

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83553

This is to certify that: ELOISA S WALKER AND
ROBERT N WALKER
1873 E PARKHURST CT
EAGLE, ID 83616-6803

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-23847	WR/DECREED	7/1/1906	0.010 cfs	0.5 af	N/A	N/A	SPRING

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-23847	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-23847	65-23847	0.010 cfs	0.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.010 cfs	0.5 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 31st day of October, 2019.



Chief, Water Allocation Bureau

WATER RIGHT NO. 65-23847
As Modified by Transfer No. 83553

In accordance with the approval of Transfer No. 83553, Water Right No. 65-23847 is now described as follows:

Right Holder: ELOISA S WALKER AND
 ROBERT N WALKER
 1873 E PARKHURST CT
 EAGLE, ID 83616-6803

Priority Date: 7/1/1906

Source: SPRING

Tributary: SQUAW CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
STOCKWATER	1/01	to 12/31	0.010 cfs	0.5 af
			0.010 cfs	0.5 af

LOCATION OF POINT(S) OF DIVERSION

SPRING L2 (NWNE) Sec 2 Twp 07N Rge 01E GEM County

PLACE OF USE: STOCKWATER

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	2		X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 65-11267, 65-23776 and 65-23847 when combined shall not exceed 13,000 gallons per day.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83553

WATER RIGHT NO. 65-23847
As Modified by Transfer No. 83553

CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

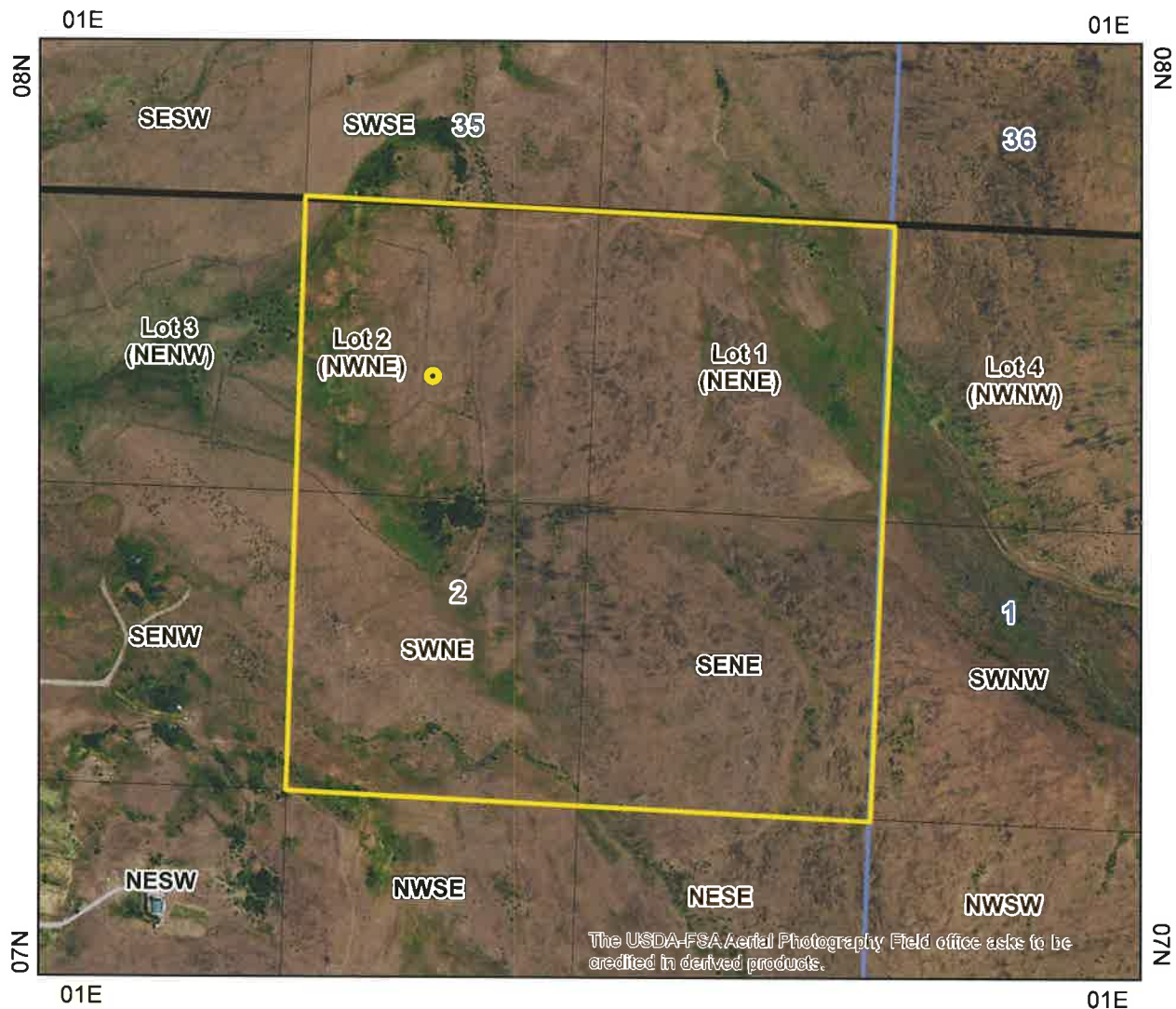


State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83553

65-23847

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83553

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Robert N. Walker and Eloisa S. Walker

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

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

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Robert N. Walker and Eloisa S. Walker Phone 208-859-3580
Mailing address 1873 E. Parkhurst Ct., Eagle, ID 83616 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 Michael C. Creamer, attorney, Givens Pursley LLP Phone 208-388-1247
Mailing address P.O. Box 2720, Boise, ID 83701 Email mcc@givenspursley.com

- ☒ Send all correspondence for this application to the representative ^{and copies} ~~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.

Michael C. Creamer attorney-in-fact
Signature of Applicant or Authorized Representative
Michael C. Creamer attorney-in-fact
Signature of Applicant or Authorized Representative

Robert N. Walker
Print Name and Title if applicable
Eloisa S. Walker
Print Name and Title if applicable

9/23/19
Date
9/23/19
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 _____
- 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**.
- 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**.
Water right to be transferred is to be diverted from spring source located on Applicant's property into one or more stock tanks via pipeline. Former owner has conveyed portion of subject right 65-23776 to Applicant for stockwater use by Applicant on Applicant's property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	65-23776	.01cfs/.466af	Stockwater	1/01 to 12/31	Spring/Squaw Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .02 cfs cfs and/or 1.2 af acre-feet.

2. Total amount of water proposed to be transferred or changed 0.01 cubic feet per second and/or 0.466 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	2	s	s	s	s													
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

5. General Information:

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

System consists of spring, spring box and 1 1/2" existing waterline. This or additional line will deliver Applicant's share of split right 65-23776. Natural spring discharge cannot be ceased, but works could be installed if necessary to measure amount of water diverted to authorized beneficial uses.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: 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. 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:

N/A. This is a stockwater right

- 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:

The parent (reserved) portion of this right will continue to be diverted for stockwater and domestic use for the property owned by the Johns. Water right 65-11267 also has an authorized point of diversion from the spring, but Applicant has no knowledge concerning its current or historical use.

- 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:

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

Current Water Right No.: 65-23776

Current Owner: CHRISTA A JOHN
MARK D JOHN

Priority Date: 7/1/1906

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING

Tributary

SQUAW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
DOMESTIC	1/01 to 12/31	
STOCKWATER	1/01 to 12/31	
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.02 CFS	1.2 AF
0.02 CFS	1.2 AF
0.02 CFS	2.4 AF

Location of Point(s) of Diversion

SPRING

GEM County

L2(NW1/4NE1/4) Sec. 2, Twp 07N, Rge 01E B.M.

Place of Use

STOCKWATER Within GEM County

T07N R01E S2 Lot 4 NWNW

DOMESTIC Within GEM County

T08N R01E S35 SWSW

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
5. N13 The quantity of water under rights 65-11267 and 65-23776 shall not exceed 13,000 gallons per day.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. 01P Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. X01 Domestic use is for 1 home.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

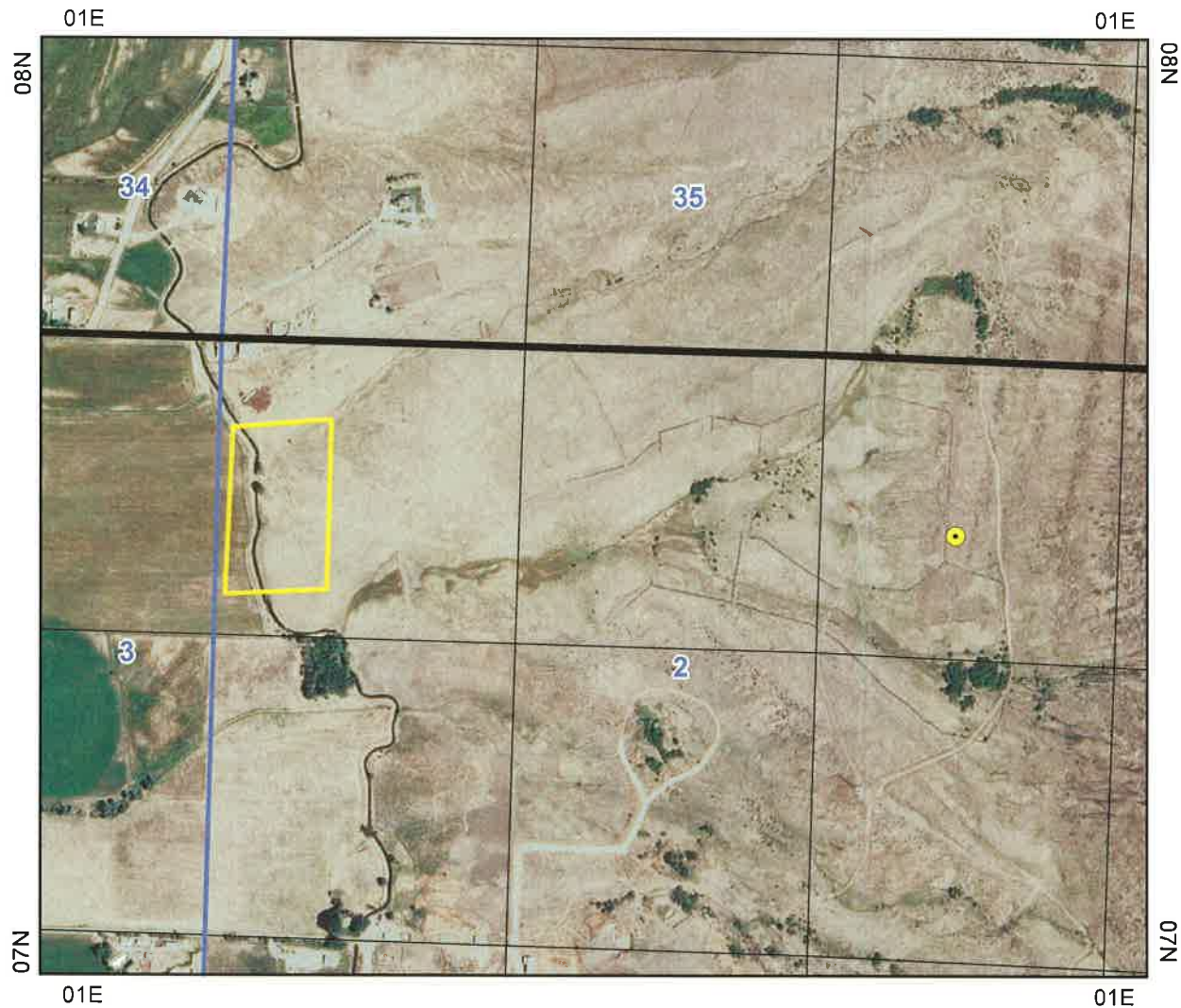
Decreed Date: 11/20/1998

State of Idaho
Department of Water Resources

Water Right
65-23776

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles



A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- 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.

☐ 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**.

☐ 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:

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by LT Date 8-20-19 Preliminary check by TS Date _____

Fee paid 200 Date 8-20-19 Received by KT Receipt # W047682

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)

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A
(Portion of 65-23776)



Showing proposed new place of use for stockwater.

APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT 2a
(Water Right Quit Claim Deed – 65-23776)

Instrument # 321603

EMMETT, GEM, IDAHO
6-8-2019 02:08:22 PM No. of Pages: 1
Recorded for : GIVENS PURSLEY LLP
SHELLY TILTON Fee: 10.00
Ex-Officio Recorder Deputy *Shelly Tilton*
Index to: RECORDS AND AGREEMENTS

After Recording Return To:

Michael C. Creamer
Givens Pursley LLP
601 W. Bannock Street
Boise, Idaho 83702

WATER RIGHTS QUITCLAIM DEED

FOR VALUE RECEIVED, Mark D. John and Christa A. John, husband and wife, whose address is P.O. Box 53, Sweet, Idaho 83670 ("Grantors"), do hereby convey, release, remise and forever quitclaim unto Robert N. Walker and Eloisa S. Walker, husband and wife, whose address is 1873 E. Parkhurst Ct., Eagle, Idaho 83616 ("Grantees"), all of Grantors' right, title and interest in and to 0.01 cubic feet per second and 0.466 acre-feet per annum authorized for stockwater purposes under decreed Water Right No. 65-23776 as reflected in the records of the Idaho Department of Water Resources, together with all appurtenances thereto.

Grantors reserve under Grantors and their successors and assigns all other portions and purposes of use under Water Right No. 65-23776 and all appurtenances thereto not conveyed hereby.

IN WITNESS WHEREOF, the undersigned have caused their names to be subscribed this 5
day of October, 2018.

MARK D. JOHN

Mark D. John

CHRISTA A. JOHN

Christa A. John

STATE OF IDAHO

County of Boise) ss.

On this 5 day of Oct, 2018, before me, a Notary Public for said County and State, personally appeared MARK D. JOHN AND CHRISTA A. JOHN, known or identified 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.



Rachel Dale
NOTARY PUBLIC FOR IDAHO

Residing at: Horse Shoe Bend, ID
My commission expires: 8/10/22

Instrument # 322059

EMMETT, GEM, IDAHO
7-3-2019 01:57:10 PM No. of Pages: 1
Recorded for : GIVENS PURSLEY LLP
SHELLY TILTON Fee: 15.00
Ex-Officio Recorder Deputy *Shelly Tilton*
Index to: QUIT CLAIM DEED

APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT 2b
(General Warranty Deed John to Walker)

Instrument # 303428

EMMETT, GEM, IDAHO
2015-09-17 04:18:11 PM No. of Pages: 4
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
SHELLY TILTON Fee: \$19.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

GENERAL WARRANTY DEED

Alliance Title & Escrow Corp. Order No.: 286795

FOR VALUE RECEIVED, A PORTION OF THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF THE GRANTOR,

Mark D. John and Christa A. John, husband and wife ("Grantor"), hereby grants, bargains, sells, and conveys unto Robert N. Walker and Eloisa S. Walker, husband and wife, whose current address is 1873 E. Parkhurst Ct., Eagle, Idaho 83616 ("Grantee"), all of Grantor's right, title and interest in and to the following-described real property, located in Gem County, Idaho, to wit:

In Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho:

Section 1: Government Lots 3 and 4, and the Southeast quarter of the Northwest quarter

Section 2: Government Lots 1 and 2, and the South half of the Northeast quarter

(hereinafter the "Premises").

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

RESERVING UNTO Grantor nonexclusive easements for ingress, egress and access to a spring which is the source of water for decreed water right 65-11267, and for inspection, use, operation, maintenance, repair, replacement and removal of an existing waterline as more particularly described in Exhibit A attached hereto and incorporated herein, and subject to the terms contained in Exhibit B attached hereto and incorporated herein. Such easements and covenants shall run with the land, and shall be binding on Grantor's and Grantee's successors and assigns, forever.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and those enumerated herein and that Grantor will warrant and defend the same from all claims whatsoever.

[end of text]

303428

DATED effective as of the 17 day of September, 2015.

GRANTOR:

Mark D. John
Mark D. John

Christa A. John
Christa A. John

STATE OF IDAHO)
County of Ada) ss.

On this 17 day of September, 2015, before me, a notary public in and for said state, personally appeared Mark D. John and Christa A. John, husband and wife, known or identified 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 first above written.



Marilyn Knighton
Notary Public for Idaho
Residing at: 7mmett
My commission expires: 4-4-2017

**Exhibit A to General Warranty Deed
(Reserved Easements Descriptions)**

A nonexclusive easement for ingress, egress and access, twenty (20) feet in width, to a spring that is the source of water for decreed water right 65-11267, said easement described as follows: the northerly twenty (20) feet of Lot 2, Section 2, T7N, R1E, B.M., extending for a distance of approximately seven hundred (700) feet from the northwest corner of said Lot 2, Section 2 to the intersection of an existing road running north and south, thence south centered along the existing road approximately one thousand three hundred (1,300) feet to a spring that is the existing point of diversion for water right 65-11267 (the "Access Easement");

Together with a nonexclusive easement for the inspection, use, operation, maintenance, repair, replacement and removal of an existing waterline delivering water under water right 65-11267 for domestic use in Lot 4, Section 2 and for stockwater use in Lot 4, Section 2 and Lot 1, Section 3, T7N, R1E, which easement shall be twenty (20) feet wide centered upon the existing waterline as it extends generally westerly from the spring source to the west boundary of Lot 2, Section 2, T7N, R1 E, B.M. (the "Waterline Easement").

The above-described easements are appurtenant to Lot 4 (NW1/4NW1/4), Section 2, and Lot 1 (NE1/4NB1/4) Section 3, T7N, R1E, B.M., and burden Lot 2, Section 2, T7N, R1E, B.M.



**Exhibit B to General Warranty Deed
(Reserved Easements Covenants and Conditions)**

Uses of the Access Easement and the Waterline Easement are subject to the following covenants:

1. Ingress, egress and access to the spring source and the existing waterline shall be solely within the area described in Exhibit A hereto for the Access Easement and the Waterline Easement for use, inspection, and operation, maintenance, repair, replacement and removal of facilities used to divert or deliver water from the spring source to domestic and stockwater purposes authorized under water right 65-11267;
2. Before commencing any work within the Waterline Easement, the owner of Lot 2, Section 2, T7N, R1E shall be notified and permission obtained from said owner, such permission not to be unreasonably denied, and upon conclusion of such work, the lands will be returned to a condition as good as or better than prior to the work having being performed; and
3. Unless and until the authorized place of use of water right 65-11267, or some portion thereof, has been transferred and changed to authorize use of water in Lot 2, Section 2, all repair or maintenance to the spring diversion facilities will be at the expense of the owner(s) of the above-described lands to which water right 65-11267 is appurtenant.



SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Robert N. Walker and Eloisa S. Walker hereby appoint Michael C. Creamer, attorney at Givens Pursley LLP, 601 West Bannock Street, P.O. Box 2720, Boise, Idaho, 83701 as its true and lawful attorney for the purpose of signing on their behalf all forms, amendments thereto, pleadings and other documents respecting water right 65-23776 including an Application for Transfer of Water Right for water right 65-23776 to be submitted on their behalf to the Idaho Department of Water Resources.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by Robert N. Walker, by Eloisa S. Walker or by both of them.

For purposes of the exercise of the powers herein granted, the facsimile or pdf signature of said attorney shall be lawful and binding and any person may rely upon such facsimile or pdf signature as if it were an original.

IN WITNESS WHEREOF, the undersigned have executed this Special Power of Attorney effective August 16, 2019.

Robert N. Walker



Eloisa S. Walker



ACKNOWLEDGMENT

State of Idaho)
) ss.
County of Canyon)

On this 16 day of August, 2019, before me, a Notary Public in and for said State, personally appeared ROBERT N. WALKER and ELOISA S. WALKER, known or identified 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.

Kip Dreibnak
Notary Public for State of IDAHO
Residing at _____
My Commission Expires 8/21/2023

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

COPY RECEIVED
AUG 20 2019
SUPERCEDED
WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Robert N. Walker and Eloisa S. WalkerPhone 208-859-5580Mailing address 1873 E. Parkhurst Ct., Eagle, ID 83616

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 RepresentativeName of Representative Michael C. Creamer, attorney, Givens Pursley LLPPhone 208-388-1247Mailing address P.O. Box 2720, Boise, ID 83701Email mcc@givenspursley.com☐ 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.

Signature of Applicant or Authorized Representative

Robert N. Walker

Print Name and Title if applicable

Date

8/20/19

Signature of Applicant or Authorized Representative

Eloisa S. Walker

Print Name and Title if applicable

Date

8/20/19

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 _____
2. 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**.
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**.
Water right to be transferred is to be diverted from spring source located on Applicant's property into one or more stock tanks via pipeline. Former owner has conveyed portion of subject right 65-23776 to Applicant for stockwater use by Applicant on Applicant's property

X THIS TRANSFER APP IS SUPERCEDED BY AMENDED TRANSFER
 APP RECEIVED 9-23-2019. - PK

83553

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

COPY

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	65-23776	.01cfs/.466af	Stockwater	1/01 to 12/31	Spring/Squaw Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .02 cfs cfs and/or 1.2 af acre-feet.

2. Total amount of water proposed to be transferred or changed 0.01 cubic feet per second and/or 0.466 acre-feet per year.

3. Point(s) of Diversion:

- * ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5. *Applicant believes currently listed POD may be incorrect*

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	2	s	s	s	s													
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

System consists of spring, spring box and 1 1/2" existing waterline(s). This or additional line will deliver Applicant's share of split right 65-23776. Natural spring discharge cannot be ceased, but works could be installed if necessary to measure amount of water diverted to authorized beneficial uses.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: 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. 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:
N/A. This is a stockwater right

- 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:

The parent (reserved) portion of this right will continue to be diverted for stockwater and domestic use for the property owned by the Johns. Water right 65-11267 also has an authorized point of diversion from the spring, but Applicant has no knowledge concerning its current or historical use.

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

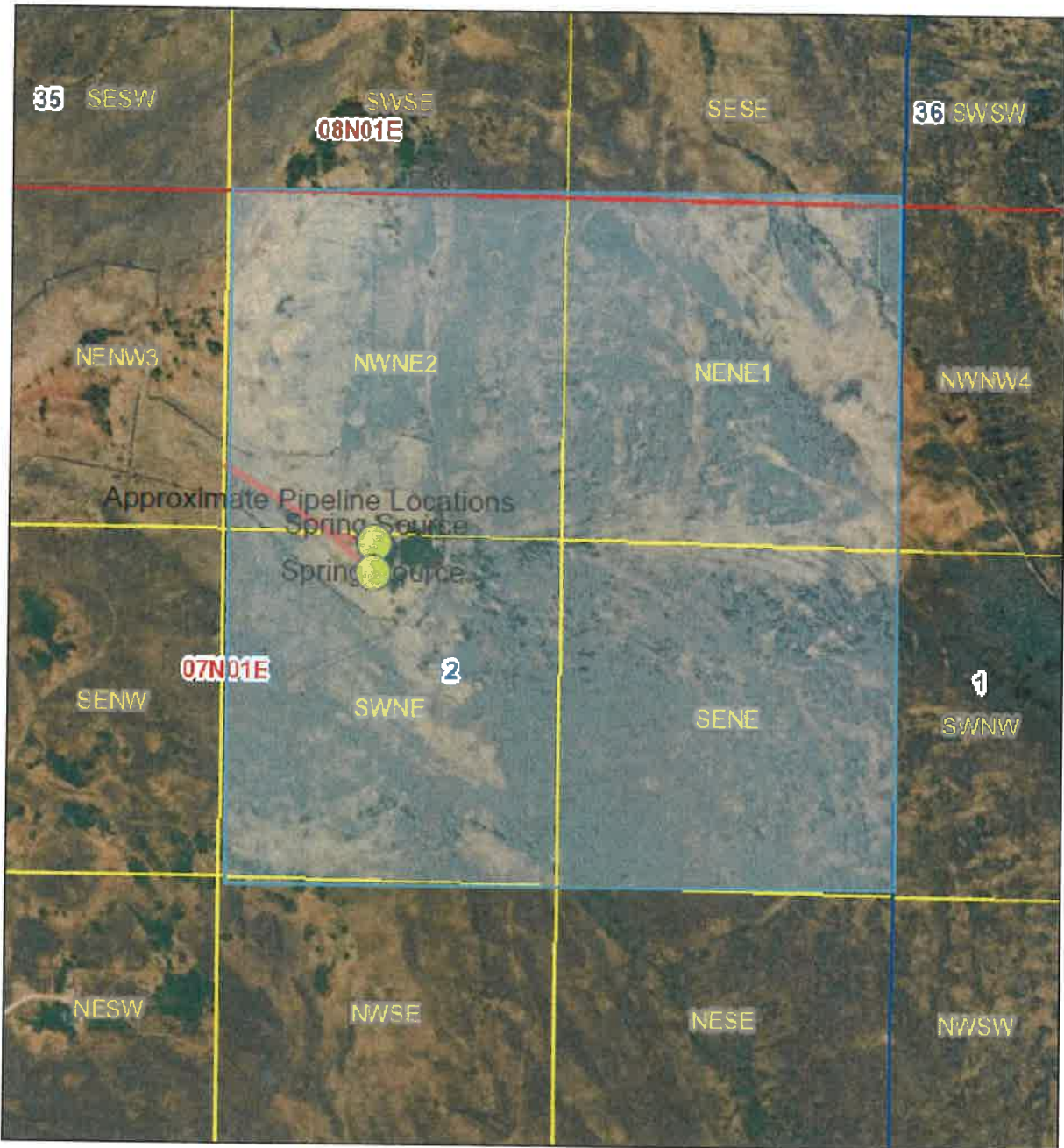
Yes No

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

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A
(Portion of 65-23776)

COPY



Showing proposed new place of use, approximate location of spring sources and existing collecting lines on Applicant's property. Note proximity to quarter-quarter line.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 31, 2019

ELOISA S WALKER
ROBERT N WALKER
1873 E PARKHURST CT
EAGLE ID 83616-6803

**Re: Application for Transfer No.: 83553
Water Right No(s): 65-23847**

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written in a cursive style.

Kensie Thorneycroft

For Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83553
Water Right No(s): 65-23847

ELOISA S WALKER
ROBERT N WALKER
1873 E PARKHURST CT
EAGLE ID 83616-6803

GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720



Kensie Thorneycroft
Office Specialist 2

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 83553

FROM: Tyler Smith

DATE: September 25, 2019

RE: Evaluation of Application

Summary of Information Submitted

Robert N. Walker and Eloisa S. Walker submitted this transfer application in order to split water right 65-23776, which is currently owned by Christa A. John and Mark D. John, into water right 65-23847. The transfer application seeks to update ownership of the right and change its place of use. The current owners (John's) have conveyed a portion of right 65-23776 to applicant for stockwater use by applicant on applicant's property. The domestic aspect of right 65-23776 will remain with the current owners.

The transfer approval will reflect the child right to reflect processing of the ownership change.

The original application submitted included a map with two points of diversion while the right authorizes only one point of diversion. The application also stated no proposed changes to point(s) of diversion with a note stating that the "Applicant believes currently listed POD may be incorrect." After communicating to the applicant the issue this poses, a second application was submitted with a map showing the single POD that accurately reflects the Departments records with no changes to point(s) of diversion proposed.

Michael C. Creamer of Givens Pursley LLP is the representative for the transfer. Mr. Creamer can be reached at 208-338-1247 or mcc@givenspursley.com.

Authority to File:

A water right quitclaim deed was submitted with the transfer application detailing the 0.01 cubic feet per second and 0.466 acre-feet per annum authorized to the applicants for stockwater purposes. The applicant is the current property owner of the proposed place of use as shown by a general warranty deed submitted with the transfer application.

The representative, Michael C. Creamer, is authorized to sign on on behalf of the applicants with an attached power of attorney statement.

Water Right Validity:

The validity of this water right is not of concern. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

The transfer application gives no indication of injury to other water rights.

Enlargement of Use:

This transfer application will result in a splitting of the cfs and afa under the current water right, and therefore enlargement should not be of concern.

Local Public Interest:

No information has been made available to suggest a conflict with public interest. The watermaster will receive a comment letter regarding this application and will state if they believe it is not in the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Summary

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

www.givenspursley.com

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(208) 388-1247
mccreamer@givenspursley.com

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Charlie S. Baser
Christopher J. Beeson
Jason J. Blakley
Clint R. Bolinder
Jeff W. Bower
Preston N. Carter
Jeremy C. Chou
Michael C. Creamer
Amber N. Dina
Bradley J. Dixon
Thomas E. Dvorak
Debora Kristensen Grasham
Donald Z. Gray
Brian J. Holleran
Kersti H. Kennedy

Neal A. Koskella
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
Kenneth R. McClure
Kelly Greene McConnell
Alex P. McLaughlin
Melodie A. McQuade
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L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Randall A. Peterman
Jack W. Relf

Michael O. Roe
Jamie Caplan Smith
Jeffrey A. Warr
Robert B. White

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

September 23, 2019

Via Hand Delivery

Tyler Smith
Western Regional Manager
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705

RECEIVED

SEP 23 2019

WATER RESOURCES
WESTERN REGION

Re: Robert & Eloisa Walker Application for Transfer of Water Right

Dear Mr. Smith:

Per your conversation and correspondence with my clients and me, I am forwarding the enclosed Amended Application for Transfer 83553. This has been re-executed by me on behalf of Mr. and Mrs. Walker under my power of attorney on file in your office. The intent of the amendment is to clarify that the Walkers are not seeking to change the point of diversion of this right as currently reflected in the Department's files and SRBA partial decree, but only to change the place of use of the portion of the stockwater right conveyed to the Walkers by the original owners Mr. and Mrs. John. The amendment also reflects that original correspondence and communications should be directed to me (with copies to the Walkers).

You are authorized to substitute the enclosed for pages 1-6 of the original application and to substitute the aerial photo/map designated as Part 3A. All other documents submitted originally in support of this Application should remain part of the file.

If you have any questions concerning the enclosed or require any additional information, please contact me.

Thank you for your assistance and diligent attention to this Application.

Sincerely,



Michael C. Creamer

MCC

cc: Robert and Eloisa Walker



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

August 29, 2019

COPY

ROBERT N. AND ELOISA S. WALKER
1873 E. PARKHUSRT CT.
EAGLE, ID 83616

Re: Transfer Application Incomplete - Returned

Dear Applicant:

This office received your application for transfer of water right on August 20, 2019. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are addressed:

- **Map**
 - The application states no changes to point of diversion are proposed. However, the note on the application states "applicant believes currently listed POD may be incorrect." The included map also displays a point of diversion in a location different to that of water right 65-23776, indicating a change in the point of diversion.

During our phone conversation on August 27, 2019, we discussed your options in order to proceed:

1. Submit a new map with the current POD for water right 65-23776.
2. Amend the application under "purpose of transfer" to state *change point of diversion* and *add diversion point(s)*. Clarify the location and number of springs. Spring sources should be described to the nearest 10-acre tract.

The original incomplete application pages are enclosed. Please make the necessary amendments to the original form and re-submit within the next thirty (30) days. If IDWR does not receive your written response within thirty (30) days, a refund will be issued for this filing. This letter is an attempt to ensure that your application is complete in order to establish a priority date. You may receive future correspondence regarding more specific details of your application. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please consult the IDWR website or contact this office at 208-334-2190 and ask for Tyler Smith if you have any questions about the necessary information or fee.

Sincerely,

Tyler Smith
Water Resource Agent

Enclosure: Original Application

CC: Michael C. Creamer via email

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
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Raymond D. Givens (1917-2008)

August 20, 2019

Via Hand Delivery

Nick Miller
Western Regional Manager
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705

RECEIVED
AUG 26 2019
WATER RESOURCES
WESTERN REGION

Re: Robert & Eloisa Walker Application for Transfer of Water Right

Dear Nick:

Enclosed please find an original Application for Transfer of a Water Right to change the place of use of a portion of water right no. 65-23776, together with a check in the amount of \$300.00 to cover the filing fee for the requested water right and ownership changes. Also enclosed is an executed Special Power of Attorney authorizing me to execute the application on my clients' behalf and respond to any inquiries by the Department.

As we discussed previously, the actual (and historical) point of diversion for this stockwater right is very close to the quarter-quarter section line. It has been identified in the application as it was decreed, but this may not necessarily be correct.

Sincerely,



Michael C. Creamer

MCC
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