

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 26 2021
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 EXCHANGE

Name of Applicant(s) Joseph R. NaylorPhone 208-851-1702Mailing address 3375 W HWY 30 Weston, ID 83286

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 Jan StonePhone 208-852-5700Mailing address 96 S State Street Preston, ID 83263Email jans@northerntitle.net

- ☐ 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.

Joe Naylor
Signature of Applicant or Authorized Representative

Joe Naylor
Print Name and Title if applicable

2-26-21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☒ Other Ownership
- 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**.
In the decree, the POU and the spring POD were incorrectly defined. The PLU was decreed in R38E but the correct description is in R39E. The spring was decreed in the NW Sec 20, but the correct description is in NENWSW Sec 19.
No physical change will take place.

83985

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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 ☐ ☐	13-7858	0.01 CFS	Irrigation	4-20 to 9-30	5 Mile Creek - Bear River
☐ ☐	13-7860	1.15 CFS	Irrigation	4-20 to 9-30	Deep Creek - Bear River
☐ ☐	13-7862	0.02 CFS	Irrigation	4-20 to 9-30	Springs - 5 Mile Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.18 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.18 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 #
No			SE	SW	25	14S	39E	Franklin	Deep Creek	
No			NE	SW	20	15S	39E	Franklin	5 Mile Creek	
No		NE	NW	SW	19	15S	39E	Franklin	Spring	

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	
15S	39E	20												20					20
Total Acres (for irrigation use)																			20

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:
Bear River water is being delivered to POU by West Cash Canal Co. Attached is a trade-off agreement with WCC to suppliment Deep creek water for Bear River since 1908.

- b. Who owns the property at the point(s) of diversion? West Cash Canal Co.; Gaylin and Edna Fuller
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Written agreements attached.

- 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: N/A

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:
N/A

- 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:
N/A

- 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:

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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:

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$50.00 Date 3/20/2020 Received by aa dh Receipt # 1045760

Add'l fee paid \$530 Date 3/15/2021 Received by MP Receipt # E046722

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/23/2021

Water Right 13-7858

Owner Type
Current Owner

Name and Address
FLORENCE BUXTON
92 N 2200 W
PRESTON, ID 83263
(208) 852-3375

Priority Date: 5/1/1880

Basis: Decreed

Status: Active

Source
FIVEMILE CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.010 CFS	
	Total Diversion		0.010 CFS	

Source and Point(s) of Diversion
FIVEMILE CREEK

Place Of Use

IRRIGATION within FRANKLIN 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	
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L :																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L :																0.0

Conditions of Approval:

1. X35 Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.

Dates and Other Information

Decreed Date: 7/14/1920
Judicial District: District Court Eastern Division
Water District Number: 11
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/23/2021

Water Right 13-7860

Owner Type **Name and Address**
Current Owner FLORENCE BUXTON
 92 N 2200 W
 PRESTON, ID 83263
 (208) 852-3375

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source
DEEP CREEK

Tributary
BEAR RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	1.150 CFS	
	Total Diversion		1.150 CFS	

Source and Point(s) of Diversion

DEEP CREEK NWSE Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN 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	
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L ;																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L ;																0.0

Conditions of Approval:

1. X35 Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.

Dates and Other Information

Decreed Date: 7/14/1920
Judicial District: District Court Eastern Division
Water District Number: 11
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/23/2021

Water Right 13-7862

Owner Type **Name and Address**
Current Owner FLORENCE BUXTON
 92 N 2200 W
 PRESTON, ID 83263
 (208) 852-3375

Priority Date: 6/1/1882

Basis: Decreed

Status: Active

Source **Tributary**
SPRINGS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.020 CFS	
	Total Diversion		0.020 CFS	

Source and Point(s) of Diversion

SPRINGS NW Sec. 20, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN 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	
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L:																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L:																0.0

Conditions of Approval:

1. X35 Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.

Dates and Other Information

Decreed Date: 7/14/1920
Judicial District: District Court Eastern Division
Water District Number: 11
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Mitigation Plan: False

February 25, 2021

To: Idaho Department of Water Resources

To Whom It May Concern:

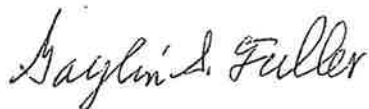
I purchased my farm land in 2006 from Taylor Cox. This purchase came with water rights in Five Mile Creek. Since that time, I have used Five Mile Creek water to irrigate on my farm by pumping water to a main line to run sprinkler systems.

I also was able to get water from the Five Mile Creek over to my neighbor, Florence Buxton, to allow her to use her water right.

I am still using Five Mile Creek Water on my farm property; up through 2020 and into the foreseeable future.

This Five Mile Creek Water is essential to my property.

I am grateful to have this water right.



Gaylin S. Fuller

PO Box 74

Dayton, Idaho 83232

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-7797

WATER RIGHT NUMBER: 13-7797

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GAYLIN FULLER 3796 W HWY 36 PRESTON, ID 83263 (208)747-3838
Current Owner	EDNA FULLER 3796 W HWY 36 WESTON, ID 83286 (208)747-3282

Priority Date: 05/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FIVEMILE CREEK	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20	to 09/30	0.100 CFS	
<u>Total Diversion:</u>			0.100 CFS	

Location of Point(s) of Diversion

FIVEMILE CREEK

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 38E 19																	
15S 38E 20																	

Conditions of Approval:

1. X35 Rights 13-7797, 13-7801 and 13-7805 when combined shall not exceed a total irrigation of 51 acres.

Remarks:Comments:

1. j barg 12/2/2011 Change of Ownership
Comment: Split from Water Right 13-152

2. j barg 12/2/2011 10:54:45 AM POU
Comment: Updated Shape

3. j barg 2/23/2012 Change of Ownership
Comment: The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of Use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.

Saints hereby certify that on the Fifth day of April, 1943,

VERIL DAVID SMART

was ordained a Bishop by Elder George A. Richards and set apart to preside over the Dayton Ward, Oneida Stake of the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS in the County of Franklin and State of Idaho in conformity with the rites, regulations, and discipline of said CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

IN TESTIMONY WHEREOF, we hereunto subscribe our names at Salt Lake City, Utah, this third day of May, A.D. 1943.

Heber J. Grant J. Reuben Clark Jr. David O. McKay
Presidency of the Church of Jesus Christ
of Latter-day Saints.

THIS IS TO CERTIFY, that the above and foregoing is a full, true, and correct copy of the original certificate, issued by the Presidency of the Church of Jesus Christ of Latter-day Saints, to VERIL DAVID SMART as Bishop of the Dayton Ward, Stake of Oneida in the County of Franklin, State of Idaho.

WITNESS my hand this Third day of May A.D. 1943.

Joseph Anderson
Secretary to the Presidency of the
Church of Jesus Christ of Latter-day Saints.

STATE OF IDAHO
COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of Church of Jesus Christ of L. D. S. at 2-30 P.M. May 19th, 1943.

Fees \$0.40

C. L. Swenson, Ex-Officio Recorder

By David Smart Deputy

Compared

o o o o o o o o

INST. NO. 68220

THIS AGREEMENT, made and entered into this the 10th day of June A.D. 1908, by and between the West Cache Irrigation Co. a corporation organized and existing under the laws of the State of Utah, by its President B. F. Bingham, and Secretary T. N. Judah the party of the first part, and Thomas Mendenhall and his wife, Louisa Mendenhall, Lorin Mendenhall and his wife, Elvira Mendenhall, George Mendenhall and his wife Celestia Mendenhall of Oneida County and State of Idaho the parties of the second part.

WITNESSETH:- That the said party of the first part for and in consideration of the covenants hereinafter mentioned, and on account of not being able to repair and maintain the canal belonging to the said parties of the second part, and conveying water from Deep Creek to the farms belonging to said second parties, hereby agree to and with the said parties of the second part to build and maintain all ditches, head gates, flumes and measuring devises necessary for the diversion of all of the waters of Deep Creek into the said first party's canal and to grant unto the said parties of the second part a right-of-way throught the said company's canal for the purpose of conveying all of the waters of Deep Creek from place where said waters enter canal of said first party to George Mendenhall's north line and where the present county road crosses the said first party's canal. Said second parties are to take the water out of the said first party's canal at George Mendenhall's north line, also at the northwest corner of Thomas Mendenhall's land. It being understood that the said parties of the second part may take the water out of the canal at either point as above described. And the said parties of the first part agree to furnish all of the water of Deep Creek belonging to said second parties at all times during irrigation season of each and every year hereafter.

Provided however that in event of breakage in said first party's canal or from any other uncontrollable cause that may occur in said canal between the point of diversion to the point where the water is to be taken out of the canal of the first party, then the party of the first part is excused from furnishing said water during the existance of such breakage or uncontrollable emergency but said party of the first part agrees to immediately repair such breakage, or remove any other obstacle with the least possible delay.

Be it further agreed that the parties of the second part shall be privileged to run their Deep Creek water through the said first party's canal at any time during irregation season, and in event of a breakage in some other part of the first party's canal it shall not deprive the said parties of the second part to full use of that part of the first party's canal used for the diversion of the waters of Deep Creek belonging to said parties of the second part.

Be it further agreed by the said party of the first part that they will build all ditches, flumes head gates and measuring devises and maintain the same at their own expense for the purpose of converting the water belonging to the said second parties into the said first parties canal and for the taking out of the water form the first party's canal for the use and benefit of the said parties of the second part.

And in consideration thereof the said parties of the second part agrees to pay annually unto the said party of the first part the sum of fifty (\$50.00) Dollars Thirty nine and thirty one hundredths (39.30) dollars to be paid by Thomas Mendenhall and Lorin Mendenhall and Ten and Seventy one hundredths (\$10.70) dollars to be paid by George Mendenhall as expenses for maintaining, cleaning and repairing the canal head gates measuring devises etc. from year to year. it being optional with the parties of the second part whether the assessments be paid in labor or cash.

Nothing in this contract shall be construed as a forfiture of any right title or priority to the use of the waters of Deep Creek by the said parties of the second part, nor shall it in anywise convey any title or right to said waters unto the said party of the first part.

IN WITNESS WHEREOF, both parties have set their hands and seals this the 15th day of October, A.D. 1908.

Signed in the presence of

George H. Carver
Joseph Davis

WEST CACHE IRRIGATION CO.

B. F. Bingham
President

T. N. Judah
Secretary
Party of first part

Thos. Mendenhall

Louisa Mendenhall

L. M. Mendenhall

Elvira Mendenhall

George Mendenhall

Parties of second part.

STATE OF IDAHO

COUNTY OF ONEIDA--SS

Subscribed and sworn to before me this the 15th day of October, A.D. 1908.

Comm. Expires May, 1912. (SEAL)

Joseph Davis

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of West Cache Irrigation Co. at 9-10 A.M. May 20th, 1943.

C. L. Swenson, Ex-Officio Recorder

Fees \$1.20

By Larsen Deputy

Compared
o o o o o o o o

INST. NO. 68241

AFFIDAVIT

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

The undersigned, being duly sworn, deposes and says that he was well and personally acquainted with Baltzer Peterson on September 8th, 1930; and that on the date that he is named as Grantee in one certain Warranty Deed, made by Arthur Walgren and his wife Hattie Walgren and recorded October 4th, 1930, in Book 28 of Deeds page 136, the said Baltzer Petersen was a married man; and that his wife's name was Marinda Peterson; and that Baltzer Peterson has continued to be a married man up to and including the present time; and his wife during all of this time was and now is Marinda Peterson.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, 1943.

J. N. Larsen

SUBSCRIBED and sworn to before me this 22nd day of March, 1943.

Clifford Warr
Notary Public
Address: Preston, Idaho

(SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 9-20 A.M. May 24th, 1943.

C. L. Swenson, Ex-Officio Recorder

Fees \$0.40

By Larsen Deputy

Compared
o o o o o o o o

INST. NO. 68251

AGREEMENT--ARTICLES OF PARTNERSHIP

KNOW ALL MEN BY THESE PRESENTS:-

That, we, the undersigned, Victor Carlson and Ivan Carlson of Franklin County, State of Idaho, do by these presents associate ourselves together, for the purpose of forming a PARTNERSHIP under the laws of the State of Idaho, and we hereby certify and declare:

FIRST

That the name of this partnership shall be CARLSON & CARLSON PLASTERS.

SECOND

The purpose of said Partnership shall be to devote all the time necessary to the plastering trade, each partner doing one half of the labor and each member furnishing his own tools and personal supplies.

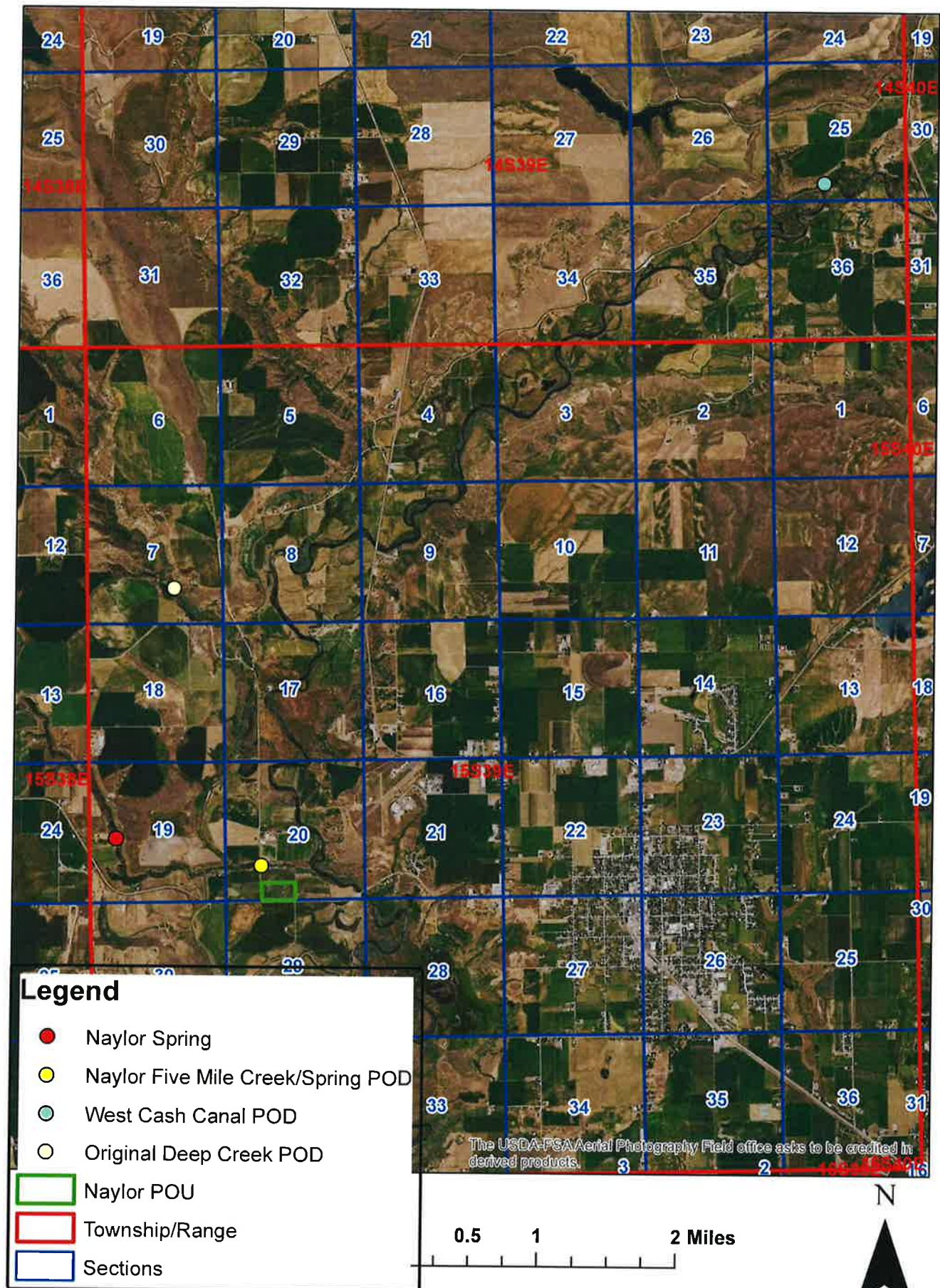
THIRD

The Partnership to date from April 1st, 1943 and to continue for one year and until mutually dissolved; Victor Carlson to receive 55% of the net earnings and Ivin Carlson to receive 45% thereof settlement to be made when each job of work is completed and paid for. Victor Carlson to be Senior Partner and he is to keep books and a strict account is to be kept of all work done and money received and of all expenses paid,

FOURTH

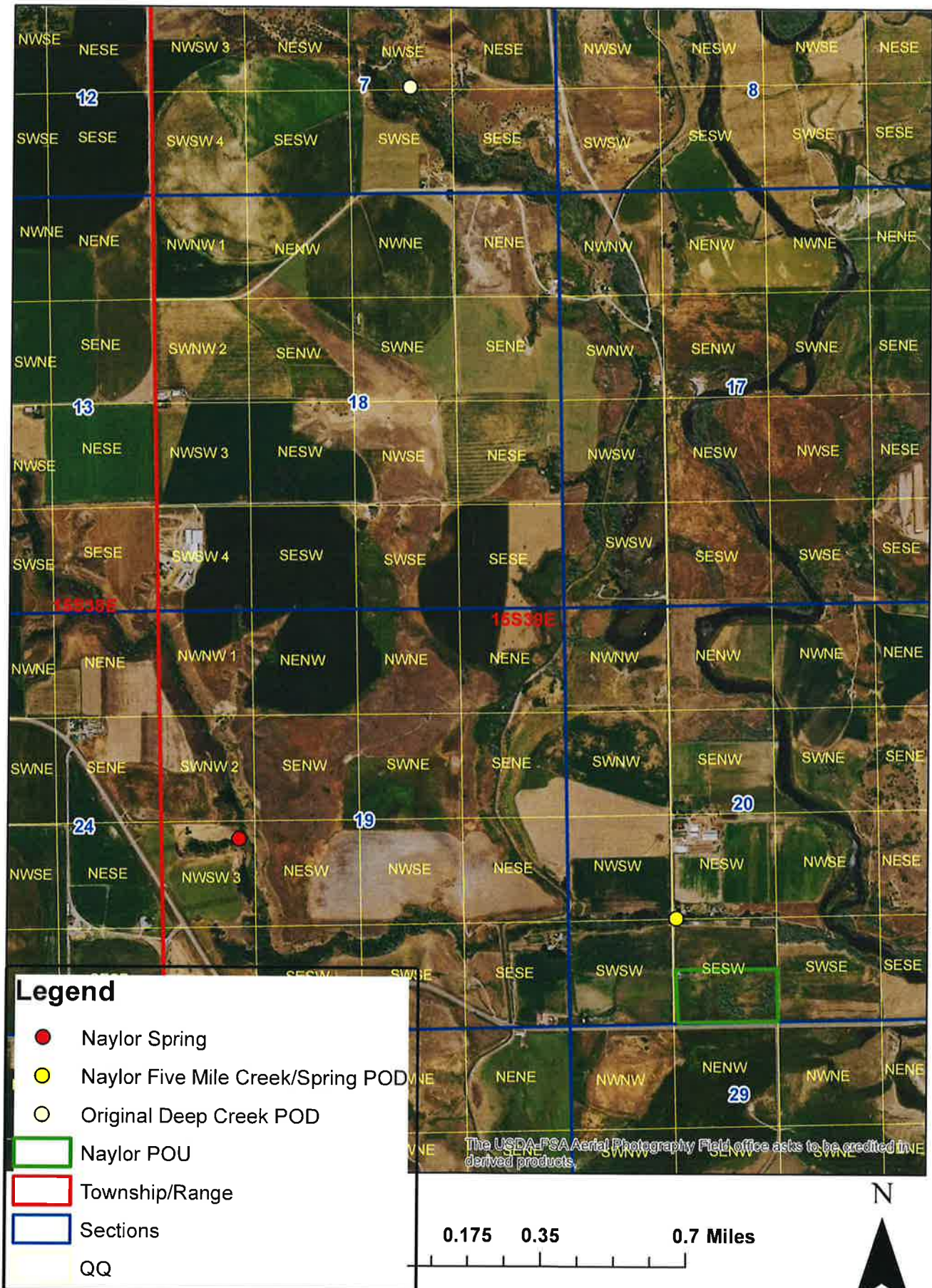
All contracts to be signed by both members of this partnership. Each partner to put in full time and as nearly as possible each partner to do his equal amount of work. The car to be used in going to and from work to be the car of Victor Carlson at the present time and arrangements for the future to be made from time to time. Each partner

Idaho Department of Water Resources



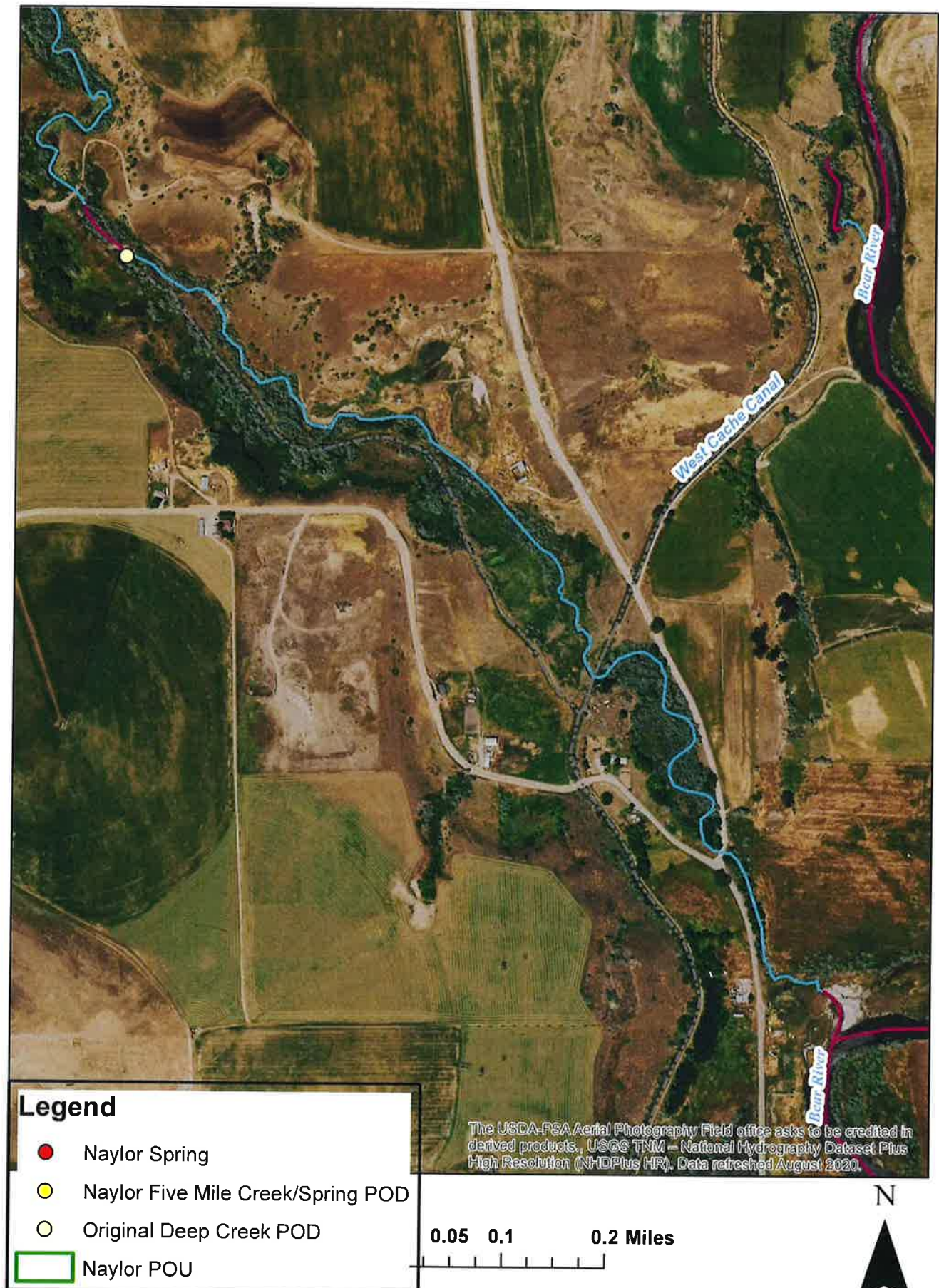
83985

Idaho Department of Water Resources

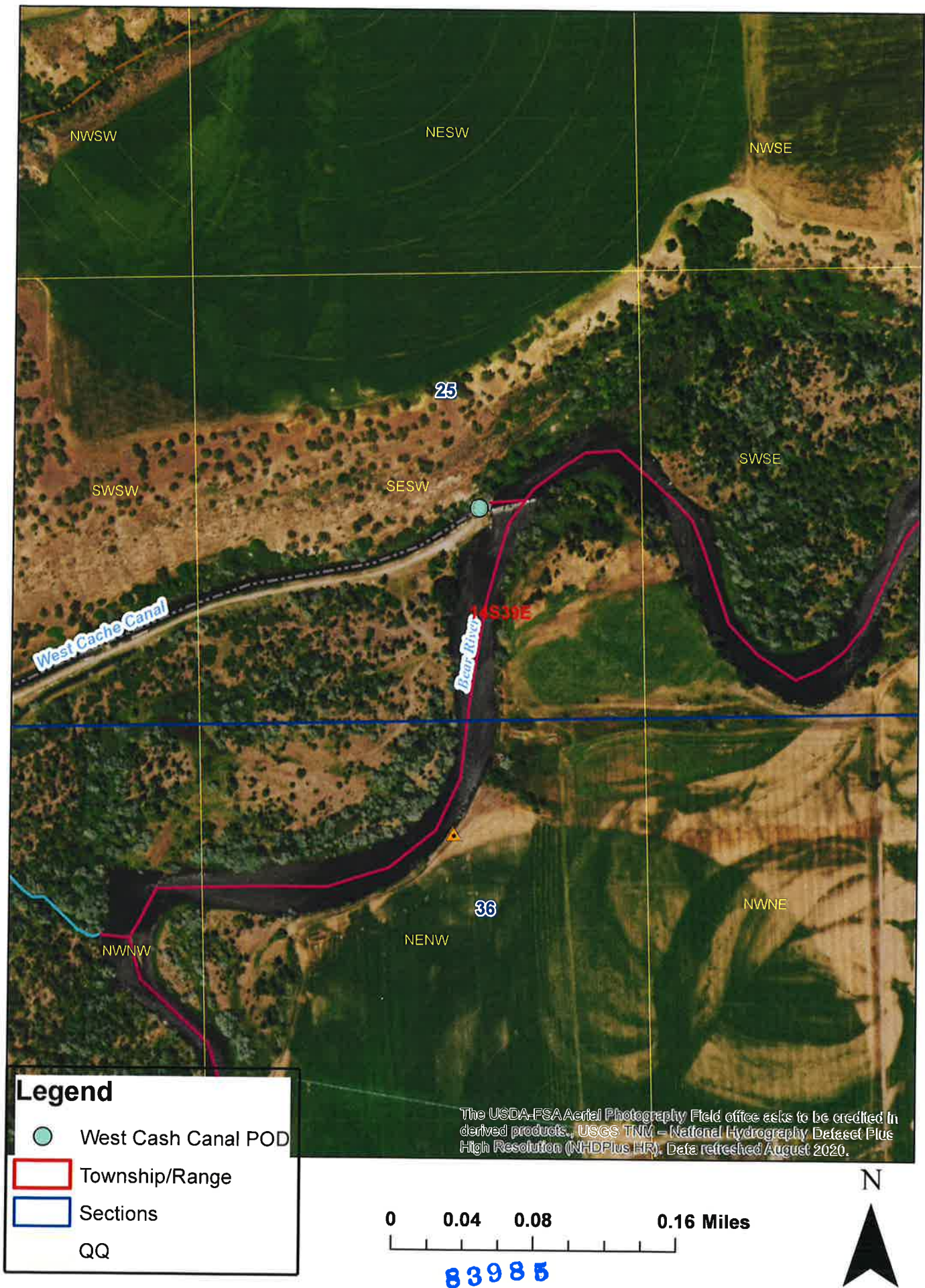


83986

Idaho Department of Water Resources



Idaho Department of Water Resources





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

March 12, 2020

Joesph Naylor
3375 West Hwy 36
Weston ID 83263

RE: Change in Ownership Water Right No. 13-7858, 13-7860, 13-7862

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **Application:** In order for your ownership change to be complete an additional application will be required. The application is a Transfer Application, to correct a clerical error. There was an error in the original decree for the water right listed above, they were decreed in the wrong range. The department cannot update the place of use of a water right without transfer application. Because there is sufficient evidence that this error was a clerical error in the decree the fee for the transfer will be \$50.00. Please review the transfer application enclosed, complete the application and return it to our office along with the \$50.00 filing fee. If you need assistance completing this application a water right agent in our office would be happy to assist you.

Details: Water right POU: 20 acres Sections 19 & 20 Township 15 South ~~Range 38 East~~ ^{39 East}
Property Location: 20 acres S1/2SESW Section 20 Township 15 South ~~Range 38 East~~ ^{39 East}

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,


Jonie Barg
Technical Records Specialist

Enclosure(s)

83985

Idaho Department of Water Resources



Legend

-  Corrected Place of Use (**Clerical Error)
-  Current Place of Use 13-7858, 13-7860, 13-7862
-  Township/Range
-  Sections
- Quad information

98688

Idaho Department of Water Resources



Legend

-  Corrected Place of Use (**Clerical Error)
-  Township/Range
-  Sections
-  QQ
-  Parcels
-  Quad information

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-7858	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7860	Yes ☐	Yes ☐		Yes ☐	Yes ☐
13-7862	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Florence A. Buxton
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Joseph R. Naylor
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 3375 West Highway 36 Weston ID 83263
Mailing address City State ZIP
- 208-851-1702 jans@northerntitle.net
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: May 27, 1983
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: Joseph R. Naylor Title, if applicable _____ Date 9-6-19
Signature of new owner/claimant
- Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by SCO Date 3/4/20 Receipt No. 5037800 Receipt Amt. 1175.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by _____ Date _____

83985

278802

Florence Buxton
92 North 2200 West
Preston, ID 83263

Recorded at the request of
Northern Title Co.
Time: 1:28P Amount \$ 15.00

SEP 10 2019

CAMILLE LARSEN, RECORDER
By [Signature] Deputy
Franklin County, Idaho

WARRANTY DEED

Florence Buxton

Grantor(s) of Preston, County of Franklin, State of Idaho, hereby **CONVEY AND WARRANT** to

Joseph R. Naylor

Grantee(s) of Weston, County of Franklin, State of Idaho, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho.
Section 20: South half of the Southeast Quarter of the Southwest Quarter.

Together with all water rights.

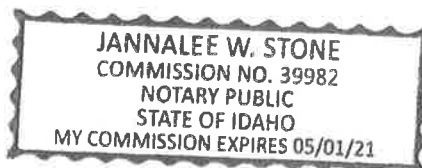
Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this September 6, 2019.

[Signature]
Florence Buxton

State of ID)
County of Franklin)§

On September 6, 2019 before me, a Notary Public in and for said county and state, personally appeared Florence Buxton, known or proved to me to be the person(s) who executed the foregoing instrument, and duly acknowledged to me that he/she/they executed the same.



[Signature]
Notary Public
Resides: Preston, Idaho

Lot No. _____

Township

See

Syme-York Co.,

Lot No.

17 20

7.5

T. 2

Dak Frew

53-400 T.2

14-574
197019
40 A.C
#1835.01

R. C. P. Properties
203362-3 #1837
120 Ac.

Franklin
County
Preston

T-4

42-130

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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P. 10
M. 1930-08
Jonathan Wayne
Merram
201800

~~John Wayne~~
~~Meridian~~
~~001800~~

Don W. W. Smith
48018

Ronald Alexander
194302
11712

J. Taylor Cox
Family Co.
182598

1838

147652

Taylor Cox Trust
 182 788

Richard Hobbs

T.J.
152512

152512

Carl A. Bowers
Life Estate
187939

Floronee 197851

1974

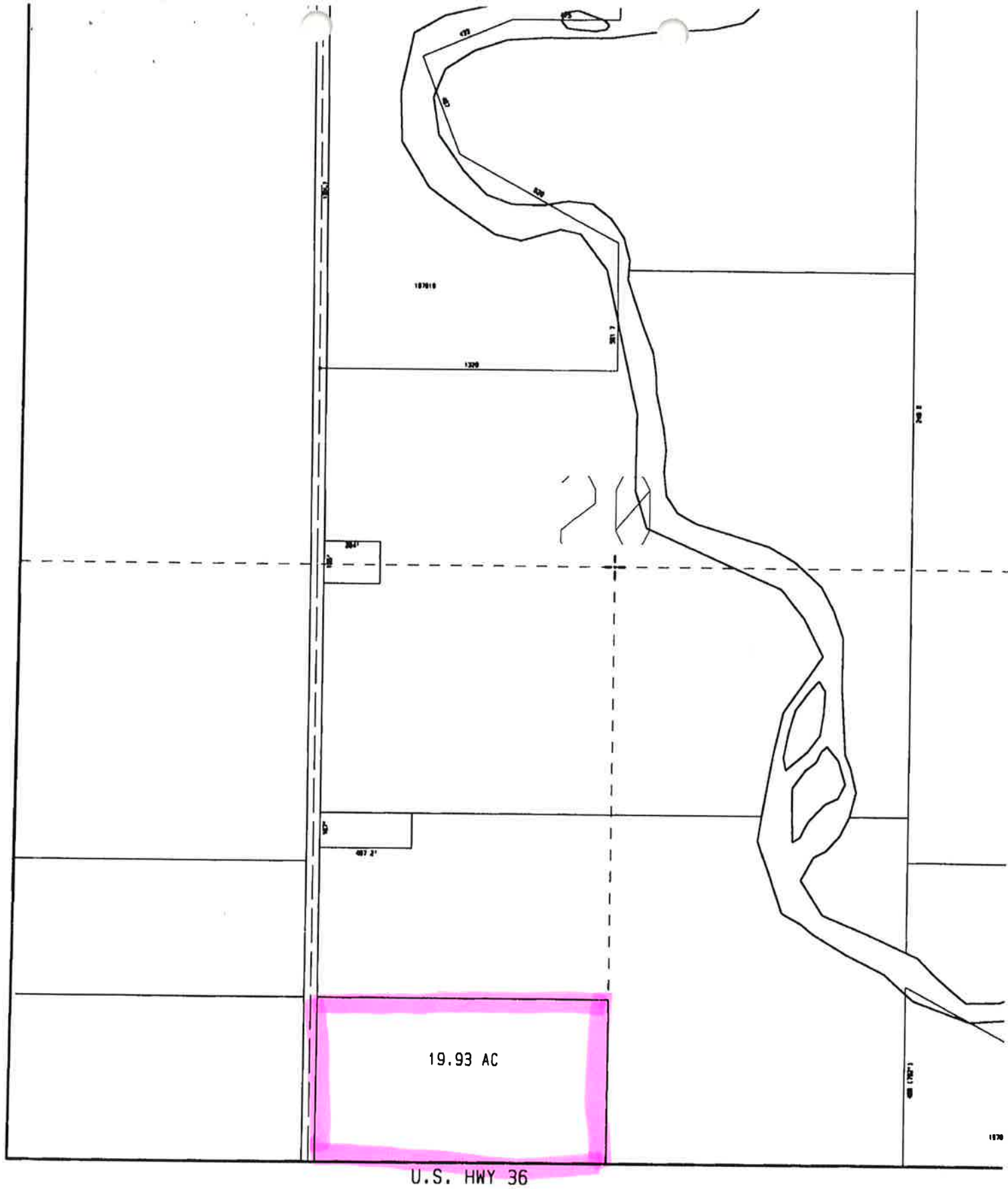
David Frew

T.7 #1835.01
141569
197019

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30 29

2



83985

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/11/2020

Water Right 13-7858

Owner Type **Name and Address**
Current Owner FLORENCE BUXTON
 92 N 2200 W
 PRESTON, ID 83263
 (208) 852-3375

Priority Date: 5/1/1880

Basis: Decreed

Status: Active

Source
FIVEMILE CREEK

Beneficial Use

IRRIGATION

Tributary
BEAR RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/20	09/30	0.010 CFS
<u>Total Diversion</u>		0.010 CFS

Volume

Source and Point(s) of Diversion
FIVEMILE CREEK

Place Of Use

IRRIGATION within FRANKLIN County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L;																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L;																0.0

Conditions of Approval:

1. X35 Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.

Comments:

1. j barg 8/23/2012 Change of Ownership
Split from Water Right 13-7795

2. j barg 8/23/2012 Change of Ownership
The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.

3/11/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLORENCE BUXTON 92 N 2200 W PRESTON, ID 83263 (208) 852-3375

Status: Active

Tributary
BEAR RIVER

Volume

1.150 CFS

Sec. 7, Twp 15S, Rge 39E, FRANKLIN County

IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				
TwP	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L 1																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L 1																0.0

1.	X35	Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.
----	-----	--

1. j barg	8/23/2012	Change of Ownership
Split from Water Right 13-7799		

2. jborg 8/23/2012 Change of Ownership
The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.

3/11/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FLORENCE BUXTON 92 N 2200 W PRESTON, ID 83263 (208) 852-3375

Status: Active

Tributary

0.020 CFS

Sec. 20, Twp 15S, Rge 39E, FRANKLIN 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	
15S	38E	19																	0.0
Lot #, Acre (No QQ)			L ;																0.0
15S	38E	20																	0.0
Lot #, Acre (No QQ)			L ;																0.0

1. X35 Rights 13-7858, 13-7860 and 13-7862 when combined shall not exceed a total irrigation of 20 acres.

1. jborg	8/23/2012	Change of Ownership
Split from Water Right 13-7803		

The 1920 Bear River Decree contains an error. Evidence confirms that the irrigation place of use should have been in Range 39 East rather than Range 38 East. Ownership changes have been processed on this water right based on the correct place of use. However, the water right place of use will still be listed in Range 38 East, as decreed. A water right transfer will be required to correct the error in the decree and adjust the place of use.



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 26, 2021

JOSEPH NAYLOR
3375 W HIGHWAY 36
WESTON, ID 83286-5008

RE: Transfer No. 83985
Water Right No(s). 13-7858, 13-7860, 13-7862

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 PRESTON CITIZEN on 3/31/2021 and 4/7/2021. 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:
JAN STONE
96 S STATE STREET
PRESTON, ID 83263

Henman, Christina

From: Henman, Christina
Sent: Friday, March 26, 2021 9:17 AM
To: 'watermasterdist11@gmail.com'
Subject: Application for Transfer No. 83985
Attachments: RecommendationForm Transfer52.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Henman, Christina

From: Henman, Christina
Sent: Friday, March 26, 2021 8:38 AM
To: 'legals@prestoncitizen.com'
Subject: Legal Notice for Preston Citizen
Attachments: 83985, 84773 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Transfer No. 83985
Water Right No(s). 13-7858, 13-7860, 13-7862

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 4/19/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83985**

JOSEPH NAYLOR, 3375 W HIGHWAY 36, WESTON, ID 83286-5008 has filed Application No. 83985 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-7858, 13-7860, 13-7862; 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: correct the combined place of use for all rights, define points of diversion for rights 13-7858 and 13-7862, change the point of diversion for right 13-7860 to West Cache Canal on the Bear River. Water will be exchanged by injecting water from Deep Creek into Bear River. Points of diversion are Lot 3 (NENWSW) Sec 19 T15S R39E from Spring for 0.01 cfs, NESW Sec 20 T15S R39E from 5 Mile Creek for 0.02 cfs and SESW Sec 25 T14S R39E from Deep Creek (exchanged through Bear River) for 1.15 cfs. Proposed place of use is 20 acres in SESW Sec 20 T15S R39E.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84773**

STRONG ARM RESERVOIR IRRIGATION COMPANY, C/O CLENDON CHRISTENSEN
7376 N 2600 W, PRESTON, ID 83263 has filed Application No. 84773 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-2183, 13-2286, 13-2290, 13-2303, 13-2305, 13-927, 13-928, 13-929; 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 points of diversion, add points of diversion, change period of use and change place of use. The proposed place of use for irrigation, irrigation from storage and domestic from storage is a 7943-acre service area in Sec 36 T13S R39E, Sec 4-10 & 16-18 T14S R39E, Sec 35 & 36 T13S R38E and Sec 1, 2, 11 & 12 T14S R38E. The rights are limited to the irrigation of 3300 acres. The proposed place of use for irrigation storage and domestic storage is in Sec 1, 2, 9 & 10 T14S R39E and Sec 36 T13S R39E. Total storage is limited to 2404 acre-feet. The proposed points of diversion for irrigation are in NWSE and SESW Sec 9 T14S R39E, and NENE Sec 36 T13S R39E for 78 cfs from Battle Creek; and SESE Sec 25 T13S R39E for 1.11 cfs from ground water. The proposed points of diversion for storage are in SESE Sec 8 T12S R39E (Treasureton Canal) for 30 cfs from Cottonwood Creek and NENW Sec 25 T13S R39E (injection into Battle Creek); and NESE (Strong Arm #1 dam and injection), SWSE and SWSW Sec 2, NESE (injection) and NWSE (rediversion) Sec 9, T14S R39E for 46 cfs from Battle Creek. The proposed season of use for all irrigation and irrigation from storage is 4/20-9/30. The proposed season of use for irrigation storage, domestic storage and domestic from storage is 1/1-12/31. The proposed season of use for diversion to storage is 10/1-4/19 from Cottonwood Creek and 1/1-12/31 from Battle Creek.

For additional information concerning the property locations, 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 4/19/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/31/2021 and 4/7/2021

Nebeker, Jake

From: Jan Stone <jans@northerntitle.net>
Sent: Friday, February 26, 2021 11:49 AM
To: Nebeker, Jake
Subject: RE: Amended app. Cross our fingers
Attachments: SIGNED APPLICATION.pdf; Letter from Gaylin Fuller.pdf; West Cache Agreement.pdf

Jake,
Here is the information you have requested from Joe Naylor

Attached to this email are the following:

1. Signed Application
2. Letter from Gaylin Fuller that states he carries the water from 5 Mile and the Spring Water to Joe Naylor's property
3. The Agreement between West Cache and Deep Creek the West Cache will deliver the Deep Creek Water rights through the West Cache Canal

Thank you! Hopefully this is it..... Good luck with you baby and congratulations!

Jan Stone
Title Officer/ Office Manager
jans@northerntitle.net



NORTHERN TITLE

96 South State Street
Preston, Idaho 83263
208-852-5700

<http://www.northerntitle.net>

BEWARE OF CYBER CRIME! If you receive an e-mail or any other communication that appears to be generated from a Northern Title Company employee that contains new, revised or altered bank wire instructions, consider it suspect and call our office at a number you trust.Our wire instructions do not change****

This email contains confidential and privileged information intended only for the addressee(s). Please do not read it unless you are an addressee. If you are not an addressee, please call Jan Stone at the above number, or reply to this message, and delete the message. You are hereby notified that any dissemination, distribution, copying, or other use of this email or any attachments thereto without our express written authorization from the sender is strictly prohibited. Thank you.

WARNING FRAUDULENT FUNDING INSTRUCTIONS Email hacking and fraud are on the rise to fraudulently misdirect funds. Please call your escrow officer immediately using contact information found from an independent source, such as the sales contract or internet, to verify any funding.

From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Sent: Friday, February 26, 2021 11:37 AM
To: Jan Stone <jans@northerntitle.net>
Subject: RE: Amended app. Cross our fingers

Sorry about that error.

From: Nebeker, Jake
Sent: Friday, February 26, 2021 11:27 AM
To: 'Jan Stone' <jans@northerntitle.net>
Subject: Amended app. Cross our fingers

Jan Here is an amended app for Joe's transfer, I have edited the POD's. Joe and I talked about what he needs to send back to me, here is a short list to summarize.

- signed app
- Fuller easement agreement
- West Cash Canal agreement paperwork

Thanks Jan.
-Jake

S. Jake Nebeker
Water Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr # A, Idaho Falls, ID 83402
Phone: (208) 525-7161 Fax: (208) 525-7177

Nebeker, Jake

From: Jan Stone <jans@northerntitle.net>
Sent: Thursday, April 2, 2020 10:23 AM
To: Nebeker, Jake
Subject: RE: Signature, POD picture, Fee.
Attachments: Information for map.pdf; labeled map.pdf; signed applicaion.pdf

Hi Jake,

I will be sending you the \$100.00. Here is the map, signed application, and the Explanation of the Map.....Also I typed an Explanation below.

MAP DETAILS

1 = SPRING LOCATION South Range 39 East	Located:	NW1/4SW1/4	Section 19 Township 15
2= POINT OF DEIVERSTION South Range 39 East	Located:	SE1/4SE1/4	Section 19 Township 15
3= 5 MILE CR. MEETS BEAR RIVER South Range 39 East	Located:	SW1/4SE1/4	Section 20 Township 15
4= DEEP CR. MEETS BEAR RIVER Range 39 East	Located:	NE1/4SW1/4	Section 17 Township 15 South
5= PROPERTY Range 39 East	Located:	SE1/4SW1/4	Section 20 Township 15 South

MAIN Waterline is the blue hatched line.

Please let Joe or I know if you need more information. Thank you! Have a Great Day!

Jan Stone

Title Officer/ Office Manager

jans@northerntitle.net



NORTHERN TITLE

96 South State Street
Preston, Idaho 83263
208-852-5700

<http://www.northerntitle.net>

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From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>

Sent: Tuesday, March 31, 2020 10:52 AM

To: Jan Stone <jans@northerntitle.net>

Subject: Signature, POD picture, Fee.

Hey Jan,

I just got off the phone with Joseph, and we were able to fill out the rest of his application for transfer. All we need now is his signature on page two and coordinates and a picture of his point of diversion, with the fee he is ready to pay.

All of these attachments are together the transfer application. If he can get it all back to me signed then we are set.

Thanks for working with us to get this handled.

S. Jake Nebeker

Water Resource Agent

Idaho Department of Water Resources

900 N Skyline Dr # A, Idaho Falls, ID 83402

Phone: (208) 525-7161 Fax: (208) 525-7177

Google Maps

NORTH

WEST

EAST



SOUTH