

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
NOV 12 2020
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☒ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Julio Ortiz & Laura Gonzalez Phone 208-681-4843

2. **MAILING ADDRESS** 1994 S 2800 W City Aberdeen

State ID Zip 83210 Email gonzlau4@isu.edu

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-13839

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.03 cubic feet per second and/or 8.0 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SE	SE	18	06S	33E	Power	Ground Water	

6. 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:

New well will be drilled on two acres to facilitate irrigation for two acres and supply one residence.

- 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. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and 1/4 1/4 of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. SIGNATURE – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Laura Gonzalez
Signature of applicant or authorized agent

Julio Ortiz
Print name and title if applicable

11/08/2020
Date

Julio Ortiz
Signature of applicant or authorized agent

Laura Gonzalez
Print name and title if applicable

11/08/2020
Date

9. FEE – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

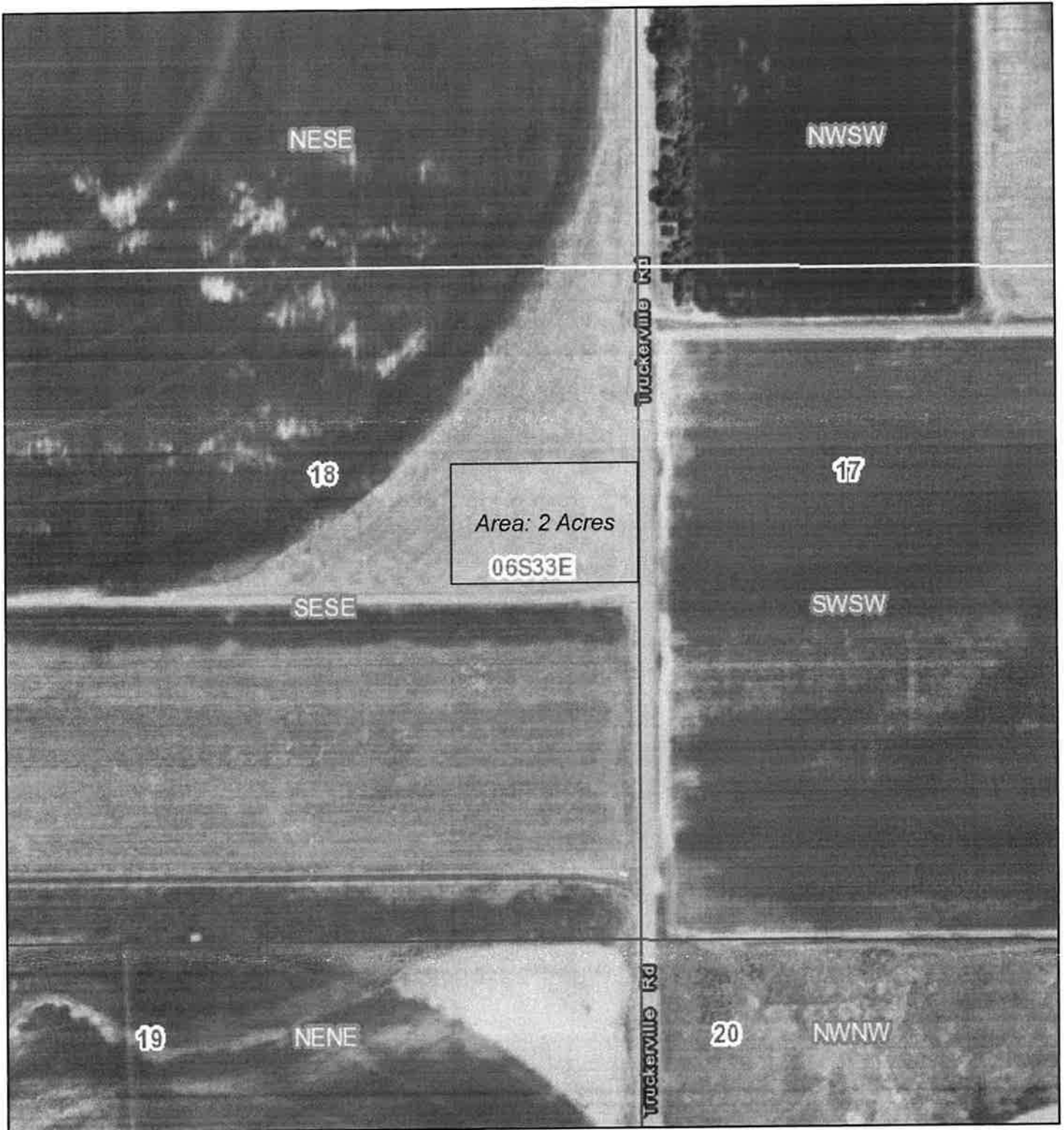
Fee paid \$300.00 Date 11/12/2020 Received by CA H Receipt # E046431

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

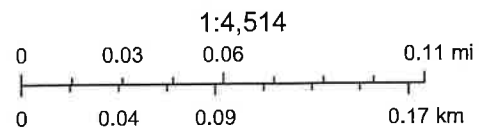
(Do NOT scan the W-9 – confidential information is held by fiscal only)

Application for Water Right



11/2/2020, 8:10:40 PM

- Override 1
- Section
- Counties
- Township/Range
- ESPA Model Outline
- Idaho Outline
- Quarter Quarter
- Idaho Mask



USDA FSA, GeoEye, Maxar, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, IPC, Idaho Department of Water Resources



135 N. Arthur Ave.
Pocatello, ID 83204

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 732717 SK/CB

Instrument # 216422

POWER COUNTY, IDAHO
08-31-2020 04:55:04 PM No. of Pages: 2
Recorded for: PIONEER TITLE POCATELLO
SHARIE SPRAGUE Fee: \$15.00
Ex-Officio Recorder Deputy: Flor Cardona
Electronically Recorded by Simplifile

WARRANTY DEED

For Value Received

C&B Fehringer Family Trust and Curt Fehringer and Brenda Fehringer, husband and wife and

Daren J. Fehringer and Nicole M. Fehringer, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Julio Ortiz and Laura Gonzalez, husband and wife

hereinafter referred to as Grantee, whose current address is

3938 Ethel Lane Pocatello, ID 83201

The following described premises, to-wit:

A parcel of land located in the Southeast 1/4 of Section 18, Township 6 South, Range 33 East, BM, Power County, Idaho Described as follows:

Commencing at the East 1/4 corner of Section 18 being marked by a 5/8 inch rebar with a 2 inch aluminum cap stamped SLS LS 13023; thence South 00°13'05" West, (Basis of bearing per central Meridian of East Zone of Idaho State Plan Coordinate System), along the East line of said Section 18, a distance of 1684.15 feet to the Point of Beginning.

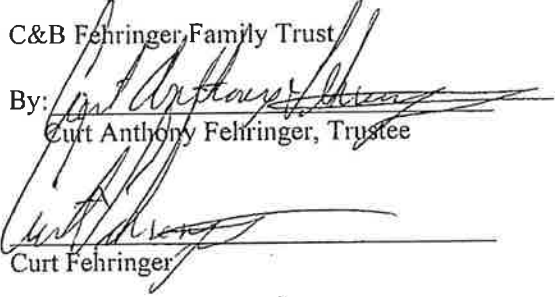
Thence continuing South 00°13'05" West, along the East line of said Section 18, a distance of 245.00 feet; thence North 89°31'16" West a distance of 356.00 feet; thence North 00°13'05" East a distance of 245.00 feet; thence South 89°31'16" East a distance of 356.00 feet to the Point of Beginning.

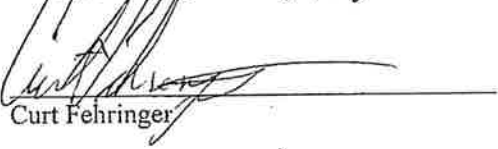
To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 27, 2020

C&B Fehringer Family Trust

By:

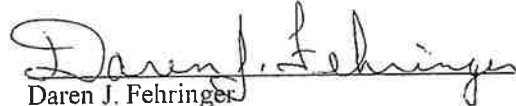

Curt Anthony Fehringer, Trustee


Curt Fehringer

By:


Brenda Lee Fehringer, Trustee


Brenda Fehringer


Daren J. Fehringer


Nicole M. Fehringer

State of IDAHO, County of BANNOCK

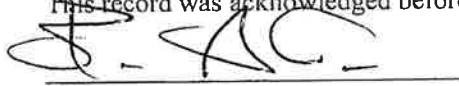
This record was acknowledged before me on August 28, 2020 by Curt Anthony Fehringer and Brenda Lee Fehringer, as Trustees of C&B Fehringer Family Trust.


Signature of notary public
Commission Expires: 02/02/2026

BROCK G. CONDIE
COMMISSION #25375
NOTARY PUBLIC
STATE OF IDAHO

State of IDAHO, County of BANNOCK

This record was acknowledged before me on August 28, 2020 by Curt Fehringer and Brenda Fehringer.


Signature of notary public
Commission Expires: 02/02/2026

BROCK G. CONDIE
COMMISSION #25375
NOTARY PUBLIC
STATE OF IDAHO

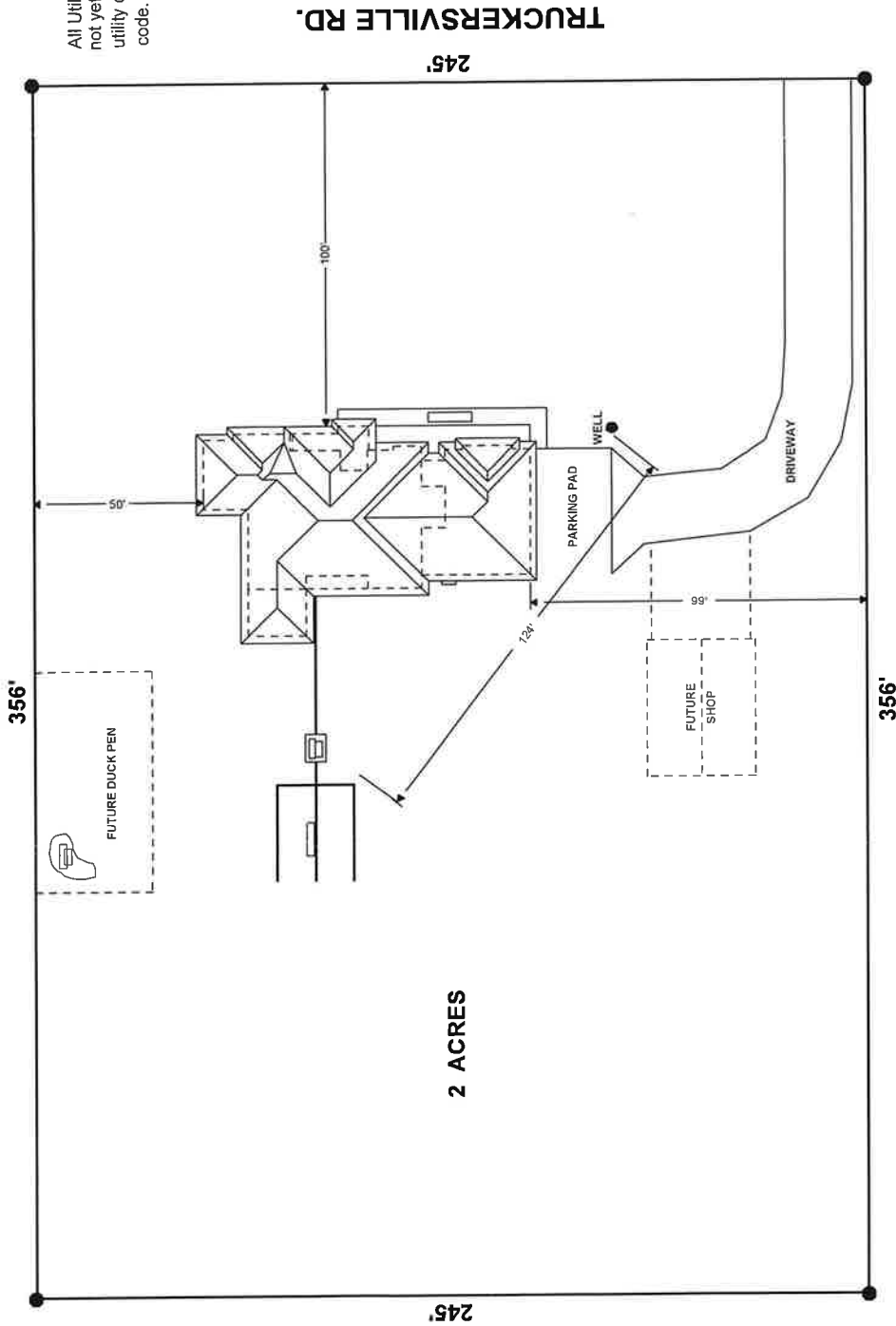
State of IDAHO, County of BANNOCK

This record was acknowledged before me on August 28, 2020 by Daren J. Fehringer and Nicole M. Fehringer.


Signature of notary public
Commission Expires: 02/02/2026

BROCK G. CONDIE
COMMISSION #25375
NOTARY PUBLIC
STATE OF IDAHO

All Utilities (Power, natural gas, propane, cable, phone etc.) not yet supplied to the property, will be coordinated with the utility companies and installed to company specs & building code.



TRUCKERSVILLE RD.

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 33 EAST, BM, POWER COUNTY, IDAHO DESCRIBED AS FOLLOWS:
 Commencing at the East 1/4 corner of Section 18 being marked by a 5/8 inch rebar with a 2 inch aluminum cap stamped SLS LS 13023; thence South 00 degrees 13'05" West, (Basis of bearing per central Meridian of East Zone of Idaho State Plan Coordinate System), along the East line of said Section 18, a distance of 1684.15 feet to the point of Beginning.
 Thence continuing South 00 degrees 13'05" West, along the East line of said Section 18, a distance of 245.00 feet; thence North 89 degrees 31'16" West a distance of 356.00 feet; thence North 00 degrees 13'05" East a distance of 245.00 feet; thence South 89 degrees 31'16" East a distance of 356.00 feet to Point of Beginning.

PLOT PLAN	
PAGE 1	LAURA & JULIO ORTIZ
JAY CRANDALL	
SCALE: 1/16" = 1'	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2020

Water Right 29-13839

<u>Owner Type</u>	<u>Name</u>
Current Owner	BRENDA FEHRINGER
Current Owner	CURT FEHRINGER
Current Owner	DAREN J FEHRINGER
Current Owner	NICOLE M FEHRINGER
Original Owner	J BLAINE SHOEMAKER
Previous Owner	FRED STIRLING
Security Interest	IDAHO AG CREDIT FLCA

Priority Date: 12/16/1963

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

3.290 CFS

Volume

755.2 AF

Total Diversion

3.290 CFS

755.2 AF

Source and Point(s) of Diversion

GROUND WATER

SESWNE

Sec. 18, Twp 06S, Rge 33E, POWER County

Place Of Use

IRRIGATION within POWER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	33E	18			40.0	36.1									38.5	40.0	16.3	17.9	188.8

POU Total Acres: 188.8

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F05 RIGHT NO. 29-2486C IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates and Other Information

Decreed Date: 3/22/2004

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 120

Mitigation Plan: False

Combined Use Limits



State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 19, 2020

Julio Ortiz & Laura Gonzalez
1994 S 2800 W
Aberdeen, ID 83210

Dear Mr. Ortiz and Ms. Gonzalez,

We received your Application for Transfer of Water Right on November 12th of 2020. In order for us to continue processing your application, a little more information will need to be provided. After reviewing aerial photography of the location described in the application, we found no evidence of irrigation there since the water right was decreed back in 2004. Please provide evidence of irrigation at the proposed place of use, or provide a valid defense against forfeiture. Defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223.

Could you also please clarify as to whether you are intending to **exclusively** have water provided by the new well that will be drilled for the two acres and residence as described, or if you were intending to have water supplied by the new well **and** the well that already exists? Depending on your intentions the application may require some amending.

Feel free to contact me if you have any questions or concerns. I would be glad to help.

Thank you,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
900 N Skyline Dr Ste A
Idaho Falls, ID 83402
(208) 497-3783
Aaron.Olson@idwr.idaho.gov

CC: Brenda Fehringer
Curt Fehringer
Daren Fehringer
Nicole Fehringer



State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 4, 2021

Julio Ortiz & Laura Gonzalez
1994 S 2800 W
Aberdeen, ID 83210

Dear Mr. Ortiz and Ms. Gonzalez,

I just wanted to follow up with you regarding your Application for Transfer of Water Right and the letter I sent out previously. Since I have not heard back, I will go ahead and send this one out with the original message down below. Please respond with those items requested, if I do not hear back within the next 30 days of sending this second letter the application will be closed and sent back to you along with the submitted filing fee.

We received your Application for Transfer of Water Right on November 12th of 2020. In order for us to continue processing your application, a little more information will need to be provided. After reviewing aerial photography of the location described in the application, we found no evidence of irrigation there since the water right was decreed back in 2004. Please provide evidence of irrigation at the proposed place of use, or provide a valid defense against forfeiture. Defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223.

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Feel free to contact me if you have any questions or concerns. I would be glad to help.

Thank you,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
900 N Skyline Dr Ste A
Idaho Falls, ID 83402
(208) 497-3783
Aaron.Olson@idwr.idaho.gov

CC: Brenda Fehringer
Curt Fehringer
Daren Fehringer
Nicole Fehringer

Olson, Aaron

From: Lala Gonzalez <lalagonzalez@isu.edu>
Sent: Friday, June 11, 2021 5:49 PM
To: Olson, Aaron
Subject: App Withdrawal - Laura Gonzalez

Good evening,

I would like to have my application withdrawn for the transfer of water rights but I still want to do the change of ownership and request a refund.

Thank you,
Laura Gonzalez