

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
NOV 08 2019
Department of Water Resources
Eastern Region

Name of Applicant(s) Vern D'Brien Phone 801-356-1191
Mailing address 538 N 2740 W Provo, UT 84601 Email Vern.D'Brien@hydroweb.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.

Vern D'Brien _____ 11-8-19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Updated ownership
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.
Adding our junior rights to points of diversion listed on our senior rights. Also, we would like to update the ownership of the water rights, which will result in a split. The junior water right will be updated through this transfer, the senior water right will be updated via a separate notice of ownership change form.

83786

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 27 2019

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Nolan and Margaret Parson Phone (208) 313-0019
Mailing address PO Box 157, Jeton, ID 83451 Email (208) 458-4624
megpars282@gmail.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 Nolan and Margaret Parson Phone (208) 458-4624
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.

Margaret Parson
Signature of Applicant or Authorized Representative

Margaret Parson
Print Name and Title if applicable

9/27/19
Date

Nolan Parson
Signature of Applicant or Authorized Representative

Nolan Parson
Print Name and Title if applicable

9/27/19
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 Updated ownership

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**.

Adding our junior rights to points of diversion listed on our senior rights. Also, we would like to update the ownership of the water rights, which will result in a split. The junior water right will be updated through this transfer, the senior water right will be updated via a separate notice of ownership change form.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 27 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Shana and/or Gordon Whittaker Phone (208) 356-6661
 Mailing address 780 N. 9th East, Rexburg, ID 83440 Email shana.whittaker@yahoo.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.

Shana Whittaker
Signature of Applicant or Authorized Representative

Shana Whittaker 9-27-19
Print Name and Title if applicable Date

Gordon Whittaker
Signature of Applicant or Authorized Representative

Gordon Whittaker 9-27-19
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☒ Add diversion point(s)
☐ Change period of use
☐ Change place of use
☒ Other Updated ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Adding our junior rights to points of diversion listed on our senior rights. Also, we would like to update the ownership of the water rights, which will result in a split. The junior water right will be updated through this transfer, the senior water right will be updated via a separate notice of ownership change form.

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:

Place a headgate, weir, and measuring device.

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

- None needed -

- 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: - None -

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

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

If yes, ☐ complete Attachment WSB.

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

purpose same, agriculture and stock.

- 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:

22-429B shares the place of use 22-13367. 22-429B also shares the pre-transfer point of diversion, as well as the two proposed points of diversion.

- 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:

9/12/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM J O BRIEN 937 E 8TH N REXBURG, ID 83440 (208) 456-2666

Status: Active

Tributary
SPRING CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.760 CFS	
	Total Diversion		1.760 CFS	

NORTH LEIGH CREEK L2(SWNW) Sec. 30, Twp 06N, Rge 46E, TETON County

IRRIGATION within TETON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	45E	27									19 0				8 0	39.0	23 0		89 0

POU Total Acres: 89.0

1. P21 This right is a split from former right 22-132.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. F01 Water is delivered through Center Canal.
4. E56 The rights listed below are limited to the irrigation of a combined total of 89 acres in a single irrigation season. Combined Right Nos.: 22-429B, 22-13367

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/12/2019

Water Right 22-429B

Owner Type **Name and Address**
Current Owner WILLIAM J O BRIEN
937 E 8TH N
REXBURG, ID 83440
(208) 456-2666

Priority Date: 6/1/1891

Basis: Decreed

Status: Active

Source
NORTH LEIGH CREEK

Tributary
SPRING CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.760 CFS	
	<u>Total Diversion</u>		1.760 CFS	

Source and Point(s) of Diversion

NORTH LEIGH CREEK	L2(SWNW)	Sec. 30, Twp 06N, Rge 46E,	TETON County
NORTH LEIGH CREEK	SWSE	Sec. 27, Twp 06N, Rge 45E,	TETON County
NORTH LEIGH CREEK	SWNE	Sec. 27, Twp 06N, Rge 45E,	TETON County

Place Of Use

IRRIGATION within TETON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	27									19.0				8.0	39.0	23.0		89.0

POU Total Acres: 89.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E31 Water is delivered from Middle Leigh Creek for the section 27 SWSE diversion.
3. F01 Water is delivered through Center Canal for the section 30 diversion
4. E56 The rights listed below are limited to the irrigation of a combined total of 89 acres in a single irrigation season. Combined Right Nos.: 22-429B, 22-13367
5. WATER SHALL NOT BE DIVERTED FROM THE SWSE & SWNE, S27, T6N, R45E BEFORE CHANNEL LOSSES ARE DETERMINED BETWEEN THE REFERENCED POINTS OF DIVERSION & THE CENTER CANAL POINT OF DIVERSION LOCATED WITHIN THE SWNW, S30, T6N, R46E. CHANNEL LOSSES SHALL BE REDUCED FROM THE RATE OF FLOW ALLOWED UNDER THIS RT.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

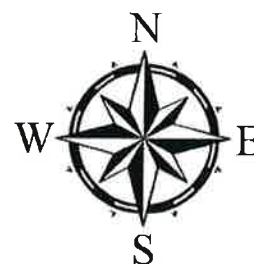
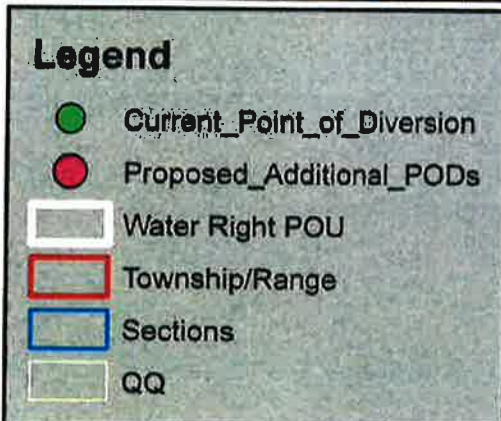
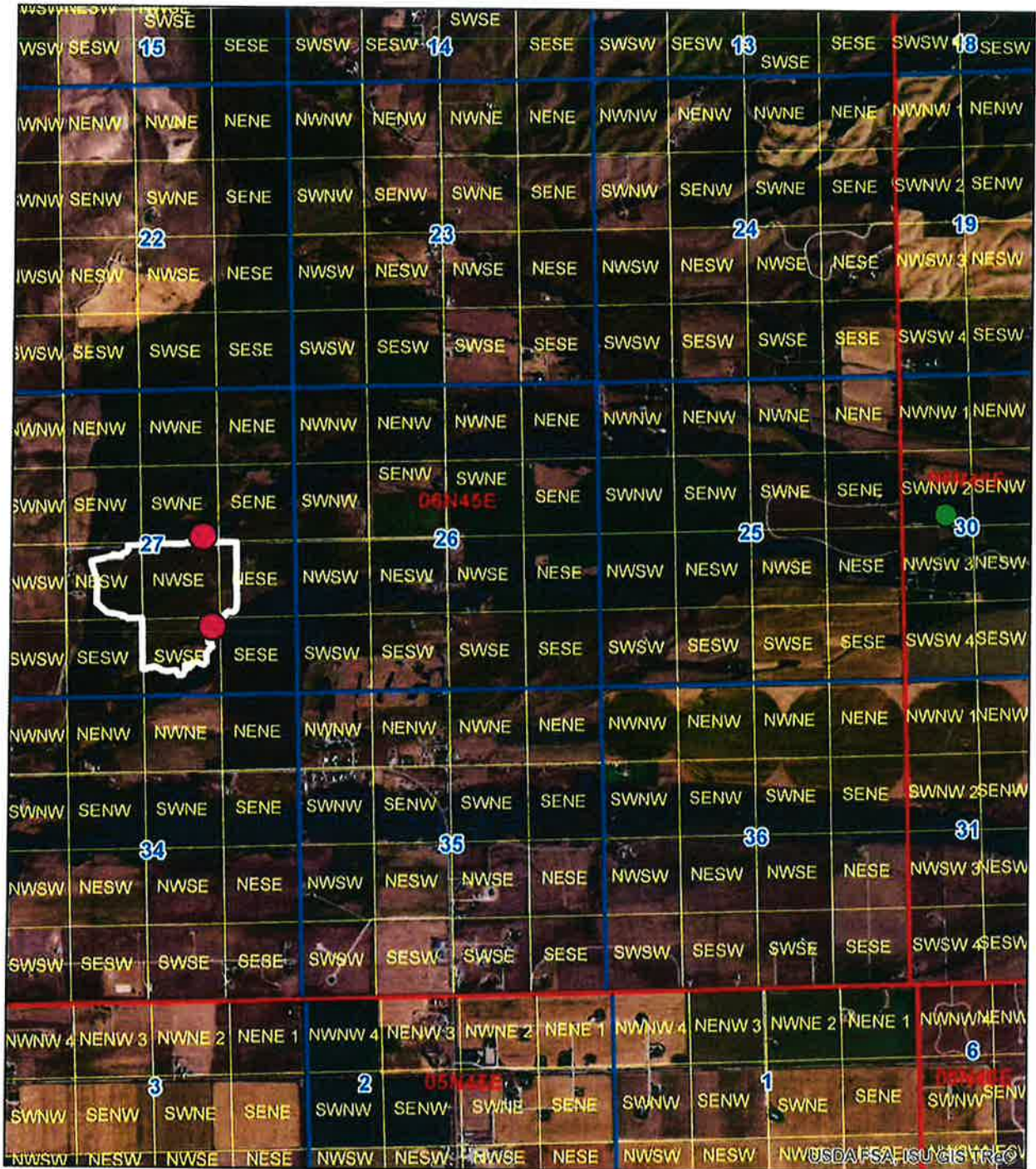
Received by _____ Date 10/10/2019 Preliminary check by _____ Date _____

Fee paid 780 Date 9/27/2019 Received by CH Receipt # E045352

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)

Additional Points of Diversion Transfer



RECEIVED

NOV 08 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
<u>22-132</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<u>22-4298</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
<u>22-13367</u>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: William J. O'Brien
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Vern O'Brien
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 538 N 2740 W. Provo Provo UT 84601
Mailing address City State ZIP
- 801-356-191 Vern-O'Brien@byu.edu
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Vern O'Brien Title, if applicable: _____ Date: 11-8-19
Signature of new owner/claimant
- Signature: _____ Title, if applicable: _____ Date: _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

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

QUITCLAIM DEED

THIS INDENTURE, made this 9th day of June, 2007, between Velma O'Brien, a single person, of 937 East 8th North, Rexburg, County of Madison, State of Idaho, party of the first part, and Vern H. O'Brien, of 538 North 2740 West, Provo, Utah 84601 and Shana Whittaker, of 780 North 9th East, Rexburg, County of Madison, State of Idaho, parties of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of \$1.00 and other valuable consideration, lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM unto said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in Teton County, State of Idaho, to-wit:

Beginning at the NW corner of NE4SE4 of Sec 27 T6N R45E, BM, and running thence East 330 feet, thence South 1320 feet, thence West 330 feet, thence North 1320 feet to the place of beginning. Contains 10 acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all singular, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Velma O'Brien
Velma O'Brien

Instrument # 188784

TETON COUNTY, IDAHO

2007-06-20 10:15:00 No. of Pages: 2

Recorded for : SHANA WHITAKER

MARY LOU HANSEN

Fee: 6.00

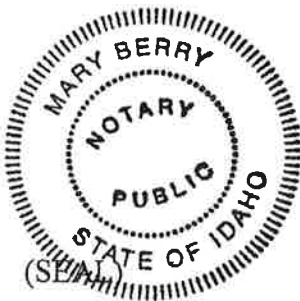
Ex-Officio Recorder Deputy M. W. H. S. T.

Index to: DEED, QUIT-CLAIM

STATE OF IDAHO)
 :SS
County of Madison)

On this 19th day of June, 2007, before me, the undersigned, a Notary Public in and for said state, personally appeared Velma O'Brien, a single person, known and identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me 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.



Mary Berry
Notary Public
Residing at Bigby, Idaho
My Commission Expires: 6/8/2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-13367	Yes ☐	Yes ☐		Yes ☐	Yes ☐
22-4298	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: William J. O'Brien
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Shana and/or Gordon Whittaker
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- 780N 9th East Rexburg ID 83440
Mailing address City State ZIP
- 208-356-6661 shana.whittaker@yahoo.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: January 2, 1999

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Shana Whittaker ' 9-27-2019
Signature of new owner/claimant Title, if applicable Date
- Signature: Gordon Whittaker 9.27.2019
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

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

RECEIVED
JAN 27 1999
TETON CO., ID
CLERK RECORDER

132842
GIFT DEED

THIS INDENTURE made the 2nd day of January, 1999, between William J. and Velma O'Brien, husband and wife, of 235 West 600 North, Teton, County of Teton, State of Idaho 83452, parties of the first part, and Shana and/or Gordon Whittaker, husband and wife, of 1152 North 1000 East, Rexburg, County of Madison, State of Idaho, as their sole and separate property, the rents, issues and profits therefrom to remain their sole and separate property, parties of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of love and affection, do by these presents, give, convey and confirm unto the said parties of the second part, in their own separate right, as their separate property, the rents, issues and profits therefrom to remain their sole and separate property, and for their heirs and assigns forever, the certain property lying and being in Teton County, State of Idaho, and described as follows, to-wit:

**THE NW ¼ SE¼ SECTION 27, TOWNSHIP 6 NORTH, RANGE 45 EAST,
B.M., TETON COUNTY, IDAHO.
CONTAINS 39.65 ACRES**

**THE SW ¼ SE¼ SECTION 27, TOWNSHIP 6 NORTH, RANGE 45 EAST,
B.M., TETON COUNTY, IDAHO.
CONTAINS 39.76 ACRES.**

**RESERVING A LIFE ESTATE in William J. O'Brien and Velma
O'Brien for as long as they shall live.**

TO HAVE AND TO HOLD all singular the said premises, together with the rents, issues and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or appertaining, unto the said parties of the second part, and to their heirs and assigns forever, as their sole and separate property.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

William J. O'Brien
 William J. O'Brien

Velma O'Brien
 Velma O'Brien

STATE OF IDAHO)
 :SS
 County of Madison)

On this 20th day of January, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **William J. and Velma O'Brien**, husband and wife, known and identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.



J. D. Hancock
 Notary Public
 Residing at : Boise, Id.
 My Commission Expires: 11/25/2004

GIFT DEED

FILED
 AT THE REQUEST OF
Smith & Hancock
 AT 34 MINUTES PAST 10 a.m.
 DATE Jan. 27, 1999
Nolan G. Boyle
 CLERK OF RECORD
 BY Nora Rigby
 DEPUTY

RECEIVED

JAN 27 1999

TETON CO. ID
CLERK RECORDER

132841

GIFT DEED

THIS INDENTURE made the 2nd day of January, 1999, between William J. and Velma O'Brien, husband and wife, of 235 West 600 North, Teton, County of Teton, State of Idaho 83452, parties of the first part, and Margaret Parson, a married person, of P. O. Box 57, Teton, County of Teton, State of Idaho 83451, as her sole and separate property, the rents, issues and profits therefrom to remain her sole and separate property, party of the second part.

WITNESSETH:

That the said parties of the first part, for and in consideration of love and affection, do by these presents, give, convey and confirm unto the said party of the second part, in her own separate right, as her separate property, the rents, issues and profits therefrom to remain her sole and separate property, and for her heirs and assigns forever, the certain property lying and being in Teton County, State of Idaho, and described as follows, to-wit:

THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 27, TOWNSHIP 6 NORTH, RANGE 45 EAST, B.M., TETON COUNTY, IDAHO, LESS TRACTS 1 AND 2, RECORD OF SURVEY NO. 103920, PARCELS 3 AND 4, RECORD OF SURVEY NO. 107591, AND TAX NO. 1692, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE SW $\frac{1}{4}$ OF SAID SECTION 27, SAID POINT BEING THE POINT OF BEGINNING:
THENCE S 0°11'56" W. 1315.15 FEET, TO THE SE CORNER OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$;
THENCE S 89°31'27" W. 739.65 FEET, TO THE SE CORNER OF TAX NO. 1692;
THENCE N 0°20'34" E. 160.00 FEET, TO THE NE CORNER OF TAX NO. 1692;
THENCE S 89°31'27" W. 13.43 FEET, TO THE SE CORNER OF TRACT 2, RECORD OF SURVEY NO. 103920;
THENCE N 0°19'56" W. 395.70 FEET, TO THE NE CORNER OF TRACT 2, RECORD OF SURVEY NO. 103920;
THENCE S 89°33'23" W. 70.00 FEET, TO THE SE CORNER OF TRACT 1, RECORD OF SURVEY NO. 103920;

GIFT DEED

1

132841
FILED

AT THE REQUEST OF

Smith & Hancock

AT 33 MINUTES PAST 10 a.m.

DATE *Jan 27 1999*

Nolan G. Bayle

CLERK OF RECORD

BY *Nora Rigby*

DEPUTY

THENCE N 0°20'09" W. 207.50 FEET, TO THE NE CORNER OF TRACT
1, RECORD OF SURVEY NO. 103920;
THENCE S 89°33'25" W. 105 FEET, TO THE SE CORNER OF PARCEL
3, RECORD OF SURVEY NO. 107591;
THENCE N 0°17'10" W. 256.59 FEET, TO THE CORNER OF PARCEL 3,
RECORD OF SURVEY NO. 107591;
THENCE N 89°52'42" E. 74.00 FEET, TO THE SE CORNER OF PARCEL
4, RECORD OF SURVEY NO. 107591;
THENCE N 0°17'04" W. 294.96 FEET, TO A POINT ON THE NORTH LINE
OF THE SW 1/4;
THENCE N 89°27'26" E. 863.94 FEET, TO THE POINT OF BEGINNING

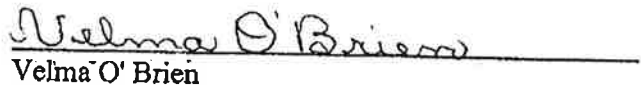
CONTAINS 24.85 ACRES, MORE OR LESS.

RESERVING A LIFE ESTATE in William J. O' Brien and Velma O'
Brien, for as long as either shall live.

TO HAVE AND TO HOLD all singular the said premises, together with the rents, issues
and profits thereof, and the tenements, hereditaments and appurtenances thereunto belonging or
appertaining, unto the said party of the second part, and to her heirs and assigns forever, as her
sole and separate property.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand
and seal the day and year first above written.


William J. O' Brien


Velma O' Brien

GIFT DEED

AFTER RECORDING MAIL TO:

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: August 29, 2018

Margaret O. Parson of: 24 W 1st S, Teton, ID 83451 do(es) hereby convey, release, remise, and forever quit claim unto , **Nolan Fred Parson and Margaret O'Brien Parson**, Husband and Wife

Whose current address is: PO Box 157, 24 W 1st S, Teton, ID 83451

Herein after called the Grantee, the following described premises situated in State of Idaho, Teton County, Idaho to-wit:

THE NE¼SW¼ SECTION 27, TOWNSHIP 6 NORTH, RANGE 45 EAST, B.M., TETON COUNTY , IDAHO, LESS TRACTS 1 AND 2, RECORD OF SURVEY NO. 103920, PARCELS 3 AND 4, RECORD OF SURVEY NO. 107591, AND TAX NO. 1692, BEING FURTHER DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NE CORNER OF THE SW¼ OF SAID SECTION 27, SAID POINT BEING THE POINT OF BEGINNING:
THENCE S 0°11'56" W. 1315.15 FEET, TO THE SE CORNER OF THE NE ¼ SW¼;
THENCE S 89°31'27" W. 739.65 FEET, TO THE SE CORNER OF TAX NO. 1692;
THENCE N 0°20'34" E. 160.00 FEET, TO THE NE CORNER OF TAX NO. 1692;
THENCE S 89°31'27" W. 13.43 FEET, TO THE SE CORNER OF TRACT 2, RECORD OF SURVEY NO. 103920;
THENCE N 0°19'56" W. 395.70 FEET, TO THE NE CORNER OF TRACT 2, RECORD OF SURVEY NO. 103920;
THENCE S 89°33'23" W. 70.00 FEET, TO THE SE CORNER OF TRACT 1, RECORD OF SURVEY NO. 103920;**

THENCE N 0°20'09" W. 207.50 FEET, TO THE NE CORNER OF TRACT
1, RECORD OF SURVEY NO. 103920;
THENCE S 89°33'25" W. 105 FEET, TO THE SE CORNER OF PARCEL
3, RECORD OF SURVEY NO. 107591;
THENCE N 0°17'10" W. 256.59 FEET, TO THE CORNER OF PARCEL 3,
RECORD OF SURVEY NO. 107591;
THENCE N 89°52'42" E. 74.00 FEET, TO THE SE CORNER OF PARCEL
4, RECORD OF SURVEY NO. 107591;
THENCE N 0°17'04" W. 294.96 FEET, TO A POINT ON THE NORTH LINE
OF THE SW 1/4;
THENCE N 89°27'26" E. 863.94 FEET, TO THE POINT OF BEGINNING
CONTAINS 24.85 ACRES, MORE OR LESS.

together with its appurtenances.

Margaret O. Parson

On this ____ day of August, 2018 before me, the undersigned a Notary Public in and for said state, Idaho personally appeared, _____ know or identified to me to be the persons whose names are subscribed to the within Instrument and acknowledge to me that they executed same.

IN WITNESS WHEREOF, I 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:
Commission Expires:

N 1750 W
W 6300 N

N 1500 W
W 5500 N

N 1500 W
W 5500 N

(1 of 2)

▶ □ X

Surface Water POU

Address: 11000	11000
County: 11000	11000
City: 11000	11000
State: 11000	11000
Zip: 11000	11000
Owner: 11000	11000
Property: 11000	11000
Deeded: 11000	11000
Source: 11000	11000
Source: 11000	11000
Water: 11000	11000
Total: 11000	11000
Zoom: 11000	11000

0602E

0602E

(1 of 2)

POU - Water Rights: 22-13367

PriorityDate	1/21/1916
DecreedDate	11/23/2008
Source	NORTH LEIGH CREEK
WaterUse	IRRIGATION
TotalAcres	89.00
AcreLimit	
Owner	WILLIAM J O BRIEN
RightID	587,463
LargePOU	0
WaterRightNumber	22-13367
BasinNumber	22
SequenceNumber	13,367
SplitSuffix	

Zoom to

...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 11, 2019

GORDON WHITTAKER
SHANA WHITTAKER
780 NORTH 9TH EAST
REXBURG, ID 83440

NOLAN PARSON
MARGARET PARSON
PO BOX 157
TETON, ID 83451

VERN O'BRIEN
538 NORTH 2740 WEST
PROVO, UT 84601

RE: Transfer No. 83786
Water Right No(s). 22-13367

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 TETON VALLEY NEWS on 12/18/2019 and 12/25/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 11, 2019 3:41 PM
To: 'office@tetonvalleynews.net'
Subject: Legal Ads for Teton Valley News
Attachments: 83786 Teton Valley News.doc

Hello,

Please see attached document regarding a legal ad for your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

This may contain more than 1 page.

December 11, 2019

Legal Notice Department
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS ID 83422

RE: Transfer No. 83786,
Water Right No(s): 22-13367

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 JANUARY 6, 2020.** Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

.....
NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83786

GORDON WHITTAKER, 780 N 9TH E, REXBURG, ID 83440; SHANA WHITTAKER, 780 NORTH 9TH EAST, REXBURG, ID 83440; NOLAN PARSON and MARGARET PARSON, PO BOX 157, TETON, ID 83451; VERN O'BRIEN, 538 NORTH 2740 WEST, PROVO, UT 84601; has filed Application No. 83786 for changes to the following water rights within TETON County(s): Right No(s). 22-13367; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add points of diversion. The points of diversion will be in SWSE and SWNE, Sec 27 T6N R45E, and Lot 2 (SWNW) Sec 30 T6N R46E (existing diversion) for 1.76 cfs from North Leigh Creek. The place of use will not change.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 12/18/2019 and 12/25/2019