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APR - 8 2003

ROGER D. LING
BRENT T. ROBINSON

Department of Water Resources
Southern Region

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ASSOCIATES

LING & ROBINSON

ATTORNEYS AT LAW

615 "H" STREET

P. O. BOX 396

RUPERT, IDAHO 83350-0396

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Department of Water Resources

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

April 2, 2003

S. Region

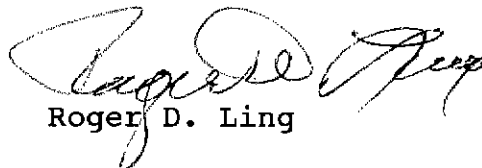
Karl J. Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Application for Transfer of Water Right;
Flat Top Sheep Company

Dear Karl:

Enclosed for filing with IDWR is an Application for Transfer of Water Right for Flat Top Sheep Company. I have enclosed a check in the sum of \$290.00 for 1.44 cfs being transferred. If you desire any further information to support the Application, please feel free to contact this office.

Very truly yours,


Roger D. Ling

jb

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Page 1 of 8 Department of Water Resources Southern Region STATE OF IDAHO Department of Water Resources Transfer No. _____

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Flat Top Sheep Company Phone (208) 788-2850
Post Office address P. O. Box 88, Carey, Idaho 83320

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Place of use under 2 rights needs to be changed by adding new acres and deleting same number of acres previously irrigated, and changing point of diversion for the new lands, which will be irrigated with pivots used with Right No. 36-07021D.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|--------------------|-------------------|------------------------------|
| <u>36-08273</u> | <u>07/04/1985</u> | <u>.68 cfs</u> | <u>irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| <u>36-02455</u> | <u>12/13/1960</u> | <u>3.4 cfs</u> | <u>irrigation</u> | <u>04/01</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 1.44 cubic feet per second and/or _____ acre-feet per annum.
- Source of water ground water tributary to Eastern Snake Plain Aquifer
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West pivots
	SW	NW	SW	22	6S	23E	Lincoln	East pivots

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
Right No. 36-08273																			34:
6S	23E	22								16	5	8							29
6S	23E	21													3.5	1.5			5
Right No. 36-02455																			170:
6S	23E	21				7									30	30	30	30	127
6S	23E	22						4	39										43

PART 1

6. General Information:

- a. Description of diversion system 2 deep-well pumps and motors. 4 pivots, 2 in Section 21 and 2 overlapping in Sections 21 and 22. 2 pivots on each well.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land now irrigated from which the water will be transferred will become dry lands without irrigation.
- d. Remarks:
Pivots are used to conserve water but necessitated a change in the shape of the irrigated lands.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 39576 Decreed to Flat Top Sheep Company
in case of SNAKE RIVER BASIN ADJUDICATION vs. _____
dated December 29, 1997 in Twin Falls county of Idaho
- b. License No. 36-08273 issued by the Idaho Department of Water Resources.
- c. Claim No. 36-08273 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 07/04/1985

5. Water is used for the following purpose:

amount .68 cfs for irrigation purposes from 04/01 to 10/31
(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 .68 cubic feet per second and/or 136 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	SE	SE	21	6S	23E	LINCOLN	West Pivots

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	23E	21													10	10	8	6	34

Total acres 34

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

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 .58 cfs for irrigation purposes from 04/01 to 10/31
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Pivots

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21													6.5	8.5	8	6	29

Total acres 29**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount .1 cfs for irrigation purposes from 04/01 to 10/31
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Pivots

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21													3.5	1.5			5

Total acres 5

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 39576 Decreed to Flat Top Sheep Company
in case of Snake River Basin Adjudication vs. _____
dated December 29, 1997 in Twin Falls county of Idaho
- b. License No. 36-02455 issued by the Idaho Department of Water Resources.
- c. Claim No. 36-02455 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water groundwater tributary to Eastern Snake Plain Aquifer

4. Date or priority December 31, 1960

5. Water is used for the following purpose:

amount 3.4 cfs for irrigation purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.4 cubic feet per second and/or 680 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Pivots

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21			30	10				10					30	30	30	30	170

Total acres 170

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

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 .86 cfs for irrigation purposes from 04/01 to 10/31
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Pivots

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21			30	3					10								43

Total acres 43**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.54 cfs for irrigation purposes from 04/01 to 10/31
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Pivots

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21				7									30	30	30	30	127

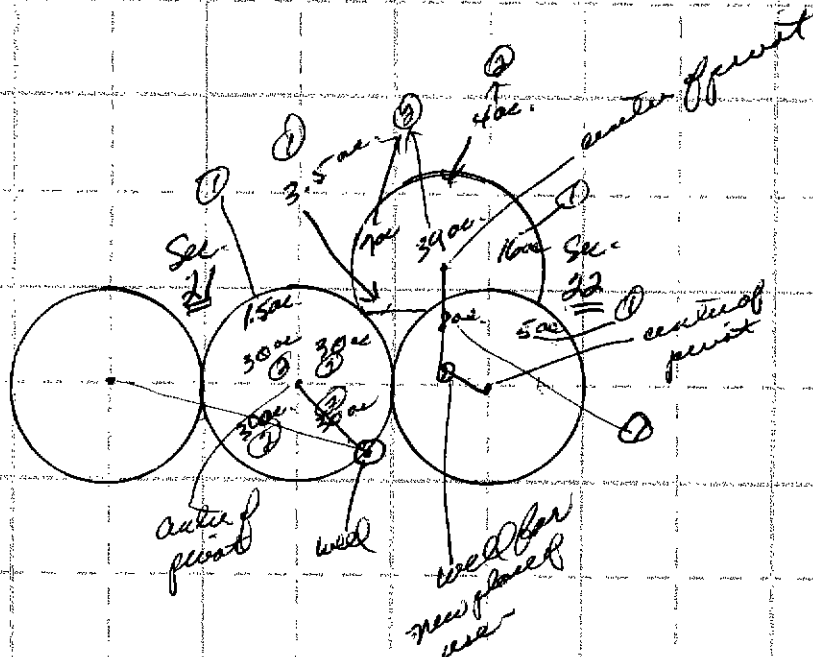
Total acres 127

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

765

Page 33 ESM



$\phi = 36 - 08273$

Q = 36-02455

Rights UNCHANGED

36-07021D- POU in Sec. 22
364

36-8275A - POB in Sec 21
SW4

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<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.

Fleet Top Sheep Co.
by *John T. Peavey - Pres.*
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of March, 2003.

JUDY BARNES
NOTARY PUBLIC
STATE OF IDAHO

Judy Barnes
(Notary Public) for Idaho
Residing at: Rupert, Idaho

My commission expires 02/12/2005

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____