

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87871**

This is to certify that: **BYRON PEHRSON**
3820 N 3580 W
MOORE, ID 83255

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-2365	WR/DECREED	5/4/1960	0.380 cfs	60.2 af	17.2	60.3	GROUND WATER
34-637C	WR/DECREED	6/1/1888	0.220 cfs	N/A	17.2	60.3	BIG LOST RIVER
34-638A	WR/DECREED	10/12/1884	0.150 cfs	N/A	7.4	60.3	BIG LOST RIVER
34-7239A	WR/LICENSE	1/22/1980	0.290 cfs	125.9 af	41.8	60.3	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-440B	WR/DECREED	4/22/1884	0.560 cfs	N/A	28.6	29.3	BIG LOST RIVER
34-7056	WR/DECREED	1/20/1974	3.960 cfs	N/A	225.0	233.0	GROUND WATER
34-4010	WR/DECREED	8/1/1961	2.980 cfs	525.0 af		150.0	GROUND WATER
34-14189	WR/DECREED	6/1/1885	1.540 cfs	N/A	77.0	645.0	BIG LOST RIVER
34-14193	WR/DECREED	6/1/1888	0.770 cfs	N/A	38.5	645.0	BIG LOST RIVER
34-14195	WR/DECREED	5/10/1897	0.480 cfs	N/A	24.0	645.0	BIG LOST RIVER
34-14197	WR/DECREED	6/1/1888	0.150 cfs	N/A	7.7	645.0	BIG LOST RIVER
34-14199	WR/DECREED	9/1/1896	0.060 cfs	N/A	3.4	645.0	BIG LOST RIVER
34-14201	WR/DECREED	5/10/1897	0.070 cfs	N/A	3.8	645.0	BIG LOST RIVER
34-14203	WR/DECREED	6/1/1887	1.460 cfs	N/A	73.0	645.0	BIG LOST RIVER
34-14205	WR/DECREED	3/10/1894	1.730 cfs	N/A	86.6	645.0	BIG LOST RIVER
34-14207	WR/DECREED	6/30/1885	3.080 cfs	N/A	154.0	645.0	BIG LOST RIVER
34-14209	WR/DECREED	9/14/1886	2.310 cfs	N/A	115.5	645.0	BIG LOST RIVER
34-14824	WR/DECREED	5/18/1953	0.120 cfs	21.4 af	7.1	59.6	GROUND WATER
34-14825	WR/DECREED	5/5/1972	0.100 cfs	24.9 af	7.1	59.6	GROUND WATER
34-14826	WR/DECREED	6/9/1966	0.130 cfs	30.1 af	8.6	59.6	GROUND WATER
34-14827	WR/DECREED	9/2/1961	0.450 cfs	78.1 af	22.3	59.6	GROUND WATER
34-14828	WR/DECREED	8/1/1961	0.430 cfs	75.6 af	21.6	59.6	GROUND WATER

SUPPORT DATA

Transfer No. 87871

IN FILE # 34-637C

SCANNED

JUL 17 2023

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 87871**

Purpose of Transfer (Changes Proposed)

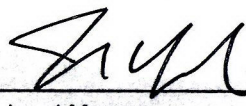
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2365	NO	YES	YES	NO	NO	NO
34-637C	NO	YES	YES	NO	NO	NO
34-638A	YES	YES	YES	NO	NO	NO
34-7239A	NO	YES	YES	NO	NO	NO

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>
34-2365	34-2365	0.330 cfs	57.8 af	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-637C	34-637C	0.220 cfs	N/A	16.5	31.0	N/A	N/A	N/A	N/A	N/A
34-638A	34-14920	0.120 cfs	N/A	6.7	31.0	34-638A	0.030 cfs	N/A	0.7	29.3
34-7239A	34-7239A	0.290 cfs	50.7 af	14.5	31.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.620 cfs	N/A	31.0	31.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 14th day of July, 2023.



Regional Manager

SUPPORT DATA

Transfer No. 87871

IN FILE # 34-637c

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-638A
As Modified by Transfer No. 87871

In accordance with the approval of Transfer No. 87871, Water Right No. 34-638A is now described as follows:

Right Holder: PATRICK SEAN POWERS LIVING TRUST
 JOHN L POWERS
 PO BOX 493
 MACKAY, ID 83251-0493

Priority Date: 10/12/1884

Source: BIG LOST RIVER **Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	05/01	to 10/15	0.030 cfs 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	NWSESE	Sec 12 Twp 07N Rge 23E CUSTER County
BIG LOST RIVER	NWSESW	Sec 20 Twp 07N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	21									7.7			14.2		4.3	3.1		29.3

Right Acre Limit: 0.7
 POU Total Acres: 29.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 0.7 acres within the authorized place of use in a single irrigation season.
2. Rights 34-440B and 34-638A when combined shall not exceed the irrigation of 29.3 acres.
3. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
4. The appropriator is entitled to the amount described to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE, when water is diverted at the point of diversion in T07N, R24E, S20, NWSESW.
5. Water is delivered through the Sharp Ditch or Swauger Ditch.

Transfer No. 87871

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JUL 17 2023

WATER RIGHT NO. 34-638A
As Modified by Transfer No. 87871

CONDITIONS OF APPROVAL

6. 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. 34.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. 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 place of use.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

Attachment to Transfer Approval 87871

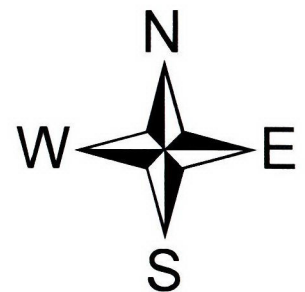
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 250 500 1,000 Feet



Date: 7/14/2023

SCANNED

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

Water Right 34-638A After Split

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICK SEAN POWERS LIVING TRUST PO BOX 493 MACKAY, ID 83251-0493 (208) 339-3358
Current Owner	JOHN L POWERS PO BOX 493 MACKAY, ID 83251-0493 (208) 339-3358

Priority Date: 10/12/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.160 CFS	
	<u>Total Diversion</u>		0.160 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER	NWSESE	Sec. 12, Twp 07N, Rge 23E, CUSTER County
BIG LOST RIVER	NWSESW	Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	21									17.4			24.0		4.3	12.0	2.6	60.3
07N	24E	27			5.3														5.3

Right Acre Limit: 8.10
POU Total Acres: 65.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 8.1 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-637C, 34-638A and 34-2365 when combined shall not exceed a total diversion rate of 0.54 cfs and the irrigation of 18.7 acres.
3. X35 Rights 34-440B, 34-638A, 34-637C, 34-2365 and 34-7239A when combined shall not exceed the irrigation of 65.6 acres.
4. S34 The period of use for irrigation described above may be extended in seasons

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OCT 11 2022 34-638A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

- of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. The appropriator is entitled to the amount described to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE, when water is diverted at the point of diversion in T07N, R24E, S20, NWSESW.
6. Water is delivered through the Sharp Ditch or Swauger Ditch.
7. R05 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. 34.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. R63 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 place of use.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 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.

Comments:

- 1 BAUMHOFF 7/2/1991 COPIED FROM REMARKS
THIS CLAIM IS FOR 53 INCHES OF DECREED RIGHT 34-00638. LEGAL'S FOR P.U. WR- DATA BASE HAS THE WRONG TOWNSHIP ENTERED INTO THE DATA BASE FOR THIS RIGHT. THE RIGHT WAS DECREED TO THE SAME P.U. AS CLAIMED
- 2 ESRBA 4/29/1992 NOTICE OF ERROR
THE NOTICE OF ERROR, REVIEWED BY CARTER FRITSCHLE, RESULTED IN A DIVERSION RATE CHANGE FOR R34-02365 AND IN A TOTAL COMBINED DIVERSION RATE CHANGE FROM 3.86 CFS TO 3.52 CFS. ***** S.W. KEEN 4-29-1992
- 3 BAUMHOFF 5/22/1992 REMARKS ADDED
ADDED STD REMARK D03 - 0.24 CFS 34-02365 OTHER RIGHTS 34-02365 & 34-00637C.
- 4 CFRITSCH 12/17/1997 COPIED FROM REMARKS
0.24 CFS OF RIGHT NO. 34-02365 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 34-00637C AND 34-02365.
- 5 AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
- 6 kwalker 8/4/2004 Water Right
This water right record was updated by decree record from old RightID 138143 to new RightID 349169

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

7	kmathews	1/28/2013	POD
Updated Shape			
8	kmathews	1/28/2013	POU
Updated Shape			
9	djudd	9/30/2022	Split Right
Split into 34-638A & 34-14893 due to change in ownership.			

Dates and Other Information:

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		65.6	34-440B ,34-2365 ,34-637C ,34-638A ,34-7239A
0.540		18.7	34-2365 ,34-637C ,34-638A

SubCase:

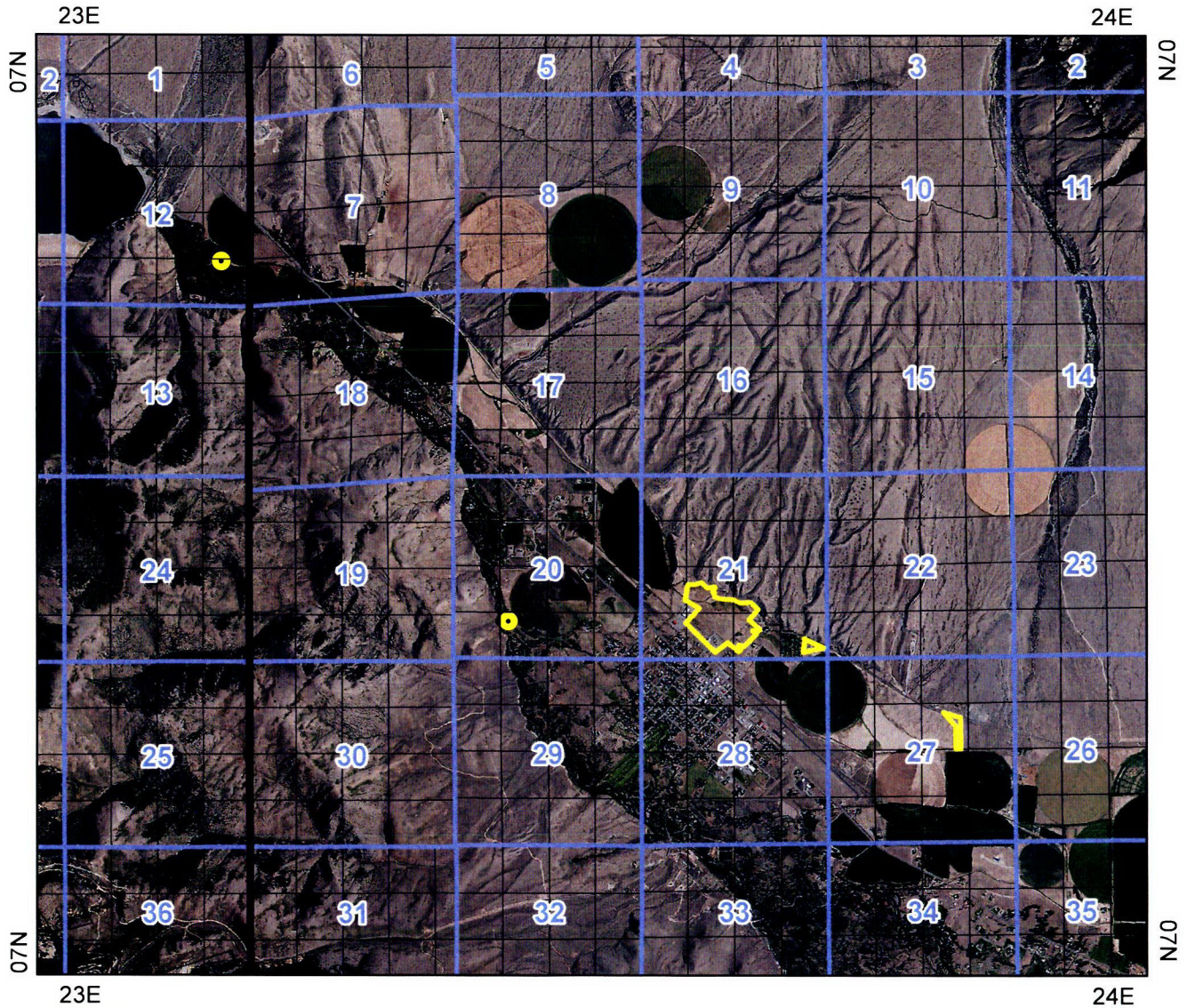
N/A

Water Supply Bank:

N/A

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OCT 11 2022

State of Idaho
Department of Water Resources
Water Right License
34-638A After Split



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.5 1 2 Miles

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OCT 11 2022



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

Water Right 34-638A Before Split

Owner Type **Name and Address**
Current Owner PATRICK SEAN POWERS LIVING TRUST
 PO BOX 493
 MACKAY, ID 83251-0493
 (208) 339-3358

Current Owner JOHN L POWERS
 PO BOX 493
 MACKAY, ID 83251-0493
 (208) 339-3358

Priority Date: 10/12/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	1.060 CFS	
	Total Diversion		1.060 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER	NWSESE	Sec. 12, Twp 07N, Rge 23E, CUSTER County
BIG LOST RIVER	NWSESW	Sec. 20, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	24E	21									17.4			24.0		4.3	17.3	6.6	69.6
07N	24E	22											1.8						1.8
07N	24E	27			26.8		11.4	35.6	36.3	39.7	38.8	1.4		36.1		21.0	21.8		268.9
07N	24E	28	39.6	20.0		15.8													75.4
07N	24E	34		15.3															15.3

Right Acre Limit: 53.00
POU Total Acres: 431.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 53 acres within the authorized place of use in a single irrigation season.

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OCT 11 2022
34-638A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

2. X35 Rights 34-637C, 34-638A and 34-2365 when combined shall not exceed a total diversion rate of 3.52 cfs and the irrigation of 123 acres.
3. X35 Rights 34-440B, 34-638A, 34-637C, 34-2365 and 34-7239A when combined shall not exceed the irrigation of 431 acres.
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. The appropriator is entitled to the amount described to the quantity of water described above at the point of measurement in T07N, R24E, S28, NESWSE, when water is diverted at the point of diversion in T07N, R24E, S20, NWSESW.
6. Water is delivered through the Sharp Ditch or Swauger Ditch.
7. R05 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. 34.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. R63 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 place of use.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 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.

Comments:

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- 3 BAUMHOFF 5/22/1992 REMARKS ADDED
ADDED STD REMARK D03 - 0.24 CFS 34-02365 OTHER RIGHTS 34-02365 & 34-00637C.
- 4 CFRITSCH 12/17/1997 COPIED FROM REMARKS
0.24 CFS OF RIGHT NO. 34-02365 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 34-00637C AND 34-02365.
- 5 AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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OCT 11 2022

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

6 kwalker 8/4/2004 Water Right
This water right record was updated by decree record from old RightID 138143 to new RightID 349169

7 kmathews 1/28/2013 POD
Updated Shape

8 kmathews 1/28/2013 POU
Updated Shape

Dates and Other Information:

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		431.0
3.520		123.0

Water Rights

34-440B ,34-2365 ,34-
637C ,34-638A ,34-
7239A
34-2365 ,34-637C ,34-
638A

SubCase:

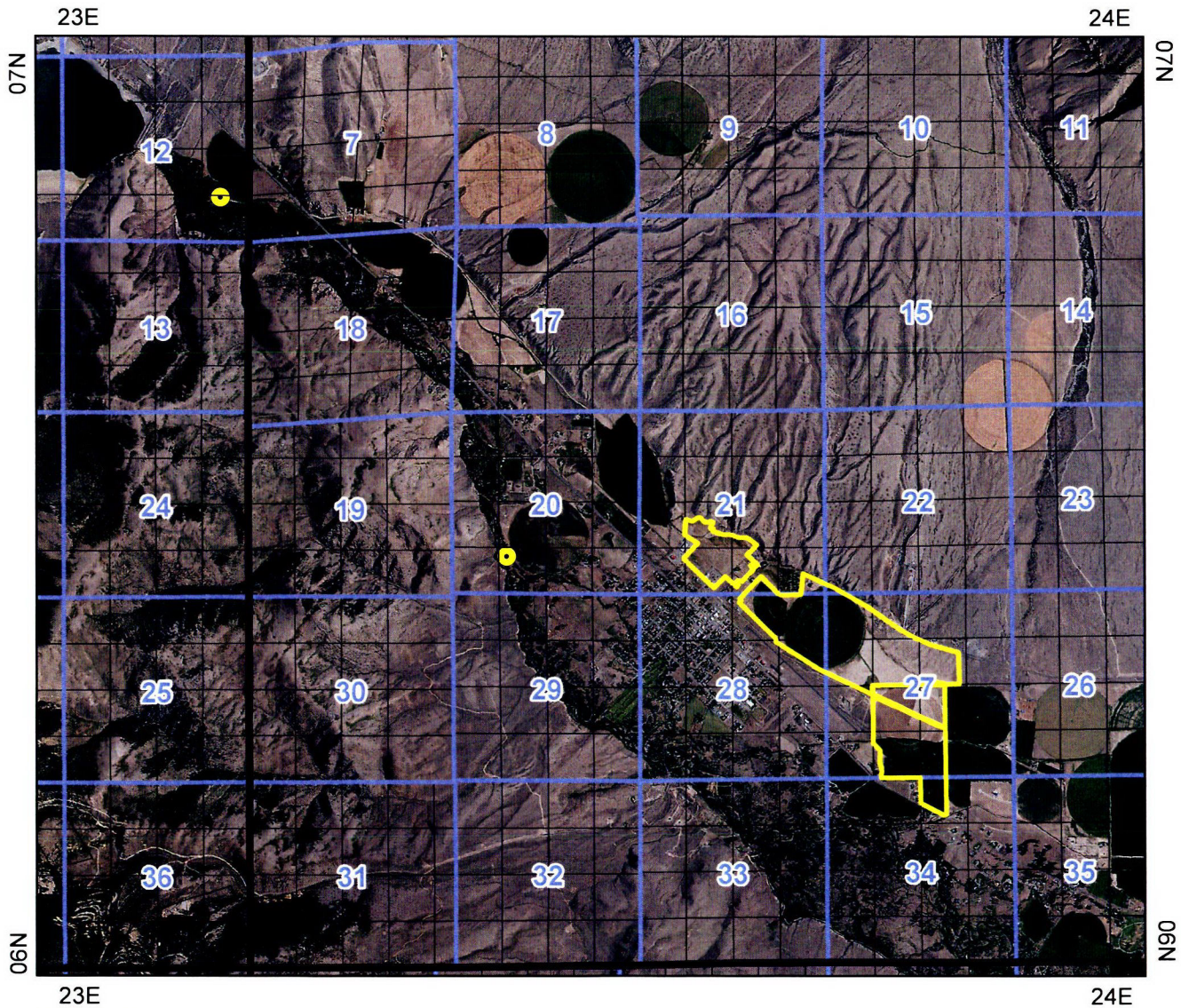
N/A

Water Supply Bank:

N/A

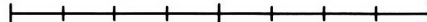
SCANNED
OCT 11 2022

State of Idaho
Department of Water Resources
Water Right License
34-638A
Before Split



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.5 1 2 Miles



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OCT 11 2022



RECEIVED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 19 2022

JUL 29 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. **WATER RESOURCES** **DEPARTMENT OF** **WATER RESOURCES** **DEPARTMENT OF WATER RESOURCES**
 List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-14892 34-440B ✓	Yes ☒	Yes ☐	34-10449 10201 ✓	Yes ☐	Yes ☐
34-14892 34-637C ✓	Yes ☒	Yes ☒	34-10747 10201 ✓	Yes ☐	Yes ☐
34-14892 34-638A ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐
34-14894 34-1365 ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐
34-14891 34-7239A ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Patrick S Powers
 Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Haymaker Partners LLC
 New owner(s) as listed on the conveyance document

PO Box 101
 Mailing address
(208) 720-5360
 Telephone

Name connector ☐ and ☐ or
Mackay ID 83251
 City State Zip
christianigan@mac.com
 Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 1/28/11

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per undivided water right.
 o \$100 per split water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature]
 Signature of new owner/claimant
Chris Hanigan
 Print name

Manager Haymaker Partners LLC 7/15/22
 Title, if applicable Date

Signature: _____
 Signature of new owner/claimant

 Print name

 Title, if applicable Date

Received by M. Pether Date 7-19-22 For IDWR Office Use Only: Receipt No. E048329 Receipt Amt. 625.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by [Signature] Date 9/30/22

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OCT 11 2022