

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90228**

This is to certify that: NOTCH BUTTE FARMS LLC
C/O JOHN LEZAMIZ
PO BOX 486
JEROME, ID 83338-0486

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-12365	WR/DECREED	5/31/1884	0.930 cfs	N/A	46.7	194.0	BIG LOST RIVER
34-14311	WR/DECREED	8/29/1960	3.900 cfs	681.5 af	N/A	194.0	GROUND WATER
34-374B	WR/DECREED	4/28/1898	1.500 cfs	N/A	74.8	207.5	BIG LOST RIVER
34-459	WR/DECREED	10/12/1884	0.150 cfs	N/A	7.5	1218.5	BIG LOST RIVER
34-490	WR/DECREED	5/6/1899	0.940 cfs	N/A	175.8	207.5	BIG LOST RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-12365	NO	YES	YES	NO	NO	NO
34-14311	NO	NO	YES	NO	NO	NO
34-374B	NO	YES	YES	NO	NO	NO
34-459	NO	YES	YES	NO	NO	NO
34-490	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-12365	34-12365	0.930 cfs	N/A	46.7	194.0	N/A	N/A	N/A	N/A	N/A
34-14311	34-14311	3.900 cfs	681.5 af	N/A	194.0	N/A	N/A	N/A	N/A	N/A
34-374B	34-374B	1.500 cfs	N/A	74.8	194.0	N/A	N/A	N/A	N/A	N/A
34-459	34-459	0.150 cfs	N/A	7.5	194.0	N/A	N/A	N/A	N/A	N/A
34-490	34-490	0.940 cfs	N/A	175.8	194.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.900 cfs	N/A	194.0	194.0		N/A	N/A	N/A	N/A

**Support Data
In File # 34-374B**

Transfer No. 90228

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 90228

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 23rd day of March, 2026.


Water Resources Program Manager



Transfer No. 90228

Support Data
In File # 34-374B

WATER RIGHT NO. 34-14311
As Modified by Transfer No. 90228

In accordance with the approval of Transfer No. 90228, Water Right No. 34-14311 is now described as follows:

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

Priority Date: 8/29/1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DIVERSION TO STORAGE	01/01	to 12/31	0.020 cfs	
IRRIGATION	04/01	to 10/31	3.880 cfs	679.0 af
RECREATION STORAGE	01/01	to 12/31		2.5 af
			3.900 cfs	681.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (SWNWNE) Sec 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6	35.0	39.0	40.0	30.0	1.7				8.6	2.7			18.0	19.0			194.0
			L 1	L 2			L 3					L 6							

POU Total Acres: 194.0

PLACE OF USE: RECREATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6														X			

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. 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.

Transfer No. 90228

WATER RIGHT NO. 34-14311

As Modified by Transfer No. 90228

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under Transfer approval 90228, 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.
7. 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 34-374B

As Modified by Transfer No. 90228

In accordance with the approval of Transfer No. 90228, Water Right No. 34-374B is now described as follows:

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

Priority Date: 4/28/1898

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
05/01

To
to 10/15

Diversion Rate
1.500 cfs
1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWNESE Sec 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6	35.0	39.0	40.0	30.0	1.7				8.6	2.7			18.0	19.0			194.0

Right Acre Limit: 74.8

POU Total Acres: 194.0

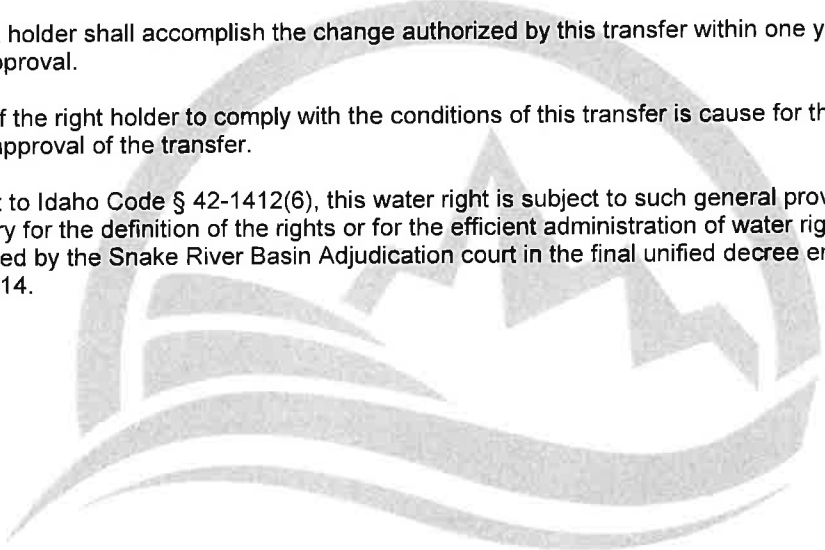
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 74.8 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
3. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.34.
5. 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).

Transfer No. 90228

WATER RIGHT NO. 34-374B
As Modified by Transfer No. 90228

CONDITIONS OF APPROVAL

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. This right does not grant any right-of-way or easement across the land of another.
 8. 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.
 9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 11. 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.
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WATER RIGHT NO. 34-459

As Modified by Transfer No. 90228

In accordance with the approval of Transfer No. 90228, Water Right No. 34-459 is now described as follows:

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

Priority Date: 10/12/1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.150 cfs

0.150 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

NWNESE

Sec 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6	35.0	39.0	40.0	30.0	1.7				8.6	2.7			18.0	19.0			194.0
			L 1	L 2			L 3					L 6							

Right Acre Limit: 7.5

POU Total Acres: 194.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.5 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
3. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.34.
5. 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).

Transfer No. 90228

WATER RIGHT NO. 34-459

As Modified by Transfer No. 90228

CONDITIONS OF APPROVAL

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 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 34-490**As Modified by Transfer No. 90228**

In accordance with the approval of Transfer No. 90228, Water Right No. 34-490 is now described as follows:

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

Priority Date: 5/6/1899

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.940 cfs

0.940 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER

NWNESE

Sec 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6	35.0	39.0	40.0	30.0	1.7				8.6	2.7			18.0	19.0			194.0
			L 1	L 2			L 3					L 6							

Right Acre Limit: 175.8

POU Total Acres: 194.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 175.8 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
3. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.34.
5. 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).

Transfer No. 90228

WATER RIGHT NO. 34-490
As Modified by Transfer No. 90228

CONDITIONS OF APPROVAL

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 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 34-12365**As Modified by Transfer No. 90228**

In accordance with the approval of Transfer No. 90228, Water Right No. 34-12365 is now described as follows:

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

Priority Date: 5/31/1884

Source: BIG LOST RIVER

Tributary: SINKS

BENEFICIAL USE
IRRIGATION

From
05/01

To
to 10/15

Diversion Rate
0.930 cfs
0.930 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER NWNESE Sec 6 Twp 06N Rge 25E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6	35.0	39.0	40.0	30.0	1.7				8.6	2.7			18.0	19.0			194.0
			L 1	L 2			L 3					L 6							

Right Acre Limit: 46.7
POU Total Acres: 194.0

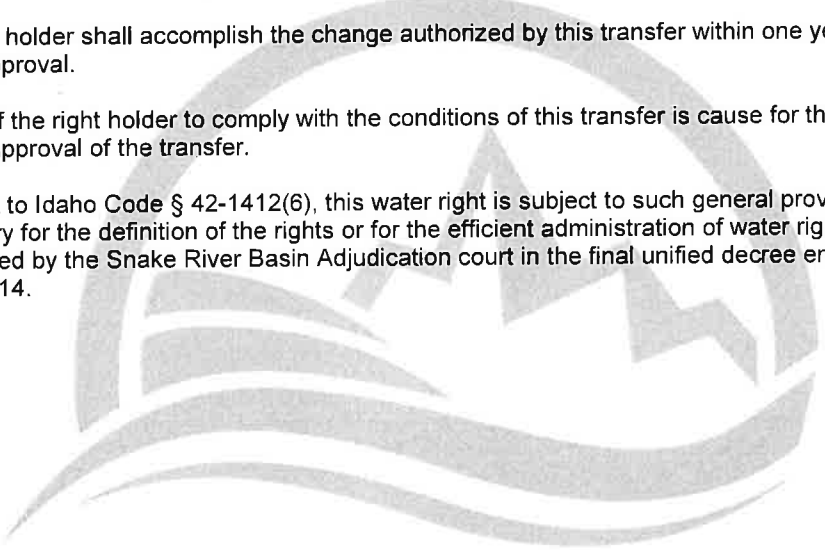
CONDITIONS OF APPROVAL

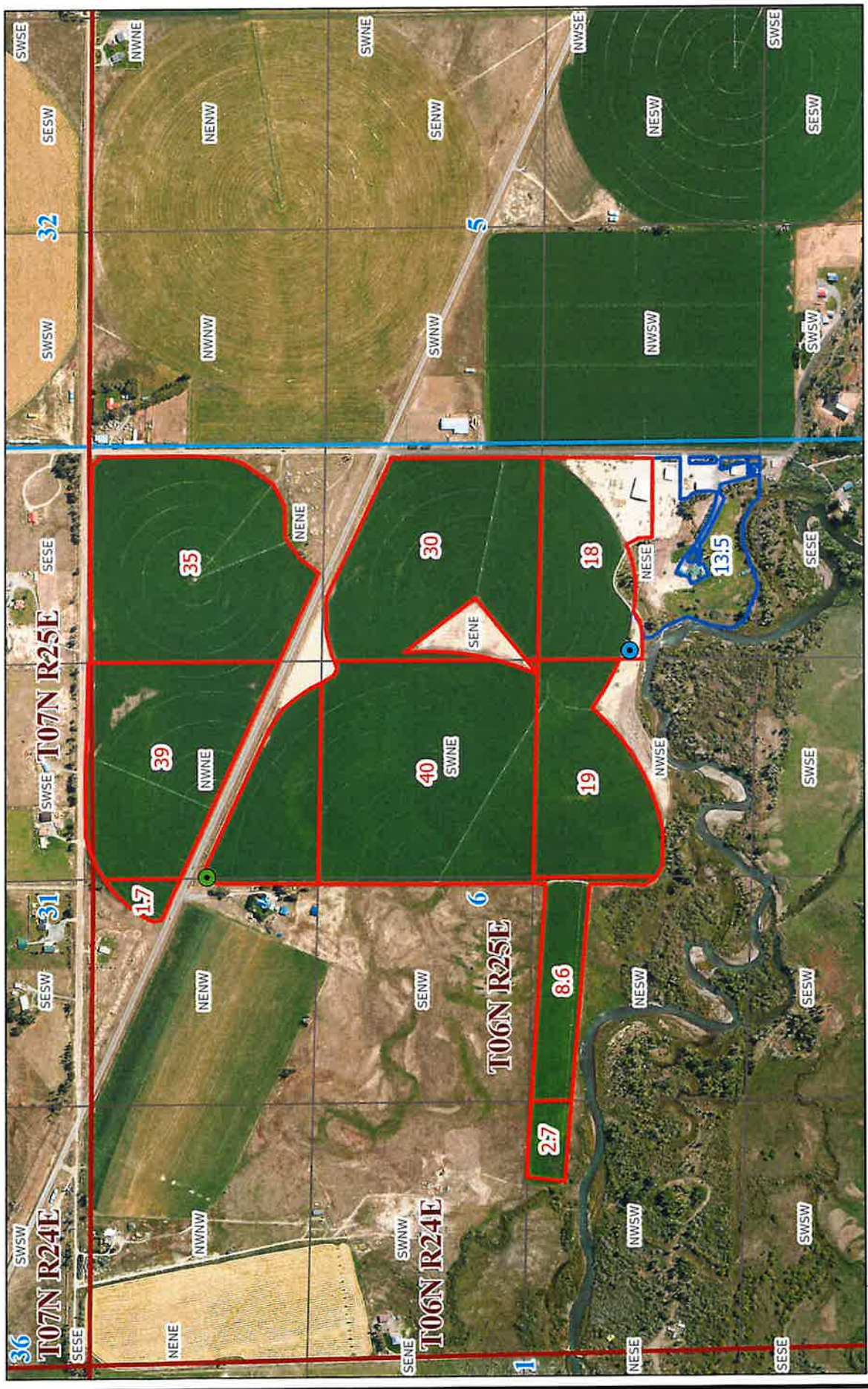
1. This right is limited to the irrigation of 46.7 acres within the authorized place of use in a single irrigation season.
2. Rights 34-374B, 34-459, 34-490 and 34-12365 when combined shall not exceed the irrigation of 175.8 acres.
3. Rights 34-374B, 34-459, 34-490, 34-12365 and 34-14311 when combined shall not exceed a total diversion rate of 3.9 cfs and the irrigation of 194.0 acres.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.34.
5. 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).

Transfer No. 90228

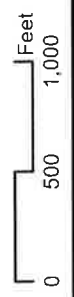
WATER RIGHT NO. 34-12365
As Modified by Transfer No. 90228

CONDITIONS OF APPROVAL

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 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.
 8. This right does not grant any right-of-way or easement across the land of another.
 9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 11. 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.
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BROCKWAY
ENGINEERING
PLLC



AMENDED

NOTCH BUTTE FARMS

194 ACRE POD/POU TRANSFER
NAIP 2023 AERIAL

Legend

- Notch Butte POU QQ
- Ground Water POD
- Lost River POD
- John Lezamiz WRS
- POU



March 23, 2026

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

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

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.

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 N WASHINGTON ST STE 4
TWIN FALLS ID 83301-3082

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2026 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.: 90228

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

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

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



**Christina Henman
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE
(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.