STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87747

This is to certify that: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
895 CANYON SPRINGS RD
TWIN FALLS, ID 83301

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
34-14623	WR/DECREED	12/17/1961	0.240 cfs	42.0 af	N/A	12.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-14623	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
34-14623	34-14623	0.240 cfs	42.0 af	12.0	186.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.240 cfs**	**42.0 af**	**12.0**	**186.0**		**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 26th day of May, 2023.

Regional Manager

SCANNED
MAY 30 2023

WATER RIGHT NO. 34-14623

As Modified by Transfer No. 87747

In accordance with the approval of Transfer No. 87747, Water Right No. 34-14623 is now described as follows:

Right Holder: JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
895 CANYON SPRINGS RD
TWIN FALLS, ID 83301

Priority Date: 12/17/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to	11/01	0.240 cfs	42.0 af
				0.240 cfs	42.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (SWNW) Sec 31 Twp 07N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	25E	31		39.0			42.0	51.0	44.0	10.0									186.0
								L 1	L 2										

Right Acre Limit: 12.0
POU Total Acres: 186.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 12 acres within the 186 acre place of use authorized by this right in a single irrigation season. The specific 12 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 12 acres to be irrigated within the 186 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

2. Use of water under this right may 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.

3. Prior to diversion and use of water under Transfer approval 87747, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

Transfer No. 87747

SCANNED
MAY 30 2023

WATER RIGHT NO. 34-14623

As Modified by Transfer No. 87747

CONDITIONS OF APPROVAL

4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

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.

6. 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.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

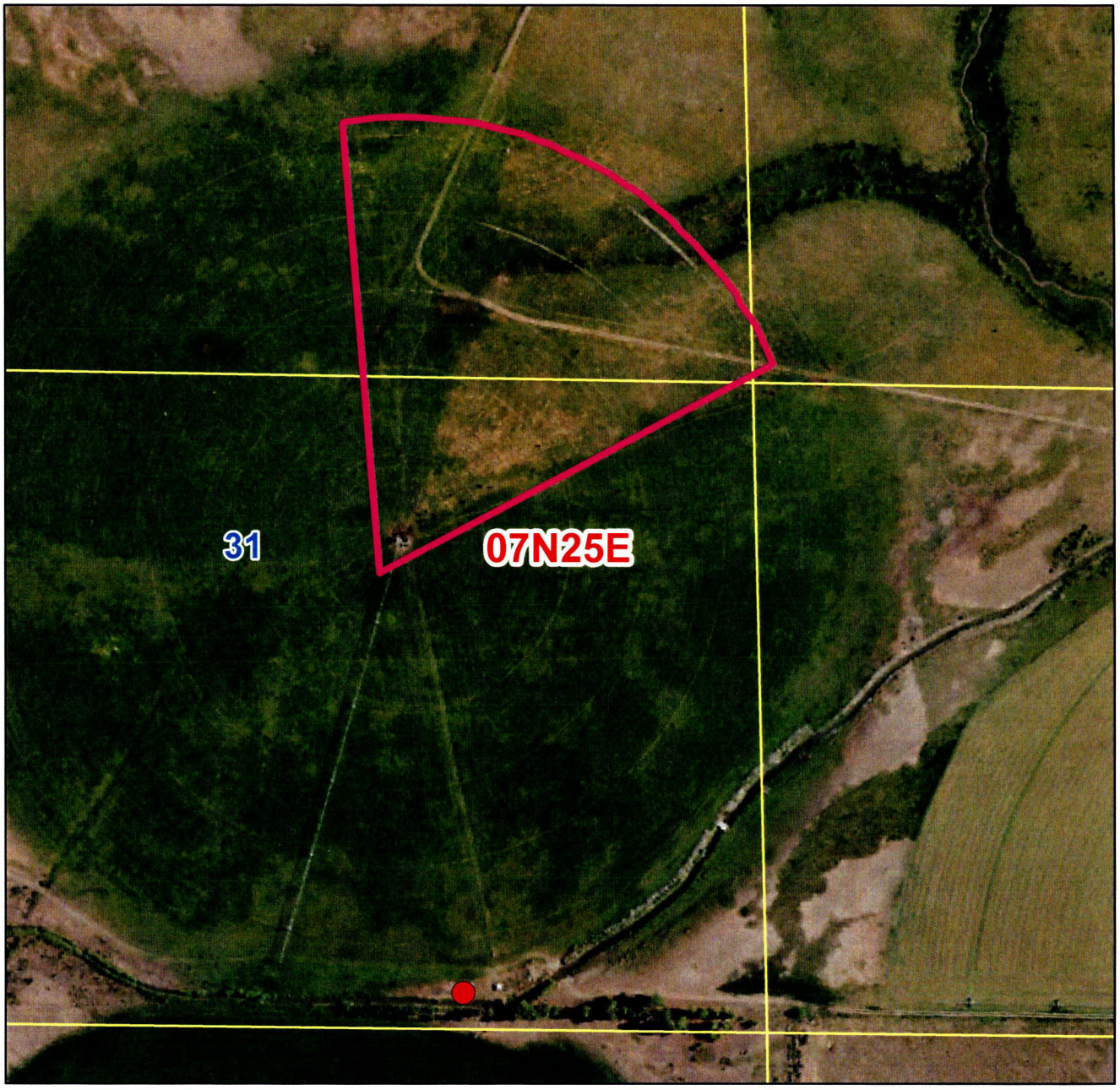
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
MAY 30 2023

Attachment to Transfer Approval 87747

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

N
W E
S

SCANNED
MAY 30 2023

Date: 5/26/2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) JOHN LEZAMIZ FAMILY LTD PARTNERSHIP

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes	N/A		
		*	Means the item is always required and must be included with the application.
☑		*	Completed Application for Transfer of Water Right form, Part 1.
☑		*	Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
☑		*	Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
☐	☑		Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
☑		*	Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
☐		*	Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

☑	☐	#1	If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
☑	☐	#2a	Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
☑	☐	#2b	If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
☐	☑	#3	Documentation of authority to make the change if the applicant is not the water right owner.
☐	☑	#4	Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
☐	☑	#5	If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
☐	☑	#6	Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
☑		#7a *	Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
☑	☐	#7b	If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
☐	☑	#8a	If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
☐	☑	#8b	If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
☐	☑	#9	Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
☐	☑	#10	Other. Please describe: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) JOHN LEZAMIZ FAMILY LTD PARTNERSHIP Phone 208-308-5710

Mailing address 847 Canyon Springs Rd. Twin Falls, ID 83301 Email lezamizjohn@gmail.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☑ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☑ Send original correspondence to the applicant and copies to the representative.

☑ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	JOHN LEZAMIZ Manager/Attorney	3/23/2023
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

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 _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
   The transfer proposes to change the POD and the 12.0 irrigation POU of 34-14623. No ESPA model analysis was performed because the From Cell and the TO Cell are adjacent.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑ ☐	34-14623	0.24/42	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.24 cfs and/or 42.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.24 cubic feet per second and/or 42.0 acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
	2		SW	NW	31	07N	25E	Custer	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	31		39			42	51	44	10									186.0

Total Acres (for irrigation use) 186.0*

*Only 12.0 Acres will be irrigated in 186.0 Acre PPU

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APR 20 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
A pivot has been installed and will have the pivot stops extended.

b. Who owns the property at the point(s) of diversion? John Lezamiz Family LP
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The current irrigation POU will no longer be irrigatable after the transfer is approved. No ESPA Model analysis was performed because the FROM Cell is in and adjacent model cell to the TO Cell.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☑ ☐ undergone a period of five or more consecutive years of non-use,
- ☐ ☑ currently leased to the Water Supply Bank,
- ☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:
The current water right owners have not had access to the authorized point of diversion. The current POD owner does not allow anyone else to access the well. See Transfers 82761 and 82644 that were approved.

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APR 20 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: ________________

1. amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________
   amount __________________ (cfs/ac-ft) for ____________________________ purposes from ____________ to ____________

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) ______

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APR 20 2023

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

Current Water Right No.: 34-14623

Current Owner: THOMAS G HEINRICH
BRUCE A MARTIN

Priority Date: 12/17/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
GROUND WATER	

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 11/01	0.24 CFS	42 AF
	Total Diversion	0.24 CFS	42 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4SW1/4 Sec. 31, Twp 07N, Rge 25E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S31 NWSE 12.00

Total Acres: 12

Conditions of Approval:

1. X60 Place of use is located within Lots 12 and 13, Block 1, Crows Nest Estates Subdivision.
2. Pursuant to First Amendment to Master Declaration of Covenants for the Crows Nest Estates Subdivision, this water right is allocated between the lots as follows: Lot 12 = 0.12 cfs, 6.0 acres; Lot 13 = 0.12 cfs, 6.0 acres.
3. M03 A totalizing measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
4. 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.

Decreed Date: 8/14/2002

87747

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APR 20 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☑ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid $500.00 Date 3/27/2023 Receipted by CA Receipt # E049011

Add'l fee paid $25.00 Date 4/17/23 Receipted by CA Receipt # E049107

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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APR 20 2023

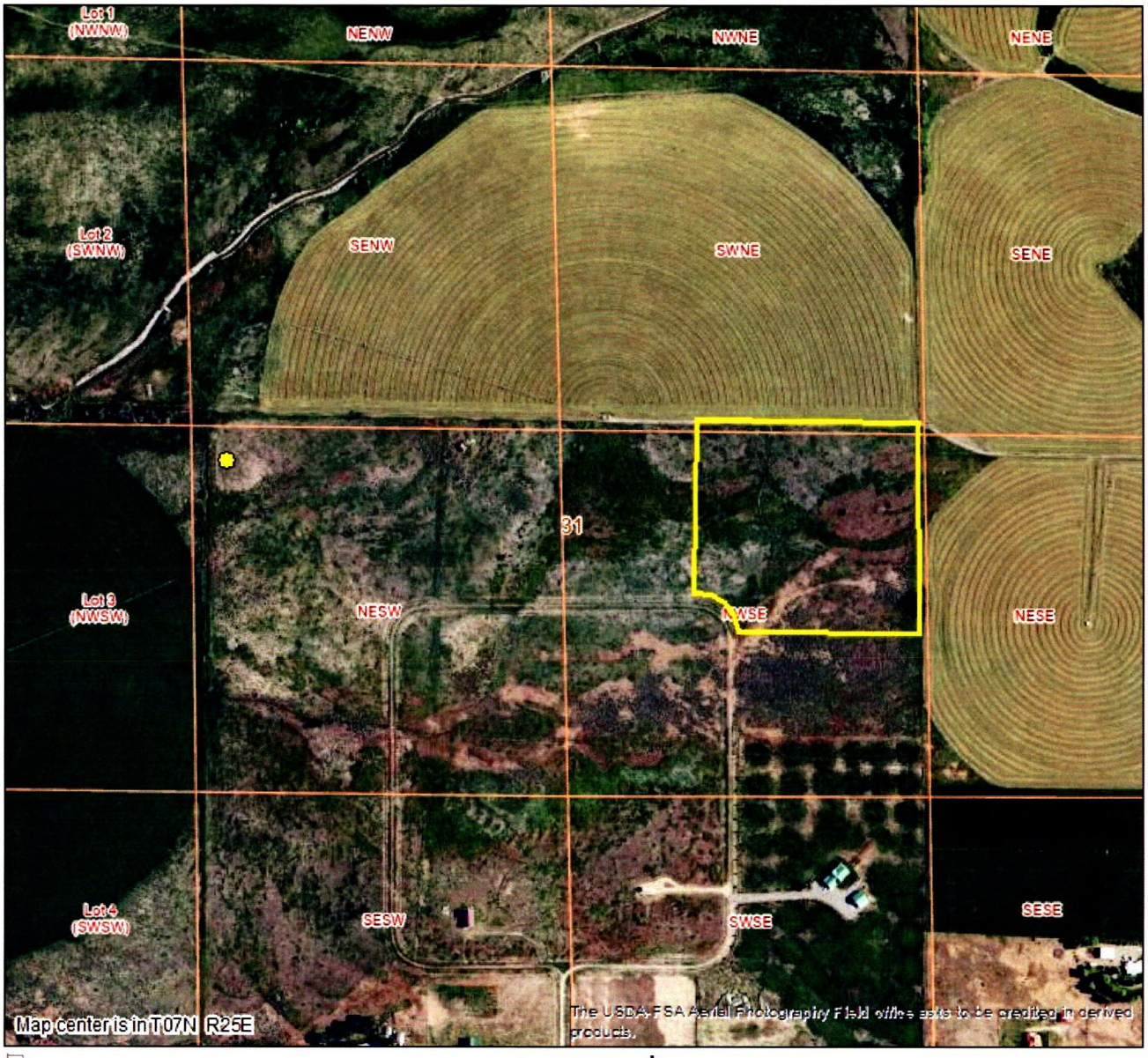
State of Idaho
Department of Water Resources

Water Right

34-14623

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.0375 0.075 0.15 0.225 0.3
Miles

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

N

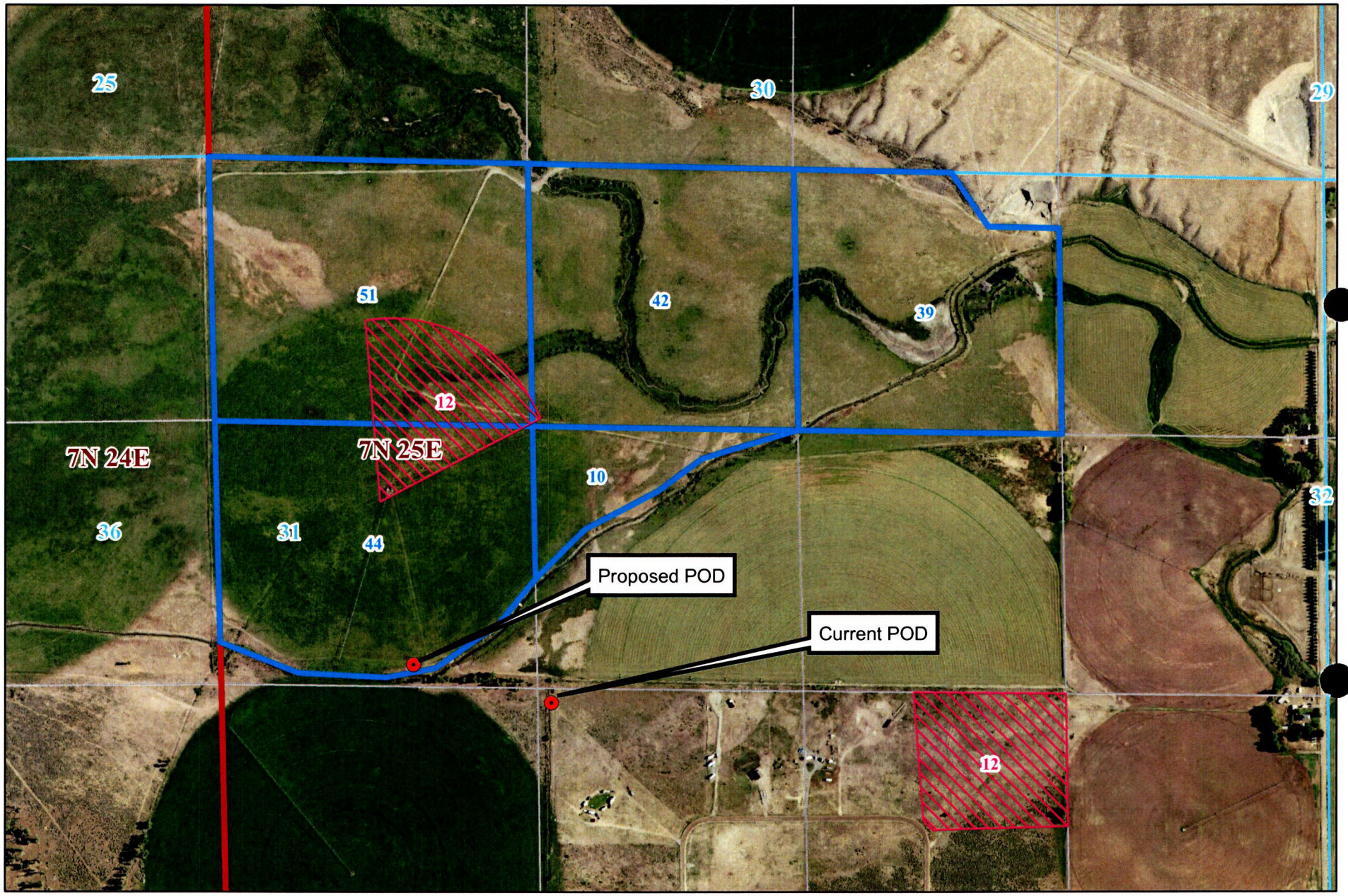


Date created: 3/23/2023

SCANNED
APR 20 2023

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Path: F:\Projects\Lezamiz, J., Woodbury Farms\Home Place Farm\2018 Irrigation Transfer\Arcview\2023 Irrigation Transfer.mxd



8774?

APR 20 2023

SCANNED

0 750 1,500 Feet

BROCKWAY ENGINEERING, PLLC.
GWS -Date: 3/23/2023

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP

IRRIGATION TRANSFER
2021 NAIP AERIAL

Legend

- Wells
- 2023 Transfer
- PPU

N

PURCHASE AND SALE AGREEMENT
Water Right 34-14623

This sale agreement is entered into on this 16th day of March, 2023, by and between John Lezamiz on behalf of the John Lezamiz Family Limited Partnership (hereinafter Buyer) and Thomas Heinrich and Bruce and Kelly Martin (herein after collectively Sellers).

WHEREAS, Sellers are the owners of Idaho Water Right 34-14623, which allows for groundwater use of .24 cfs/42 AFA for 12 acres; and

WHEREAS, Sellers wish to sell said Water Right 34-14623 to Buyer and Buyer wishes to purchase said Water Right from Sellers.

NOW, WHEREFORE, for and in exchange of good and valuable consideration, the legal sufficiency of which is hereby expressly acknowledged, it is hereby agreed as follows:

1. Agreement of Sale: Sellers hereby sell, grant and convey to Buyer, Idaho Water Right 34-14623. Sellers also agree to sign all necessary documents required by the Idaho Department of Water Resources (IDWR) to effectuate the transfer of Water Right 34-14623 to Buyer.

2. IDWR: Buyer will prepare and submit to IDWR all documents necessary to effectuate the sale and transfer of Water Right 34-14623 to Buyer. Buyer will pay for all expenses, fees and costs associated with said sale and transfer.

3. Payments: Upon acknowledgement and receipt from IDWR that the above Water Right is valid, that it may be transferred to Buyer, and that Buyer may begin beneficial use of the above Water Right on Buyer's property, Buyer will send payment by certified funds to Seller in the amounts agreed upon by the parties.

SCANNED
APR 20 2023

Dated this 16th day of March, 2023.

SELLERS:

3.22.23

Thomas Heinrich

Family Partnership

Bruce Martin

Kelly Martin

BUYER:

John Lezamiz for
John Lezamiz Limited

Purchase and Sale Agreement
Water Right 34-14623

87747

SCANNED
APR 20 2023

Form 42-248/42-1409(6) Rev. 6/22

RECEIVED

MAR 27 2023

Department of Water Resour
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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?
34-14623	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: THOMAS G HEINRICH and BRUCE A MARTIN
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
   New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or

   847 Canyon Springs Rd. | Twin Falls | Idaho | 83301
   Mailing address | City | State | Zip

   208-308-5710 | lezamizjohn@gmail.com
   Telephone | 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: March 16, 2023.

6. Do you own the land identified as the water right place of use? Yes ☐ No ☒
   - 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: _____ | John Lezamiz Manager/Attorney | 3/23/2023
   Signature of new owner/claimant | Title, if applicable | Date

   Print name

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

   Print name

For IDWR Office Use Only:

Receipted by_____ Date_____ Receipt No._____ Receipt Amt. _____

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_____ Date _____

SCANNED

APR 20 2023

87747

RECEIVED

MAR 27 2023

Department of Water Resources
Eastern Region

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

March 23, 2023

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: John Lezamiz Family LTD Partnership

Dear Mr. Cefalo:

It is proposed to transfer 12.0 acres under water right 34-14623 to an existing point of diversion and a new place of use. The 12.0 acres will be transferred into a permissible place of use.

John Lezamiz Family LTD Partnership has purchased water right 34-14623 and the ownership of 34-14623 needs to be updated.

The irrigation of the 12.0 acres has not been allowed to occur because the current owner of the authorized point of diversion of 34-14623 will not allow anyone else to divert irrigation water from the well. Because of this fact, water right 34-14622 should be allowed to be transferred and beneficially used for irrigation purposes.

IDWR is welcome to contact the current well owner to discuss the lack of any water use agreement.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: John Lezamiz
Enc: 12.0 Acre Transfer Application, Aerial Imagery, Purchase and Sale Agreement,
Brockway Engineering Check # 12379 for $500.00

SCANNED
APR 20 2023

87747

87747

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

May 26, 2023

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
895 CANYON SPRINGS RD
TWIN FALLS ID 83301

Re: Transfer No: 87747
Water Right No(s).: 34-14623

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
MAY 30 2023

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) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

SCANNED
MAY 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87747
Water Right No(s).: 34-14623

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
895 CANYON SPRINGS RD
TWIN FALLS ID 83301

GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

Christina Henman
Administrative Assistant

SCANNED
MAY 30 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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.

SCANNED
MAY 30 2023

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 service date 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.

SCANNED
MAY 30 2023

MEMORANDUM

Date: May 22, 2023

To: Transfer 87747

From: Cooper Fritz

Re: Review & Evaluation of Sufficiency of Information

This transfer updates the ownership and changes the point of diversion and place of use for right 34-14623 to a 186-acre permissible place of use.

Authority to File:

The applicant, John Lezamiz Family LTD Partnership, has the authority to file and update ownership.
The right was owned by Thomas G. Heinrich and Bruce A. Martin at the time of transfer submittal, according to the Department's database. The pre-transfer place of use was owned by the Bruce A. and Kelly J. Martin Trust and Thomas and Roberta Heinrich, according to Custer County taxlot data.
The post-transfer point of diversion and place of use are owned by the applicant.
A "Purchase and Sale Agreement" included with the transfer application signed by the pre-transfer water right owners and the applicant demonstrates that the parties agree to update ownership via the transfer application and an email from their consultant (not included) confirmed this.
The application was signed by John Lezamiz, Manager of the John Lezamiz Family LTD Partnership.

Water Right Validity:

A review of aerial photography demonstrates that the right has undergone a period of more than five consecutive years of non-use. Applicant asserts that the pre-transfer owners of the right did not have access to the pre-transfer point of diversion, and argues this is a defense to forfeiture under Idaho Code 42-223(6). The Department does not have clear and convincing evidence of forfeiture at this time.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received. The Watermaster of Water District 34 was notified of the transfer and did not respond.
An ESPAM2.2 analysis of the transfer was not necessary because the pre-transfer and post-transfer points of diversion are in adjacent model cells.

Enlargement of Use:

No enlargement of use will result from the approval of this transfer. Rate, volume, nor irrigated acres are authorized to increase. The application proposed a place of use with more acres in the NENW and L1 (NWNW) than were reported by the BLM and IDL. The applicant asserts that their proposed permissible place of use accurately reflects the number of acres in the QQs. An analysis of the QQs in ArcMap using a polygon shape snapped to the QQ boundaries indicates that the applicant's assertion is correct. As such, the approval document reflects the accurate number of acres in the post-transfer place of use.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
MAY 30 2023

PROOF OF PUBLICATION
The Challis Messenger

RECEIVED
MAY 08 2023
Department of Water Resourc
Eastern Region

State of Idaho
County of Custer

I, ~~Dawn Giannini, or~~ Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager, or~~ Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2 day(s), first publication having been made on 04/27/2023 last publication having been made on 05/04/2023, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Collins Crapo

Subscribed and sworn to before me, on this 4th day of May, 2023

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 4th day of May, 2023 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini or~~ Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Beth Crossley

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

362409

SCANNED
MAY 17 2023

AD# 362409AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87747

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP, 895 CANYON SPRINGS RD, TWIN FALLS, ID 83301 has filed Application No. 87747 for changes to the following water rights within CUSTER County(s): Right No(s). 34-14623; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in L2 (SWNW) Sec 31 T07N R25E for 0.24 cfs from ground water. Proposed place of use is in NWNE and NW1/4 Sec 31 T07N R25E for 12 acres within a 186-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. 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 83402-1718 together with a protest fee of $25.00 for each application on or before 5/15/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: April 27 & May 4 2023 (CM10591-362409)

SCANNED
MAY 17 2023

Henman, Christina

From: Henman, Christina
Sent: Thursday, April 20, 2023 10:15 AM
To: watermaster34@atcnet.net; Water District 34
Subject: Application for Transfer No. 87747
Attachments: tmp6A5D.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
MAY 17 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

April 19, 2023

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP
895 CANYON SPRINGS RD
TWIN FALLS, ID 83301

RE: Transfer No. 87747
Water Right No(s). 34-14623

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the CHALLIS MESSENGER on 4/27/2023 and 5/4/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS, ID 83301-3082

SCANNED
APR 20 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 19, 2023 4:51 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Challis Messenger
Attachments: 87747 Challis Messenger.docx

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Transfer No. 87747
Water Right No(s). 34-14623

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 5/15/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
APR 20 2023

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87747

JOHN LEZAMIZ FAMILY LTD PARTNERSHIP, 895 CANYON SPRINGS RD, TWIN FALLS, ID 83301 has filed Application No. 87747 for changes to the following water rights within CUSTER County(s): Right No(s). 34-14623; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in L2 (SWNW) Sec 31 T07N R25E for 0.24 cfs from ground water. Proposed place of use is in NWNE and NW1/4 Sec 31 T07N R25E for 12 acres within a 186-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. 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 83402-1718 together with a protest fee of $25.00 for each application on or before 5/15/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 4/27/2023 and 5/4/2023

SCANNED
APR 20 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 23, 2023

THOMAS HEINRICH
PO BOX 264
SUN VALLEY ID 83353-0264

RE: RETURNED APPLICATION TO LEASE WATER RIGHT NO. 34-14623 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") sent a request for additional information on February 7, 2023, but we have not received the information requested within the 30 days. This letter is notice that the attached application to lease water to the Bank are being returned. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration per the Water Supply Bank Rules, IDAPA 37.02.03.025.06.c, is whether information available to the Board indicates that the water right has been abandoned or forfeited.

The purpose of the Water Supply Bank, as described under Idaho Code § 42-1761, includes to '...obtain the highest duty for beneficial use from water, provide a source of adequate water supplies to benefit new and supplemental water uses...' The acquisition of water rights which may have been forfeited does not support the purposes of the Water Supply Bank.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Greg Sullivan – Brockway Engineering

SCANNED
MAR 29 2023

Form 42-1761-1 10/15

RECEIVED
AUG 29 2022
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT TO THE WATER SUPPLY BANK

Designated Applicant THOMAS G HEINRICH
(Select one owner – see item 1A on the application)

Water Right No. 34-14623
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? **Yes** ☑ **No** ☐

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

MIMUMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached* (Yes) or *Not Applicable* (N/A)

		Yes	
		☑	Completed *Application to Sell or Lease a Water Right to the Water Supply Bank.*
		☑	Application filing fee of $250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is $500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
		☑	Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.
Attachment	**N/A**	**Yes**	
1A	☐	☑	Signatures and contact information for ***all owners*** of the water right to be leased or sold on this application.
1B	☐	☑	An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
1C	☑	☐	*Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
1D	☐	☑	Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
2	☐	☑	Description of a water right portion offered to the Water Supply Bank.
3	☐	☑	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
4A	☑	☐	Written consent from irrigation district or water delivery company.
4G	☐	☑	Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

RETURNED

Department Use Only

Fee Amount $ 250.00	Received By: KH	Date Received: 8/29/22	Receipt # C113857
W-9 received? Yes ☐ No ☐ (Route W-9 to Fiscal)		Name on W-9: TG H Jr.	

SCANNED
MAR 29 2023

2430

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant THOMAS G HEINRICH

Mailing Address PO BOX 264 SUN VALLEY, ID 83353-0264
Street City State Zip Code

Email Address _____ Phone Number 2087200919

☑ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☑
If no, complete the form and attach to this application (Attachment 1B).

C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☑ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☑ No ☐
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Greg Sullivan Organization Brockway Engineering

Professional Title Engineer Email Address greg.sullivan@brockwayeng.com

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Phone Number 208-736-8543

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☑ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☑ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.
If a portion of the water right is being offered, **complete Attachment 2**.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3**.

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MAR 7 9 2023

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☑
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

B. Please provide a description of the current water diversion and delivery system.
Existing POD but no access to it.

C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None

D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☑
Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of $500.

E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☑
If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased.

F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. The current owner of the authorized point of diversion will not allow anyone else to divert irrigation water from the well.

G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☑ No ☐
If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. The irrigation of the 12.0 acres has not been allowed to occur because the current owner of the authorized point of diversion will not allow anyone else to divert irrigation water from the well. Because of this fact, water right 34-14623 should be allowed to be leased and rented for irrigation purposes under 42-223.6. This defence to forfeiture was supported in Transfer 82761 and 82644 in 2018.

H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?
If yes, describe. Yes ☐ No ☑

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STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☑?

If lease, specify the years when the use of water will be suspended: 2023 (Year) to 2027 (Year) (maximum lease period 5 calendar years).

B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

Signature of Designated Applicant	Printed Name	Date
Signature of Authorized Representative	Printed Name	Date
	Thomas Heinrich	8/10/22

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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MAR 29 2023

Form 42-1761-1 10/15

STATE OF IDAHO
WATER RESOURCE BOARD

ATTACHMENT 1A

Additional Water Right Holders Party to the Lease Application

For the water right on this application, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Applicant**. If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). 34-14623

	Designated Applicant	Applicant #2	Applicant #3
Name	THOMAS G HEINRICH	BRUCE A MARTIN	
Mailing Address	PO BOX 264 SUN VALLEY, ID 83353-0264	PO BOX 264 SUN VALLEY, ID 83353-0264	
Phone Number	2087200919	2087200919	
Email Address			
Applicant Declaration	As Designated Applicant, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.	I authorize the Designated Applicant to submit this application on my behalf.
Signature			

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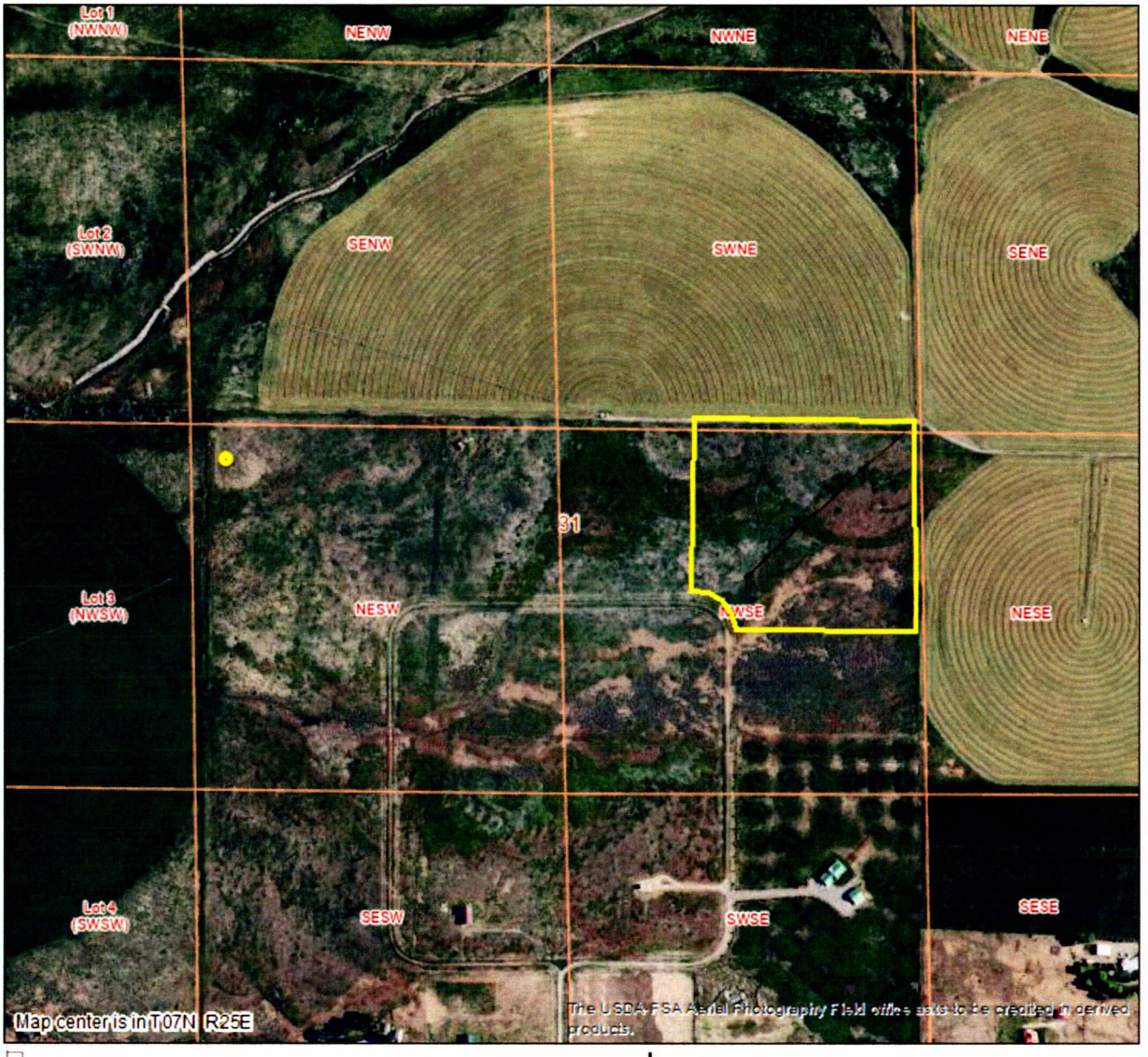
State of Idaho
Department of Water Resources

Water Right

34-14623

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





0 0.0375 0.075 0.15 0.225 0.3
Miles

Date created: 6/9/2022

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

N

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MAR 29 2023

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

6/8/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-14623

Owner Type	Name and Address
Current Owner	THOMAS G HEINRICH
Current Owner	BRUCE A MARTIN PO BOX 264 SUN VALLEY, ID 83353-0264 2087200919

Priority Date: 12/17/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.24 CFS	42 AFA
Total Diversion			0.24 CFS	42 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWNESW | Sec. 31 | Township 07N | Range 25E | CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	25E	31		NWSE	12									

Total Acres: 12

Conditions of Approval:

1. | X60 | Place of use is located within Lots 12 and 13, Block 1, Crows Nest Estates Subdivision.

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MAR 2 9 2023

2.		Pursuant to First Amendment to Master Declaration of Covenants for the Crows Nest Estates Subdivision, this water right is allocated between the lots as follows: Lot 12 = 0.12 cfs, 6.0 acres; Lot 13 = 0.12 cfs, 6.0 acres.
3.	M03	A totalizing measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
4.	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.

Dates:

Licensed Date:

Decreed Date: 08/14/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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CONTRACT OF AGREEMENT

To Whom It May Concern,

Bruce Martin, Thomas Heinrich and John Lezamiz have entered into an agreement pertaining to the lease and rental of water rights 34-14623. John Lezamiz will pay Bruce Martin and Thomas Heinrich privately by each year of the rental contract.

The rental payment of the 90% of the rental fee to the owner of water right 34-14623 for 2023 through 2027 is considered paid in full. John Lezamiz will pay the Idaho Water Supply Bank the standard 10% annual rental process fee when his rental agreement is finalized.

No additional fees are required by Bruce Martin and Thomas Heinrich of John Lezamiz for the 2023-2027 irrigation seasons from the Idaho Water Supply Bank for the rental of 34-14623. Bruce Martin and Thomas Heinrich do not require the State of Idaho to collect the owner portion of the rental payment on their behalf.

Bruce Martin Bruce G Martin

Date: Aug 10, 2022

Thomas Heinrich

Date:

John Lezamiz

Date: 7/22/2022

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MAR 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

February 7, 2023

THOMAS HEINRICH
PO BOX 264
SUN VALLEY ID 83353-0264

RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE WATER RIGHT NO. 34-14623 TO THE WATER SUPPLY BANK

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources ("Department") sent a proposed Lease Contract based on your application(s) to lease water right(s) to the Water Supply Bank ("WSB", "Bank") on January 10, 2023, but after additional consideration on behalf of the Idaho Water Resource Board ("IWRB") lease acceptance criteria, additional information is required to continue processing.

The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration per the Water Supply Bank Rules, IDAPA 37.02.03.025.06.c, is whether information available to the Board indicates that the water right has been abandoned or forfeited.

Under question 4.G. of the lease application, in response to whether the right had undergone a period of five or more consecutive years of non-use, the application is checked 'yes.' A statement entered under 4.G. elaborates the non-use occurred due to non-access to the point of diversion. A review of aerial imagery shows the place of use appurtenant to the legal description under the right has not been irrigated since 2011, and therefore there were five consecutive years of non-use as of 2017. In 2017 a change of ownership for this right in the water right file, split from 34-13931, lists the current lease applicant as a new co-owner of the water right. An additional five years have passed since acquiring this water right prior to this application for lease, and no transfer application appears in the water right file. It has not been made apparent through the lease application that the owner of the right made any attempt to protect the right from forfeiture or make use of the right for irrigation.

An additional response in the application for question 4.G. references Transfers 82761 and 82644 were approved under the same defense to forfeiture, and therefore this right should therefore be accepted into the Bank. These two transfers referenced in the lease application were approved more than five years ago in 2018 and were for different rights than the right you are requesting to lease. While transfer procedures are similar, they are also different from Water Supply Bank procedures. Additionally, subsection 6 of the defenses to forfeiture under Idaho Code § 42-223, includes language that consideration using this defense will be on a case-by-case basis. It has not been made apparent through the lease application how Transfer 82761 and 82644 approvals provides a defense to forfeiture for this right.

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MAR 7 9 2023

The purpose of the Water Supply Bank, as described under Idaho Code § 42-1761, includes to '...obtain the highest duty for beneficial use from water, provide a source of adequate water supplies to benefit new and supplemental water uses...' The acquisition of water rights which may have been forfeited does not support the purposes of the Water Supply Bank.

A resolution passed by the IWRB in May of 1997 provided the Director may, on behalf of the IWRB, accept applications into the bank without a specific resolution from the Board but with four conditions, of which the third condition pertains to this lease application: c) "The Director shall bring potentially controversial lease applications to the attention of the Board for Board review and consideration before accepting an application."

During a July 23, 2020 WSB Committee meeting, IWRB members provided clarification regarding how the Board's bank should process lease applications when there is a concern about forfeiture and an applicant claims a defense against forfeiture based on IC 42-223(6). Meeting materials and audio are available on our website under 'Board – Meeting Materials.' Pursuant to that guidance, you are required to provide evidence affirming that circumstances were beyond your control, sufficient to protect your water rights from forfeiture. If you are unable to provide this evidence, your application will be considered incomplete and it will be returned.

If additional information is submitted and a Board hearing is requested to consider your application, the IWRB will consider your lease proposal.

Please provide the following information within 30 days of the date of this letter or the application will be returned unprocessed:

- Information that the water right has not been lost through forfeiture, as defined by Idaho Code § 42-222(2); or
- Information to support a defense to forfeiture, per Idaho Code § 42-223, including item 6, Circumstances beyond the control of the water right owner, which are evaluated on a case-by-case basis

Alternatively, you may request a withdrawal of your application. Due to the amount of resources expended on the review of the lease application, the lease application fee will not be refunded.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Coordinator

c: Greg Sullivan – Brockway Engineering

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MAR 2 9 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31st, 2022

THOMAS G HEINRICH
PO BOX 264
SUN VALLEY ID 83353

RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 34-14623 TO THE WATER SUPPLY BANK

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted if additional information is required.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right form. This and other water right forms are available from the Department's web site at www.idwr.idaho.gov.

If you have any questions, please contact me at (208) 287-4822.

Sincerely,

Mackenzie Kienholz
Water Supply Bank Specialist

Enclosure: Receipt #C113837

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MAR 29 2023

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics
Hydrology
Water Resources

CHARLES E. BROCKWAY, PH.D., P.E.

CHARLES G. BROCKWAY, PH.D., P.E.

2016 NORTH WASHINGTON STREET • SUITE 4

TWIN FALLS, IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
AUG 29 2022
DEPARTMENT OF
WATER RESOURCES

August 24, 2022

Mary Condon
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: John Lezamiz Family LTD Partnership

Dear Ms. Condon:

Thomas Heinrich and Bruce Martin own water right 34-14623 and desire to lease all 12.0 acres of irrigation under 34-14623 into the Idaho Water Supply Bank. Concern over non-use of 34-14623 is discussed on page 3 item G of the application. IDWR has processed Transfers 82761 and 82644, in which the water involved water rights had similar non-use history.

John Lezamiz Family LTD Partnership desires to rent the 12.0 acres under 34-14623 for the 2023, 2024, 2025, 2026 and 2027 irrigation seasons.

John Lezamiz, Thomas Heinrich and Bruce Martin have entered into a payment agreement regarding renting 34-14623. John Lezamiz will pay the processing fees and all annual payments to the Idaho Water Supply Bank. Thomas Heinrich and Bruce Martin will not receive any annual payment from the Idaho Water Supply Bank.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: John Lezamiz
Enc: Lease Application, Rental Application, Attachment 1A, W-9 Form, IDWR Water Report and Aerial Map, Contract of Agreement, Brockway Engineering Check # 17093 for $250.00

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MAR 29 2023

2430
2431