

RECEIVED

SEP 28 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
2-2277					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former
Owner/Claimant(s)

W. Lallorn & Bertha F. Miller
deceased

4. New Owner/Claimant(s)

Melody F. Landis
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

20028 Hiway 51

City, State and ZIP Code

mtn. Home Idaho 83647

New Telephone Number

(208) 845-2865

5. Date you acquired the property

6-30-09

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Melody F. Landis

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by MVB Date 10/13/2009
 Received by no money Date deal
 Processed by MVB AJ Date 10/13/2009

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

COPY

WARRANTY DEED

FOR VALUE RECEIVED, Craig L. Miller, Successor Trustee of the W. LAVERN MILLER AND BERTHA F. MILLER FAMILY TRUST, Grantor, does hereby convey, release, remise and forever deed unto Melody Landis, a married woman as her sole and separate property, the Grantee, whose address is 20028 Highway 51, Mountain Home, Idaho 83647, the following described premises, to-wit:

The real property located in Elmore County, Idaho, more particularly described as follows:

The South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$), the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$), and the North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$), of Section 34, Township 5 South, Range 6, E. B. M., comprising 200 acres more or less.

That portion of Lot 1, Section 34, Township 5 South, Range 6, E. B. M., situated in Elmore County, Idaho, described as follows: Beginning at the East Quarter corner of Section 34, thence S. $0^{\circ} 40'$ E. 1248.9 feet; thence N. $80^{\circ} 01'$ W. 1327.5 feet to a point on the West line of said Lot 1; thence N. $0^{\circ} 48'$ W. 1000 feet to the North line of said Lot 1; thence N. $89^{\circ} 12'$ E. 1320 feet to the point of beginning; subject to an easement of Idaho Power Company to construct, maintain and operate electric transmission lines and roads over, upon and across said premises, with rights of ingress and egress thereto at all times.

Easement for farming and grazing purposes covering portion of Lot 1, Section 34, Township 5 S., R. 6 E., B. M., in Elmore County, Idaho, more particularly described in a conveyance entitled "Easement" running from Idaho Power Company to Fred A. Tolman and Anna N. Tolman, husband and wife, recorded in Book 40, miscellaneous records, at Page 626, in the office of the County Recorder of Elmore County, subject to the limitations and restrictions in said conveyance set forth.

Together with an easement to use at Grantee's own risk for farm and grazing purposes those portions of Lot One (1) of Section 16, Township 5 South, Range 5 East, B. M.; Lots One (1), Two (2), Three (3), Four (4), the East Half of the Southeast Quarter ✓

(E $\frac{1}{2}$ SE $\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 5 South, Range 6 East, B. M.; Lots One (1), Two (2), Three (3), Four (4), the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 31, Township 5 South, Range 6 East, B. M.; Lots One (1), Two (2), Three (3), Four (4), the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, Township 5 South, Range 6 East, B. M.; Lots One (1), Two (2), Three (3), Four (4), the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 33, Township 5 South, Range 6 East, B. M.; Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, Township 5 South, Range 6 East, B. M.; in the County of Elmore, State of Idaho, lying between the contour located at elevation 2456, U S G S datum, and a line designated as the Project Boundary of the C J Strike Hydroelectric Development and Reservoir, Federal Power Commission License, Project 2055, described as follows:

Beginning at a point in the West line of Lot 1 of Section 16, Township 5 South, Range 5 East, B. M. which is 18.7 feet South of the Northwest corner of said Lot 1; thence South 73° 33' East 929.4 feet; thence North 57° 39' East 297.4 feet; thence South 44° 09' East 250.0 feet, more or less, to the East line of said Lot 1; thence South along the East line of said Lot 1 250.0 feet, more or less; thence South 51° 45' West 700.0 feet; thence South 18° 21' East 340.0 feet, more or less, to the South line of said Lot 1; and Beginning at the South one-quarter corner of Section 19, Township 5 South, Range 6 East, B. M.; thence South 19° 27' West 231.7 feet; thence South 3° 24' East 318.2 feet; thence South 16° 32' East 488.4 feet; thence South 27° 53' East 319.9 feet; thence South 16° 32' East 50.0 feet, more or less, to the North line of Lot 3 of said Section 30; thence East along the North line of said Lot 3 1300.0 feet, more or less, to a point in the North line of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section 30; thence South 28° 36' West 590.0 feet, more or less, to the West line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence South along the West line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 840.0 feet, more or less, to a point in the West line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 30; thence South 17° 06' East 340.0 feet, more or less; thence South 26° 08' East 720.5 feet; thence South 11° 39' West 1343.1 feet; thence South 30° 50' East 375.4 feet; thence South 30° 50' East 1012.8 feet; thence South

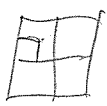
30

31

32

33

34



54° 38' East 553.3 feet to the East line of Section 31, Township 5 South, Range 6 East, B. M.; thence continuing South 54° 38' East 1110.2 feet; thence South 75° 39' East 2679.1 feet; thence South 59° 21' East 1127.6 feet; thence South 79° 21' East 802.6 feet to the East line of Section 32, Township 5 South, Range 6 East, B. M.; thence continuing South 79° 21' East 844.4 feet; thence South 66° 06' East 1982.0 feet; thence North 60° 44' East 200.6 feet; thence North 8° 52' East 1065.1 feet; thence North 79° 04' East 1688.7 feet; thence North 82° 17' East 795.4 feet to the East line of Section 33, Township 5 South, Range 6 East, B. M.; thence continuing North 82° 17' East 248.3 feet; thence North 48° 25' East 1206.9 feet; thence South 72° 15' East 240.0 feet, more or less, to the East line of the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of Section 34, Township 5 South, Range 6 East, B. M.

together with the appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, their heirs and assigns, forever. And the Grantor does hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that said premises are free from all encumbrances save and except as above set forth; and that they will warrant and defend the same from all lawful claims whatsoever.

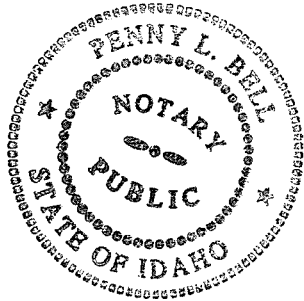
DATED this 30th day of June, 2009.

Craig L. Miller
CRAIG L. MILLER

STATE OF IDAHO)
) ss.
County of Ada)

On this 20th day of June, 2009, before me, the undersigned, a Notary Public in and for said County, personally appeared CRAIG L. MILLER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Penny Bell
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My Commission Expires: 9/30/2010

RECEIVED

Rev. 04/09

Page _____ of _____ SEP 28 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Melody Landis Phone 208-845-2865

Mailing address 20028 Hwy 51 Mtn Home, Id. 83647 Email _____

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Melody F. Landis
Signature of Applicant or Authorized Representative

Melody F. Landis Sept 23 2009
Print Name and Title if applicable Date

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. 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.2**. Changed from pivot to wheel lines so the acres in T05S R06E Sec 27 are no longer irrigated. Land swap with Idaho Power Co. Includes land in SWNW + SENW + NWSE of T05S R06E Sec 34. Total Irrigated Acres Remain the same.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐ 2-2277 3,320 cfs Irrigation 3/15 to 11/15 Snake River / Columbia River					
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 3,320 cfs and/or 981.00 ac-ft

2. Total amount of water proposed to be transferred or changed 3,320 cubic feet per second and/or 981.00 acre-feet per annum.

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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
55	6E	34		15	41	30	42	31	12	22					20	4			217

Total Acres (for irrigation use) _____

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: Pump, buried mainline and portable aluminum mainline wheelines + hand lines. At the pump there is exposed steel pipe sufficient to accomodate measuring and lockable devices.

b. Who owns the property at the point(s) of diversion? Timothy D. Landis + Melody F. Landis
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: _____

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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: None

e. 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

f. 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: _____

