

\$ 5000

2005

Form 42-222A
12/99

Ident. No. TC-27-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Brent E. Chappell Phone 208 785 5707 ^{782-1177 answer machine}
Post Office Address 408 S. 900 W. Blackfoot Id. 83221

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought conditions need the water now! will file transfer after irrigation season

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>27-7155</u>	<u>7/19/1980</u>	<u>0.025</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/31</u>
				to
				to
				to

2. Total amount of water being transferred 0.025 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Well tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	NE	36	4S	39E	Bingham	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	39E	36	4.5			22.5													4.5

Total Acres 4.5

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 27-7155)
_____))
_____))

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-27-02

WHEREAS, a drought emergency has been declared for Bingham County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on May 5, 2005, Brent E. Chappell submitted the attached Temporary Change Application TC-27-02 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 27-7155 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

**ORDER AUTHORIZING
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5. Right(s) 27-7155 are limited to the irrigation of a total of 27 ac acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. — is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 5th day of May, 2005.


Ronald D. Carlson
Eastern Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 27-7155

WATER RIGHT NUMBER: 27-7155

Owner Type

Current Owner

Name and Address

WALLOBYS RETREAT INC
152 N 200 E
BLACKFOOT, ID 83221
(208)782-9676

INFO

Priority Date: 07/19/1980

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/15 to 10/31

0.150 CFS

59.50 AF

DOMESTIC

01/01 to 12/31

0.100 CFS

3.00 AF

Total Diversion:

0.150 CFS

62.50 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4NE1/4Sec. 36,Twp 04S,Rge 39E, B.M.

BINGHAM County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
04S 39E 36																	27.0

Total Acres: 27

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
04S 39E 36	X																

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. WB5 Domestic use is for 5 homes and does not include lawn, garden, landscape, or other types of irrigation.
5. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 59.5 af at the field headgate for the lands above.

Remarks:Comments:Dates and Other Information:

Licensed Date: 6/23/2003

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 3.5

Combined Use Limits:Water Supply Bank:

WARRANTY DEED

FOR VALUE RECEIVED DELBERT L. BARON and NETTIE R. BARON, husband and wife, of 660 North Shilling, Blackfoot, Idaho 83221 the Grantors, do hereby grant, bargain, sell, and convey unto BRENT E. CHAPPELL and MARIE D. CHAPPELL, husband and wife of 408 South 900 West, Blackfoot, Idaho 83221 the Grantees, the following described premises to-wit:

Part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, Township 4 South, Range 39 East, B.M., Bingham County, Idaho described as:

Beginning at a point that is S $0^{\circ} 10' 57''$ W 879.39 feet along the section line to the point of beginning from the northeast corner of said Section 36 and running thence S $0^{\circ} 10' 57''$ W 439.81 feet along the section line; thence N $89^{\circ} 44' 43''$ W 1317.46 feet to the west line of E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section; thence N $0^{\circ} 09' 03''$ E 440.09 feet along the said west line; thence S $89^{\circ} 43' 58''$ E 1317.70 feet to the point of beginning.

Parcel contains 13.30 acres together with all improvements thereon.

Also a $\frac{1}{6}$ ownership in the water rights owned by Grantor in 70 Creek, Claude's Creek and a deep well (together with a $\frac{1}{6}$ ownership in the related pump, generator, and storage tank) used for irrigation and domestic water, said well located on the following described property:

Part of the NE $\frac{1}{4}$ of Section 36 Township 4 South, Range 39 E.B.M. Bingham County, Idaho described as:

Beginning at a point that is S $00^{\circ} 10' 57''$ W 1319.20 feet along the section line and N $89^{\circ} 44' 43''$ W 817.88 feet and N $00^{\circ} 15' 17''$ E 27.66 feet to an existing Well.

The parcel granted herein is subject to the following:

Waterline Easement:

Part of the NE $\frac{1}{4}$ of Section 36 Township 4 South, Range 39 E.B.M. Bingham County Idaho described as:

A 15 foot Waterline Easement 7.5 feet each side of the following described center line:

Beginning at a point that is S 00 °10'57" W 1319.20 feet along the section line and N 89 °44'43" W 817.88 feet and N 00 °15'17" E 27.66 feet to an existing Well being the True Point of Beginning from the NE Corner of Said Section 36 and running Thence N 21 °16'51" E 441.69 feet to the Point of Terminus.

Waterline Easement:

Part of the NE 1/4 of Section 36 Township 4 South, Range 39 E.B.M. Bingham County Idaho described as:

A 15 foot Waterline Easement 7.5 feet each side of the following described center line:

Beginning at a point that is S 00 °10'57" W 1319.20 feet along the section line and N 89 °44'43" W 817.88 feet and N 00 °15'17" E 27.66 feet to an existing Well being the True Point of Beginning from the NE Corner of Said Section 36 and running Thence S 42 °53'00" W 95.33 feet; Thence S 58 °25'54" W 291.42 feet to the center of an existing water storage tank; Thence S 56 °56'38" W 223.56 feet to the Point of Terminus.

Ditch Easement:

Part of the NE¼ of Section 36 Township 4 South, Range 39 E.B.M. Bingham County Idaho described as:

A 15 foot Ditch Easement 7.5 feet each side of the following described center line:

Beginning at a point that is N 89°43'58" W 1319.19 feet along the section line and S 0°09'04" W 1402.41 feet to the True Point of Beginning from the NE Corner of Said Section 36 and running Thence N 47°51'17" E 86.13 feet; thence N 74°52'48" E 142.89 feet; thence N 84°38'28" E 107.40 feet; thence N 56°06'10" E 76.68 feet; thence N 61°30'36" E 146.35 feet; thence N 55°03'36" E 221.23 feet to the center line of a creek; being the Point of Terminus.

Roadway and Waterline Easement:

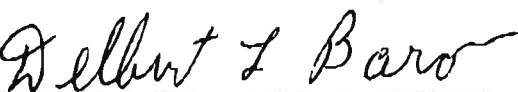
Beginning at a point that is S 0° 10' 57" W 879.39 feet along the section line and N 89° 43' 58" W 633.85 feet from the northeast corner of said Section 36 to the True Point of Beginning and running thence S 0° 10' 02" W 61.65 feet; thence S 61° 48' 09" W 23.34 feet; thence S 53° 08' 38" W 36.90 feet; thence N 0° 10' 02" E 95.05 feet; thence S 89° 43' 58" E 50.00 feet to the point of beginning.

AND

Beginning at a point that is N 89°43'58" W 1318.19 feet along the section line and S 0°09'03" W 1080.48 feet from the northeast corner of said Section 36 to the True Point of Beginning and running thence S 89°50'57" E 50.00 feet; thence S 0°09'03" W 989.46 feet; thence N 89°46'13" W 50.00 feet to the west line of E½NE¼ of said Section; thence N 0°09'03" E along the said west line to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 15 Day of April 2002.



DELBERT L. BARON



NETTIE R. BARON

STATE OF IDAHO)
) ss.
County of Bingham)

On this 15 day of April 2002, before me, the undersigned, a notary public in and for said state, personally appeared DELBERT L. BARON and NETTIE R. BARON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Notary Public for State of Idaho
Residing at Blackfoot

My cmn exprs: 9.18.04