

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 30 2023

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. 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?
34-2365 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-637C OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
~~34-638B~~	~~Yes~~	Yes ☐		Yes ☐	Yes ☐
34-7239A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
34-14920 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Patrick Sena Powers Living Trust John L Powers
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Byron Peterson
New owner(s) as listed on the conveyance document
- Mailing address: 3820 N 3580 W City: Moore State: Idaho Zip: 83255
Telephone: 208-588-3101 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: July 14th 2023
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):
 - ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ 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: Byron Peterson Signature of new owner/claimant
Byron Peterson Title, if applicable
Aug 21-23 Date

Signature: _____ Signature of new owner/claimant
 _____ Title, if applicable
 _____ Date

Received by M. Jett Date 8-30-23 For IDWR Office Use Only: Receipt No. E049458 Receipt Amt. 100.00
 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 JB/C Processed by JB Date 8/31/2023

**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)

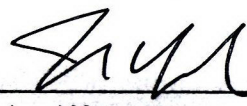
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-2365	NO	YES	YES	NO	NO	NO
34-637C	NO	YES	YES	NO	NO	NO
34-638A	YES	YES	YES	NO	NO	NO
34-7239A	NO	YES	YES	NO	NO	NO

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

Transfer No. 87871

SUPPORT DATA

IN FILE # 34-637C

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-7239A
As Modified by Transfer No. 87871

In accordance with the approval of Transfer No. 87871, Water Right No. 34-7239A is now described as follows:

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

Priority Date: 1/22/1980

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.290 cfs	50.7 af
			0.290 cfs	50.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 32 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

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	25E	32														9.0	22.0		31.0

Right Acre Limit: 14.5

POU Total Acres: 31.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-637C, 34-2365, 34-7239A, and 34-14920 when combined shall not exceed a total diversion rate of 0.62 cfs and the irrigation of 31 acres.
3. Rights 34-637C, 34-2365, 34-7239A, 34-14920, 34-4010, 34-7056, 34-14189, 34-14191, 34-14193, 34-14195, 34-14197, 34-14199, 34-14201, 34-14203, 34-14205, 34-14207, 34-14209, 34-14824, 34-14825, 34-14826, 34-14827, and 34-14828, when combined shall not exceed a total diversion rate of 18.36 cfs and the irrigation of 645 acres.
4. 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.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 87871

SCANNED

JUL 17 2023

WATER RIGHT NO. 34-7239A

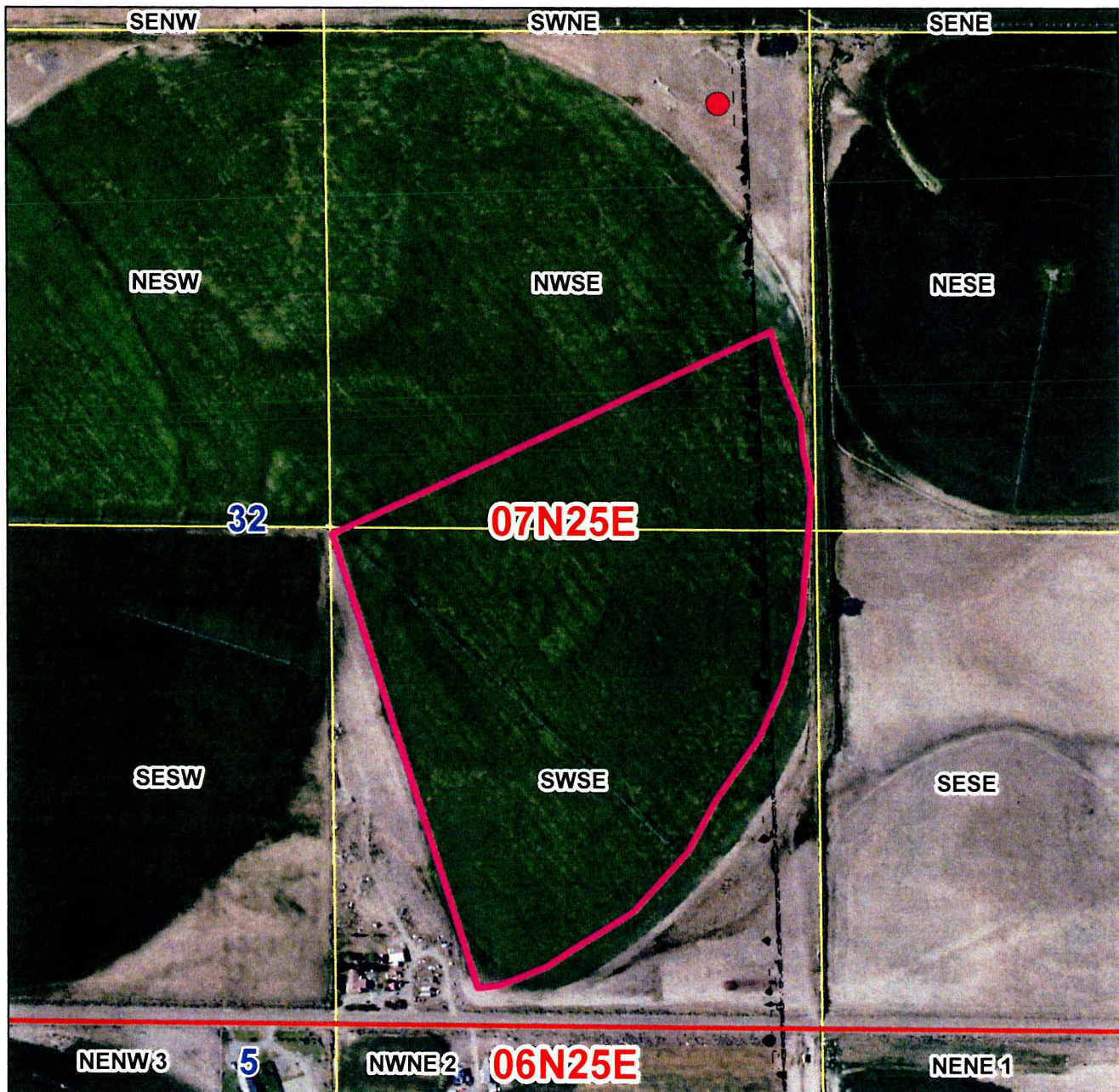
As Modified by Transfer No. 87871

CONDITIONS OF APPROVAL

6. Prior to the diversion and use of water under Transfer approval 87871, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion 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.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (March 3, 1980) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Attachment to Transfer Approval 87871

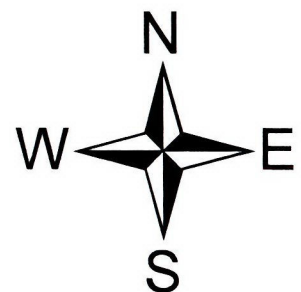
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

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

0 250 500 1,000 Feet



Date: 7/14/2023

SCANNED

9/30/2022

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

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.320 CFS	137.0 AF
	Total Diversion		0.320 CFS	137.0 AF

GROUND WATER	NENE	Sec. 28, Twp 07N, Rge 24E, CUSTER County
GROUND WATER	NESW	Sec. 21, Twp 07N, Rge 24E, CUSTER County

[illegible]

Right Acre Limit: 45.50
POU Total Acres: 65.6

1.	X27	This right is limited to the irrigation of 45.5 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-440B and 34-7239A when combined shall not exceed a total annual maximum diversion volume of 164 af at the field headgate and the irrigation of 46.9 acres.
3.	X35	Rights 34-440B, 34-638A, 34-637C, 34-2365 and 34-7239 when combined shall not exceed the irrigation of 65.6 acres.
4.	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.
5.	R02	A lockable device subject to the approval of the Department shall be

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34-7239A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/30/2022

- maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78308, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. 104 If Right 34-440B is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 16 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 065 The right holder shall make full beneficial use of Right 34-440B for irrigation of lands 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.
10. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
11. 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 lands above.
12. 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.
13. 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	dkidman Updated Shape	4/18/2011	POD
2	dkidman Updated Shape	4/18/2011	POU
3	dkidman Updated Shape	5/19/2011	POD
4	dkidman Updated Shape	5/19/2011	POU
5	dkidman Updated Shape	5/31/2011	POD
6	scox	6/1/2011	Transferred Right

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Proof Report

9/30/2022

This is now an approved transfer, transfer number = 77186

7 kmathews 1/28/2013 correction
corrected pou and conditions based on approved transfer 78308

8 kmathews 1/28/2013 POU
Updated Shape

9 djudd 9/30/2022 Split Right
Split into 34-7239A & 34-14891 due to change in ownership.

Dates and Other Information:

Licensed Date: 3/1/2010
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
	164.0	46.9	34-440B ,34-7239A

SubCase:

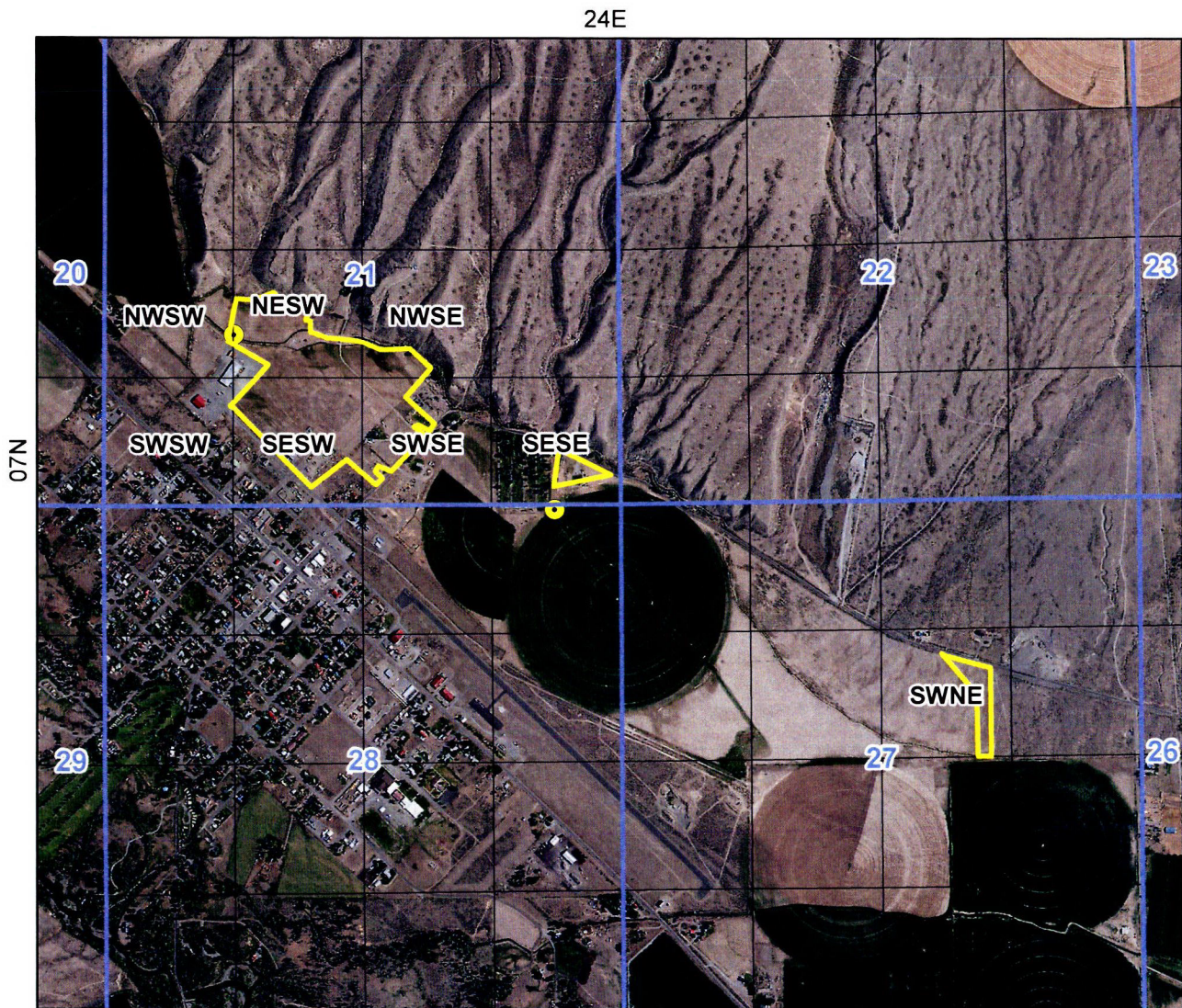
N/A

Water Supply Bank:

N/A

SCANNED
OCT 11 2022

State of Idaho
Department of Water Resources
Water Right License
34-7239A After Split



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

0 0.225 0.45 0.9 Miles

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OCT 11 2022

N

9/30/2022

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OCT 11 2022

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Proof Report

9/30/2022

4. 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78308, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. 104 If Right 34-440B is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used to irrigate more than 16 acres without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. 065 The right holder shall make full beneficial use of Right 34-440B for irrigation of lands 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.
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13. 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	dkidman Updated Shape	4/18/2011	POD
2	dkidman Updated Shape	4/18/2011	POU
3	dkidman Updated Shape	5/19/2011	POD
4	dkidman Updated Shape	5/19/2011	POU

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Proof Report

9/30/2022

5 dkidman 5/31/2011 POD
Updated Shape

6 scox 6/1/2011 Transferred Right
This is now an approved transfer, transfer number = 77186

7 kmathews 1/28/2013 correction
corrected pou and conditions based on approved transfer 78308

8 kmathews 1/28/2013 POU
Updated Shape

Dates and Other Information:

Licensed Date: 3/1/2010
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

431.0

1,078.0

308.0

Water Rights

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

SubCase:

N/A

Water Supply Bank:

N/A

Before Split



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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 RIGHTS~~ ^{Department of Water Resources} ^{Eastern Region} ^{12/22}
 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?
34-14890-34-440B ✓	Yes ☒	Yes ☐	34-10449 ^{10/20/21} ✓	Yes ☐	Yes ☐
34-14892-34-637C ✓	Yes ☒	Yes ☒	34-10747 ^{10/20/21} ✓	Yes ☐	Yes ☐
34-14897-34-638A ✓	Yes ☒	Yes ☐		Yes ☐	Yes ☐
34-14894-34-2365 ✓	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

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

City: Mackay State: ID Zip: 83251
 Email: christianigan@mac.com

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: 1/28/22
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] Title, if applicable: Manager Haymaker Partners LLC Date: 7/15/22
 Signature of new owner/claimant
Chris Flanigan
 Print name

Signature: _____ Title, if applicable: _____ Date: _____
 Signature of new owner/claimant
 Print name

For IDWR Office Use Only:
 Received by M. Petter Date 7-19-22 Receipt No. E048329 Receipt Amt. 625.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing
 Name on W-9 _____ Approved by _____ Processed by [Signature] Date 9/30/22
 W-9 received? Yes ☐ No ☐

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