

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84147

RECEIVED

JUN 29 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) TERRISA J BERG AND LOUIS N BERG

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

Yes N/A *Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 29 2020

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant TERRISA J BERG Phone (208) 270-9577

Mailing Address 19032 HIGHWAY 30, BUHL ID 83316-5060 Email _____

Name of Applicant LOUIS N BERG Phone (208) 270-9577

Mailing Address 19032 HIGHWAY 30, BUHL ID 83316-5060 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ 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.

Terrisa J Berg Terrisa J Berg 6-25-20
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Louis N. Berg Louis N. Berg 06/25/2020
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-7520	Yes	Yes	No	No	No	No

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application filed to split off our 1/9 portion of water right 47-7520, updating the ownership (see enclosed deeds), and divert it from a different well located on the neighbor's property (see enclosed well sharing agreement).

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-17718	0.060 cfs	9.1 af	N/A	N/A	47-7520	0.450 cfs	73.2 af	N/A	N/A
COMBINED TOTALS	0.060 cfs	9.1 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

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

Original Water Right No. 47-7520

Current Water Right Owner

GLEN D DEPEW
RT 2 BOX 115A
WENDELL, ID 83355

AND/OR

RAY G DEPEW
2825 S 850 E
HAGERMAN, ID 83332-5615

Priority Date: 4/25/1979

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
HEATING	01/01	12/31	0.450 CFS	73.2 AFA	
Total Diversion			0.450 CFS	73.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NWSE

Sec. 30 Twp 08S Rge 14E TWIN FALLS County

Place of Use: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30			X										X	X			

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

Proposed Water Right No. 47-17718

(Original Water Right No. 47-7520)

Current Water Right Owner

TERRISA J BERG
19032 HIGHWAY 30
BUHL, ID 83316-5060

AND

LOUIS N BERG
19032 HIGHWAY 30
BUHL, ID 83316-5060

Priority Date: 4/25/1979

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
HEATING	01/01	12/31	0.060 CFS	9.1 AFA	
Total Diversion			0.060 CFS	9.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SENWSE

Sec. 30 Twp 08S Rge 14E TWIN FALLS County

Place of Use: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30														X			0.0

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
Existing low temperature geothermal well and piping to home. Measuring device and lockable works will
be installed when they are required.
- b. Who owns the property at the point(s) of diversion
Carol Stotts.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See enclosed well sharing agreement
- 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: N/A
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A
- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Right 47-7520 is diverted from current diversion. Right 47-17709 is diverted from proposed diversio
n. Permits 47-17712 (groundwater) and 47-17713 (Salmon Falls Creek) both for domestic use are used on
the place of use.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes ☐ No ☒
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 47-7520

Current Water Right Owner

GLEN D DEPEW
RT 2 BOX 115A
WENDELL, ID 83355

AND/OR

RAY G DEPEW
2825 S 850 E
HAGERMAN, ID 83332-5615

Priority Date: 4/25/1979

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
HEATING	01/01	12/31	0.510 CFS	82.3 AFA	
Total Diversion			0.510 CFS	82.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER

NWSE

Sec. 30 Twp 08S Rge 14E TWIN FALLS County

Place of Use: HEATING

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30			X										X	X			0.0

Conditions/Remarks:

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. The heating use authorized by rights 47-7451B, 47-7520 and 47-17657 when combined shall not exceed a total annual maximum diversion volume of 102.9 af.
3. Point of diversion is located within Parcel 2 of Lot 14 Salmon River Ranches #1 Subdivision.
4. Heating place of use described by right 47-7520 s located on nine parcels within Lots 2, 3, 11, 12 and 14 of Salmon River Ranches #1 Subdivision. These nine parcels are further described as follows:

Lot 2 - Excluding West ½

Lot 2 - West ½

Lot 3 - SE 2.2 acres

Lot 3 - Excluding SE 2.2 acres

Lot 11 - Excluding SE 2.55 acres

Lot 11 - SE 2.55 acres

Lot 12 - NE 2.71 acres

Lot 12 - Excluding NE 2.71 acres

Lot 14- Parcel 1

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒

Right Number: 47-7520

2. Lands irrigated or place of use: (If irrigation, identify with number of acraa irrigated per 1/4 1/4 tract.)

Twp	Rng	Sec	NE				NW				SW				SE				Totals
08s	14e	30														X			

Transfer No. 84147

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

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

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 are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer Contains 9 pages and attachments.
Received By SG Date 6/29/20 Prelim. Check By Date
Fee Paid \$300.00 Date 6/29/20 Received By SG Receipt # 5038006
Add'l Fee Paid Date Received By Receipt #

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

TWIN FALLS COUNTY
RECORDED FOR:
ALLIANCE TITLE - TWIN FALLS OF
02:02:23 PM 09-26-2019
2019016268
NO. PAGES 2 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: SB
Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:448755

FOR VALUE RECEIVED

Ron Dannenhauer and Jacci Dannenhauer, husband and wife

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

Louis N Berg and Terrisa J Berg, husband and wife

whose current address is

**19032 Highway 30
Buhl, ID 83316**

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

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

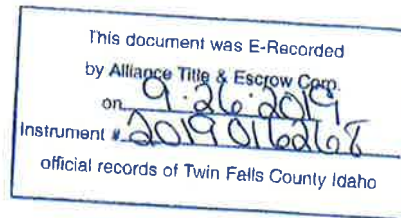
**Section 30: Part of Northwest Quarter Southeast Quarter, more particularly
described as follows:**

Commencing at the Southeast corner of said Section 30;
THENCE South 89°11'26" West 1022.01 feet along the Southerly boundary of said
Section 30 to the Easterly right of way boundary of U.S. Highway 30;
THENCE North 27°16'27" West 651.31 feet along said right of way boundary to the
Westerly boundary of the SE1/4SE1/4 of said Section 30;
THENCE North 00°02'59" West 729.32 feet to the Northwest corner of said
Southeast Quarter Southeast Quarter;
THENCE South 89°10'17" West, 389.39 feet along the Southerly boundary of said
Northwest Quarter Southeast Quarter to the Easterly right of way boundary of said
U.S. Highway 30;
THENCE North 27°16'27" West, 322.27 feet along said Easterly right of way
boundary to the Southeast corner of Lot 14 of the Salmon River Ranches Amended
filing No. 1 as recorded in the Miscellaneous records of Twin Falls County, Idaho
and the TRUE POINT OF BEGINNING;
THENCE North 27°16'27" West, 168.17 feet along said Easterly right of way
boundary;
THENCE North 62°43'34" East, 303.05 feet to the center of Salmon Falls Creek;
THENCE Southerly along the center of said Creek the following courses and
distances
South 44°03'39" East, 146.74 feet;
THENCE North 81°43'35" East, 60.50 feet;
THENCE leaving the center of said Creek
South 61°35'27" West, 402.71 feet to the TRUE POINT OF BEGINNING.

This is Parcel No. 1 of Lot 14 of the Salmon River Ranches Amended filing No. 1.

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.



WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:448755

FOR VALUE RECEIVED

Ron Dannenhauer and Jacci Dannenhauer, husband and wife

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

Louis N Berg and Terrisa J Berg, husband and wife

whose current address is

**19032 Highway 30
Buhl, ID 83316**

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

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

Section 30: Part of Northwest Quarter Southeast Quarter, more particularly described as follows:

Commencing at the Southeast corner of said Section 30;
THENCE South 89°11'26" West 1022.01 feet along the Southerly boundary of said Section 30 to the Easterly right of way boundary of U.S. Highway 30;
THENCE North 27°16'27" West 651.31 feet along said right of way boundary to the Westerly boundary of the SE1/4SE1/4 of said Section 30;
THENCE North 00°02'59" West 729.32 feet to the Northwest corner of said Southeast Quarter Southeast Quarter;
THENCE South 89°10'17" West, 389.39 feet along the Southerly boundary of said Northwest Quarter Southeast Quarter to the Easterly right of way boundary of said U.S. Highway 30;
THENCE North 27°16'27" West, 322.27 feet along said Easterly right of way boundary to the Southeast corner of Lot 14 of the Salmon River Ranches Amended filing No. 1 as recorded in the Miscellaneous records of Twin Falls County, Idaho and the TRUE POINT OF BEGINNING;
THENCE North 27°16'27" West, 168.17 feet along said Easterly right of way boundary;
THENCE North 62°43'34" East, 303.05 feet to the center of Salmon Falls Creek;
THENCE Southerly along the center of said Creek the following courses and distances
South 44°03'39" East, 146.74 feet;
THENCE North 81°43'35" East, 60.50 feet;
THENCE leaving the center of said Creek
South 61°35'27" West, 402.71 feet to the TRUE POINT OF BEGINNING.

This is Parcel No. 1 of Lot 14 of the Salmon River Ranches Amended filing No. 1.

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: September 25, 2019

R. Dannenhauer
Ron Dannenhauer

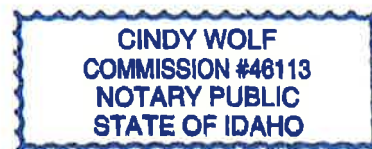
Jacci Dannenhauer
Jacci Dannenhauer

State of Idaho } ss
County of Twin Falls }

On this 26th day of September, 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Ron Dannenhauer and Jacci Dannenhauer, 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.

Cindy Wolf
Notary Public for the State of Idaho
Residing at: Filer, ID
Commission Expires: 4-25-24



EASEMENT AND SHARED GEOTHERMAL WELL AGREEMENT

PARTIES AND PROPERTY OWNERS:

The grantor, servient estate owner, and geothermal well owner is Carol A. Stotts. The grantees and dominant estate owners are Louis N. Berg and Terrisa J. Berg.

LOCATION OF SERVIENT ESTATE:

The address of the servient estate is: 19034 Highway 30, Buhl, Idaho 83316. The Twin Falls County tax-assessment parcel number of the property is RP08S14E307250. The full legal description is:

"Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, SECTION 30: A portion of the NW1/4SE1/4 known as Lot 15 Salmon River Ranches described as follows: COMMENCING at the Southeast corner of said Section 30; THENCE South 89°11'26" West 1022.01 feet along the Southerly boundary of said Section 30 to the Easterly right of way boundary of U.S. Highway 30; THENCE North 27°16'27" West 651.31 feet along said right of way boundary to the Westerly boundary of the SE1/4SE1/4 of said Section 30; THENCE North 00°02'59" West 729.32 feet to the Northwest corner of said SE1/4SE1/4 the TRUE POINT OF BEGINNING; THENCE South 89°10'17" West 389.39 feet; THENCE North 27°16'27" West 322.37 feet; THENCE North 61°35'23" East 402.71 feet; THENCE North 56°38'13" East 94.64 feet; THENCE South 86°03'06" East 222.75 feet; THENCE South 13°05'47" West 522.72 feet to the POINT OF BEGINNING."

LOCATION OF DOMINANT ESTATE:

The address of the dominant estate is: 19032 Highway 30, Buhl, Idaho 83316. The Twin Falls County tax-assessment parcel number of the property is RP08S14E307850. The full legal description is:

"Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, SECTION 30: A portion of the NW1/4SE1/4 known as Parcel No. 1 of Lot 14 of the Salmon River Ranches Amended filing No. 1 described as follows: COMMENCING at the Southeast corner of said Section 30; THENCE South 89°11'26" West 1022.01 feet along the Southerly boundary of said Section 30 to the Easterly right of way boundary of U.S. Highway 30; THENCE North 27°16'27" West 651.31 feet along said right of way boundary to the Westerly boundary of the SE1/4SE1/4 of said Section 30; THENCE North 00°02'59" West 729.32 feet to the Northwest corner of said SE1/4SE1/4; THENCE South 89°10'17" West, 389.39 feet along the Southerly boundary of said NW1/4SE1/4 to the Easterly right of way boundary of said U.S. Highway 30; THENCE North 27°16'27" West, 322.27 feet along said Easterly right of way boundary to the Southeast corner of Lot 14 of the Salmon River Ranches Amended filing No. 1 as recorded in the Miscellaneous records of Twin Falls County, Idaho and the TRUE POINT OF BEGINNING; THENCE North 27°16'27" West, 168.17 feet along said Easterly right of

way boundary; THENCE North 62°43'34" East, 303.05 feet to the center of Salmon Falls Creek; THENCE Southerly along the center of said Creek the following courses and distances: South 44°03'39" East, 146.74 feet; THENCE North 81°43'35" East, 60.50 feet; THENCE leaving the center of said Creek South 81°35'27" West, 402.71 feet to the TRUE POINT OF BEGINNING."

LOCATION OF SHARED GEOTHERMAL WELL AND APPURTENANCES:

The geothermal well and structure housing it, the latter hereinafter referred to as "well house," are located on the servient estate and are approximately twenty-five (25) feet due south of the parties' shared property boundary. There are no other wells located that close to the shared boundary. Twenty-five (25) feet of the dominant-estate-owners' conveyance pipeline is also located on the servient estate. That pipeline runs directly north from the well to the shared boundary.

EASEMENT TO ACCESS AND SHARE GEOTHERMAL WELL

This affirmative, appurtenant, non-exclusive, and perpetual easement is a property interest which entitles the owners of the dominant estate the privilege of accessing, conveying water from, inspecting, testing, maintaining, modifying, and when necessary replacing, the free-flowing geothermal well located approximately twenty-five (25) feet due south of their southern property boundary, the structure housing it (hereinafter the "well house"), and the existing pipeline conveying water to the dominant estate, all of which are on the servient estate. The purpose of the easement is to ensure continuous delivery of geothermal water to the dominant estate to heat the dwelling on it.

The easement extends from the well and well house outward in all directions on, over, across, and underneath the land surface for a distance of thirty (30) feet. No permanent type of building shall be constructed, nor obstruction of any kind be placed, within this easement area by the dominant or servient estate owners except as needed for safe and efficient operation of the well and water system.

OWNERSHIP AND MANAGEMENT OF WELL AND APPURTENANCES:

The geothermal well, well house, and other appurtenances, except the conveyance pipeline to the dominant estate, are owned by the servient estate owner. That individual is the designated "Purveyor" of the water system except for the pipeline to the dominant estate. The purveyor shall serve as a contact person to the State of Idaho. The purveyor shall organize and maintain water system records, such as maintenance expenses and payments made by each party. Those records shall be made available to the dominant estate owner for review and inspection upon request. The purveyor shall also have other responsibilities, as indicated in the next section.

MAINTENANCE OF THE WATER SYSTEM

Each party hereto covenants and agrees that it shall equally share the costs of

maintaining and operating the well, well house, and other appurtenances, except that it shall bear the entire costs of maintaining and operating its own conveyance pipeline.

The well and appurtenances that comprise this water system shall be maintained so that there will be no leakage, seepage, or other defects which may cause water contamination, injury, or damage to persons or property. None of this system shall be located within ten (10) feet of a septic tank, sewage-disposal drain field, cesspool, sewer, privy, manure pile, garbage of any kind or description, barn, chicken house, rabbit hutch, pigpen, enclosure or structure for keeping or maintaining fowls or animals, or stored chemical. The parties shall not cross-connect any portion or segment of the water system with any other water source.

It shall be the purveyor's responsibility to decide when maintenance, repair, and replacement of the water system is needed except for the dominant-estate-owners' conveyance pipeline; handle emergencies such those requiring system shutdown; select contractors; order and oversee maintenance; collect payments from the dominant estate owners to cover their share of maintenance costs; and pay bills from contractors. The dominant estate owners shall have the responsibility to do those same things for their conveyance pipeline and, when an emergency arises and the purveyor is unavailable, shall have the authority to do them for any portion of the water system except the servient-estate-owners' conveyance pipeline.

If the dominant estate owner's portion of a bill from a contractor is not paid in full within forty-five (45) days of the due date, then the servient estate owner shall have the authority to shut off either the well or the dominant-estate-owner's conveyance pipeline until full payment is made, including any late fees and interest charged by the contractor.

RESTRICTION ON FURNISHING WATER TO ADDITIONAL PARTIES

The servient and dominant estate owners shall not furnish water, from the well and water system described herein, to any other person, property, or dwelling without each other's written consent.

HEIRS, SUCCESSORS AND ASSIGNS

These covenants and agreements shall run with the lands identified herein; shall be binding on all parties having or acquiring any right, title, or interest in these lands or any part thereof; and shall pass to and be for the benefit of each owner thereof.

GRANTOR'S SIGNATURE

Carol A Stotts
Carol A. Stotts

28 Jan 2020
Date

GRANTEES' SIGNATURES

Louis N. Berg
Louis N. Berg

03/31/2020
Date

Terrisa J. Berg
Terrisa J. Berg

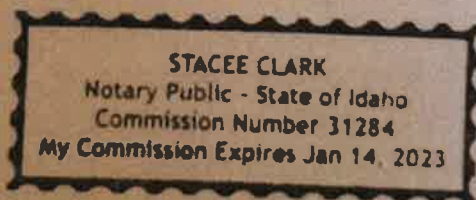
03/31/2020
Date

NOTARY SEAL FOR GRANTOR'S SIGNATURE

County of Collin
State of Texas
The foregoing instrument was acknowledged before me
this 28 day of January, 2020
By Carol Ann Stotts
Hailey Utterback Notary Public
My commission expires 5/2/2023



NOTARY SEAL FOR GRANTEES' SIGNATURES



Twin Falls County, Idaho

Recorded for:

SHEILA DANNENHAUER

12:17pm Oct. 04, 2004

2004 - 021568

No. of Pages: 2 Fee: \$6.00

KRISTINA GLASCOCK

County Clerk

Deputy: CD

Twin Falls County, Idaho

Recorded for:

SHEILA DANNEHAUER

03:35pm Oct. 19, 2004

2004 - 022699

No. of Pages: 3 Fee: \$3.00

KRISTINA GLASCOCK

County Clerk

Deputy: KM

GRANT DEED

For good and valuable consideration, **RG Properties, L.P.** ("Grantor"), does hereby grant, sell and convey unto **Ron Dannenhauer and Jacci Dannenhauer** ("Grantee"), whose address is 36649 Chantecler Road, Winchester, California, 92526, and their successors and assigns forever, the following described real property located in Twin Falls County, Idaho, as described in Exhibit "A" attached hereto and incorporated by this reference (the "Property").

TOGETHER WITH all and singular the tenements, hereditaments, easements, rights and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, and interest in and to the Property, as well in law as in equity.

SUBJECT to all encumbrances, easements, encroachments and assessments, of record, in use, or in existence.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed this 3 day of September, 2004.

RG PROPERTIES, L.P.

By: Robert D. Glaisyer
Robert D. Glaisyer
Its: Managing Partner

EXHIBIT "A"

Legal Description

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 30: Part of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Twin Falls County, Idaho

COMMENCING at the southeast corner of said Section 30;

THENCE South 89°11'26" West 1022.01 feet along the southerly boundary of said Section 30 to the easterly right of way boundary of U.S. Highway 30;

THENCE North 27°16'27" West 651.31 feet along said right of way boundary to the westerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30;

THENCE North 00°02'59" West 729.32 feet to the northwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 89°10'17" West 389.39 feet along the southerly boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ to the easterly right of way boundary of said U.S. Highway 30;

THENCE North 27°16'27" West 322.27 feet along said easterly right of way boundary to the southeast corner of Lot 14 of the Salmon River Ranches Amended Filing No. 1 as recorded in the Miscellaneous records of Twin Falls County, Idaho, and the TRUE POINT OF BEGINNING;

THENCE North 27°16'27" West 168.17 feet along said easterly right of way boundary;

THENCE North 62°43'34" East 303.05 feet to the center of Salmon Falls Creek;

THENCE southerly along the center of said creek the following courses and distances
South 44°03'39" East 146.74 feet;

THENCE North 81°43'35" East 60.50 feet;

THENCE leaving the center of said creek South 61°35'27" West 402.71 feet to the TRUE POINT OF BEGINNING.

This is parcel No. 1 of Lot 14 of the Salmon River Ranches Amended Filing No. 1

State of TX)
) ss.
County of ADA)

On 9-3-04, 2004, before me personally appeared Robert D. Glaisyer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature(s) on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

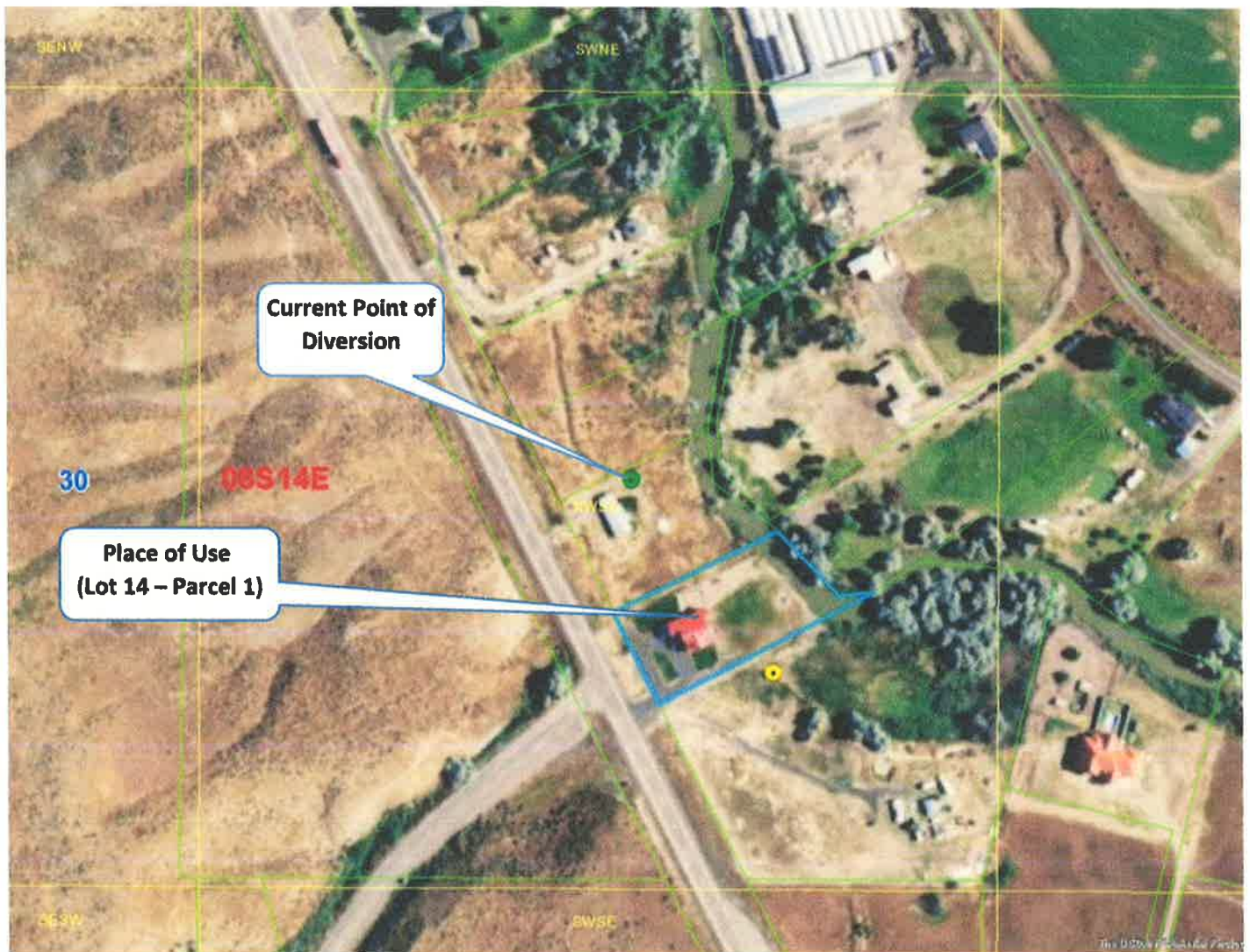
NOTARY SEAL



Joel Glaisyer
NOTARY SIGNATURE

My commission expires: 9-9-08

Transfer # 84147 Map



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	198.15
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	198.15
Fax			
Section	Legals	Start/End Dates	07/16/2020 - 07/23/2020
SubSection		Insertions	2
Category	50 Legal	Size	130
Ad Key	103591-1	Salesperson(s)	Ruby Aufderheide
Keywords	App 47-17719, Transfer #'s 83973, 84147	Taken By	Ruby Aufderheide
Notes			

Ad Proof

**Proof of Legal Notice
received from Times News
7/10/2020**

DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17719

4799A RIVER ROAD LLC

357 MC CASLIN BLVD STE 200

LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS

County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83973

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84147

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 3, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 16th & 23rd, 2020





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Brad Little
Governor

Gary Spackman
Director

July 9, 2020

LOUIS N BERG
TERRISA J BERG
19032 HIGHWAY 30
BUHL, ID 83316-5060

RE: Transfer No. 84147
Water Right No(s). 47-7520

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 **TIMES NEWS on 7/16/2020 and 7/23/2020**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 3, 2020**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2020 10:58 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on July 16th & 23rd, 2020. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Brad Little
Governor

Gary Spackman
Director

July 9, 2020

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 47-17719

RE: Transfer No. 83973

Water Right No(s). 43-10151, 43-4238A

RE: Transfer No. 84147

Water Right No(s). 47-7520

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 August 3, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
47-17719

4799A RIVER ROAD LLC
357 MC CASLIN BLVD STE 200
LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

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TRANSFER NO. 83973**

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TRANSFER NO. 84147**

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For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 3, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 16th & 23rd, 2020

MEMORANDUM

Date: July 08, 2020
To: Transfer 84147 File
From: Kent Aasa
Re: Fee Evaluation

Filing fees of \$300.00 charged for transfer application # 84147 were based on the current transfer fee schedule plus the ownership change involved with splitting one water right. The ownership change fee is \$100.00 (split fee for one water right) and the transfer fee is \$200.00 for the 0.06 cfs being transferred in the application (Receipt No.S038006).

MEMORANDUM

Date: July 08, 2020
To: Transfer
84147
From: Kent Aasa
Re: Synopsis Memo

Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman. The property is located in Basin 47G but water master comments will not be solicited because heating use is not administered.

Aasa, Kent

From: Skinner, Corey
Sent: Monday, July 06, 2020 9:13 AM
To: Skinner, Corey
Cc: Aasa, Kent
Subject: RE: Proposed Transfer Application

Louis

We received the application and check on June 29th. The application has been assigned to Kent Aasa (I think you have worked with him before) for processing. We will send you a letter letting you know when the application will be advertised.

Corey

From: Skinner, Corey
Sent: Sunday, July 05, 2020 5:34 PM
To: Louis Berg <louisnberg@gmail.com>
Subject: Re: Proposed Transfer Application

Yep. I believe we got it. I'll double check tomorrow.

Sent from my iPhone

On Jul 5, 2020, at 4:24 PM, Louis Berg <louisnberg@gmail.com> wrote:

Corey: Did you receive the check & signed application? I appreciate your help. Louis

Sent from my iPhone

On Jun 25, 2020, at 1:17 PM, Louis Berg <louisnberg@gmail.com> wrote:

They are in the mail. Thanks very much.

Sent from my iPad

On Jun 23, 2020, at 3:47 PM, Skinner, Corey <Corey.Skinner@idwr.idaho.gov> wrote:

Louis,

Please find attached a draft transfer application as we discussed. The application proposes breaking off your portion of water right 47-7520 (a 1/9 portion) and changing the point of diversion from the current well north of your property to the well on Carol Stotts' property. Look the application and map over carefully, and if they meet your approval, you can print them off and you and your wife can sign the application and return them to this office along with a \$300.00 filing fee (a check made out to "IDWR" would be fine). You can mail the application, map, and filing fee to our office at the following address...

IDWR
650 Addison Ave West
Suite 500
Twin Falls, ID 83301

I will place copies of the deed from RG Properties to Dannenhauer, the deed from Dannenhauer to you and Terrisa, and the well sharing agreement with Carol Stotts with your application and map and then we can start processing your application.

Let me know if you have any questions,

Corey

<BERG Transfer.pdf>

<Transfer Map.docx>

MEMORANDUM

Date: July 06, 2020

To: Transfer
84147

From: Kent Aasa

Re: Legal Notice

Legal Notice
07/06/2020

Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.