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T04N R45E

SWNE

11

NWSE

page 5 of 6

MICROFILMED

DEC 12 2001

T 69066

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14

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69066

This is to certify that: B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HIGHWAY 33
DRIGGS ID 83422

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. 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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
22-13168	AJC/License	06/19/1958	0.07 cfs	14.0 af	4.0	20.0	GROUND WATER
22-13166	AJC/License	10/03/1966	0.22 cfs	56.0 af	16.0	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

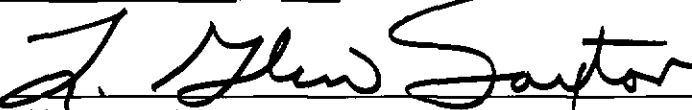
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13168	NO	YES	YES	NO	NO	NO
22-13166	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-13168	22-13168	0.07 cfs	14 af	4.0	11.0		N/A	N/A		N/A
22-13166	22-13166	0.22 cfs	38.5 af	11.0	11.0		N/A	N/A		N/A
TOTALS		0.22 cfs	38.5 af	11	11		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 30th day of October, 2001


Chief, Water Allocation Bureau

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DEC 12 2001

WATER RIGHT NO. 22-13166
As Modified by Transfer No. 69066

In accordance with the approval of Transfer No. 69066, Water Right No. 22-13166 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 10/03/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/15	0.22 CFS	38.5 AF
		0.22 CFS	38.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	NWSE	Sec. 11 Twp 04N	Rge 45E	TETON 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	
04N	45E	11			6.0												5.0		11.0

Total Acres: 11

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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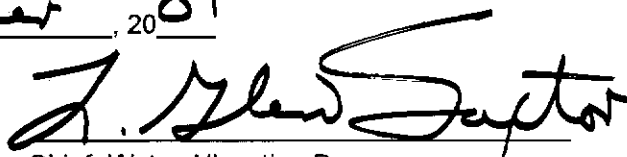
WATER RIGHT NO. 22-13166
As Modified by Transfer No. 69066

CONDITIONS OF APPROVAL

7. The total instantaneous diversion of water from all points of diversion under Rights 22-13166 and 22-13168 shall not exceed 0.22 cfs, nor total combined annual volume of 38.5 af.
8. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 38.5 af at the field headgate, and the irrigation of 11 acres.
9. This right is limited to the irrigation of 11 acres within the place of use described above in a single irrigation season.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall cease irrigation of 9 acres previously authorized under rights 22-13166 and 22-13168, and consolidate use of water on the remaining 11 acres.
12. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 30th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

DEC 12 2001

WATER RIGHT NO. 22-13168
As Modified by Transfer No. 69066

In accordance with the approval of Transfer No. 69066, Water Right No. 22-13168 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 06/19/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	0.07 CFS	14.0 AF
			0.07 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	SWNE	Sec. 11 Twp 04N	Rge 45E	TETON County
GROUND WATER	NWSE	Sec. 11 Twp 04N	Rge 45E	TETON 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	
04N	45E	11			6.0												5.0		11.0

Total Acres: 11

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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WATER RIGHT NO. 22-13168
As Modified by Transfer No. 69066

CONDITIONS OF APPROVAL

7. The total instantaneous diversion of water from all points of diversion under Rights 22-13166 and 22-13168 shall not exceed 0.22 cfs, nor total combined annual volume of 38.5 af.
8. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs, a total annual maximum diversion volume of 38.5 af at the field headgate, and the irrigation of 11 acres.
9. This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. The right holder shall cease irrigation of 9 acres previously authorized under this right, and consolidate use of water on the remaining 11 acres.
12. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 30th day of October, 2001


Chief, Water Allocation Bureau

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DEC 12 2001

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69066

JUL 13 2009

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources
Name of Applicant **B E T**

Department of Water Resources
Name of Applicant B & M Land Leasing LLC Phone Mike Stears

Post Office address 39243 South Highway 33, Driggs, Idaho 83422

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 reduce acres irrigated
2. Describe the reason for the proposed changes Water purchased from Cofron Irrigation is being moved to new property.

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 |
|------------------------|-----------|--------------------|---------------|---------------|
| A 22-022800 | 10/3/1966 | 0.22 cfs | Irrigation | 4-15 to 10-15 |
| A 22-02169 | 6-19-1958 | 0.07 cfs | " " | " to " |
| 22-13113 | | | | to |
| 13168 | | | | to |

2. Total amount of water being transferred 0.22 cubic feet per second and/or 35 A acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

[illegible]

5. Lands irrigated or place of use:

[illegible]

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Total Acres 11

PART 1

6. General Information:

- a. Description of diversion system Four wells, pumps pipeline & drip irrigate.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X 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:
Land was sold without water & subsequently subdivided.
- d. Remarks:
Corporation officers are: Mike Stears President
Brandon Stears Secretary

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

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DEC 12 2001

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 122-022800 ¹³¹⁶⁶ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☒ OtherCorporation Deed3. Source of water Ground water tributary to _____4. Date or priority 10/3/1966

5. Water is used for the following purposes:

amount 0.22 cfs. for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.22 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	19	4N	4SE	Teton.	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	18											20						20

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Total Acres 20

DEC 12 2001

9. Describe any other water rights used for the same purpose as described above None.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1 A 22-~~2169~~13168 which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6-19-1958

5. Water is used for the following purposes:

amount 0.07 cfs for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.07 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	SE	NW	19	4N	4SE	Teton	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4SE	18											20						20

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DEC 12 2011

Total Acres 20

9. Describe any other water rights used for the same purpose as described above _____

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

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

2

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SWNE

11

NWSE

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PART 3

B. CHANGES IN NATURE OF USE

1.

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

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

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

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

Mike Stern

(Signature of Applicant)

+ Title

Subscribed and sworn to before me this 16 day of April, 20 01

Caren R. Nye

(Notary Public)

My commission expires 03/20/06

CAREN R. NYE
Notary Public
State of Idaho

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by Ernie Date 4-16-01 Protest filed by _____

Prelim. Check by Kew 4/20/01 Fee \$250.00

Received by CV Date 4-16-01 EO2161310

Published in Teton Valley News Copies of protest forwarded by _____

Pub. Dates May 3 & 10, 2001 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by RDC

Copy of transfer sent to lien holder MICROFILMED

DEC 12 2001

CORPORATION DEED

For Value Received

CEDRON IRRIGATION COMPANY

a corporation duly organized and existing under the laws of the State of Idaho, Grantor,
does hereby Grant, Bargain, Sell and convey unto

B & M LAND & LEASING LLC

whose current address is:
243 South Highway 33, Driggs, Idaho 83422

the following described real estate, to-wit:

**.22 CUBIC FEET PER SECOND AND/OR 35.0 ACRE FEET PER ANNUM OF
IRRIGATION WATER TO BE USED ON THE FOLLOWING DESCRIBED
PROPERTY: TOWNSHIP 4 NORTH RANGE 45 EAST, BOISE MERIDIAN,
TETON COUNTY, IDAHO, SECTION 11: S ½ SW ¼ NW ¼; S ¾ NW ¼ SE ¼.**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with
the Grantee(s), that it is the owner of said premises; that they are free from all
encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions,
reservations, easements, rights and rights of way, apparent or of record.

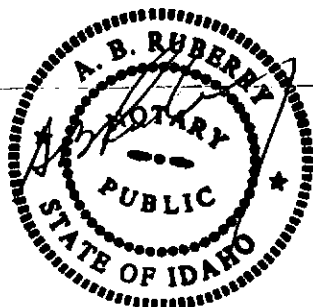
IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of
Directors has caused its corporate name to be hereunto subscribed by its President and its
corporate seal to be affixed by its Secretary this April 4, 2001.

By:
CEDRON IRRIGATION COMPANY

Monroe Dustin for pres.
Monroe Dustin, President

State of Idaho }
County of Bonneville } ss.

On this 5 day of April, 2001, before me, a Notary Public in and for said state, personally appeared
Monroe Dustin known to me to be the
PRESIDENT of the Corporation, and acknowledged to me that pursuant to a Resolution of the
Board of Directors, executed the foregoing in said Corporation name.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in
this certificate first above written.



Aaron B. Rubery
Notary Public for the State of
Residing at:
Commission Expires:

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DEC 12 2001

T 69066
ATTACHMENT 1 OF 3

ATTACHMENT 2 OF 3

Basin	Seque	Split	Basis	Status	Priority D	Diversion	Owner List	Source Table
22	2280		License	Active	10/3/66	5.16	CEDRON IRRIGATION CORP (Current)	wrAdjudicationClaim
22	2280	A	License	Active	10/3/66	0.27	CLEON B KUNZ (Current Owner)	wrAdjudicationClaim
22	2280	B	License	Temporary	10/3/66	1.61	MONROE DUSTIN (Current Owner)	wrAdjudicationClaim
22	2280	C	License	Active	10/3/66	1.05	CEDRON IRRIGATION CORP (Orig) ELIZABETH MICKELSON (Current)	wrAdjudicationClaim
22	2280	D	License	Active	10/3/66	4.63	CEDRON IRRIGATION CORP (Current)	wrAdjudicationClaim
22	2280	E	License	Active	10/3/66	0.53	TREES INC (Current)	wrAdjudicationClaim

22	2280			See Remarks		5.16		wrWaterRight
22	2280	A	License	Active	10/3/66	4.63	BURTON W KUNZ (Orig),) CEDRON IRRIGATION CORP (Current) MONROE DUSTIN JR (Orig) WILLIAM E SCHIESS (Orig)	wrWaterRight
22	2280	B	License	Active	10/3/66	0.53	BURTON W KUNZ (Orig),) MONROE DUSTIN JR (Orig) TREES INC (Current) WILLIAM E SCHIESS (Orig)	wrWaterRight

Basin	Seque	Split	Basis	Priority D	Diversion	Source List	Owner List	Source Table
22	2169		License	6/19/58	1.54	GROUND WATER	CEDRON IRRIGATION CORP (Current Owner)	wrAdjudicationClaim
22	2169		License	6/19/58	1.54	GROUND WATER	CEDRON IRRIGATION CORP (Current Owner), WILLIAM E SCHIESS (Original Owner)	wrWaterRight

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69064

This is to certify that: CEDRON IRRIGATION CORP

C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455
(208)354-2554

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. 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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
22-2169	AJC/License	06/19/1958	1.54 cfs		77.0	418.0	GROUND WATER
22-2280D	AJC/License	10/03/1966	4.63 cfs		341.0	418.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-2169	YES	YES	YES	NO	NO	NO
22-2280D	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-2169	22-13169	1.47 cfs	252.0 af	72.0	396.0	22-13168	0.07 cfs	14 af	4.0	20.0
22-2280D	22-13167	4.41 cfs	1134.0 af	324.0	396.0	22-13166	0.22 cfs	56 af	16.0	20.0
TOTALS		4.41 cfs	1386 af	396	396		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

DEC 12 2001

WATER RIGHT NO. 22-13166
As Modified by Transfer No. 69064

In accordance with the approval of Transfer No. 69064, Water Right No. 22-13166 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 10/03/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/15	0.22 CFS	56.0 AF
			0.22 CFS	56.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSENE Sec. 19 Twp 04N Rge 45E TETON 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	
04N 45E 18																	20.0

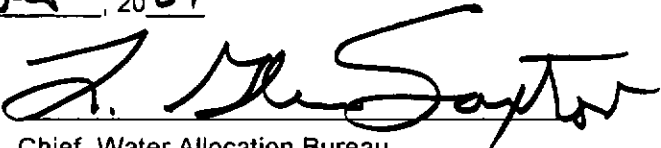
Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs and the irrigation of 20 acres.
2. This right is limited to the irrigation of 16 acres within the place of use described above in a single irrigation season.
3. Approval of Transfer 69064 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.
4. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 17th day of October, 2001


 Chief, Water Allocation Bureau

MICROFILMED

DEC 12 2001

WATER RIGHT NO. 22-13167
As Modified by Transfer No. 69064

In accordance with the approval of Transfer No. 69064, Water Right No. 22-13167 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 10/03/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	4.41 CFS	1,134 AF
			4.41 CFS	1,134 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSNW Sec. 19 Twp 04N Rge 45E TETON 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	
04N 45E 18							40.0		40.0	40.0			40.0	40.0	40.0		240.0
04N 45E 19			40.0	40.0	40.0		L 2	36.0			L 3						156.0

Total Acres: 396

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED

DEC 12 2001

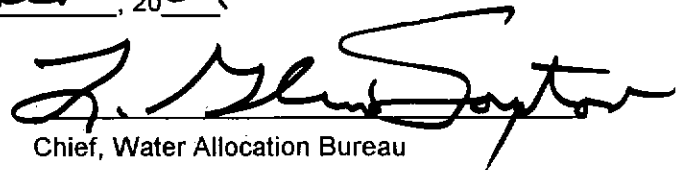
WATER RIGHT NO. 22-13167
As Modified by Transfer No. 69064

CONDITIONS OF APPROVAL

6. The right holder shall cease irrigation of 2 acres previously authorized under this right, and consolidate use of water on the remaining 396 acres.
7. Rights 22-13167 and 22-13169 when combined shall not exceed a total diversion rate of 4.41 cfs and the irrigation of 396 acres.
8. This right is limited to the irrigation of 324 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

DEC 12 2001

WATER RIGHT NO. 22-13168
As Modified by Transfer No. 69064

In accordance with the approval of Transfer No. 69064, Water Right No. 22-13168 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 06/19/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.07 CFS	14 AF
			0.07 CFS	14 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSNW Sec. 19 Twp 04N Rge 45E TETON 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	
04N 45E 18																	20.0

Total Acres: 20

CONDITIONS OF APPROVAL

1. Rights 22-13166 and 22-13168 when combined shall not exceed a total diversion rate of 0.22 cfs and the irrigation of 20 acres.
2. This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
3. Approval of Transfer 69064 is not a confirmation of the validity of this water right and does not preclude the opportunity for review in the ongoing Snake River Basin Adjudication.
4. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 17th day of October, 2001



MICROFILMED Def, Water Allocation Bureau

DEC 12 2001

WATER RIGHT NO. 22-13169
As Modified by Transfer No. 69064

In accordance with the approval of Transfer No. 69064, Water Right No. 22-13169 is now described as follows.

Right Holder: CEDRON IRRIGATION CORP
 C/O LARELL KUNZ
 434 W 525 SOUTH
 VICTOR ID 83455

Priority Date: 06/19/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	1.47 CFS	252 AF
			1.47 CFS	252 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWSSE Sec. 19 Twp 04N Rge 45E TETON 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	
04N 45E 18							40.0		40.0	40.0			40.0	40.0	40.0		240.0
							L 2			L 3							
04N 45E 19		40.0	40.0		40.0			36.0									156.0

Total Acres: 396

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

MICROFILMED

DEC 12 2001

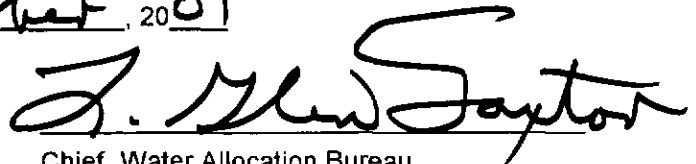
WATER RIGHT NO. 22-13169
As Modified by Transfer No. 69064

CONDITIONS OF APPROVAL

6. The right holder shall cease irrigation of 2 acres previously authorized under this right, and consolidate use of water on the remaining 396 acres.
7. Rights 22-13167 and 22-13169 when combined shall not exceed a total diversion rate of 4.41 cfs and the irrigation of 396 acres.
8. This right is limited to the irrigation of 72 acres within the place of use described above in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

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 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

DEC 12 2001



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

November 1, 2001

B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HIGHWAY 33
DRIGGS ID 83422

CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455

RE: Transfer No.: 69066 - Water Rights 22-13168, 22-13166
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.

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 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED
DEC 12 2001

JP:klt
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on November 1, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69066 - WATER RIGHTS 22-13168, 22-13166

**B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HIGHWAY 33
DRIGGS ID 83422**

**CEDRON IRRIGATION CORP
C/O LARELL KUNZ
434 W 525 SOUTH
VICTOR ID 83455**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

DEC 12 2001

**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.

MICROFILMED
DEC 12 2009

MEMORANDUM

To: Transfer 69066

From: Sharla

Date: October 30, 2001

Re: Proof of Ownership

Per a telecon with the assessor's office, the lands identified in this transfer to be transferred are in the name of Monroe Dustin, who is the president of Cedron Irrigation Co. The corporation deed appears to have a typo in the land description listed as the SWNW. The transfer identifies SWNE and the assessor's office confirmed that the SWNW is owned by a Mr. Winger.

Based on the information above, proof of ownership can be considered complete and the transfer can be approved.

MICROFILMED

DEC 12 2001

TRANSFER OF WATER RIGHT ANALYSIS

Reviewed by Sharla Curtis on _____

Trans # 69006 WR No(s) 22-13166 13168
Name: Beylana Resulting Splits N/A Correct Fee Pd N/A Ad ok ✓
Leasury #250⁰⁰

AREA OF CONCERN: No/Yes SR Moratorium GWMA XFER TYPE: B - Change p/d F - Change use period
C - Add p/d G - Other
D - Change p/u H - Change p/d & add p/d
E - Change use I - Change p/d & p/u
J - Add p/d & change p/u

GROUNDWATER:

DRILLING PERMIT

All wells - 046

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

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

USES:

~~STORAGE~~ - 18A-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)
STOCK WATER - R37 (BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-042-106
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T09 - on-going Snake River Basin Adjudication
T17 - measure all p/d's (used with WB4)

Protected - 020-W19
Multiple pd's per 1/4 - W32
Non-consumptive - 027
Water Quality - 106-R07
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 ie - S/50 range
Single p/d intended - 076
Zoning ord. (dairys only) - 082

SURFACE WATER:

WD - R04 (WD# _____)
≤ 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

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - R55 (consumptive uses)
Non-Trust - 048-049 (cons uses or non-cons. > 1.0 cfs)

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022,075
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

W51 - 2+ yrs to develop W62 - replaces N05/08/09-14
W54 - forfeited ac/rate (used rarely) W63 - replaces C12
W55 - (transfer shrinks total water to less ac) T19 - replaces C18
W57 - no right-of-way
W58 - pending claim (statutory or AJ b/u claim)
W59 - measure p/d's (source changed to original trib)
W61 - extended irr season
WB4 - + p/ds, cfs & afa (used with T17)
WB5 - remaining right (only if specifically requested, i.e. protest)
WD6 - measure & report "
WD7 - irr ac removed "
WD8 - land application of waste water
T18 - Special T17 & R43 combined - multiple pds in WD
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

WD9 - use on ALL unchanged portions (edit off last part if not in SRBA)

IRRIGATION SEASON 4/15 - 10/31 (Per updated map)

IRRIGATION VOLUME/AC 3.5

OTHER CONDITIONS/REMARKS COMMENTS

T files created/updated ✓ Approval form printed ✓ Transfer Memo ✓
Post approval update _____

RECEIVED

JUL 13 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

4-17-01

T 69066

INITIAL REVIEW BY: RCW

22-02280 / 22-02169

1. Right number _____ Applicant B & M Can 2 basing2. Type of right: ☐ Decree ☒ License ☐ Claim ☐ SRBA Recommendation3. Purpose of transfer: ☒ Change point of diversion ☒ Add diversion point(s)
☒ Change place of use ☒ Other Reducing Acres/Purchasing Part of Both rights

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of useb. ☒ Description of original point of diversion.c. ☐ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☐ All of right.b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).c. Map for remainder of right? ☒ Yes ☐ Nod. ☐ Check description of point(s) of diversion.e. ☒ Check description of place of usef. ☒ Check map (shows p.d. and p.u. after transfer). Map p/u looks larger than loc SWNE & 5ac NWSEg. ☒ Check for correct signature, notarization, and fee.h. ☒ Check proof of ownership of right &/or land from which water is transferred.i. ☒ Check for expansion in use of right. Comments NONE (22-02280A has been over claimed in the SRBA)j. ☒ Check for existing water rights from same source, on land water is being transferred to.Right number(s) NONEk. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No3. Is transfer published correctly? ☒ Yes ☐ No4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve2. ☐ Deny3. Conditions* measuring device required4. By RCW Date 7/9/2001

*All uses within Watermaster District require special conditions

See transfer # 69064
First. Jeff

RECEIVED

JUN 11 2001

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Judy Lou Davis, being first duly sworn, depose and say that I am the Office Manager of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement, or publication of Notice of Proposed Change of Water Right Transfer to. And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 2nd day of May, 2001. And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from typed matter, of at least sixteen inches deep.

Judy Lou Davis
Signature

State of Idaho)
)
County of Teton)

On this 11 day of May, 2001, before me, a Notary Public, personally appeared JUDY LOU DAVIS 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 there-in are true, and acknowledged to me that he/she executed the same.

Caren R. Nye
Notary Public for Idaho
Residing at Driggs Idaho
My commission expires 03/20/06

CAREN R. NYE
Notary Public
State of Idaho

NOTICE OF PROPOSED
CHANGE OF
WATER RIGHT
TRANSFER NO. 69066

B&M LAND & LEASING LLC, C/
O MIKE STEARS, 243 S HIGHWAY
33, DRIGGS, ID 83422, has filed Appli-
cation No. 69066 for changes to the fol-
lowing water rights within TETON
County:

Right No. 22-2169, Priority: 6/19/58,
Source: GROUND WATER, Use: IRRI-
GATION (418 acres) 1.54 CFS, Total
Amount: 1.54 CFS, Point(s) of Diversion:
SWSENWS19T04NR45E, Place of Use:
S18T04NR45E, S19T04NR45E.

Right No. 22-2280D, Priority: 10/2/66,
Source: GROUND WATER, Use: IRRI-
GATION (418 acres) 4.63 CFS 1,003.5 AFA,
Total Amount: 4.63 CFS, Point(s) of Diversion:
SWSENWS19T04NR45E, Place of Use:
S18T04NR45E, S19T04NR45E.

The purpose of the transfer is to change
a portion of the above rights as follows:

The applicants have purchased 20 acres
of water right from the SWSW Sec 18 T04N
R45E. They are transferring it to 11 acres in
the SWNE & NWSE Sec 11 to utilize four
(4) small wells in the SWNE and NWSE Sec
11 T04N R45E.

Any protest against the proposed change
must be filed with the Department of Water
Resources, Eastern Region, 900 N Skyline
Dr, Ste A, Idaho Falls, ID 83402 together
with a protest fee of \$25.00 for each appli-
cation on or before May 21, 2001. The
protestant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director

Published in the Teton Valley News on
May 3 & 10, 2001.

MICROFILMED

DEC 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

April 10, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mary L. Clark
810 Indian Hills Drive
Lincoln, Nebraska 68520

Mrs. Clark:

I received your letter concerning MD Landscaping. Currently that organization is filing for a transfer of irrigation water rights they own on Cedron Irrigation Company land. The water rights will be moved to the 11 acres of trees MD Landscaping have which I assume is close by your subdivision.

This process is allowed under Idaho Code No. 42-222 (copy enclosed). Other parties can protest this transfer if they feel that the specific conditions listed in 42-222 are violated. This ultimately would have to be established via a formal hearing to take evidence.

If you have additional questions please let me know.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ/ck

MICROFILMED
DEC 12 2001

April 5, 2001
810 Indian Hills Drive
Lincoln, Nebraska 68520

RECEIVED

APR 10 2001

Department of Water Resources
Eastern Region

Director, Department of Water Resource,

My husband and I recently purchased a home on East Rendezvous Drive in the East Rendezvous subdivision. We think this is a beautiful location and hope to keep it that way. We do not feel that Michael and Brandon Stears, owners of MD landscaping, have the right to drill more wells that will be used for commercial purposes. This matter is of great importance to us.

I do hope that this situation can be successfully resolved so that residents of this subdivision can continue to have water rights that were afforded to them upon the purchase of land in this area.

Thank you for your time and attention to this matter.

Sincerely,



Mary L. Clark

MICROFILMED

DEC 12 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2001

B & M LAND & LEASING LLC
C/O MIKE STEARS
243 S HIGHWAY 33
DRIGGS ID 83422

RE: Application for Transfer No 69066
Water Right No(s) 22-2169 22-2280D

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 Teton Valley News on May 3 and 10, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.>

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.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ::sc

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DEC 12 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 24, 2001

Legal Notice Department
Teton Valley News
PO Box 509
Driggs ID 83422

RE: Applications No. 22-13161, 69064 and 69066

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 May 21, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
4/25/01
sc*

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DEC 12 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69066

B & M LAND & LEASING LLC, C/O MIKE STEARS 243 S HIGHWAY 33 DRIGGS ID 83422, has filed Application No. 69066 for changes to the following water rights within TETON County:

Right No. 22-2169

Priority 6/19/58

Source GROUND WATER

Use IRRIGATION (418 acres) 1.54 CFS

Total Amount 1.54 CFS

Point(s) of Diversion SWSENW S19 T04N R45E

Place of Use S18 T04N R45E
S19 T04N R45E

Right No. 22-2280D

Priority 10/3/66

Source GROUND WATER

Use IRRIGATION (418 acres) 4.63 CFS 1,003.5 AFA

Total Amount 4.63 CFS

Point(s) of Diversion SWSENW S19 T04N R45E

Place of Use S18 T04N R45E
S19 T04N R45E

The purpose of the transfer is to change a portion of the above rights as follows:

The applicants have purchased 20 acres of water right from the SWSW Sec 18 T04N R45E. They are transferring it to 11 acres in the SWNE & NWSE Sec 11 to utilize four (4) small wells in the SWNE and NWSE Sec 11 T04N R45E.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before May 21, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 3 and 10, 2001

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MEMORANDUM

TO: FILE 22-13166

FROM: VAULT

RE: TRANSFER # 69064

DATE: 10.29.01

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**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 22-2169

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