

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 09 2022

APPLICATION FOR TRANSFER OF WATER RIGHT Department of Water Resources
PART 1 Eastern Region

Name of Applicant(s) DONALD AND ANNIE EVENS FAMILY TRUST Phone _____
Mailing address 3810 NORTH DEEP CREEK ROAD, MALAD, IDAHO, 83252 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.

x Annie Christine Evans
Signature of Applicant or Authorized Representative

Annie Christine Evans
Print Name and Title if applicable

5-04-2022
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Ownership Change
- 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 **Part 1A.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.3**.

FIX PLACE OF USE ERROR IN DECREE TO MATCH CURRENT IRRIGATION PRACTICES.

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	15-2045 A	0.9 CSF	IRRIGATION	4/15 to 10/15	GROUND WATER
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.9 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.9 cubic feet per second and/or _____ 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 #

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	
14S	36E	3	40			35													
Total Acres (for irrigation use)																			75

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:

- b. Who owns the property at the point(s) of diversion? APPLICANT

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. 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:

NONE

- 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:

CANAL SHARES FROM MALAD VALLEY IRRIGATION

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2022

Water Right 15-2045A

Owner Type

Current Owner
Current Owner

Name

RAYMOND J EVANS
PERRY L JONES

Priority Date: 11/12/1954

Basis: License

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

4/15

To

10/15

Diversion Rate

0.900 CFS

Volume

Total Diversion

0.900 CFS

Source and Point(s) of Diversion:

GROUND WATER

NENE

Sec. 3, Twp 14S, Rge 36E, ONEIDA County

Place Of Use:

IRRIGATION within ONEIDA County

T14S R36E S3

NENE

40.0

T14S R36E S3

SENW

35.0

POU Total Acres

75.00

Conditions of Approval:

Dates and Other Information:

Licensed Date: 4/11/1979

Water District Number: NWD

Mitigation Plan: False



CURRENT POE

PROPOSED POE

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

- 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.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- 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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 75.00 Date 5-9-22 Received by M. Potts Receipt # E048119

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That **Raymond J. Evans, aka Raymond Evans,**
and **Mabel Evans, aka Mabel G. ~~Ray~~ Evans**, his wife,

of the County of **Oneida**, State of **Idaho**

parties of the first part, for and in consideration of the sum of **SIXTEEN THOUSAND AND NO/100**

----- Dollars (\$ **16,000.00--**).

in lawful money of the United States of America, and other valuable consideration, to **them**

in hand paid by **William Donald Evans** and **Amie Christine Evans**

Malad, Oneida County, Idaho
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second
party, all of the following-described property situate, lying and being in the County of **Oneida**
State of Idaho, to wit:

The East Half of the Southeast Quarter of Section 34, Township 13
South, Range 36 East, Boise Meridian; also, Lot One (1) and the
Southeast Quarter of the Northeast Quarter of Section 3; Township
14 South, Range 36 East, Boise Meridian.
LESSAND EXCEPTING roadways and easements and Less a piece of land off
the North side of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 13 South, Range
36 EBM as the same is now fenced off and used with the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 34, Township 13 South, Range 36 EBM.
ALSO EXCEPTING a certain roadway described as follows: Commencing
at the SE corner of the NE $\frac{1}{4}$ of Section 34, Township 13 South, Range
36 EBM, and running thence West 3 rods, thence South 240 rods, more
or less, to a point 3 rods West of the SE corner of Lot 1 of Section
3, Township 14 South, Range 36 EBM, thence East 23 rods, more or
less, to main public highway, thence North 3 rods, thence West 20
rods, more or less to Section line at a point 3 rods North of the SE
corner of said Lot 1 of Section 3, Township 14 South, Range 36 EBM,
thence North along Section line 237 rods, more or less, to the point
of beginning.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to
8 shares of the capital stock of the Malad Valley Irrigation Com-
pany; also, rights to ground waters produced from a well or wells
located on the above premises, especially such water under State of
Idaho License and Certificate of Water Right No. G-25269, approved
by the Idaho Water Administration Engineer.

Subject to exceptions and reservations contained in patents from
the United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals, and power and transmission lines.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The part ies of the first part, for themselves
and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 8th day of June, 1971.

WITNESSES:

Raymond J. Evans
Raymond J. Evans, aka

Raymond Evans
(husband)

Mabel Evans
Mabel Evans, aka

Mabel G. Evans
(wife)

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF ONEIDA

On this 8th day of June, 1971, before me, a Notary Public in and for said County and State, personally appeared RAYMOND J. EVANS, aka Raymond Evans, and MABEL EVANS, aka Mabel G. Evans, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

[SEAL]

L. L. Jones
Notary Public in and for the State of Idaho
Residing at Malad, Idaho
My commission expires: October 15, 1974

Recorded in _____

County, Idaho, on _____

_____, in Book _____

at Page _____

State of Idaho, County of Oneida ss.

I hereby certify that this instrument was filed for record at request of L. L. Jones at 3 minutes past 3 o'clock P.M. this 8th day of June, 1971 in my office and duly recorded on Film as Inst. No. 89,112

Fee 2.00

Calvin H. Sweetser
Ex-Officio Recorder

Malad, Idaho
Deputy

QUITCLAIM DEED

FOR VALUE RECEIVED

WILLIAM DONALD EVANS and ANNIE CHRISTINE EVANS, husband and wife,
do hereby convey, release, remise and forever quit claim unto

WILLIAM DONALD EVANS and ANNIE CHRISTINE EVANS, as Trustees, or
their successors in trust, under the DONALD AND ANNIE EVANS FAMILY TRUST by
trust Agreement dated the 1st day of November, 2021, and any amendments thereto,

whose current address is: 3810 North Deep Creek Rd, Malad, ID 83252,
the following described premises, in Oneida, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD, all and singular the said real property, together
with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues,
profits, rights-of-way, and water rights in anywise appertaining to the real property
herein described, as well as in law as in equity, unto Grantee, and to their heirs and
assigns forever.

THE TRUSTEE SHALL HAVE ALL RIGHTS TO TRANSFER THE PROPERTY
HEREIN SET FORTH PURSUANT TO THE TRUST AGREEMENT.

THE SUCCESSOR OR CHANGE OF TRUSTEE MAY BE EVIDENCED BY DEED
OR AMENDMENT TO TRUST AGREEMENT OR AFFIDAVIT OF DEATH.

November 1, 2021

William Donald Evans
WILLIAM DONALD EVANS

Annie Christine Evans
ANNIE CHRISTINE EVANS

STATE OF IDAHO)
)
County of Franklin)

One this 1st day of November, 2021, before, me the undersigned, a Notary Public in and for said State, personally appeared, WILLIAM DONALD EVANS and ANNIE CHRISTINE EVANS, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

STEVEN R. FULLER
COMMISSION NO. 7680
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 9-17-24

Steven R. Fuller
NOTARY PUBLIC for State of Idaho

Real Property located in Oneida County, Idaho:

The East Half of the Southeast Quarter of Section 34, Township 13 South, Range 36 East, Boise Meridian; also, Lot One (1) and the Southeast Quarter of the Northeast Quarter of Section 3; Township 14 South, Range 36 East, Boise Meridian.

LESS AND EXCEPTING roadways and easements and Less a piece of land off the North side of the NE1/4SE1/4 of Section 34, Township 13 South, Range 36 EBM as the same is now fenced off and used with the SE1/4NE1/4 of Section 34, Township 13 South, Range 36 EBM.

ALSO EXCEPTING a certain roadway described as follows: Commencing at the SE corner of the NE1/4 of Section 34, Township 13 South, Range 36 EBM, and running thence West 3 rods, thence South 240 rods, more or less, to a point 3 rods West of the SE corner of Lot 1 of Section 3, Township 14 South, Range 36 EBM, thence East 23 rods, more or less, to main public highway, thence North 3 rods, thence West 20 rods, more or less to Section line at a point 3 rods North of the SE corner of said Lot 1 of Section 3, Township 14 South, Range 36 EBM, thence North along Section line 237 rods, more or less, to the point of beginning.

TOGETHER with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to 8 shares of the capital stock of the Malad Valley Irrigation Company; also, rights to ground waters produced from a well or wells located on the above premises, especially such water under State of Idaho License and Certificate of Water Right No. G-25269, approved by the Idaho Water Administration Engineer.

SUBJECT TO exceptions and reservations contained in patents from the United States.

SUBJECT TO existing easements for roads, highways, ditches, canals, laterals, and power and transmission lines.

MEMORANDUM

Date: June 8, 2022

To: Transfer 86315

From: Jake Nebeker

Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.