

DEC 18 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) NOTCH BUTTE FARMS LLC C/O JOHN LEZAMIZMailing Address PO BOX 486 JEROME ID 83338-0486Email* lezamizjohn@gmail.com Phone 208-308-5710Name of Representative (if any) Greg SullivanMailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301Email* greg.sullivan@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☒ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

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C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	
06N	25E	6	1.7	0.4		2.3	0.9				0.4	0.5			7.5	0.7		0.3	14.7

Total Irrigated Acres to be Changed: 14.7

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

The proposed changes will update the irrigation place of use and change the location of the Lost River water rights point of diversion.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	34-12365	0.93/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-459	0.15/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-374B	1.5/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-490	0.94/	Irrigation	5/01 to 10/15	Big Lost River
☒ ☐	34-14311	3.88/679	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 3.9 cfs and/or 679 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
X	06N	25E	6		NW	NE	SE	Custer	Big Lost River	
	06N	25E	6	2	SW	NW	NE	Custer	Ground Water	

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	
06N	25E	6	35	39	40	30	1.7				8.6	2.7			18	19			194

Total Irrigated Acres: 194

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2.

Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

34-12365, 34-459, 34-374B and 34-490

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

34-12365, 34-459, 34-374B and 34-490

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 34. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

34-12365, 34-459, 34-374B, 34-490 and 34-14311

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

34-12365, 34-459, 34-374B, 34-490 and 34-14311

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☒ Yes. Identify the water right(s) to be used for the continued irrigation.

34-12365, 34-459, 34-374B, 34-490 and 34-14311

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

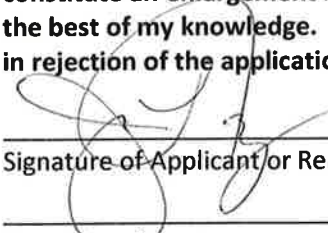
A new diversion structure will be installed for the surface water rights from the Big Lost River. A flowmeter will be installed as well as control mechanisms that will be regulated by the local Watermaster.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

	<u>John Lezawicz - MAWAS</u>	<u>12/12/2023</u>
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
_____ Signature of Applicant or Representative*	_____ Print Name and Title, if applicable	_____ Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>740.00</u>	Receipt #: <u>E051340</u>	Date: <u>12-18-25</u>	Received by: <u>M. Pettie</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

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

Current Water Right No.: 34-12365

Current Owner: NOTCH BUTTE FARMS LLC
Priority Date: 5/31/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Total Diversion

Diversion Rate

0.93 CFS

0.93 CFS

Annual Volume

Location of Point(s) of Diversion

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	36.70	T06N R25E S6	Lot 2	NWNE	38.60
T06N R25E S6		SWNE	40.00	T06N R25E S6		SENE	32.30
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	9.00
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	10.50
T06N R25E S6		NWSE	19.70	T06N R25E S6		SESE	0.30

Total Acres: 194

Conditions of Approval:

1. X27 This right is limited to the irrigation of 46.7 acres within the authorized place of use in a single irrigation season.
2. 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 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.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.34.
8. X35 Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
9. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194.0 acres.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. Water delivered through the Sutter ditch.
12. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.

Decreed Date: 2/13/2002

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

Current Water Right No.: 34-459

Current Owner: NOTCH BUTTE FARMS LLC
Priority Date: 10/12/1884
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Total Diversion

Diversion Rate

0.15 CFS

0.15 CFS

Annual Volume

Location of Point(s) of Diversion

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	36.70	T06N R25E S6	Lot 2	NWNE	38.60
T06N R25E S6		SWNE	40.00	T06N R25E S6		SENE	32.30
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	9.00
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	10.50
T06N R25E S6		NWSE	19.70	T06N R25E S6		SESE	0.30

Total Acres: 1218.5

Conditions of Approval:

1. 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.
2. X35 Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
3. 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.
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
5. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194.0 acres.
6. 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.
7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Water delivered through the Sutter ditch.
9. 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.
10. X27 This right is limited to the irrigation of 7.5 acres within the authorized place of use in a single irrigation season.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 1/30/2002

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

Current Water Right No.: 34-374B

Current Owner: NOTCH BUTTE FARMS LLC
Priority Date: 4/28/1898
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Total Diversion

Diversion Rate

1.5 CFS

1.5 CFS

Annual Volume

Location of Point(s) of Diversion

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	36.70	T06N R25E S6	Lot 2	NWNE	38.60
T06N R25E S6		SWNE	40.00	T06N R25E S6		SENE	32.30
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	9.00
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	10.50
T06N R25E S6		NWSE	19.70	T06N R25E S6		SESE	0.30

Total Acres: 207.5

Conditions of Approval:

1. X35 Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
2. 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.
3. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Water delivered through the Sutter ditch.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194 acres.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
10. 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.
11. X27 This right is limited to the irrigation of 74.8 acres within the authorized place of use in a single irrigation season.
12. 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: 1/30/2002

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

Current Water Right No.: 34-490

Current Owner: NOTCH BUTTE FARMS LLC
Priority Date: 5/6/1899
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

05/01 to 10/15

Total Diversion

Diversion Rate

0.94 CFS

0.94 CFS

Annual Volume

Location of Point(s) of Diversion

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

BIG LOST RIVER

CUSTER County

SW1/4NE1/4SE1/4

Sec. 6, Twp 06N, Rge 25E B.M.

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	36.70	T06N R25E S6	Lot 2	NWNE	38.60
T06N R25E S6		SWNE	40.00	T06N R25E S6		SENE	32.30
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	9.00
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	10.50
T06N R25E S6		NWSE	19.70	T06N R25E S6		SESE	0.30

Total Acres: 207.5

Conditions of Approval:

1. 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.
2. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194 acres.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. X27 This right is limited to the irrigation of 175.8 acres within the authorized place of use in a single irrigation season.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. X35 Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
8. 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.
9. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. Water delivered through the Sutter ditch.

Decreed Date: 2/7/2002

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

Current Water Right No.: 34-14311

Current Owner: NOTCH BUTTE FARMS LLC

Priority Date: 8/29/1960

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		2.5 AF
IRRIGATION	04/01 to 10/31	3.88 CFS	679 AF
	<u>Total Diversion</u>	3.9 CFS	681.5 AF

Location of Point(s) of Diversion

GROUND WATER L2(SW1/4NW1/4NE1/4) Sec. 6, Twp 06N, Rge 25E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T06N R25E S6	Lot 1	NENE	36.70	T06N R25E S6	Lot 2	NWNE	38.60
T06N R25E S6		SWNE	40.00	T06N R25E S6		SENE	32.30
T06N R25E S6	Lot 3	NENW	3.60	T06N R25E S6		NESW	9.00
T06N R25E S6	Lot 6	NWSW	3.30	T06N R25E S6		NESE	10.50
T06N R25E S6		NWSE	19.70	T06N R25E S6		SESE	0.30

Total Acres: 194

RECREATION STORAGE Within CUSTER County

T06N R25E S6 NWSE

Total Acres: 194

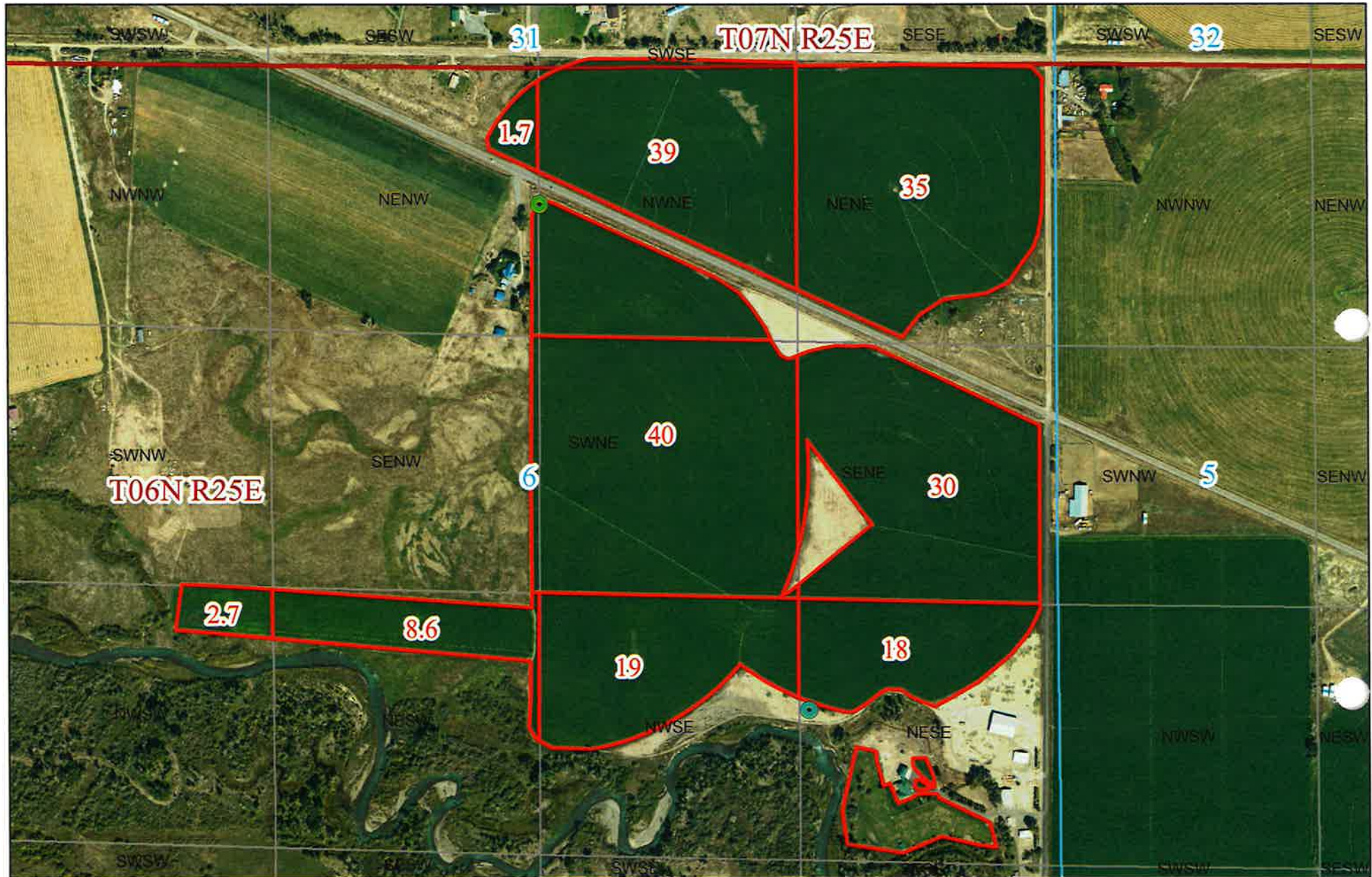
DIVERSION TO STORAGE Within County

Total Acres: 194

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 77431, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. 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.
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.
5. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. 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.
7. 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. X35 Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194.0 acres.
10. 213 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.
11. The reservoir established by the storage of water under this right shall not exceed a total capacity of 2.5 acre feet or a total surface area of 0.4 acres.
12. 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.
13. This right authorizes the diversion of an annual total of 2.5 af of water to be used for the initial filling of the reservoir, and for the replacement of losses caused by evaporation from the reservoir.

Decreed Date: 12/14/2001



0 500 1,000 Feet

NOTCH BUTTE FARMS 194 ACRE POD TRANSFER NAIP 2023 AERIAL PHOTO

LEGEND

- Lost River POD
- Ground Water POD
- Notch Butte POU QQ





0006520667



STATE OF IDAHO
Office of the secretary of state, Phil McGrane
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0006520667

Date Filed: 11/7/2025 9:15:08 AM

Entity Name and Mailing Address:

Entity Name: NOTCH BUTTE FARMS, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000046297
Address: 2398 VICTORY LN
JEROME, ID 83338-6101

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W10629

The registered agent on record is:

Registered Agent: ROBERT SHILLINGTON
Registered Agent
Physical Address
2398 VICTORY LN
JEROME, ID 83338-6101
Mailing Address
2398 VICTORY LN
JEROME, ID 83338-6101

Agent or Address Change

☐ Select if you are appointing a new agent.

Limited Liability Company Managers and Members

Name	Title	Business Address
Robert S Shillington	Member	2398 VICTORY LANE JEROME, ID 83338

The annual report must be signed by an authorized signer of the entity.

Job Title: Office Manager

Jake Hollifield

Sign Here

11/07/2025

Date

B1063-0996 11/07/2025 9:15 AM Received by Office of the Idaho Secretary of State

RECEIVED

DEC 18 2025

DEPT. OF WATER RESOURCES
EASTERN REGION



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 15, 2025

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

Re: Notch Butte Farms LLC

Dear Mr. Cefalo:

Notch Butte Farms LLC desires to update the irrigation place of use and the location of the point of diversion from the Big Lost River near Mackay, Idaho. The ownership, beneficial use and period of use will not be changing.

No ESPA Model analysis is required because the ground water points of diversion are not changing.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: John Lezamiz

Enc: Transfer Application, Aerial Map, Annual Report, Brockway Engineering Check
18848 for \$740.-.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

BROCKWAYENG.COM

90228



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 Mathew Weaver

January 5, 2026

NOTCH BUTTE FARMS LLC
C/O JOHN LEZAMIZ
PO BOX 486
JEROME, ID 83338-0486

RE: Transfer No. 90228
Water Right No(s). 34-12365, 34-14311, 34-374B, 34-459, 34-490

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 and ARCO ADVERTISER on 1/8/2026 and 1/15/2026. 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

Henman, Christina

From: Henman, Christina
Sent: Monday, January 5, 2026 11:14 AM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 90228 Challis Messenger, Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 90228

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 1/26/2026. Your cooperation is appreciated.

Thank You,



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



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 Mathew Weaver

December 31, 2025

NOTCH BUTTE FARMS LLC
C/O JOHN LEZAMIZ
PO BOX 486
JEROME, ID 83338-0486

RE: Transfer No. 90228
Water Right No(s). 34-12365, 34-14311, 34-374B, 34-459, 34-490

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 1/8/2026 and 1/15/2026. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 31, 2025 2:19 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Challis Messenger
Attachments: 90228 Challis Messenger.docx

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

RE: Transfer No. 90228
Water Right No(s). 34-12365, 34-14311, 34-374B, 34-459, 34-490

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 1/26/2026. Your cooperation is appreciated.

Thank You,



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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90228**

NOTCH BUTTE FARMS LLC, C/O JOHN LEZAMIZ, PO BOX 486, JEROME, ID 83338-0486 has filed Application No. 90228 for changes to the following water rights within CUSTER County(s): Right No(s). 34-12365, 34-14311, 34-374B, 34-459, 34-490; 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 NWNESE Sec 6 T06N R25E for 3.52 cfs from Big Lost River. (No change to the point of diversion of right 34-14311 from Ground Water). Proposed place of use is in Sec 6 T06N R25E for 194 acres.

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 1/26/2026. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/8/2026 and 1/15/2026