

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

84286
RECEIVED
AUG 07 2020

Department of Water Resources
Eastern Test

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

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

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☒ Ownership split

1. APPLICANT(S) Paul + Jane Jacob Phone 208 880 0038

2. MAILING ADDRESS P.O. Box 415 City Kuna

State Idaho Zip 83634 Email jacob62@yahoo.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

OC ☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

Subm. ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-14086

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

4. TOTAL AMOUNT OF WATER transferred is 0.21 cubic feet per second and/or 37.5 AF acre-feet per annum.
(diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X	1		NW	NW	19	6N	26E	Custer	Grandwater	

6. GENERAL INFORMATION

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

Groundwater well to sprinkler Irrigation system

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

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

Yes ☐ No ☒
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☐ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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

Paul S. Jacob
Signature of applicant or authorized agent

Paul S. Jacob
Print name and title if applicable

8-7-20
Date

Janet M Jacob
Signature of applicant or authorized agent

Janet M Jacob
Print name and title if applicable

8-7-20
Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

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

Fee paid \$500.00 Date 8/7/2020 Received by CAH Receipt # E046172

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

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

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

IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to call ahead for an appointment.

[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

8/7/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-14086

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF KAREN HARNEY 750 BAILEY RD MADISON, NC 27025-7606 3364306240

Priority Date: 05/14/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	1.87 CFS	338.8 AFA
Total Diversion			1.87 CFS	338.8 AFA

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 24|Township 06N|Range 25E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	24		NENE	12.2		NWNE	4.5		SENE	13.6			
	26E	19		NWNW	27.5		SWNW	39						

Total Acres: 96.8

Conditions of Approval:

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1. X35 Right 34-14086 and the appurtenant share of rights 34-126 and 34-127 when combined shall not exceed a total diversion rate of 1.87 cfs, a total annual maximum diversion volume of 338.8 af at the field headgate, and the irrigation of 96.8 acres.
2. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. The water right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. 104 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/08/2007

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

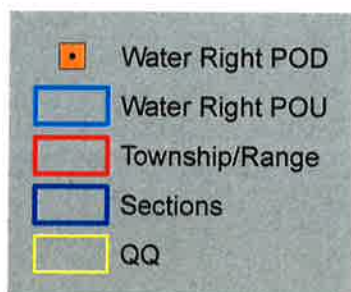
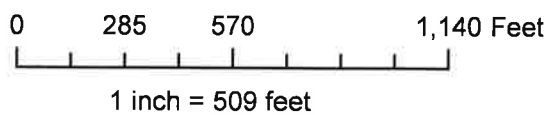
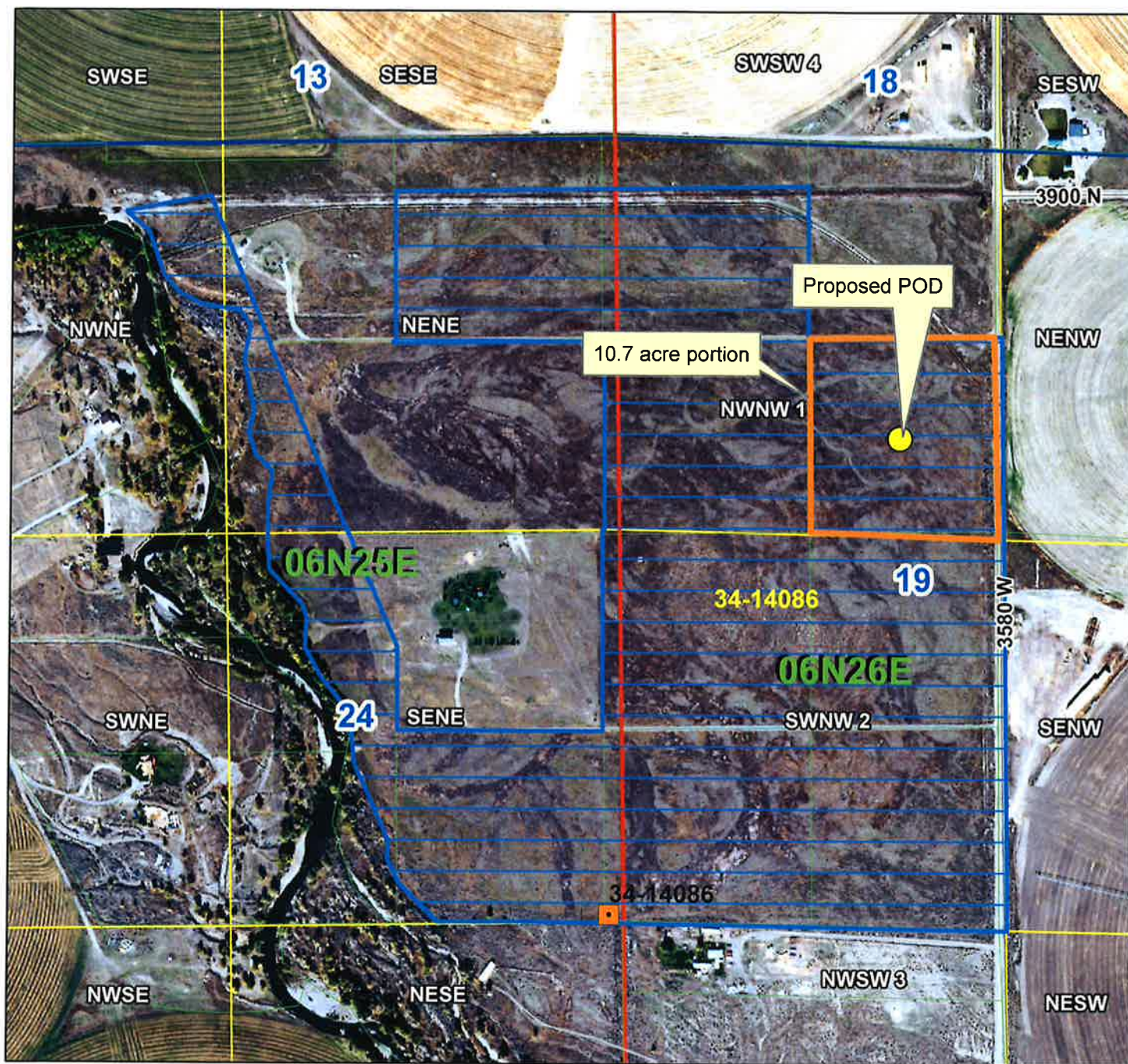
Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

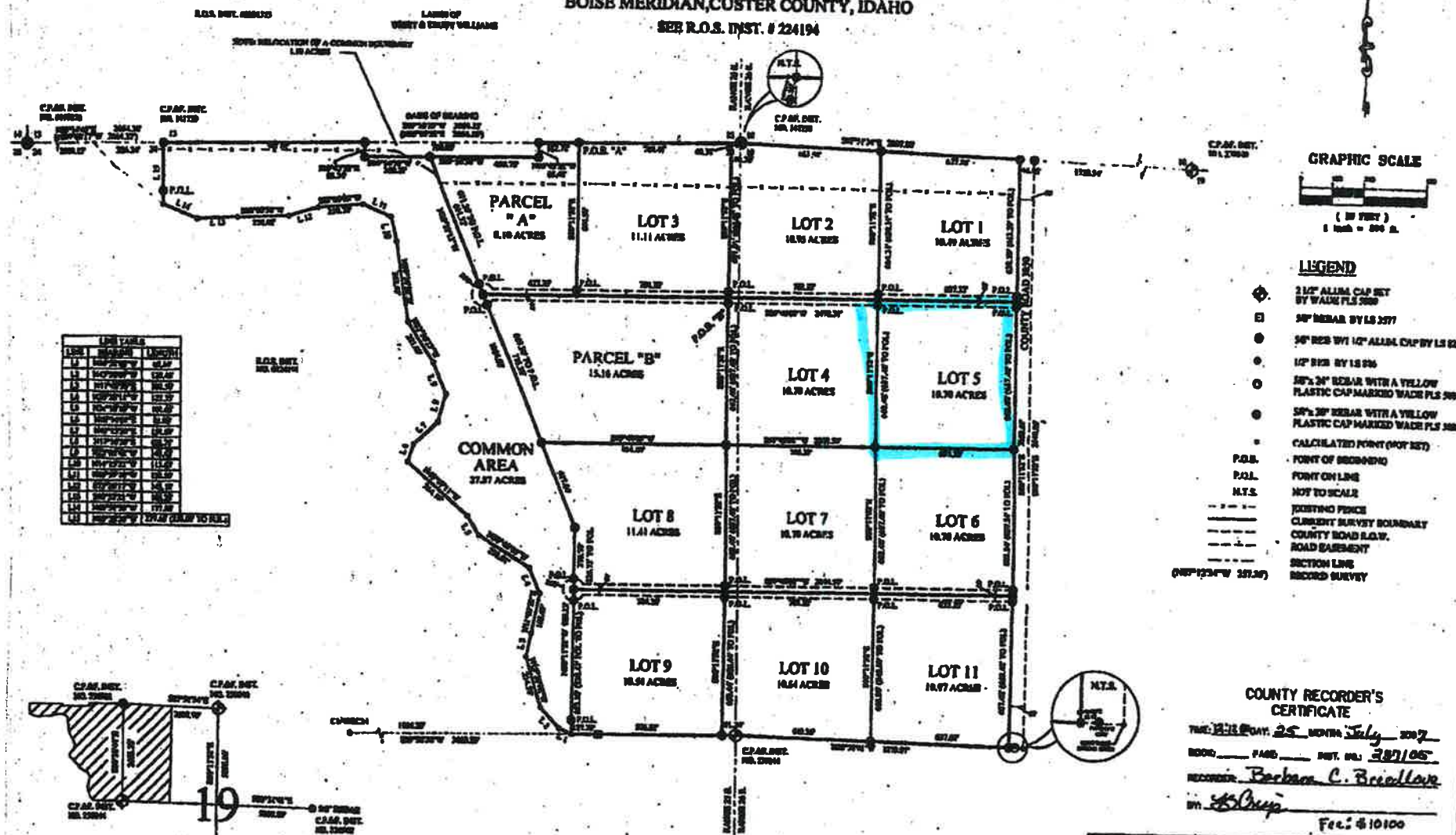
DLE Act Number:

84286



BIG LOST RIVER SUBDIVISION
 LOCATED IN THE NE 1/4 OF SECTION 24, T. 6 N., R. 25 E.,
 AND IN THE NW 1/4 OF SECTION 19, T. 6 N., R. 26 E.,
 BOISE MERIDIAN, CUSTER COUNTY, IDAHO
 SEE R.O.S. INST. # 224194

84286



SHEET 2 OF 2

COUNTY RECORDER'S CERTIFICATE
 THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD SURVEY
 BOOK _____ PAGE _____ DIST. NO. 327105
 RECORDER Barbara C. Brackley
 BY JB/Chp Fee: \$10100

1/4	SEC	T	R
	24	6N	25E
	19	6N	26E



FOR DELL HARNEY	
DATE: 8/15/97	DRAWN/CHK BY: KIMLW
PROJECT:	PROCESSED BY: DELL
DWG NO:	DELL HARNEY.DWG
SURVEY:	SURVEY NAME: E&E
LOCAL RECORD:	LOCAL NAME: DOC
WADE SURVEYING 6000 N. FORTY-THIRD AVENUE LAND SURVEYING & ENGINEERING IDAHO	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 30 2020

Department of Water Resources
Eastern Region

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?
34 14086 OK	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Bonnie Harney

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Paul + Janet Jacob

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

P.O. Box 415

Mailing address

Kuna

City

Idaho

State

83634

ZIP

208 880 0038

Telephone

jpjacob62@yahoo.co.uk

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: 29 June 2020

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):
- ☐ \$25 per undivided water right.
 - ☒ \$100 per split water right.
 - ☐ 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: [Signature]

Signature of new owner/claimant

Title, if applicable

Date

7-30-20

Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date

7-30-20

For IDWR Office Use Only:

Received by [Signature]

Date

7/30/20

Receipt No.

E046150

Receipt Amt.

\$100.-

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

84286

257286

Custer County Reg. of
Murray Jim Sorensen
Time *11:00 AM* Date *11/8/2019*
Lura H. Baker, Clerk
Jana Hawkins \$15.00
Deputy

DEED OF PERSONAL REPRESENTATIVE

THIS INDENTURE made this 9th day of October, 2019, between DELL LEE HARNEY, Personal Representative of the estate of KAREN K HARNEY, deceased, the Grantor, and BONNIE JEAN HARNEY, an individual, as her sole and separate property, of 857 North Elm Street, Coleville, Washington 99114, Grantee.

WITNESSETH:

That whereas, pursuant to an Order of the Magistrate's Court of Custer County, Idaho, in the estate of the above-named deceased, confirming on the Grantor the powers and authority granted to Personal Representatives under Section 15-3-715 of the Uniform Probate Code of the State of Idaho;

FOR VALUE RECEIVED, the Grantor does hereby grant, bargain, sell and convey unto the Grantee all the right, title, interest and estate of said deceased, at the time of decedent's death, in and to the following-described premises located in the County of Custer, State of Idaho, to-wit:

LOT 4, LOT 5, AND LOT 6 OF BIG LOST RIVER SUBDIVISION, CUSTER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237105. CERTIFICATE OF OWNERS RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237102. AFFIDAVIT OF CORRECTION RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237103

TO HAVE AND TO HOLD all and singular the above-mentioned and described premises together with all water rights, ditches and ditch rights, rights of way, buildings, structures, improvements, fixtures, tenements, hereditaments and appurtenances now or hereafter thereunto belonging or uses in connection therewith.

THIS TRANSFER CONVEYS WITH IT the rights to use the Common Area in the HOA known as the Big Lost River Home Owners' Association as defined in the HOA Agreement.

SUBJECT TO all easements, right of ways, covenants, restriction, reservations, applicable

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building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year's taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the said Personal Representative has hereunto set hand the day and year first above written.

Dell Lee Harney
DELL LEE HARNEY

STATE OF North Carolina)
) ss.
County of Guilford)

On this 9th day of October, 2019, before me, the undersigned, a notary public in and for said state, personally appeared DELL LEE HARNEY known to me to be the Personal Representative of the Estate of KAREN K HARNEY, deceased, whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such Personal Representative.

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



Misty D Nelson
Notary Public for State of NC
Residing at Greensboro

My com expires: July 4, 2022

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 258286
CHALLIS, CUSTER, IDAHO
07-06-2020 03:15:49 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: KW

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **904857-B (vb)**

Date: **June 29, 2020**

For Value Received, **Bonnie Jean Harney, an unmarried woman**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Paul S Jacob and Janet M Jacob, husband and wife**, hereinafter called the Grantee, whose current address is **PO Box 415, Kuna, ID 83634**, the following described premises, situated in **Custer County, Idaho**, to-wit:

LOT 5 OF BIG LOST RIVER SUBDIVISION, CUSTER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237105. CERTIFICATE OF OWNERS RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237102. AFFIDAVIT OF CORRECTION RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237103. CERTIFICATE OF OWNERS (CORRECTED) RECORDED DECEMBER 11, 2007, AS INSTRUMENT NO.(S) 237960 AND 237961.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 06/29/2020

Warranty Deed
- continued

File No.: 904857-B (vb)

Bonnie Jean Harney
Bonnie Jean Harney

STATE OF Washington)
COUNTY OF Stevens)
SS.

On this 2nd day of July, 2020, before me, a Notary Public in and for said State, personally appeared **Bonnie Jean Harney**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Bethany Ross
Notary Public for the State
of Washington
Residing at: Colville
My Commission Expires: June 1, 2022





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

August 19, 2020

PAUL JACOB
JANET JACOB
PO BOX 415
KUNA, ID 83634

RE: Transfer No. 84286
Water Right No(s). 34-14086

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 CHALLIS MESSENGER on 8/26/2020 and 9/2/2020. 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,

A handwritten signature in blue ink, appearing to read 'CH' or 'CHenman'.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 19, 2020 2:50 PM
To: CHALLIS MESSENGER (legals@challismessenger.com)
Subject: Legal Notice for Challis Messenger
Attachments: 84286 Challis Messenger.docx

RE: Transfer No. 84286
Water Right No(s). 34-14086

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 9/14/2020. 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. 84286

PAUL JACOB and JANET JACOB, PO BOX 415, KUNA, ID 83634 has filed Application No. 84286 for changes to the following water rights within CUSTER County(s): Right No(s). 34-14086; 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 point of diversion. The proposed point of diversion is in Lot 1 (NWNW) Sec 19 T6N R26E for 0.21 cfs from ground water.

For additional information concerning the property location, 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 9/14/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/26/2020 and 9/2/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 19, 2020 11:47 AM
To: 'watermaster34@atcnet.net'
Subject: Application for Transfer No. 84286
Attachments: RecommendationForm Transfer19.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://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.

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