

RECEIVED

OCT 21 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**ASSIGNMENT OF APPLICATION FOR TRANSFER**

To change the ownership of an application for transfer

Page 1 of 2 is to be completed by the current transfer applicant. Notarization required.

Page 2 of 2 is to be completed by the new transfer applicant. Notarization not required.

I, Robert F. Bouttier, hereby assign to  
Current Applicant(s)  
Drinkers of the Wind Trust, Robert F. Bouttier Trustee  
New Applicant(s)  
of, PO Box 476  
Mailing address  

|                 |           |                   |                     |
|-----------------|-----------|-------------------|---------------------|
| <u>Bellevue</u> | <u>Id</u> | <u>83313-0476</u> | <u>208-788-3080</u> |
| City            | State     | ZIP               | Telephone No.       |

All my right, title, and interest in and to Application for Transfer No. 84422

Made this 21 day of OCT, 2020

[Signature]  
Signature of Current Applicant or Authorized Representative

Robert F. Bouttier  
Print Name and Title (if applicable)

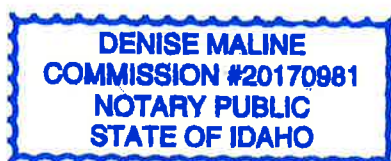
\_\_\_\_\_  
Signature of Current Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title (if applicable)

State of Idaho )  
County of Twin Falls )ss

On this 21 day of October, 2020, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL



Denise Maline  
Notary Public

My commission expires: 11-21-2023

OCT 21 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## ASSIGNMENT OF APPLICATION FOR TRANSFER

Name of New Applicant(s) Drinkers of the Wind Trust, Robert F. Bouttier, Trustee Phone 208-788-3080Mailing address: PO Box 476City Bellevue State ID Zip 83313-0476 Email robertbouttier@msn.com

- ☐ 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. Additional fee(s) required for water right ownership changes; see [fee schedule](#) on application for transfer instructions.  
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). Additional fee(s) required for water right ownership changes; see fee schedule on application for transfer instructions.  
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 RepresentativeName of Representative Robert F. Bouttier, Trustee Phone 208-788-3080Mailing address PO Box 476 Bellevue, ID83313-0476 Email robertbouttier@msn.com

- ☐ 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.

  
 Signature of Applicant or Authorized Representative

Robert F. Bouttier, Trustee  
 Print Name and Title if applicable

10/21/20  
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

**NOTE: Include the appropriate attachments and fee(s) identified above with this assignment form.**

RECEIVED

OCT 19 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 84422

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) JANIE L BOUTTIER; ROBERT F BOUTTIER

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

- Yes N/A** \*Means the item is always required and must be included with the application.
- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b 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).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b 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.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: \_\_\_\_\_

OCT 19 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant JANIE L BOUTTIER Phone (208) 788-3080

Mailing Address PO BOX 476, BELLEVUE ID 83313 Email \_\_\_\_\_

Name of Applicant ROBERT F BOUTTIER Phone (208) 788-3080

Mailing Address PO BOX 476, BELLEVUE ID 83313-0476 Email robertbouttier@msn.com

- ☐ 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.

Signature of Applicant or Authorized Representative

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.      | Right | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---------|-------|-------|-----|-----|---------|---------------|---------------|
| 37-4277 |       | Yes   | Yes | Yes | No      | No            | No            |

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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**

Application proposes to transfer 0.04 cfs and 2.0 acres of a ground water irrigation right to an adjacent  
parcel owned by the applicant. The application proposes to drill a new well at the proposed place of  
use.

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred<br>Right (All or<br>Part) | Transfer<br>Rate | Transfer<br>Volume | Acre Limit | Total Acres | Original<br>Right<br>(Remaining<br>Portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|---------------------------------------|------------------|--------------------|------------|-------------|---|-------------------|---------------------|-------------------------|--------------------------|
| <b>37-23251</b>                       | 0.040 cfs        | 7.0 af             | N/A        | 2.0         | <b>37-4277</b>                              | 1.240 cfs         | 217.0 af            | N/A                     | 62.0                     |

**COMBINED  
TOTALS**

|           |        |     |     |     |     |     |     |
|-----------|--------|-----|-----|-----|-----|-----|-----|
| 0.040 cfs | 7.0 af | N/A | 2.0 | N/A | N/A | N/A | N/A |
|-----------|--------|-----|-----|-----|-----|-----|-----|

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1. Unchanged Portion After Requested Changes**

**Original Water Right No.** 37-4277

Current Water Right Owner

ROBERT F BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313-0476

OR

JANIE L BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313

Priority Date: 6/1/1935

Origin: Water Right

Basis: Decreed

Status Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/15       | 10/31     | 1.240 CFS             | 217.0 AFA     |                    |
| Total Diversion       |             |           | 1.240 CFS             | 217.0 AFA     |                    |

**Source and Point(s) of Diversion:**

GROUND WATER  
 GROUND WATER

NWNWSW  
 NWSWSW

Sec. 36 Twp 02N Rge 18E BLAINE County  
 Sec. 36 Twp 02N Rge 18E BLAINE County

**Describe the proposed diversion system**

WELLS, PUMPS

WELLS, PUMPS

**Place of Use:** IRRIGATION

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |      |      |     | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|------|------|-----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW   | SW   | SE  | NE | NW | SW | SE |        |
| 02N | 18E | 36  |    |    |    |    |    |    |    |    |    | 26.0 | 34.0 | 2.0 |    |    |    |    | 62.0   |

POU Total Acres: 62.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**Part 1 Split Portion After Requested Changes**

**Proposed Water Right No. 37-23251**

**(Original Water Right No. 37-4277)**

Current Water Right Owner

JANIE L BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313

OR

ROBERT F BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313-0476

Priority Date: 6/1/1935

Origin: Water Right

Basis: Decreed

Status Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/15       | 10/31     | 0.040 CFS             | 7.0 AFA       |                    |
| Total Diversion       |             |           | 0.040 CFS             | 7.0 AFA       |                    |

Source and Point(s) of Diversion:

GROUND WATER

NWNW

Sec. 1 Twp 01N Rge 18E BLAINE County

Describe the proposed diversion system

WELLS, PUMPS

Place of Use: IRRIGATION

| Twp | Rng | Sec | NE |    |    |    | NW |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N | 18E | 1   |    |    |    |    |    | 2.0 |    |    |    |    |    |    |    |    |    |    | 2.0    |
|     |     |     |    |    |    |    |    | 1.4 |    |    |    |    |    |    |    |    |    |    |        |

POU Total Acres: 2.0



## 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  
A measuring device and lockable controlling works will be installed as required.

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:

N/A

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
 No, ☒ 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:

2.0 acres will be dried up

e. Describe the use of any other water right(s) for the same purpose or land, or 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:

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**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2A**

**Current Water Right No.** 37-4277

**Current Water Right Owner**

ROBERT F BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313-0476

OR

JANIE L BOUTTIER  
 PO BOX 476  
 BELLEVUE, ID 83313

**Priority Date:** 6/1/1935

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/15       | 10/31     | 1.280 CFS             | 224.0 AFA     |                    |
| Total Diversion       |             |           | 1.280 CFS             | 224.0 AFA     |                    |

**Source and Point(s) of Diversion:**

|              |        |                         |               |
|--------------|--------|-------------------------|---------------|
| GROUND WATER | NWNWSW | Sec. 36 Twp 02N Rge 18E | BLAINE County |
| GROUND WATER | NWSWSW | Sec. 36 Twp 02N Rge 18E | BLAINE County |

**Describe the proposed diversion system**

WELLS, PUMPS

WELLS, PUMPS

**Place of Use:** IRRIGATION

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |      |      |     | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|------|------|-----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW   | SW   | SE  | NE | NW | SW | SE |        |
| 02N | 18E | 36  |    |    |    |    |    |    |    |    |    | 28.0 | 34.0 | 2.0 |    |    |    |    | 64.0   |

POU Total Acres: 64.0

**Conditions/Remarks:**

- 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.



## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**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.

**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 right(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**

1. 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.:

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and            attachments.

Received By DM Date 10-19-2020 Prelim. Check By            Date           

Fee Paid \$200- Date 10-19-2020 Received By DM Receipt # 5038211

Add'l Fee Paid            Date            Received By            Receipt #

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

JOHN A. SEILLER  
Attorney at Law, PLLC, ISB No. 4595  
191 Fifth Street West, Third Floor  
Post Office Box 6090  
Ketchum, Idaho 83340  
practice@sunvalleylaw.net  
(208) 726-5962  
FAX 726-5998

**Instrument # 618110**

HAILEY, BLAINE, IDAHO

4-17-2014 05:50:00 No. of Pages: 3

Recorded for : JOHN A SEILLER

JOLYNN DRAGE

Fee: 16.00

Ex-Officio Recorder Deputy

Index to: WTVQCICORP DEED

*mpp*

Space above line reserved for Recorder's use only.

### QUITCLAIM DEED

Grantor, ROBERT F. BOUTTIER, a single man, conveys, releases, remises and quitclaims, without consideration, to ROBERT F. BOUTTIER, also known as ARCHIE BOUTTIER, Trustee or duly qualified successor Trustee, of the DRINKERS OF THE WIND TRUST u/a/d April 17, 2014 ("Grantee"), with a mailing address of PO Box 476, Bellevue, Idaho 83313, real property, located in the County of Blaine, State of Idaho, and more particularly described as follows:

A PARCEL OF LAND LOCATED WITHIN NW1/4SW1/4, SEC 36, T2N, R 18E, B.M. CITY OF BELLEVUE, BLAINE COUNTY, ID more Particularly described as follows;

Commencing at 1969 brass cap by Jim Koonce, R.L.S. 792, marking the West one-quarter of said Sec 36;

Thence S.89°34'23" E. 663.79 feet, more or less, along the North boundary of said NW1/4SW1/4, Sec 36, to its intersection with the West Boundary of the Original Corporate Limits of the City of Bellevue by Charter, which point is the REAL POINT OF BEGINNING;

Thence continuing S.89°34'23" E. 653.45 feet more or less along said North boundary NW1/4SW1/4 Sec 36, to the NE corner of said NW1/4SW1/4 Sec 36, also known as the W1/16 corner;

Thence S.0°02'48" W. 842.67 feet more or less, along the East boundary of said NW1/4SW1/4 to the NE corner of the Bouttier-Williams Sub;

Thence S89°40'22" W. 368.76 feet more or less, along the North boundary of Bouttier-Williams Sub to its intersection with said West Boundary of the Original Corporate Limits of Bellevue;

Thence N.18°29' W. 895.86 feet more or less, along said Bellevue Corporate Limits to the POINT OF BEGINNING.

A PARCEL OF LAND LOCATED WITHIN NW1/4SW1/4, SEC 36 T2N, R18E, B.M. BLAINE COUNTY, ID more particularly described As follows;  
QUITCLAIM DEED/Page 1 of 3

**TRANSFER 84422**

Commencing at a 1969 brass cap by Jim Koonce, R.L.S. 792, marking the West one-quarter corner of said Sec 36;

Thence S.89°34'23" E. 25.00 feet more or less, to the Easterly edge of the Prescriptive easement for Lower Broadford Road, which point is the REAL POINT OF BEGINNING;

Thence continuing S.89°34'23" E. 638.79 feet more or less, along the North boundary of said NW1/4SW1/4 to the West boundary of the Original Corporate Limits of the City of Bellevue by charter;

Thence S.18°29'E. 895.86 feet more or less, along said West boundary Bellevue to the North boundary of Bouttier-Williams Subdivision;

Thence S. 89°40'22" W. 867.03 feet more or less, along said North boundary of Bouttier-Williams Sub to the East boundary of Lower Broadford Road by prescriptive use;

Thence N.6°50'18" W. 125.32 feet more or less, along said East boundary Lower Broadford Road;

Thence 3°10'48" W. 736.05 feet more or less, along said East boundary Lower Broadford Road to the POINT OF BEGINNING.


Lot 1 of Scofield Subdivision, Blaine County, Idaho, according to the official plat thereof on file in the office of the County Recorder, recorded July 8, 1997, as Instrument No. 174865, records of Blaine County, Idaho.

Lot 2, Block 1, Bouttier-Williams Subdivision, Blaine County, Idaho, according to the official plat thereof recorded November 10, 1980, as Instrument No. 208701, records of Blaine County, Idaho.

Lot 1, Block 1, Bouttier-Williams Subdivision, Blaine County, Idaho, according to the official plat thereof recorded November 10, 1980, as Instrument No. 208701, records of Blaine County, Idaho.

TO HAVE AND TO HOLD the real property, with all appurtenances, unto Grantee and to Grantee's heirs and assigns forever. This deed is being given because Grantor gave no consideration toward the purchase price of the above described property which was made exclusively by Grantee.

EFFECTIVE April 17, 2014.

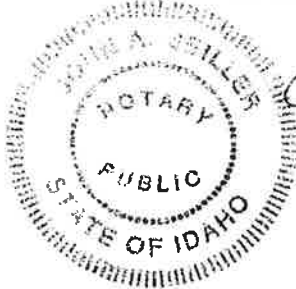
  
ROBERT F. BOUTTIER

ACKNOWLEDGMENT

STATE OF IDAHO                    )  
  ) ss.  
County of Blaine                 )

On this 17th day of April, 2014, before me, a Notary Public in and for said State, personally appeared ROBERT F. BOUTTIER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]  
Notary Public for Idaho  
Residing: Ketchikan, AK  
Commission Expires: Oct. 6, 2017

ORIGINAL

414182

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Terry G. Hogue, Esq.  
HOGUE & DUNLAP, L.L.P.  
P. O. Box 460  
Hailey, Idaho 83333

Blaine Co. REQUEST

OF: *Hogue & Dunlap*

'98 MAY 13 AM 11 56

MARY GREEN, CLERK *md*

(space above line for Recorder's use)

FEES \$6<sup>00</sup>

QUITCLAIM DEED

I, JANE L. BOUTTIER, of 1170 C. Westlake Boulevard, Ventura, California, ("Grantor"), do hereby convey, release, remise and forever quitclaim to ROBERT F. BOUTTIER ("Grantee"), any and all interest I may have in the following described real property, to-wit:

Lot 2, Block 1, Bouttier-Williams  
Subdivision, Blaine County, Idaho, according  
to the official plat thereof recorded  
November 10, 1980, as Instrument No. 208701,  
records of Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 27 day of April, 1998.

GRANTOR:

*Jane L. Bouttier*

JANE L. BOUTTIER

QUITCLAIM DEED - 1

TRANSFER 84422



STATE OF CALIFORNIA)

) ss.

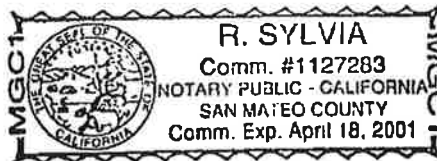
County of San Mateo)

On this 27th day of April, 1998, before me, the undersigned, a notary public in and for said state, personally appeared JANE L. BOUTTIER, 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 seal the day and year first above written.

R. Sylvia  
Notary Public for California  
Residing at: San Mateo  
Comm. Expires: 4-18-2001

qcd.2



ORIGINAL

414181

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

Terry G. Hogue, Esq.  
HOGUE & DUNLAP, L.L.P.  
P. O. Box 460  
Hailey, Idaho 83333

*Recd*  
BLAINE CO. REQUEST

OF: *Hogue & Dunlap*

'98 MAY 13 AM 11 55

MARY GREEN, CLERK *ms*

(space above line for Recorder's use)

FEES \$ *6* =

QUITCLAIM DEED

I, JANE L. BOUTTIER, of 1170 C. Westlake Boulevard, Ventura, California, ("Grantor"), do hereby convey, release, remise and forever quitclaim to ROBERT F. BOUTTIER ("Grantee"), any and all interest I may have in the following described real property, to-wit:

Lot 1, Block 1, Bouttier-Williams  
Subdivision, Blaine County, Idaho, according  
to the official plat thereof recorded  
November 10, 1980, as Instrument No. 208701,  
records of Blaine County, Idaho.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Grantee, and to Grantee's heirs and assigns forever.

DATED this 21 day of April, 1998.

GRANTOR:

*Jane L. Bouttier*

JANE L. BOUTTIER

QUITCLAIM DEED - 1

TRANSFER 84422

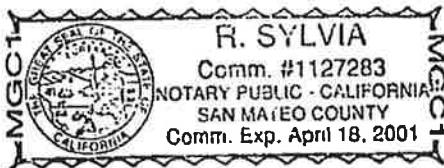
STATE OF CALIFORNIA)

) ss.

County of San Mateo)

On this 27th day of April, 1998, before me, the undersigned, a notary public in and for said state, personally appeared JANE L. BOUTTIER, 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 seal the day and year first above written.



R. Sylvia  
Notary Public for California  
Residing at: San Mateo  
Comm. Expires: 4-18-2001

qcd.1

SWSW

36

02N18E

Proposed Point of diversion

NWNW 4

1

01N18E

Proposed 2.0 acre place of use

TRANSFER 84422

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

NWSW

02N18E

36

2.0 acres to be dried up

SWSW

TRANSFER 84422

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



SESW

NENW 3

02N18E

01N18E

36

1

SWSW

NWNW 4

SSE

NE 1

TRANSFER 84422



State of Idaho

## DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 29, 2020

DRINKERS OF THE WIND TRUST  
ROBERT F BOUTTIER, TRUSTEE  
PO BOX 476  
BELLEVUE, ID 83313-0476

RE: Transfer No. 84422  
Water Right No(s). 37-4277

Dear Applicant(s):

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 **IDAHO MOUNTAIN EXPRESS on 11/4/2020 and 11/11/2020**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **November 23, 2020**.

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,

*Denise Maline*

Denise Maline  
Administrative Assistant 1



**Maline, Denise**

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**From:** Maline, Denise  
**Sent:** Thursday, October 29, 2020 9:54 AM  
**To:** Kevin Lakey (WD37)  
**Subject:** Comment Letter for Transfer 84422  
**Attachments:** Comment Letter to WD37 for 84422.docx; Transfer 84422 - Bouttier.pdf

Good morning,

Attached is an application for transfer currently being processed by the department. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise @ IDWR

Denise Maline, Administrative Assistant I  
Idaho Dept. of Water Resources  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 29, 2020

WATER DISTRICT 37  
KEVIN D LAKEY  
107 W 1ST  
SHOSHONE, ID 83352

RE: Transfer No. 84422 (Drinkers of the Wind Trust – Robert Bouttier)

Dear Kevin:

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://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

## **Maline, Denise**

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**From:** Maline, Denise  
**Sent:** Thursday, October 29, 2020 9:04 AM  
**To:** Idaho Mountain Express  
**Subject:** LEGAL NOTICE  
**Attachments:** Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Attached please find **(1)** legal notice being submitted for publication on November 4<sup>th</sup> & 11<sup>th</sup>, 2020. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I  
Idaho Dept. of Water Resources  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 29, 2020

LEGAL NOTICE DEPARTMENT  
IDAHO MOUNTAIN EXPRESS  
PO BOX 1013  
KETCHUM, ID 83340

RE: Transfer No. 84422  
Water Right No(s). 37-4277

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 **November 23, 2020**. Your cooperation is appreciated.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 84422**

DRINKERS OF THE WIND TRUST, PO BOX 476, BELLEVUE, ID 83313-0476 has filed Application No. 84422 for changes to the following water rights within BLAINE County(s): Right No(s). 37-4277; 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: Application for transfer proposes to move a 0.04 cfs portion of a ground water irrigation right for 2.0 acres from a parcel located approximately 0.3 to 0.8 miles south of Hwy 75 and Broadford Rd intersection in the City of Bellevue to a proposed new place of use on a contiguous parcel located to the south owned by the applicant. In addition the application proposes to drill a new well on the proposed place of use for the diversion of 0.04 cfs and the irrigation of 2.0 acres

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **November 23, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on November 4<sup>th</sup> & 11<sup>th</sup>, 2020

## **MEMORANDUM**

**TO:** Transfer 84422 File

**FROM:** Benny Walker

**DATE:** October 26, 2020

**SUBJECT:** Filing Fee

The filing fee of, \$200.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.04 cfs. The transfer fee schedule for a transfer involving 0.00-0.20 cfs indicates that the filing fee is \$200.00. The applicant submitted a fee of \$200.00 for this transfer. (Receipt S038211).

## MEMORANDUM

**Date:** October 26, 2020  
**To:** Transfer 84422 File  
**From:** Benny Walker  
**Re:** Transfer Synopsis

---

Application for transfer proposes to move a 0.04 cfs portion of a ground water irrigation right for 2.0 acres from a parcel located approximately 0.3-0.8 miles south of Hwy 75 and Broadford Rd intersection in the City of Bellevue to a proposed new place of use on a contiguous parcel located to the south owned by the applicant. In addition the application proposes to drill a new well on the proposed place of use for the diversion of 0.04 cfs and the irrigation of 2.0 acres

The right involved with the application is located within Water District #37. Therefore watermaster comments will be solicited. Application will be subject to notice and protest.



Robert Bouttier  
Drinkers of the Wind Arabians  
P.O. Box 476  
Bellevue, ID 83313

October 15, 2020

RECEIVED

OCT 19 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

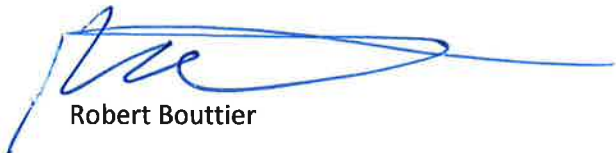
State of Idaho Dept. of Water Resources  
Southern Region  
650 Addison Ave. W., Suite 500  
Twin Falls, ID 83301-5858

RE: Transfer Application 84422

Dear Benny Walker,

Janie L. Bouttier, my ex-wife, and I were divorced in April of 1998. Enclosed are the quitclaim deeds she gave me for the property that the 2 acres of water rights are being transferred from to the Scofield Subdivision Lot 1. Also, enclosed is the quitclaim deed for my property from me, Robert Bouttier, to the Drinkers of the Wind Trust.

Thank you,



Robert Bouttier



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

RECEIVED

OCT 19 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

October 7, 2020

ROBERT BOUTTIER  
PO BOX 476  
BELLEVUE, ID 83313-0476

RE: Transfer Application 84422

Dear Mr. Bouttier,

Enclosed is the transfer that I have drafted on your behalf to change the point of diversion and place of use for a portion of water right 37-4277 in Blaine County. The transfer proposes to move 2.0 acres and 0.04 cfs to adjacent lands that you own. You will find the enclosed transfer application 84422. Please review the application for accuracy, then sign and date the application and return all original pages and maps along with a filing fee of \$200.00, check payable to IDWR, for processing to my attention.

If you have any question please feel free to contact me at your convenience.

Sincerely,

Benny Walker  
Water Resource Agent

Enclosures