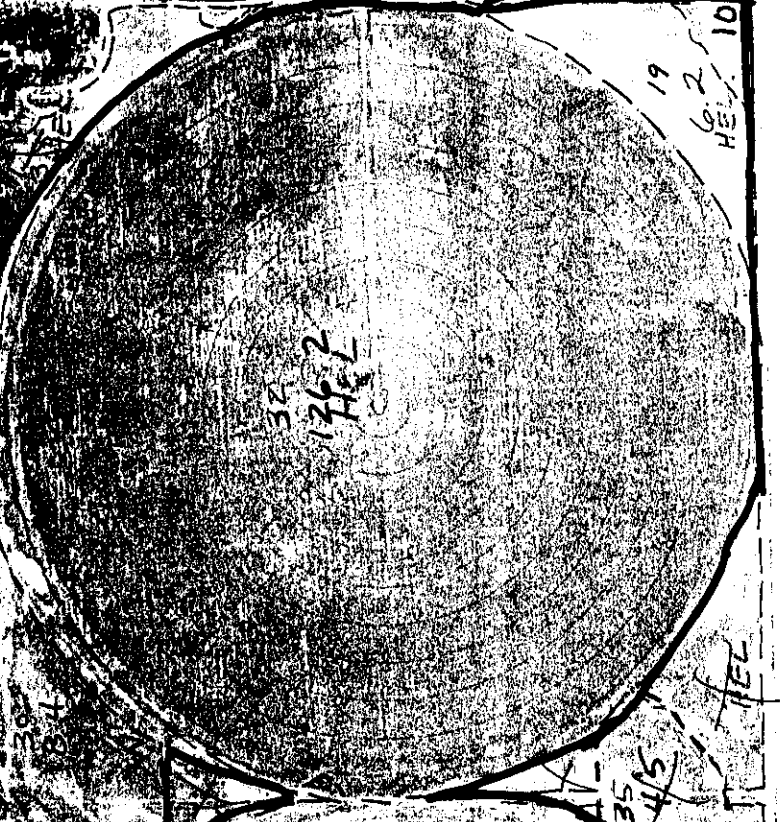
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LITTLE SKY FARMS
WATER TRANSFER APPLICATION # 70083
DESCRIPTION OF SYSTEM

2 – 350 HP PUMPS

VARIOUS MAIN LINE – 6" TO 12"

8 PIVOTS + HANDLINES IN CORNERS

MEASURING DEVICE – IDAHO POWER BILLS

MICHAEL
JAN 9 2 2003

SCANNED
FEB 21 2003



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

2003 FEB -5 AM 8:26

Please type or print legibly.

NOTE: See instructions on reverse before filing.

SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

LITTLE SKY FARMS

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

JESS D ELLIOTT

HC 60 BOX 1745 BLISS, ID 83314

KAREN ELLIOTT

HC 60 BOX 1745 BLISS, ID 83314

MIKE ELLIOTT

HC 60 BOX 1745 BLISS, ID 83314

LAURESA SCHOESSLER

HC 60 BOX 1745 BLISS, ID 83314

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

Submit Certificate of
Assumed Business
Name and **\$20.00** fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

4. The name and address to which future correspondence should be addressed:

LITTLE SKY FARMS

HC 60 BOX 1745

BLISS, ID 83314

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Phone number (optional):

Signature: Jess D Elliott

Printed Name: JESS D ELLIOTT

Capacity: PARTNER

(see instruction # 8 on back of form)

Secretary of State use only

SCANNED
FEB 21 2003

IDAHO SECRETARY OF STATE
02/05/2003 05:00
CK: 3933 CT: 158010 BH: 661086
1 @ 20.00 = 20.00 ASSUM NAME # 2

g:\corp\form\abn form\abn.p65
Revised 01/2001

D 62158

1
2
3 WARRANTY DEED

G-16677

4 For value received DON McFARLAND and CAROL L.
5 McFARLAND, husband and wife, hereinafter called the Grantors,
6 hereby grant, bargain, sell and convey unto LITTLE SKY FARMS,
7 a partnership, hereinafter called the Grantee, the following
8 described premises, in Gooding County, Idaho, to-wit:

9 Real Property:

10 Township 6 South, Range 13 East of the
11 Boise Meridian Gooding County, State of
12 Idaho

13 Section 2: S1/2SW1/4

14 Section 9: That part of the SE1/4 lying
15 North and East of the Railroad right-of-
16 way.

17 Section 10: E1/2, SW1/4, SE1/4NW1/4

18 Section 11: W1/2NW1/4, NW1/4 SW1/4

19 Water Rights:

20 Idaho Department of Water Resources Permit
21 #37-7480 for 17.92 cubic feet per second
22 with a priority date of 3-1-76.

23 300 shares of water from the North Side
Canal Company.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee and to the Grantee's heirs
and assigns forever. And the said Grantors do hereby
covenant to and with the said Grantee, that the Grantors are
the owners in fee simple of said premises; that they are free
from all encumbrances except as described above and that
Grantors will warrant and defend the same from all lawful
claims whatsoever.

Dated this 23rd day of April, 1990.

21
22 
DON McFARLAND

23 
CAROL L. McFARLAND

SEND TAX NOTICE TO:
HC 60 BOX 1745
BLISS, ID 833±3

MICAF

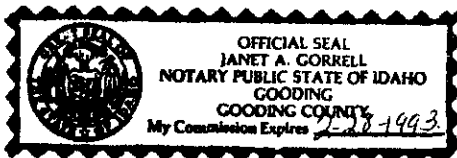
SCANNED

JUN 9 2 2003

FEB 2 1 2003

1
2
3 STATE OF IDAHO)
4) ss.
County of Gooding)

5 On this 23rd day of April, 1990,
6 before me, a Notary Public in and for said State, personally
7 appeared DON McFARLAND and CAROL L. McFARLAND, husband and
8 wife, known to me to be the persons whose names are
9 subscribed to the within instrument, and acknowledged to me
10 that they executed the same.



Janet A. Gorrell
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding, Idaho
Commission Expires: 2-28-1993

(WLN\881079WA.DEE\ldz)

140610

STATE OF IDAHO, COUNTY OF GOODING

Filed for record at the request of *Good Title & Estate Inc.*

36 min. past *3* o'clock *p* M. this *23*

of *April*, 19*90*. *6:00*

JOHN A. MYERS, Recorder

By *L. Myers* Deputy

SCANNED

FEB 21 2003

MICROFILMED
FEB 22 2003



Hepworth,
Nungester,
& Lezamiz

RECEIVED

FEB 13 2003

Department of Water Resources
Southern Region

Page 1

Transfer No. 70083

Receipt No. S025142

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

1. Applicant Information LITTLE SKY FARMS
 HC 60 BOX 1745
 BLISS ID 83314
 (208)352-4680

Will this transfer result in an ownership change? No

2. Current Water Right **Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
37-7480	WR/License	9.83	3,264.0	896.0		GROUND WATER

3. Purpose of Transfer (Change Proposed) **Part 3A Attached for Each Proposed Right**
Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7480	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

The water right has been recommended on land in Sec. 3, but is no longer used there. Instead, we have added additional land in Sec. 11 that was purchased from the BLM in 1991. Several pivots have been installed on the existing land, and some corners have been dried up. The farm also has 300 shares of NSCC water, which are supplemented by the well as needed.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
37-7480	9.83 cfs	816.0	844.4	3,264.0 af
TOTAL	9.83 cfs	816.0	844.4	3,264.0 af

SCANNED

MICROFILMED FEB 21 2003

JUN 02 2003

Transfer No. 70083
Receipt No. S025142

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

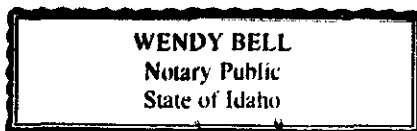
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Joe D. Ellis
(Signature of Applicant)
Partner
(Title or Office)

Subscribed and sworn to before me this 13th day of February, 2003.

Wendy Bell
(Notary Public) State of Idaho

My commission expires 3/24/06
Residing in Twin Falls, Idaho



MICROFILMED SCANNED
JUN 22 2003 FEB 21 2003

Transfer No. 70083
Receipt No. S025142

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

Current Water Right No. 37-7480

Priority Date: February 24, 1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
	Total Diversion	9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 10 Twp 06S Rge 13E GOODING County

GROUND WATER NESW Sec. 10 Twp 06S Rge 13E GOODING 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	
06S 13E 2											39.0	30.0					69.0
06S 13E 3															39.0	29.0	68.0
06S 13E 9													39.0	25.0	1.0	25.0	90.0
06S 13E 10	35.0	35.0	40.0	39.0				35.0	40.0	34.0	35.0	36.0	34.0	36.0	37.0	37.0	473.0
06S 13E 11						38.0	39.0			39.0							116.0

Total Acres: 896

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

SCANNED
MICROFILMED FEB 21 2003
JUN 12 2003

Page 4

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

The land in Sec. 3 was sold dry by a previous owner, and has not been irrigated since at least 1991.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES See above. We have continued to use the wells, and have added new ground to replace the land in Sec. 3 that we did not buy.

MICROFILMED
JUN 9 2 2003

SCANNED
FEB 21 2003

Transfer No. 70083
 Receipt No. S025142

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

Proposed Water Right No. 37-7480

Priority Date: February 24, 1977

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
Total Diversion		9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 10 Twp 06S Rge 13E GOODING County

GROUND WATER NESW Sec. 10 Twp 06S Rge 13E GOODING County

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP & SPRINKLERS.

Point of Diversion # 2 WELL, PUMP & SPRINKLERS.

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	
06S 13E 2									35.0	20.0							55.0
06S 13E 9													39.0	22.0	.6	26.0	87.6
06S 13E 10	33.0	34.0	38.0	33.0	2.5		2.3	39.0	39.0	29.0	39.0	31.0	31.0	40.0	32.0	39.0	461.8
06S 13E 11					32.0	32.0	40.0	32.0		40.0	32.0	32.0					240.0

Total Acres: 844.4

MICHAEL
 JUN 2 2003

SCANNED
 FEB 21 2003

The United States of America

Do all to whom these presents shall come, Greeting:

101-20413

WHEREAS

Little Sky Farms

to a land patent pursuant to the Act of October 21, 1976 (90 Stat. 2750 and 2757; 43 U.S.C. 1713 and 1719), the following described land:

Boise Meridian, Idaho

T. 6 S., R. 13 E.,
sec. 11, 13NW

Containing 80.00 acres

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant, the land above described, TO HAVE AND HOLD the said land with all the rights, privileges, immunities, of whatsoever nature, thereunto belonging, unto the claimant, its successors and assigns, forever,

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 943.
2. All the oil and gas deposits, geothermal steam and associated geothermal resources in the land so patented pursuant to the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

SUBJECT TO:

1. These rights for highway purposes granted to Idaho Department of Transportation, its successors or assigns, by Right-of-Way No. 101-06803, pursuant to the Act of November 9, 1921 (42 Stat. 212).

11-01-0006

The United States of America

To all to whom these presents shall come, Greeting:

IDI-20414

WHEREAS

Little Sky Farms

is entitled to a land patent pursuant to the Act of October 21, 1976 (Sections 203 and 209, 90 Stat. 2750 and 2757; 43 U.S.C. 1713 and 1719), for the following described land:

Boise Meridian, Idaho

T. 6 S., R. 13 E.,
sec. 11, S $\frac{1}{2}$ SW $\frac{1}{4}$.

Containing 80.00 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, its successors and assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1891. 26 Stat. 391; 43 U.S.C. 945.
2. All the oil and gas deposits, geothermal steam and associated geothermal resources in the land so patented pursuant to the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719), and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

SUBJECT TO:

1. Those rights for road purposes granted to Bliss Highway District No. 2, its successors or assigns, by Right-of-Way No. IDI-22589, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

Patent Number 11-92-0005

SCANNED

FEB 21 2003

MICROFILMED

FEB 2 2003

2 Three rights for coal purposes granted to March 11th Coal Company, its successors or assigns, by Right of Way No. 12 037817, pursuant to the Act of March 3, 1877, as amended by U. S. C. 242, 243.

147095

STATE OF IDAHO COUNTY OF GOODENOUGH

Recorded at the request of Barton B.

15 min. cts. 3 days 2.10 per acre

100 1991 June 1st

JOHN A. MYERS Recorder

Carroll S. S. S.



By Executive Order the undersigned, Secretary of the Bureau of Land Management, in accordance with the Act of June 17, 1908 (35 Stat. 474), has, in the United States, caused these letters to be duly recorded, and of the Bureau of the Secretary of the Interior.

Given under my hand at Boise, Idaho, this TWENTY-FIFTH day of MAY 1991.

In the year of our Lord one thousand nine hundred and

NINETEEN-NINE and of the first of the State of Idaho the two hundred and

SEVENTEENTH

James L. ...
Deputy State Director for Operations

IDI-20414

2. Those rights for canal purposes granted to North Side Canal Company, its successors or assigns, by Right-of-Way No. IDBL-037817, pursuant to the Act of March 3, 1891, as amended (43 U.S.C. 946-949).

147096

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Robert Elliott

16 min. past 3 o'clock P M. this 13

of Dec 1991 June 6, 08

JOHN A. MYERS Recorder

Alberta Sells Deputy



IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1890 (26 Stat. 477), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

Given under my hand, in Boise, Idaho
the TWENTY-FIFTH day of NOVEMBER
in the year of our Lord one thousand nine hundred and
NINETY-ONE and of the Independence of the
United States the two hundred and SIXTEENTH

By Henry L. Sides
Deputy State Director for Operations

SCANNED

Patent Number 11-92-0005

MICRO FEB 21 2003

APR 22 2003

WARRANTY DEED

For Value Received

DON MCFARLAND AND CAROL L. MCFARLAND, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

FAULKNER LAND & LIVESTOCK, INC.

the grantee, whose current address is

1989 South 1875 East, Gooding, ID 83330

the following described premises, in Gooding County Idaho, to-wit:

Township 6 South, Range 13 East of the Boise Meridian, Gooding
County, Idaho

Section 3: S1S21

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the Grantor, do hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all encumbrances except current years taxes, levies and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Don McFarland 2/3/93
Don McFarland

Carol L. McFarland 2/3/93
Carol L. McFarland

STATE OF IDAHO, COUNTY OF Jerome
On this 3rd day of February, 19 93,
before me, a notary public in and for said State, personally
appeared
Don McFarland and Carol L. McFarland

Knows me to be the persons, whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same.

Shabash M. Fountain

Residing at Jerome,
Comm. Expires 7/94
Notary Public, Idaho

STATE OF IDAHO, COUNTY OF Gooding
I hereby certify that this instrument was filed for record at the request
of FIRST AMERICAN TITLE

at 56 minutes past 1 o'clock P M.,
this 18 day of Feb,
19 93, in my office, and duly recorded in Book
of Deeds at page

JOHN A. MYERS

Ex-Officio Recorder

By Christa Solis

Deputy.

Fee \$ 3.00
Mail to:

151682

First American Title Company of Idaho

INSTRUMENT NO.

VOID

Transfer No. 70083
Receipt No. S025142

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

RECEIVED**AUG 06 2002**Department of Water Resources
Southern Region

1. Applicant Information LITTLE SKY FARMS
HC 60 BOX 1745
BLISS ID 83314
(208)352-4680

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
37-7480	AJC/License	9.83 cfs	3264.0 af	896.0		GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-7480	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

The water right has been recommended on land in Sec. 8, but is no longer used there. Instead, we have added additional land in Sec. 11 that was purchased from the BLM in 1991. Several pivots have been installed on the existing land, and some corners have been dried up. The farm also has 300 shares of NSCC water, which are supplemented by the well as needed.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
37-7480	9.83 cfs	816.0	840.0	3264.0 af
TOTAL	9.83 cfs	816.0	840.0	3,264.0 af

MICROFILMED
JUN 02 2003

Transfer No. 70083
Receipt No. S025142

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

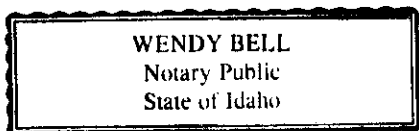
[Signature]
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 6th day of August, 2002

Wendy Bell
(Notary Public)

My commission expires 3/24/06
Residing in Twin Falls Co., Idaho
Notary Public - State of Idaho



MICROFILMED
JUN 9 2 2003

Transfer No. 70083
Receipt No.S025142

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

Current Water Right No. 37-7480

Priority Date: 02/24/1977
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
Total Diversion		9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	06S	13E	10	SENE		GOODING
GROUND WATER	06S	13E	10	NESW		GOODING

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	
06S 13E 2									39.0	30.0							69.0
06S 13E 3													39.0	29.0			68.0
06S 13E 9													39.0	25.0	1.0	25.0	90.0
06S 13E 10	35.0	35.0	40.0	39.0			35.0	40.0	34.0	35.0	36.0	34.0	36.0	37.0	37.0		473.0
06S 13E 11					38.0	39.0			39.0								116.0

Total Acres: 896

Conditions/Remarks:

- 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.

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JUN 9 2 2003

Page 4

2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

The land in Sec. 3 was sold dry by a previous owner, and has not been irrigated since at least 1991.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES See above. We have continued to use the wells, and have added new ground to replace the land in Sec. 3 that we did not buy.

MICROFILMED

JUN 9 2 2003

Transfer No. 70083
Receipt No.S025142

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

Proposed Water Right No. 37-7480

Priority Date: 02/24/1977
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	9.83 CFS	3,264.0 AFA	
Total Diversion		9.83 CFS	3,264.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	06S	13E	10	SENE		GOODING
GROUND WATER	06S	13E	10	NESW		GOODING

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP & SPRINKLERS.
Point of Diversion # 2 WELL, PUMP & SPRINKLERS.

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	
06S	13E	2									34.0	22.0							56.0
06S	13E	9			1.0	1.0									39.0	22.0	1.0	26.0	90.0
06S	13E	10	33.0	34.0	36.0	34.0	1.0		1.0	37.0	39.0	29.0	39.0	31.0	31.0	40.0	32.0	39.0	456.0
06S	13E	11					32.0	32.0	39.0	32.0	39.0	32.0	32.0					238.0	

Total Acres: 840

MICROFILMED

JUN 02 2003

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 37-07480

NAME AND ADDRESS: LITTLE SKY FARMS
HC 60 BOX 1745
BLISS, ID 83314

SOURCE: GROUND WATER

QUANTITY: 9.83 CFS
3264.00 AFY

PRIORITY DATE: 02/24/1977

POINT OF DIVERSION: T06S R13E S10 SENE Within Gooding County
NESW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 9.83 CFS
3264.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: Irrigation Within Gooding County

T06S R13E S02	SWSW 39.0	SESW 30.0
S03	SWSE 39.0	SESE 29.0
S09	NESE 39.0	NWSE 25.0
	SWSE 1.0	SESE 25.0
S10	NENE 35.0	NWNE 35.0
	SWNE 40.0	SENE 39.0
	SENE 35.0	NESW 40.0
	NWSW 34.0	SWSW 35.0
	SESW 36.0	NESE 34.0
	NWSE 36.0	SWSE 37.0
	SESE 37.0	
S11	NWNW 38.0	SWNW 39.0
	NWSW 39.0	

816.0 Acres Total

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

MICROFILMED
JUN 9 2 2003

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED
JUN 8 2 2003



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

May 12, 2003

LITTLE SKY FARMS
HC 60 BOX 1745
BLISS ID 83314

RE: Transfer No.: 70083 - Water Right 37-7480 - 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.

MICROFILMED
JUN 02 2003

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camula S. Skager

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: Northwest Farm Credit Services
PO Box 5059
Twin Falls, ID 83303-5059

MICROFILMED
JUN 02 2003

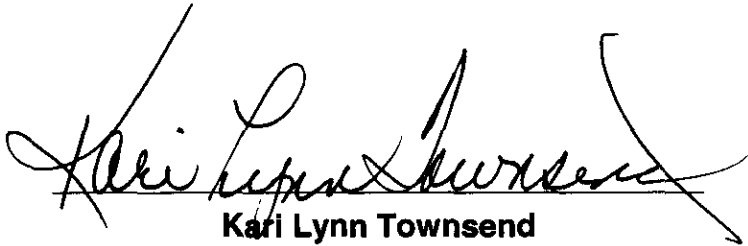
CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 70083 - WATER RIGHT 37-7480

**LITTLE SKY FARMS
HC 60 BOX 1745
BLISS ID 83314**

**NORTHWEST FARM CREDIT SERVICES
PO BOX 5059
TWIN FALLS ID 83303-5059**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 12 2003

**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.

FILE PROGRESS SUMMARY

APPLICANT: Little Sky Farms

WATER RIGHT NO. 37.7480

#70083

INIT.	DATE	COMMENT
ala	8/6/02	Stayed to Jim Storton
Y	2-20-03	To Mary for scanning
Y	2-21-03	To Mary for advertising
MB	2/25/03	Adv. Sch. G/L 3/6 & 3/13/03; 3/24/03
Y	3-27-03	To Mary for advertising
MB	3/27/03	Adv. Sch. G/L 4/3 & 4/10/03; 4/21/03
MB	3/28/03	LTR. to App & Memo to WM130
		We need to assure supplemental
		nature of our-12p with Carol Slone
		continue. AD- 4/16/03
		Telephone conv. with Ricky McMillan
		with Clear Springs.
MB	4/16/03	Part. aff. rec.
AD-	5/1/03	To MD to forward

TRANSFER REVIEW SHEET

Trans # 70083

Date Reviewed 2-20-03

Right No(s). * 37-7480

Split? Y ✓ N Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes Y

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? ✓ Y N (resolve with S.O.)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U ✓ Lien Holder Release ✓

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd Y N (contact GW)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

SUPPLEMENTAL

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
- 100-105 (where there are other uses besides irrigation)

WITHIN ESPA

- 113-114-116 (mitigation)
- 115 (meas. Device)

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

SURFACE WATER:

WD - R05 (WD#) WM comments rec'd
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON to (use X61 if extended season)

STANDARD VOLUME af/ac

CONSUMPTIVE USE VOLUME af/ac

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - >1 pd, measure all (use w/ WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd

rts that are subject to SRBA:
T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)

T20 - use only on unchg'd rts not subject to SRBA

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated ✓ Approval form printed CB Shape files created ✓

Special Mailing Instructions (cc's, etc)

Final database update after approval CB *Comment to WR No(s). NA

5-9-03

Transfer Review Sheet

Applicant Little Sky Farms Transfer # 70083

Rights Involved with Transfer:

WR# 37-7480 _____

AJ# _____

Right ID Correct? ☒ Y or N Y or N Y or N Y or N Y or N Y or N

Split?	Y or N	Y or N	Y or N	Y or N	Y or N	Y or N
--------	---------------	--------	--------	--------	--------	--------

Unchanged # _____

Changed # _____

Area of Concern: ESPA

Comment Letters:

	Date Requested	Date Received
Watermaster: District <u>130</u>	<u>2/28/03</u>	
Fish & Game		
Canal Company		
Stream Channel		
City		
DEQ		
County		
Department of Ag		
Other		

SDE:

[illegible]

Conditions:**GROUNDWATER:**

DRILLING PERMIT - 046
 DP upgrade req'd Y N (contact GW)

WMD - North/East/West
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 067

~~WMD~~
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs/others - R02, 01P or No MD
 > 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
 STANDARD VOLUME _____ af/ac
 CONSUMPTIVE USE VOLUME _____ af/ac

SUPPLEMENTAL - 065-104 (where irrigation is the only use)
 SUPPLEMENTAL - 100-105 (where there are other uses besides irrigation)
 WITHIN ESPA - 113-114-116 (mitigation)
 - 115 (meas. Device for non-irrig uses or new irrig systems)
 - 131 (existing irrig systems)

USES:

STORAGE - 18C-R02-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
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 STOCKWATER - R37 (all BLM/USFS)
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 multiple pds in WD

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 Water Quality - 106-R07

X27 - Number of acres/season in ppu
 X35 - Combined totals of multiple rts
 083 - replaces C11 (enlargement rights)

X49 - measure p/d's (source chg'd to orig trib)
 X51 - 2+ yrs to develop
 X53 - Use ltd to orig. source availability
 X54 - forfeited ac/rate (used rarely)
 X55 - (transfer shrinks total water to less ac)
 004 - no right-of-way
 X58 - pending claim (statutory or AJ b/u claim)
 X61 - extended irr season
 X62 - replaces N11 and N13
 X63 - replaces C12
 WB4 - + p/ds, cfs & afa (used with T17)
 WD8 - land application of waste water
 01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01M)

Apply one to chg'd & unchg'd
 rts that are subject to SRBA:
 T09 - on-going SRBA (no Dir Rpt
 yet)
 T19 - replaces C18
 (if at Directors Report
 or Partial Decree stage)
 T20 - use only on unchg'd rts
 not subject to SRBA

OTHER CONDITIONS/REMARKS:

Initial Allocation Review by J. Stanton
 SRBA Review Completed by N/A
 Regional Manager Review by AP

Date 3-27-03
 Date
 Date 5/1/02

Comments:

AFFIDAVIT of PUBLICATION

State of Idaho } ss.
County of Gooding }

RECEIVED

APR 16 2003

Department of Water Resource
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

3rd day of April, 2003, and the date of the last publication was on the 10th day of April, 2003.

On this 10th day of April in the year of 2003, before me, a Notary Public, personally appeared Norma DeVoe, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Reading at Jerome

My commission expires: 12/3/05

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 24

_____ Lines tabular at _____ 8.0¢/Pica

414.56 Lines straight at 29.02 7.0¢/Pica

414.56 Subsequent lines at 24.87 6.0¢/Pica

Affidavit Fee: 2.50

TOTAL COST 56.39

COPY OF NOTICE

(Paste Here)

Water Rights - Little Sky Farms
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that an Application for Transfer has been filed with the Idaho Department of Water Resources for changes to water rights within Gooding County: LITTLE SKY FARMS, HC 60 BOX 1745; BLISS ID 83314 filed Application No. 70083 on 3/26/03 for diversion of 9.83 cfs. The application proposes to record a change in the place of use that occurred in the 1990s and to record the correct location of the existing wells. Some of the original farm was sold without water rights, and the water was moved to new land without an approved transfer. The farm is located 1-3 miles east of Bliss, and is mainly south of Hwy 26. For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before April 21, 2003. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
PUB: 4/3 - 4/10 G45438

75438

Baldwin, Mary

From: Baldwin, Mary
Sent: Friday, March 28, 2003 8:38 AM
To: Yenter, Cindy (Hodges)
Cc: Baldwin, Mary
Subject: NEW transfer app - Little Sky Farms

FYI &/or comment:

LITTLE SKY FARMS, HC 60 BOX 1745; BLISS ID 83314 filed Application No. 70083 on 3/26/03 for diversion of 9.83 cfs. The application proposes to record a change in the place of use that occurred in the 1990s and to record the correct location of the existing wells. Some of the original farm was sold without water rights, and the water was moved to new land without an approved transfer. The farm is located 1-3 miles east of Bliss, and is mainly south of Hwy 26.

APPROVED
3/28/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 27, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ATTN JESS D. ELLIOTT
LITTLE SKY FARMS
HC 60 BOX 1745
BLISS ID 83314

RE: Application for Transfer No. 70083 (Water Right No. 37-7480)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **Gooding County Leader** on **4/3 & 4/10/03**. Submittal of protests to this application will be allowed for a period ending ten days after the second publication. (April 21, 2003)

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

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Karl J. Dreher, Director

Published in the Gooding County Leader on 4/3 & 4/10/03.

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

March 27, 2003

ATTN: Norma
MAGIC VALLEY PUBLISHING
Gooding County Leader
PO BOX 468
JEROME ID 83338

Dear Norma:

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 at 736-3033.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary A. Baldwin
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2003

Little Sky Farms
HC 60 Box 1745
Bliss, ID 83314

RE: App for Transfer 70083

Dear Sirs;

I have started to review your proposed transfer prior to advertising, and have found the following. Based on data from recent Farm Service Agency slides, you are farming 844.4 acres instead of the 840 acres listed on the original application. I have produced a corrected application for your signature. Be sure to include your position within Big Sky Farms with your notarized signature.

With regard to Big Sky Farms, I have checked the Secretary of State's records but found no listing for your entity. In order for us to process your application, we need a copy of your business license or a similar document, including a list of officers or partners and their mailing addresses.

We need a description of your diversion, delivery and application systems. This should include sizes and dimensions of pumps and pipelines, and a description of your sprinkler system. Describe any existing measuring devices or devices that you plan to install; totalizing flow meters will be required unless a waiver is requested and granted. Show where the meters are or will be installed.

Please submit the required information by February 18 so that processing of your application can continue. If you need more time, it can be granted for sufficient cause.

If you have questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent



1363 Fillmore Street
P.O. Box 5059
Twin Falls, Idaho 83303-5059
(208) 732-1000

August 6, 2002

Idaho Department of Water Resources
1341 Fillmore St Suite 200
Twin Falls, ID. 83301

To Whom It May Concern:

As you are aware, Northwest Farm Credit Services, ACA has a mortgage at record on property owned by Little Sky Farms, a partnership. The property is located in the following Legal Description in Gooding County:

Township 6 South, Range 13 East
Section 2, 9, 10, 11

The primary partners of Little Sky Farms, Jess and Karen Elliott, have advised Farm Credit that they are in the process of transferring a portion of the water under license #37-07480 to another portion of that property that was originally purchased from the BLM. Since all of that real Estate is included in the Farm Credit Mortgage, Farm Credit agrees to this transfer.

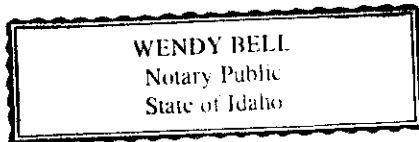
If you have any questions regarding this matter, please contact me at your convenience.

Sincerely,
Farm Credit Services

Richard N Fehringer
Sr. Credit Officer

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 6th day of August, 2002, before me personally appeared Richard N. Fehringer, to me known to be the person(s) described in and who executed the within instrument, and acknowledged that he executed the same as his free act and deed.



Wendy Bell

Wendy Bell

Notary Public for the State of Idaho

Residing at Twin Falls, Idaho

My commission expires March 24, 2006

Comment Report

Application ID 70083

1. jstanton 2/20/2003 9:36:08 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake Plain Aquifer

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 2/20/2003 Comment/Analysis

Comment: I have reviewed the FSA records for the proposed/existing pou. The pou has been modified slightly based on this review, and the applicant has signed a corrected application with this new information. The right has been recently decreed, and forfeiture does not appear to be an issue. The change occurred in the 1990s, so the transfer just brings the record up to date. During SDE work, it was discovered that the west well is in a different tract than was decreed. There was already a point in the correct tract but a bit further east than the location based on WMIS data; both are in the SE/NW rather than in the NE/SW as decreed, however, so I created a second corrected application that the applicant signed. Recommend approval with proper conditions.

Authority To File: Warranty deeds from Don McFarland show that the land in Sec. 2, 9, 10 & 11 was sold to the applicants in 1990 with all of Lic. 37-7480. In 1993, the land in Sec. 3 was sold by McFarland to another party, with no mention of water on that deed. Based on the 1990, it appears that the applicants are the legal owner of this right. Our records show Little Sky Farms as the owner of record, with McFarland as the original owner. The applicant was not registered with IDSOS as now required, but has since applied; see attached documents.

Water Right Validity: The right has been decreed in the SRBA. The land in Sec. 3 appeared to be irrigated on the 1986/87 ArcView base map, and the transfer represents a change in pou that occurred after that. As previously stated, forfeiture does not appear to be an issue. The number of irrigated acres has actually decreased from 896 to 844.4.

Injury To Other Rights: None found.

Enlargement of Use: This license was issued for 816 acres. The decree allowed 896 acres in conjunction with canal shares. The overall ppu is being reduced to 844.4 shares; 816 acres per year can be irrigated with the wells. There should be no enlargement with proper approval conditions.

Local Public Interest: No issued identified.

Local Public Interest: No issues identified.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing of this application. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

3. jstanton 2/20/2003 Legal Notice Remarks

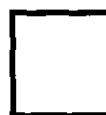
Comment: The application proposes to record a change in the place of use that occurred in the 1990s. Some of the original farm was sold without water rights, and the water was moved to new land without an approved transfer. The farm is located 1-3 miles east of Bliss, and is mainly south of Hwy 26.

IDAHO DEPARTMENT OF WATER RESOURCES

APP FOR TRANSFER - Little Sky Farms



Section Lines

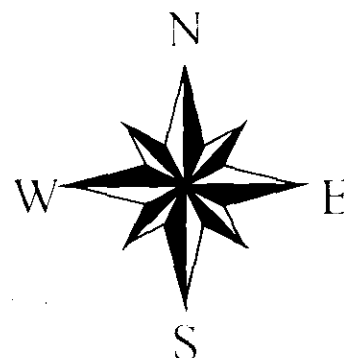


Quarter/Quarter Lines

General Location: Farm is 1-3 miles east of Bliss & mainly S of Hwy 26

● Existing Wells

Proposed PPU



Prepared By J E Stanton 1-16-2003 1986/87 NAPP Data