

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84113**

This is to certify that: AMY L BELVOIR AND
CHAD R BELVOIR
2104 SHELLEY DR
PAYETTE, ID 83661-5384

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
69-10036	WR/DECREED	1/1/1964	0.030 cfs	N/A	N/A	N/A	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
69-10036	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
69-10036	69-10036	0.030 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 08 day of July, 2020.

for *Paula Willey*
Chief, Water Allocation Bureau

Transfer No. 84113

WATER RIGHT NO. 69-10036

As Modified by Transfer No. 84113

In accordance with the approval of Transfer No. 84113, Water Right No. 69-10036 is now described as follows:

Right Holder: AMY L BELVOIR AND
CHAD R BELVOIR
2104 SHELLEY DR
PAYETTE, ID 83661-5384

Priority Date: 1/1/1964

Source: SPRING

Tributary: INDIAN CREEK

BENEFICIAL USE
DOMESTIC

From
1/01

to 12/31

Diversion Rate
0.030 cfs
0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING NWSWNW Sec 10 Twp 20N Rge 03W ADAMS County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03W	10							X										

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. Place of use is located within lots 66 & 67 of Cuprum Townsite.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

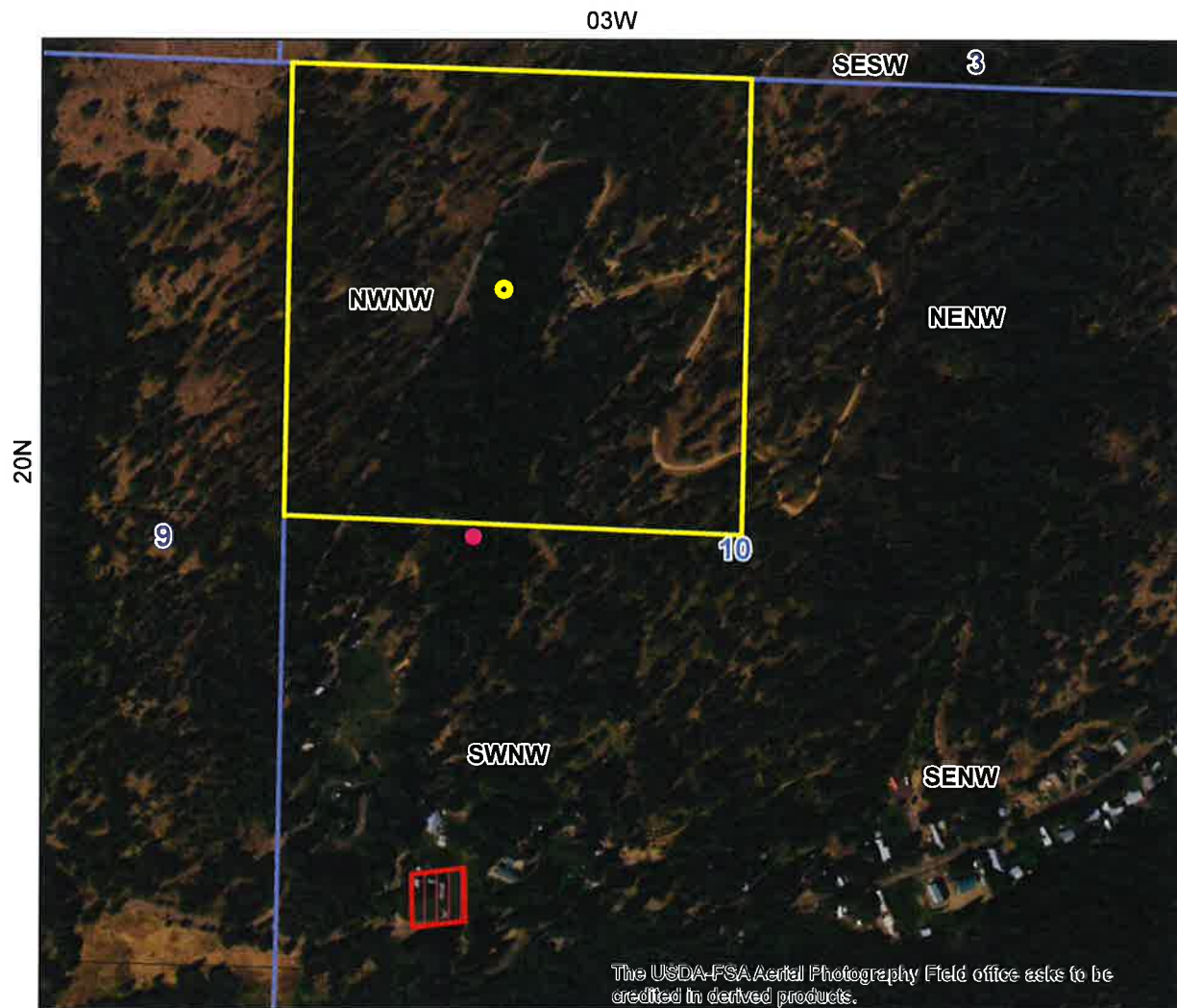
Transfer No. 84113

State of Idaho
Department of Water Resources

Attachment to Transfer 84113

69-10036

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Transfer POU
-  Transfer POD
-  Decreed POD
-  Decreed POU
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



RECEIVED

APR 07 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84113

water right # 69-10036

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 idwr.idaho.gov.

Name of Applicant(s) Chad & Amy Belvoir

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MAY 28 2020

WATER RESOURCES
WESTERN REGIONCheck 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 #1-10.

- ☐ ☒ #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 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).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Chad & Amy Belvoir Phone 208-573-1859
 Mailing address 2104 Shelley Dr Email chad@Kempersouthwest.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.

<u>Chad R. Belvoir</u> Signature of Applicant or Authorized Representative	<u>Chad R. Belvoir</u> Print Name and Title if applicable	<u>4-5-2020</u> Date
<u>Amy L. Belvoir</u> Signature of Applicant or Authorized Representative	<u>Amy L. Belvoir</u> Print Name and Title if applicable	<u>4-5-2020</u> 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 new owner
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**.

transferring change of ownership.
correcting water right decreed to true place of use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☐	69-10036	.03 cfs	Domestic 1	1-01 to 12-31	Spring Indian Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .03 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .03 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NW		20N	03W	ADAMS	SPRING	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03	10							12										
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:

- b. Who owns the property at the point(s) of diversion? Adams County
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:

No change - Domestic

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

N/A

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

Yes No

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

If yes, describe:

84113

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 69-10036

200 JUL -7 PM 3:37

FILED
TWIN FALLS, IDAHO

NAME AND ADDRESS: HELEN B ROBERTSON
C/O 4445 COUNCIL CUPRUM RD
COUNCIL, ID 83612-5029

SOURCE: SPRING TRIBUTARY: INDIAN CREEK

QUANTITY: 0.03 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1964

POINT OF DIVERSION: T20N R03W S10 NWNW Within Adams County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.03 CFS

PLACE OF USE: Domestic T20N R03W S10 NWNW Within Adams County

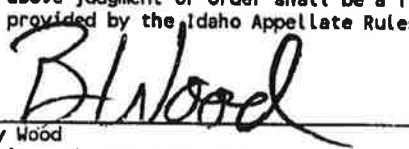
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 69-10036

WATER RIGHT NUMBER: 69-10036

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HELEN B ROBERTSON C/O 4445 COUNCIL CUPRUM RD COUNCIL, ID 83612-5029
Current Owner	WILLIAM H STULTS 4445 COUNCIL CUPRUM RD COUNCIL, ID 83612-5029 (208) 258-4446
Current Owner	GERALDINE L STULTS 4445 COUNCIL CUPRUM RD COUNCIL, ID 83612-5029 (208) 258-4446

Priority Date: 01/01/1964

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	INDIAN CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4NW1/4	Sec. 10, Twp 20N, Rge 03W, B.M.
ADAMS County		

Place of UseDOMESTIC Within ADAMS County

T20N R03W S10 NWNW

Total Acres: 0

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP00070000066AA PROPERTY ALSO KNOWN AS LOTS 66 & 67, CUPRUM TOWNSITE.^^

Dates and Other Information:

Decreed Date: 7/7/2000

X,Y -12990924.2, 5635271.7 USNG 11T NK 2365 9268 Lat,Lon 45.087, -116.699

RP000700003602

RP00070000352A

RP0007000045A

RP0007000037A

RP0007000032B

COUNCIL-CUPRUM RD

RP20N03W11USP3

RP0007000033A

RP000700003707

RP000700003807

RP000700003600

RP000700003202

RP20N03W11USP3

84113

JUL 02 2020

Mark location of spring & return map

WATER RESOURCES
WESTERN REGION



84113

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 18 2020

WATER RESOURCES
WESTERN 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 #10 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
69-100316	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: William H. Stults, Geraldine L. Stults
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Chad R. Belvoir, Amy L. Belvoir
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 2104 Shelley DR Payette ID 83661
Mailing address City State ZIP
- 208-573-1859 chad @ Kempernorthwest.com
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: November 15, 2019
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 _____ 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 _____ 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: Chad R. Belvoir Title, if applicable _____ Date 2-13-2020
Signature of new owner/claimant
- Signature: Amy L. Belvoir Title, if applicable _____ Date 2-13-2020
Signature of new owner/claimant

For IDWR Office Use Only:

Received by LE Date 02/18/2020 Receipt No. W048058 Receipt Amt. 125 **REFUNDED 5/7/2020**

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒ **Not Refunded**

Name on W-9 _____ Approved by _____ Processed by _____ Date _____ **AK**

84113

QUITCLAIM DEED

FOR VALUE RECEIVED, William H. Stults and Geraldine L. Stults does hereby convey, release, remise and forever quit claim unto Chad Belvoir and Amy Belvoir, a married couple whose current address is:

2104 Shelley Dr. Payette, Id. 83661

The following described water rights for premises located at: 4445 Council Cuprum Rd. Council, ID 83612
Water Right no. 69-10036

(See Exhibit A for Full Legal Description)

TO HAVE AND TO HOLD the said water rights for premises, unto the said grantees, heirs and assigns forever.

Date: 3/31/2020

By: William H. Stults
Geraldine L. Stults

State of Idaho, County of Payette

This record was acknowledged before me on 3/31/2020 by

William H. Stults and Geraldine L. Stults.

Anne O. Wickersham

Signature of notary public

Commission Expires: 2/19/2022





Re-Recorded: Grantor, name correction

WARRANTY DEED

Order No.: 329024AM

FOR VALUE RECEIVED

William H Shults and Geraldine L Shults, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Chad R Belvoir and Amy L Belvoir, husband and wife

whose current address is: 2104 Shelley Drive Payette, ID 83661

the grantee(s), the following described premises, in Adams County, Idaho,
TO WIT:

Lots 66, 67 and 68 in the Townsite of Cuprum, Adams County, Idaho as said Lots are numbered and designated on the official plat of said Townsite of Cuprum, recorded in Book 1 of Plats, Page 22 in the Adams County Recorder's Office.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: November 15, 2019

William H. Shults
William H Shults

Geraldine L. Shults
Geraldine L Shults

State of Idaho) ss
County of Payette)

On this 15 day of November, , before me, a Notary Public in and for said state, personally appeared William H Shults and Geraldine L Shults, 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 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.

Matea Gabiola
Notary Public for the State of Idaho
Residing at: Frontland
Commission Expires: 7/23/2021



Instrument # 134522

COUNCIL, ADAMS, IDAHO
11-15-2019 12:16:37 PM No. of Pages: 1
Recorded for: AMERITITLE - COUNCIL
SHERRY WARD Fee: \$15.00
Ex-Officio Recorder Deputy Clerk: *Richard H. Young*
Indexed to: DEED

Instrument # 134527

COUNCIL, ADAMS, IDAHO
11-18-2019 11:31:01 AM No. of Pages: 3
Recorded for: AMERITITLE - CASCADE
SHERRY WARD Fee: \$15.00
Ex-Officio Recorder Deputy Clerk: *Richard H. Young*
Indexed to: DEED



COPY

WARRANTY DEED

Order No.: 339926AM

FOR VALUE RECEIVED

William David Lancaster, an unmarried man

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Chad R Belvoir and Amy L Belvoir, husband and wife

whose current address is:

2104 Shelley Drive
Payette, ID 83661

the grantee(s), the following described premises, in Payette County, Idaho,
TO WIT:

See Attached Exhibit 'A'

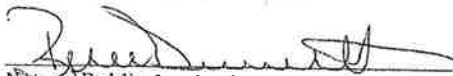
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record. And that (s)he will warrant and defend the same from all lawful claims whatsoever.

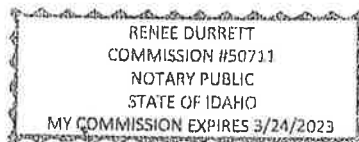
Dated: January 7th, 2020


William David Lancaster

State of Idaho } ss
County of Payette }

On this 7th day of January, 2020, before me, the undersigned a Notary Public in and for said state, personally appeared William David Lancaster, 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 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.


Notary Public for the State of Idaho
Residing at: New Plymouth ID
Commission Expires: 3/24/2023



84113

EXHIBIT 'A'

File No. 339926AM

A parcel of land situated in a portion of the NE1/4 of the SW1/4 of Section 25, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the northwest corner of said NE1/4 of the SW1/4;

thence along the west boundary of said NE1/4 of the SW1/4, S.00°53'33"W., 50.00 feet;

thence along a line 50.00 feet southerly of and parallel with the north boundary of said NE1/4 of the SW1/4;

thence S.88°52'24"E., 50.00 feet to a 5/8 inch iron rod with red plastic cap marked "PLS 14223" and the POINT OF BEGINNING;

thence continuing along a line 50.00 feet southerly of and parallel with the north boundary of said NE1/4 of the SW1/4, S.88°52'24"E., 929.77 feet to a 5/8 inch iron rod with red plastic cap marked "PLS 14223";

thence along a line parallel with the east boundary of said NE1/4 of the SW1/4, S.00°53'38"W., 420.04 feet to a 5/8 inch iron rod with red plastic cap marked "PLS 14223";

thence, S.56°52'57"W., 637.96 feet to a 5/8 inch iron rod with red plastic cap marked "PLS 14223";

thence, N.26°17'28"W., 877.61 feet to the POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO A 25 foot wide ingress/egress easement is situated in a portion of the NE1/4 of the SW1/4 of Section 25, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the southeast corner of said NE1/4 of the SW1/4;

thence along the east boundary of said NE1/4 of the SW1/4, N.00°53'38"E., 779.38 feet to a point on the northerly boundary of Parcel 2 as depicted on Payette County Record of Survey Instrument No. 424168 on file for record in Book 13 at Page 47;

thence along said northerly boundary, S.86°00'42"W., 393.26 to a 5/8 inch iron rod with red plastic cap marked "PLS 14223";

thence along the westerly boundary of said parcel, S.00°53'38"W., 239.15 feet to the northerly boundary of the proposed 25 foot ingress/egress & utility easement as depicted on said Record of Survey;

thence along the northerly boundary of said easement and a non-tangent curve to the left, having an arc length of 106.42 feet, a radius of 1332.50 feet, through a central angle of 04°34'34" and a chord bearing of S.87°29'10"W., 106.40 feet to the POINT OF BEGINNING;

thence continuing along said northerly easement boundary and curve to the left, having an arc length of 33.33 feet, a radius of 1332.50 feet, through a central angle of 01°25'59" and a chord bearing of S.84°28'54"W., 33.32 feet;

thence leaving said northerly easement boundary, N.35°52'27"E., 118.53 feet to a tangent point of curvature;

thence along a curve to the left, having an arc length of 114.47 feet, a radius of 187.50 feet, through a central angle of 34°58'48" and a chord bearing of N.18°23'03"E., 112.70 feet to a point of tangency;

thence, N.00°53'38"E., 79.60 feet;

thence, N.56°52'57"E., 30.16 feet;

thence, S.00°53'38"W., 96.47 feet to a tangent point of curvature;

thence along a curve to the right, having an arc length of 129.74 feet, a radius of 212.50 feet, through a central angle of 34°58'48" and a chord bearing of S.18°23'03"W., 127.73 feet to a point of tangency;

thence, S.35°52'27"W., 96.50 feet to the POINT OF BEGINNING.

ALSO

TOGETHER WITH AND SUBJECT to a 15 foot wide water easement that is situated in a portion of the NE1/4 of the SW1/4 of Section 25, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the northwest corner of said NE1/4 of the SW1/4;

thence along the north boundary of said NE 1/4 of the SW 1/4, S.88°52'24"E., 8.6 feet to the POINT OF BEGINNING;

thence continuing along said north boundary, S.88°52'24"E., 50.00 feet;
thence leaving said north boundary, S.01°07'36"W., 10.69 feet;
thence, S.70°54'58"E., 127.51 feet;
thence, S.73°56'34"E., 229.21 feet;
thence, S.41°20'28"E., 262.82 feet;
thence, S.48°48'01"E., 380.01 feet to a point on the northerly boundary of Parcel 2 as depicted on Payette County Record of Survey Instrument No. 424168 filed for record in Book 13 at Page 47; thence along said northerly boundary, S.86°00'42"W., 21.14 feet;
thence leaving said northerly boundary, N.48°48'01"W., 366.08 feet;
thence, N.41°20'28"W., 259.41 feet;
thence, N.73°56'34"W., 225.22 feet;
thence, N.70°54'58"W., 123.05 feet;
thence, S.01°07'36"W., 23.54 feet;
thence along a line 50.00 feet southerly of and parallel with the north boundary of said NE 1/4 of the SW 1/4, N.88°52'24"W., 50.00 feet;
thence, N.01°07'36"E., 50.00 feet to the POINT OF BEGINNING.

SUBJECT TO all Easements, Rights, Rights-of-Way and all other encumbrances of record or implied.

SCHEDULE A

First American Title Insurance Company
1 First American Wy.
Santa Ana, CA 92707

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
329024AM	5011400-2555927e	November 15, 2019 12:16PM	\$50,000.00	\$473.00

Address Reference: 4445 Council Cuprum Road, Council, ID 83612

1. Name of Insured:

Chad R Belvoir and Amy L Belvoir

2. The estate or interest in the Land that is insured by this policy is:

FEE SIMPLE

3. Title is vested in:

Chad R Belvoir and Amy L Belvoir

4. The Land referred to in this policy is described as follows:

Lots 66, 67 and 68 in the Townsite of Cuprum, Adams County, Idaho as said Lots are numbered and designated on the official plat of said Townsite of Cuprum, recorded in Book 1 of Plats, Page 22 in the Adams County Recorder's Office.

END OF SCHEDULE A

84113

RECEIVED

APR 07 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

water right # 69-10036

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 idwr.idaho.gov.

Name of Applicant(s) Chad & Amy Belvoir

COPY

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 #1-10.

- ☐ ☒ #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 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

COPY

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Chad & Amy Belvoir Phone 208-573-1859
Mailing address 2104 Shelley Dr Email chad@Kempernorthwest.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.

<u>Chad R. Belvoir</u> Signature of Applicant or Authorized Representative	<u>Chad R. Belvoir</u> Print Name and Title if applicable	<u>4-5-2020</u> Date
<u>Amy L. Belvoir</u> Signature of Applicant or Authorized Representative	<u>Amy L. Belvoir</u> Print Name and Title if applicable	<u>4-5-2020</u> 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 new owner
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**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☐ Part	69-10036	.03 cfs	Domestic 1	1-01 to 12-31	Spring Indian Creek
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights .03 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .03 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

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:

- b. Who owns the property at the point(s) of diversion? Adams County
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: no

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:

No change - Domestic

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

N/A

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

Yes No

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

If yes, describe:

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.

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 7 attachments.

Received by KT Date 04/06/2020 Preliminary check by AK Date 5/5/2020

Fee paid \$50⁰⁰ Date 04/06/2020 Received by KT Receipt # W045178

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

84113



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 8, 2020

CHAD R BELVOIR
AMY L BELVOIR
2104 SHELLEY DR
PAYETTE ID 83661-5384

Re: Transfer No: 84113
Water Right No(s): 69-10036

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's home page on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



For: *Kensie Thorneycroft*
Patrick Kelly
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No: 84113
Water Right No(s): 69-10036

CHAD R BELVOIR
AMY L BELVOIR
2104 SHELLEY DR
PAYETTE ID 83661-5384



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84113

FROM: Anna Kaiser

DATE: 7/6/2020

RE: Application Evaluation

Transfer 84113 proposes changes to the legal description of water right 69-10036. The transfer changes the place of use (POU) and point of diversion (POD) descriptions from NWNW quarter-quarter (QQ) section of Twn 2N Rge 3W Sec 10 to the water right's historically utilized POU and POD in the SWNW QQ section.

Geraldine L. and William H. Stults quit-claimed water right 69-10036 to Chad and Amy Belvoir on 3/31/2020. The Department changed ownership of water right 69-10036 prior to processing transfer 84113. Relevant ownership change documentation is enclosed with the transfer application file.

The site is located in Adams County directly north of Indian Creek and Council Cuprum Rd, 3 ½ miles south east of Hells Canyon, surrounded by Payette National Forrest areas.

Legal notice is not required. Pursuant to section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. Transfer 84113 will not change any physical components of water right 69-10036. The proposed changes only ensure the POD and POU legal descriptions accurately reflect the true location of water right 69-10036. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Contact for the transfer are applicants Chad and May Belvoir, 2140 Shelly Dr, Payette, ID 83661, (208)-573-1859, chad@kempernorthwest.com.

Deviations from Transfer Policy Standards

Water right 69-10036's POD is a spring source. The Department will change the POD description from QQ to QQQ. The Department verified the precise location of the spring with the applicant before updating the POD on record.

Summary of Information Submitted

Authority to File:

Chad and Amy Belvior own water right 69-10036 and own the property involved in the transfer.

Water Right Validity:

WR 69-10036 was decreed in 1988. Comments on the water right claim found in the backfile suggest beneficial use occurred within lots 66 and 67 of the Cuprum Townsite. Beneficial use is confirmed by department aerial imagery.

Injury to Other Water Rights:

No evidence suggests this transfer will injure neighboring water rights. Evidence of domestic use as described by transfer 84113 exists as far back as the 1980's based on the Department's aerial imagery.

Enlargement of Use:

Transfer 84113 proposes only to change the legal description of water right 69-10036 to its historical POD and POU. Since the transfer proposes no changes to the diversion rate, or purpose of use, enlargement is not a concern.

Local Public Interest:

No evidence suggests this transfer is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary**Water Right Overlap**

No overlap identified.

Water Supply Bank

Water right 69-10036 is not, and has never been leased to the Water Supply Bank

Discussion

The applicant's claim to right 69-10036 needs some justification. Before correcting a decreed legal description, the Department often requires a quitclaim deed from the original owner of the water right. The water right was decreed in 1988 to Helen Bobert. Bobert passed away in 1999. In 2001 ownership of water right 69-10036 changed from Helen Bobert to Geraldine L. and William H. Stults (relevant documentation supporting the validity of this ownership change can be found in the Water Rights Backfile and the Adjudication Claim File for WR 69-10036). On 3/31/2020, The Stults's quitclaimed water right 69-10036 to the Belvoir's. Based on this chain of ownership, and the documentation present within the Department's backfile, the Department can reasonably justify Chad and Amy Belvoir's claim to WR 69-10036 as valid.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 18, 2020

RECEIVED

JUL 02 2020

WATER RESOURCES
WESTERN REGION

CHAD BELVOIR
AMY BELVOIR
2104 SHELLY DR
PAYETTE ID 83661-5384

**Re: Application for Transfer No. 84113
(Water Right No. 69-10036)**

Dear Applicants:

The Idaho Department of Water Resources (Department) is currently reviewing your transfer application 84113, changing aspects of your water right 69-10036. Before the Department can continue processing this transfer, you must specify the precise location of water right 69-10036's point of diversion. Department records indicate water right 69-10036's point of diversion is a spring source located at an unspecified point within the NWNW quarter-quarter of Section 10, Township 20N, Range 03W. Department standards require spring groundwater sources be identified within 10 acres of their true location.

With this letter, I enclosed an aerial map highlighting the entire quarter-quarter section containing the spring described above. **Please mark the location of this spring on the enclosed map within the highlighted quarter-quarter section and return the marked map to me at the address below or email to me at anna.kaiser@idwr.idaho.gov.** Once the Department receives the enclosed map marked with the spring's location, the Department will add this updated map to your transfer application file and resume processing transfer 84113.

If you have any questions or require further clarification on the above information, please do not hesitate to call me at (208)-334-2190 or email me at anna.kaiser@idwr.idaho.gov.

Sincerely,

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office
2735 W Airport Way, Boise ID 83705

Enclosures: Aerial map



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN

Director

May 8, 2020

CHAD BELVOIR
AMY BELVOIR
2104 SHELLY DR
PAYETTE ID 83661-5384

Re: Transfer Application Additional Information Request

Dear Applicant:

This office received your transfer application on April 7, 2020. The Idaho Department of Water Resources (Department) cannot complete processing your application until the following items are addressed:

1) PART 1: A. Purpose of Transfer (3)

- Please briefly describe in words your proposed changes under **PART 1.A.3.** on page 2 of your application. (Description may be as brief as 1-2 sentences.)

2) POU Table.

- Please complete the Place of Use table under PART 1.B.4 on page 3 of your application.
- The documentation included with your application suggests you intend to use water in the SWNW quarter-quarter section of Twp: 20N, Rge: 03 W, Sec: 10. Since this is a domestic water usage, mark the correct quarter-quarter section of the place of use table with a "D."
- Use the example below as reference.

Example:

Twp	Rge	Sec	NE $\swarrow$ 1/4 of section (160 acres)				NW				SW $\swarrow$ 1/4 of section (40 acres)				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	14							10	2									12
5N	1E	15	25																25
5N	1E	15				D													

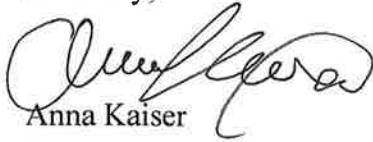
this is SE 1/4 of NE 1/4

Total acres (for irrigation use) 37

With this letter, I have included your original application for transfer. Please make the necessary changes to your application, and submit your updated application and necessary fees by mail to me at the address listed below. If you have any questions please do not hesitate to call me at (208)-334-2190 or email me at anna.kaiser@idwr.idaho.gov.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anna Kaiser', written over the printed name.

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office

2735 W Airport Way, Boise ID 83705

Enclosures: Original Transfer Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

COPY

Brad Little
Governor

Gary Spackman
Director

March 10, 2020

CHAD & AMY BELVOIR
2104 SHELLEY DR
PAYETTE ID 83661-5384

RE: Change in Ownership for Water Right No: 69-10036

Dear Interested Parties:

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

During our review of the documentation you submitted, we found discrepancies in the legal description of the place of use for the water right indicated in your notice. The place of use for the water right as decreed by the Snake River Basin Adjudication (SRBA) Court is described as the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 10, Township 20 N Range 3 W. This is not the same legal description as your property in the Cuprum Townsite. Other documentation in the water right file seems to confirm that the water right should be appurtenant to the property referred to in your submitted paperwork, 4445 Council Cuprum Rd. A map and a copy of the water right is included for your reference.

The Department can confirm your ownership of the water right and change the legal description decreed by the SRBA Court through the statutory transfer process. You have already submitted a notice of change in water right ownership, but in order to complete that process and also to update the water right to refer to the correct place of use, please note the following:

- Please submit an Application for Transfer of Water Right, along with a processing fee of \$50. The correct form has been included for your convenience.
- The Warranty Deed submitted does not refer to the property associated with this water right, and is being returned to you. Please submit a conveyance document indicating your ownership of the property and/or water right in question. Because of the place of use discrepancy described above, we will also require a Quitclaim Deed from the owner of record explicitly conveying ownership of **Water Right no. 69-10036** in order to establish ownership of both the water right and the correct place of use.

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

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne Evans", with a stylized flourish at the end.

Lynne Evans
Office Specialist II

Enclosures