

AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**RECEIVED**

AUG 18 2020

Department of Water Resources
Eastern Region

84259

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) JoAnn B. CramerPhone 208-589-9176Mailing address 654 N 4100 E RIGBY, ID 83442Email cramer47@ida.net

- ☐ 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.

JoAnn B. Cramer
Signature of Applicant or Authorized Representative

JoAnn B. Cramer
Print Name and Title if applicable

8-18-2020
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 Change
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
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**.
See attached Part 1A.3

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Department of Water Resources
Eastern Region

Part 1A.3

This transfer corrects the legal description of the point of diversion (no physical change) and narrows the place of use to a single trough location. Domestic use under rights 22-4155 and 22-4166 is for the same home, but the spring has not served the home for many years. Therefore, domestic use will be removed from 22-4155, and the home will continue to receive its water for domestic use from 22-4166.

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Eastern Region**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 <input checked="" type="checkbox"/>	<input type="checkbox"/>	22-4155	0.02 cfs	Stockwater	1/1 to 12/31	Spring
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	
<input type="checkbox"/>	<input type="checkbox"/>				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.2. Total amount of water proposed to be transferred or changed 0.02 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 #
		SE	NE	SW	3	4N	40E	MADISON	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	
4N	40E	3									S								
Total Acres (for irrigation use)																			

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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:
Water will be piped from the spring to cattle trough.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 22-4155

Current Owner: LOUISE TWITCHELL
BYRNE FARM LLC
JAMES L BYRNE

Priority Date: 3/1/1890

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING

Tributary

SINKS

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER

1/01 to 12/31

0.02 CFS

DOMESTIC

1/01 to 12/31

0.04 CFS

Total Diversion

0.06 CFS

Location of Point(s) of Diversion

SPRING

NE1/4NE1/4SW1/4

Sec. 3, Twp 04N, Rge 40E B.M.

MADISON County

Place of Use

STOCKWATER Within MADISON County

T04N R40E S3

NESW

T04N R40E S3

NWSW

Place of Use: DOMESTIC same as STOCKWATER

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. STOCKWATER, 30 HORSES, 12 DAIRY COWS PARCEL NO. RP04N40E034801A

Decreed Date: 7/30/1999

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Eastern Region

SENW

SWNE

SWNW

3

04N40E

NWSE

NESW

NESE

NWSW

SESW

SWSE

SESE

SWSW

NENW

10

NWNE

NENE

NWNW

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?
22-4155	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
22-4166	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Louise Twitchell Laurence Byrne
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): JoAnn Cramer
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 654 N 4100 E Rigby ID 83442
Mailing address City State ZIP
- 208-589-9176 cramer47@ida.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: _____
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: JoAnn B. Cramer Title, if applicable _____ Date 7-17-2020
Signature of new owner/claimant

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by CAH Date 7/17/2020 Receipt No. E046121 Receipt Amt. \$50.00

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 _____

James L. Byrne (James L. Byrne)
Louise Twitchell (Louise Twitchell)

* APPLICANT DOES NOT WANT TO CHANGE OWNERSHIP OF 22-4166. CREDIT WILL BE GIVEN.

WARRANTY DEED

Byrne Farm LLC, an Idaho limited liability company, of 654 N. 100 E., Rigby, ID 83442 (a.k.a. and who acquired title as Byrne Farms LLC, hereinafter "Grantor"), for and in consideration of \$10.00 and other good and valuable consideration, hereby transfers, grants, conveys, and warrants unto **JoAnn Cramer**, a married woman acquiring title as her sole and separate property, with all the rents, profits, interest, and income therefrom to remain her sole and separate property, of 654 N. 100 E., Rigby, ID 83442 (hereinafter "Grantee"), all of Grantor's interest in and to the following described real property (hereinafter referred to as the "Subject Property") located in Madison County, Idaho, to wit:

See attached Exhibit A, which is attached hereto and incorporated herein by reference.

Together with: Except as provided herein, all and singular the tenements, hereditaments, appurtenances, improvements, easements, rights, appurtenant water rights, rights of way, the reversion and reversions, remainder and remainders, rents, issues, profits thereof; and all estate, right, title, and interest in and to the said property; as well in law as in equity.

Subject to: All easements, encumbrances, rights of way, covenants, conditions, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, all facts and circumstances that would be revealed by inspection of the property of inquiry of persons in possession thereof, and payment of present year's property taxes, which are an accruing lien not yet due.

Also subject to: All items set forth in Exhibit B, which is attached hereto and incorporated herein by reference as if set forth fully.

Also subject to: Grantee's interest in the Subject Property is subject to the right of first refusal of Hard Way LP, an Idaho limited partnership, as follows:

1. If Grantee receives a bona fide offer to purchase the Subject Property from a third party, Grantee shall promptly give notice to Hard Way LP of such offer, including its terms, in writing. If the offer was communicated orally, then Grantee shall deliver a written summary of the oral offer to Hard Way LP. Hard Way LP shall then

have the right to purchase the Subject Property from Grantee on the same terms as set forth in the written notice by giving written notice to Grantee within five (5) days of receiving the written notice of the offer from Grantee. If Hard Way LP does not give written notice of its intent to purchase the Subject Property on the terms of the offer, then Grantee may sell the Subject Property to the party making the offer on the terms set forth in the offer. If Hard Way LP does give written notice of its intent to purchase the Subject Property on the terms set forth in the offer, then Hard Way LP shall have the right to purchase the Subject Property on the terms set forth in the offer. If the offer does not establish a time frame in which closing of a sale of the Subject Property shall occur, closing shall occur within sixty (60) days of Hard Way LP's written notice of its intent to purchase the Subject Property.

2. Notwithstanding the preceding first point describing the right of first refusal of Hard Way LP, Grantee and her heirs, successors in interest, and assigns shall have the unrestricted right to sell, assign, convey, transfer, or gift any portion or all of the Subject Property to Grantee's spouse or any lineal descendant of Grantee, or any spouse of a lineal descendant of Grantee without complying with the right of first refusal provisions described in the first point above. However, except as limited by this second point, the right of first refusal provisions set forth in the first point shall continue to be binding upon the Subject Property until such right of first refusal provisions are terminated as provided in the third point of this Section.

3. Notwithstanding any other provision of this instrument, the right of first refusal provisions described in the first point above shall terminate and cease to encumber, burden, or apply to the Subject Property upon the earlier of: 1) a purchase of the Subject Property by Hard Way LP; 2) a purchase of the Subject Property by a third party following Grantee's (or her successor's) compliance with the right of first refusal provisions set forth in the first point above; 3) the dissolution of Hard Way LP; or 4) the death of the survivor of the principal of Hard Way LP, Boyd Smith, and his son, Robert Smith.

Grantor, for itself, its heirs, successors, and assigns, warrants and represents as follows:

Grantor is the owner of the real property described in this Warranty Deed and has the legal right to convey Grantor's interest in the real property described herein to Grantee.

The real property described in this deed is free from all liens, encumbrances, and defects in title, except as otherwise shown in this deed or of record.

Grantor will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to Grantee, her successors in interest, heirs, and assigns against all lawful claims.


Date: April 21, 2020.

JoAnn B. Cramer
By: JoAnn B. Cramer
Its: Manager

Acknowledgment

State of Idaho
County of Jefferson ss.

On this 21 day of April, 2020, before me, the undersigned, a notary public, personally appeared JoAnn B. Cramer, known or identified to me to be the manager or managing member of Byrne Farm LLC, *an Idaho limited liability company*, and the person whose name is subscribed to the within instrument, and acknowledged to me that such limited liability company executed the same.



Notary Public
Residing at Menan
(Seal) Comm. exp: 5-12-21

JENNIFER LANDON
COMMISSION #27891
NOTARY PUBLIC
STATE OF IDAHO

Exhibit A

The following real property located in Madison County, Idaho:

Parcel 1:

Situated in the State of Idaho, County of Madison, being part of the Southwest Quarter of Section 3, Township 4 North, Range 40 East, Boise Meridian, being more particularly described as follows:

Beginning at a rebar with an aluminum cap set marking the Center Quarter corner of said Section 3; thence South $00^{\circ}12'44''$ East, a distance of 1,318.77 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $89^{\circ}46'29''$ West, a distance of 710.25 feet to a rebar with a plastic cap set stamped, "PLS 13856" on the East right of way of Union Pacific Railroad; thence with the East right of way of said Union Pacific Railroad the following three (3) courses:

- 1) thence North $00^{\circ}27'07''$ West, a distance of 551.84 feet to a rebar with a plastic cap set stamped, "PLS 13856" marking a point of spiral, Station 1157+30.1;
- 2) thence with a spiral curve to the left having a delta angle of $0^{\circ}30'10''$, a radius of 6,913.33 feet, an arc length 60.65 feet, with a chord bearing of North $00^{\circ}42'12''$ West, with a chord distance of 60.65 feet to a point of curve, Station 1168+70.1;
- 3) thence with an arc of a curve to the left having a radius of 2,278.58 feet and a delta angle of $18^{\circ}06'48''$, an arc length of 720.35, with a chord bearing of North $10^{\circ}00'41''$ West, a distance of 717.35 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence North $89^{\circ}49'06''$ East, a distance of 835.17 feet to the point of beginning.

Parcel 2:

Situated in the State of Idaho, County of Madison, being part of the South Half of Section 3, Township 4 North, Range 40 East, Boise Meridian, being more particularly described as follows: Beginning at a rebar with an aluminum cap set marking the South Quarter corner of said Section 3; thence South $89^{\circ}43'53''$ West, a distance of 528.07 feet to a rebar with a plastic cap set stamped, "PLS 13856" on the East right of way of Union Pacific Railroad; thence with the East right of way of said Union Pacific Railroad the following seven (7) courses:

- 1) thence along a non-tangent curve to the left, having a delta angle $1^{\circ}49'04''$, a radius of 1,482.39 feet, an arc length of 47.03 feet, with a chord bearing of North $13^{\circ}35'47''$ West, and a chord length of 47.03 feet to a point of spiral, Station 1175+87.5;
- 2) thence along a spiral to the left, having a delta angle $02^{\circ}10'07''$, a radius of 2,820.21 feet, an arc length of 106.75 feet, with a chord bearing of North $15^{\circ}53'49''$ West, and a chord length of 106.74 feet to a rebar with a plastic cap set stamped, "PLS 13856", Station 1174+82.5;
- 3) thence North $16^{\circ}36'07''$ West, a distance of 146.40 feet to a rebar with a plastic cap set stamped, "PLS 13856" marking a point of spiral, Station 1173+36.1;
- 4) thence with a spiral curve to the right having a delta angle of $00^{\circ}29'50''$, a radius of 6,838.68 feet, an arc length of 59.35 feet, with a chord bearing of North $16^{\circ}21'12''$ West, with a chord distance of 59.35 feet to a point of curve, Station 1172+76.1;

5) thence with a curve to the right having a radius of 2,167.46 feet, a delta angle of $15^{\circ}09'17''$, an arc length 573.29 feet, with a chord bearing of North $8^{\circ}31'39''$ West, a distance of 571.62 feet to a point of spiral, Station 1166+90.1;

6) thence with a spiral curve to the right having a radius of 6,827.58 feet, a delta angle of $00^{\circ}29'54''$, an arc length of 59.38 feet, with a chord bearing North $00^{\circ}42'12''$ West, a distance of 59.38 feet to a rebar with a plastic cap set stamped, "PLS 13856", Station 1166+30.1;

7) thence North $00^{\circ}27'07''$ West, a distance of 348.16 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence North $89^{\circ}46'29''$ East, a distance of 710.25 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence North $00^{\circ}12'44''$ West, a distance of 1,318.77 feet to a rebar with an aluminum cap set marking the Center Quarter corner of said Section 3; thence North $89^{\circ}49'06''$ East, a distance of 71.90 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $28^{\circ}41'56''$ East, a distance of 523.52 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence North $89^{\circ}49'06''$ East, a distance of 1,000.00 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $00^{\circ}10'27''$ East, a distance of 859.13 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $89^{\circ}50'03''$ West, a distance of 330.26 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $00^{\circ}11'01''$ East, a distance of 1,319.04 feet to a rebar with a plastic cap set stamped, "PLS 13856"; thence South $89^{\circ}51'00''$ West, a distance of 990.11 feet to the point of beginning.

Exhibit B (Permitted Exceptions)

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said the Subject Property or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title to the Subject Property including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Subject Property, and that are not shown in the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Taxes, including any assessments collected therewith, for the year 2020 which are a lien not yet due and payable.
8. Liens, levies and assessments of the Fall River Rural Electric Cooperative, Inc., an Idaho Rural Electric Cooperative, together with rights, powers and easements of said cooperative.
9. Rights-of-way for railroad, switch tracks, spur tracks, railway facilities and other related easements, if any, on and across the land.
10. The Subject Property does not include, and is subject to the claims of others in, all minerals in or under said Subject Property including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto, whether expressed or implied.
11. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a Final Order of Condemnation, which was recorded in Madison County, Idaho on October 12, 1914, Book 2, Page 2 (affects Railroad property).
12. Exceptions and reservations contained in the deed from the State of Idaho wherein mineral rights are reserved to the state (47-701 Idaho Code), which was recorded in Madison County, Idaho on July 29, 1987 as Instrument No. 222021.
13. Exceptions and reservations contained in the deed from the State of Idaho wherein mineral rights are reserved to the state (47-701 Idaho Code), which was recorded in Madison County, Idaho on July 29, 1987 as Instrument No. 222022.
14. Agreement and the terms and conditions contained therein between Fall River Rural Electric Cooperative, Inc. and Jim Washburn, which was recorded in Madison County, Idaho on August 12, 1991 as Instrument No. 238490.

15. An easement granted to Fall River Rural Electric Cooperative, Inc. for the purpose of an electric line right-of-way easement, which was recorded in Madison County, Idaho on May 24, 1993 as Instrument No. 246926.
16. Agreement for electric service on and the terms and conditions contained therein between Fall River Rural Electric Cooperative, Inc. and: J R Byrne, which was recorded in Madison County, Idaho on May 24, 1993 as Instrument No. 246928.
17. An easement for electric line right-of-way easement granted to Fall River Rural Electric Cooperative, Inc., which was recorded in Madison County, Idaho on June 30, 2004 as Instrument No. 313030.
18. Agreement for electric service-residential on the terms and conditions contained therein between Fall River Rural Electric Cooperative, Inc. and Jeremy Twitchell, which was recorded in Madison County, Idaho on June 30, 2004 as Instrument No. 313043.
21. Rights, interests, or claims which may exist or arise by reason of the fact(s) shown on a survey plat entitled J.R. Byrne Family Trust, dated December 19, 2019, which was prepared by Teton View Surveying, and which was recorded in Madison County, Idaho on December 20, 2019 as Instrument No. 427885, including without limitation the existence and location of the boundary line/Union Pacific Railroad/easements.
22. Rights, interests, or claims which may exist or arise by reason of the fact(s) shown on a survey plat entitled J.R. Byrne Family Trust, dated December 19, 2019, which was prepared by Teton View Surveying, and which was recorded in Madison County, Idaho on December 19, 2019 as Instrument No.: 427892, including without limitation boundary lines/easements.

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 Department of Water Resources
 Eastern Region

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STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1

Name of Applicant(s) JoAnn B. Cramer Phone 208-589-9176
 Mailing address 654 N 4100 E RIGBY, ID 83442 Email cramer47@ida.net

- ☐ 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**.
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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.

JoAnn B. Cramer
 Signature of Applicant or Authorized Representative

JoAnn B. Cramer
 Print Name and Title if applicable

7-30-2020
 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 Change
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 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**.
Changing place of use closer to the point of diversion.

RECEIVED

JUL 30 2020

Department of Water Resources
Eastern Region

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 <input type="checkbox"/> <input type="checkbox"/>	22-4155	0.02 cfs	Stockwater	1/1 to 12/31	Spring
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ 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 #
		SE	NE	SW	3	4N	40E	MADISON	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	
4N	40E	3									S								
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 30 2020

Department of Water Resources
Eastern Region

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:

Water will be piped from the spring to cattle troughs.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

None.

- 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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JUL 17 2020

Department of Water Resources
Eastern RegionName of Applicant(s) JoAnn B. CramerPhone 208 689-9174Mailing address 654 N 4100 E Rigby, Idaho 83442Email cramer47@ida.net

- ☐ 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.

JoAnn B. Cramer
Signature of Applicant or Authorized Representative

JoAnn B. Cramer
Print Name and Title if applicable

7-17-2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Ownership Change
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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**.

Changing water rights closer to point of diversion

SUPERCEDEDSTATE 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
<input type="checkbox"/> All or <input type="checkbox"/> Part	<u>22-4155</u>	<u>0.06 cfs</u>	<u>DOMESTIC/STOCKWATER</u>	<u>1/1 to 12/31</u>	<u>SPRING</u>
<input type="checkbox"/>	<u>22-4166</u>	<u>0.12 cfs</u>	<u>DOMESTIC/STOCKWATER</u>	<u>1/1 to 12/31</u>	<u>SPRING</u>
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	
<input type="checkbox"/>				to	

Total authorized under rights 0.18 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ 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 #
<u>44</u>		<u>SE</u>	<u>SW</u>	<u>NE</u>	<u>3</u>	<u>4N</u>	<u>40R</u>	<u>MADISON</u>	<u>SPRING</u>	

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	
<u>4N</u>	<u>40E</u>	<u>3</u>									<u>X</u>			<u>X</u>		<u>X</u>	<u>X</u>		
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pipe into water trough from spring

- b. Who owns the property at the point(s) of diversion? JoAnn B. Cramer

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? 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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? NO

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:

- 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:

- 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: