

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83585**

This is to certify that: KIRK R BARTLOW AND
SHARON L BARTLOW
12574 DEER RIDGE TRL
NAMPA, ID 83686-7807

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>
63-34786	WR/DECREED	2/25/1963	0.060 cfs	23.0 af	N/A	5.1	GROUND WATER
63-34787	WR/DECREED	3/11/1968	0.050 cfs	17.5 af	N/A	5.1	GROUND WATER

Purpose of Transfer (Changes Proposed)

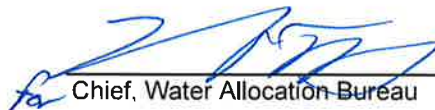
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-34786	NO	YES	NO	NO	NO	NO
63-34787	NO	YES	NO	NO	NO	NO

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>
63-34786	63-34786	0.060 cfs	23.0 af	N/A	5.1	N/A	N/A	N/A	N/A	N/A
63-34787	63-34787	0.050 cfs	17.5 af	N/A	5.1	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	23.0 af	N/A	5.1		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 24th day of September, 2019.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-34786

Transfer No. 83585

WATER RIGHT NO. 63-34786
As Modified by Transfer No. 83585

In accordance with the approval of Transfer No. 83585, Water Right No. 63-34786 is now described as follows:

Right Holder: KIRK R BARTLOW AND
 SHARON L BARTLOW
 12574 DEER RIDGE TRL
 NAMPA, ID 83686-7807

Priority Date: 2/25/1963

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.060 cfs	23.0 af
			0.060 cfs	23.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 24 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	24									5.1								5.1

POU Total Acres: 5.1

CONDITIONS OF APPROVAL

1. Rights 63-34786 and 63-34787 when combined shall not exceed a total diversion rate of 0.06 cfs, a total annual maximum diversion volume of 23.0 af at the field headgate, or the irrigation of 5.1 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83585

WATER RIGHT NO. 63-34786

As Modified by Transfer No. 83585

CONDITIONS OF 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.
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.



WATER RIGHT NO. 63-34787
As Modified by Transfer No. 83585

In accordance with the approval of Transfer No. 83585, Water Right No. 63-34787 is now described as follows:

Right Holder: KIRK R BARTLOW AND
 SHARON L BARTLOW
 12574 DEER RIDGE TRL
 NAMPA, ID 83686-7807

Priority Date: 3/11/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/15	0.050 cfs	17.5 af
			0.050 cfs	17.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 24 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	24									5.1								5.1

POU Total Acres: 5.1

CONDITIONS OF APPROVAL

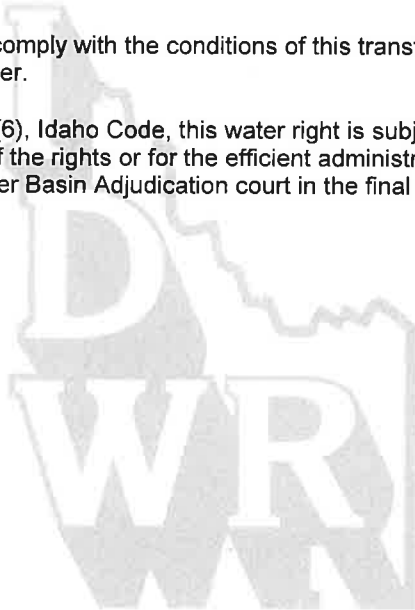
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 63-34786 and 63-34787 when combined shall not exceed a total diversion rate of 0.06 cfs, a total annual maximum diversion volume of 23.0 af at the field headgate, or the irrigation of 5.1 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 83585

WATER RIGHT NO. 63-34787
As Modified by Transfer No. 83585

CONDITIONS OF APPROVAL

5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 Transfer No. 83585

Water Rights: 63-34786 & 63-34787

This map depicts the IRRIGATION 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
-  Township/Range
-  Sections
-  QQ



0 0.05 0.1 Miles

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

83585

AUG 22 2019

WATER RESOURCES
WESTERN REGIONMINIMUM 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) Kirk R. and Sharon L. Bartlow

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 22 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Kirk R. and Sharon L. Bartlow Phone 208-371-2883
Mailing address 12574 Deer Ridge Trail, Nampa, ID 83686 Trust Email skullbartlow@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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@spfwater.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.

<u><i>Kirk R. Bartlow</i></u> Signature of Applicant or Authorized Representative	<u>BARTLOW Kirk R</u> Print Name and Title if applicable	<u>15 Aug 19</u> Date
<u><i>Sharon L. Bartlow</i></u> Signature of Applicant or Authorized Representative	<u>BARTLOW Sharon L.</u> Print Name and Title if applicable	<u>15 Aug 19</u> 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 split rights
- 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 **Part1A.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**.
 1) Split water rights to reflect portion appurtenant to applicants' property aka Lot 15, Block 1, Deersky Ranch
 Subdivision, (2) include applicant's private existing well as the authorized point of diversion

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	63-32968	0.06/23	Irrigation	3/1 to 11/15	Ground Water
☐ ☒	63-32970	0.05/17.5	Irrigation	4/1 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.11 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.11 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SW	24	2N	3W	Canyon	Ground Water	existing well

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

- ☐ 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	
2N	3W	24									5.1								5.1
Total Acres (for irrigation use)																			5.1

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:
Proposed private well, pump and pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department's request.

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

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

- 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:
none

- 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:

5.1 acres are currently leased to the water supply bank until 12/31/2020. See Attachment #9.

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

Current Water Right No.: 63-32968

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC

Priority Date: 2/25/1963

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.38 CFS	150.9 AF
	<u>Total Diversion</u>	0.38 CFS	150.9 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4NW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S24	SE1/4	10.90	T02N R03W S24	NESW	22.60
Total Acres: ~~49.5~~ 33.5					

Conditions of Approval:

1. 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.
2. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 0.82 cfs, a total annual maximum diversion volume of 322.1 af at the field headgate, and the irrigation of 74.3 acres.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 3/24/2009

83585

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

Current Water Right No.: 63-32970

Current Owner: DEERSKY RANCH HOMEOWNERS ASSOC

Priority Date: 3/11/1968

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	0.33 CFS	124.8 AF
	<u>Total Diversion</u>	0.33 CFS	124.8 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	SE1/4NW1/4NW1/4	Sec. 24,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S24	SE1/4	12.70	T02N R03W S24	NESW	23.60
Total Acres: ~~52.4~~ 36.3					

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/2/2008.
3. 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.
4. X35 Rights 63-32967, 63-32968, 63-32969 and 63-32970 when combined shall not exceed a total diversion rate of 0.82 cfs, a total annual maximum diversion volume of 322.1 af at the field headgate, and the irrigation of 74.3 acres.

83585

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

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 63-32970

Applicants' Portion

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	5.1
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83585

83585

34601911609-SS

PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made and executed by **Brent Kellen Moylan, Personal Representative of The Estate of John Moylan a/k/a John G. Moylan, deceased, CV14-19-03402** hereinafter referred to as the "Grantor," to **Kirk Bartlow and Sharon Bartlow, husband and wife**, hereinafter referred to as the "Grantee," whose address is **12574 Deer Ridge Trail, Nampa, ID 83686**

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Case Number **CV14-19-03402** in **Canyon County, Idaho**.

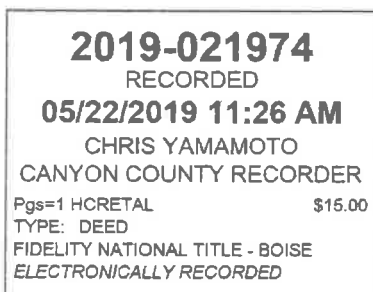
NOW, THEREFORE, in accordance with the provisions of Uniform Probate Code as set forth in Title 15 of the Idaho Code, Grantor hereby grants, sells, transfers, and conveys to Grantee all of the Grantor's right, title and interest in that certain real property located in **Canyon County, Idaho**, and more particularly described as follows:

Lot 15 in Block 1 of Deersky Ranch, according to the official plat thereof, filed in Book 30 of Plats at Page(s) 6, and Amended by Affidavit recorded April 29, 2004 as Instrument No. 200422992, records of Canyon County, Idaho.

SUBJECT, HOWEVER, to taxes and assessments, easements, rights-of-way, encumbrances, restrictions and reservations.

This conveyance shall include any and all appurtenances, tenements, hereditaments, revisions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

DATED this 21 day of May, 2019



**Brent Kellen Moylan, Personal Representative of
The Estate of John Moylan a/k/a John G.
Moylan, deceased**

By: 

**Brent Kellen Moylan, Personal
Representative**

State of Idaho)
) ss:
County of Ada)

On this 21 day of May, 2019, before me, a notary public, personally appeared Brent Kellen Moylan, known to me to be the person whose name is subscribed to the within instrument as Personal Representative of John Moylan a/k/a John G. Moylan, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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

83885

Path: S:\PROJECTS\A thru D\Projects\B Projects\Bartlow, Kirk_1506\0010_Water Rights\PROJECT\GIS\Map_Map.mxd



Legend

- Proposed pod (existing well)
- Proposed pou (Lt 15, Blk 1)
- 63-32968, 63-32970 pou
- 63-32968, 63-32970 pods



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Attachment 7A & 7B

Lot 15, Block 1, Deersky Ranch

DATE: 8/7/2019

CREATOR: LGraves

PROJECT: 1506.0010



Absolute Scale: 1:4,750

0 125 250 500 Feet

83585

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-32968	12/31/2020	*	*	*	Attached? ☐ or No Change ☒
63-32970	12/31/2020	*	*	*	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☒ Yes ☐ No

☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#). (not applicable until 12/31/2020)

Additional Information:

Applicants owns 5.1 acres currently leased in the NESW, S24 under 63-32968 and 63-32970. Applicants' 5.1-acre parcel is aka Lot 15, Blk 1, Deersky Ranch Subdivision. Upon transfer approval, applicants will request release of water to cover their 2020 irrigation needs. When the HOA lease expires 12/31/2020, applicants will submit a lease application in their names for the acres within their lot they do not intend to irrigate (per Clay Webster, IDWR).

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

Attachment #9 (WSB)

*subject to recently approved transfers and rental requests

83585



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

September 24, 2019

KIRK R BARTLOW
SHARON L BARTLOW
12574 DEER RIDGE TRL
NAMPA ID 83686-7807

Re: Transfer No.: 83585
Water Right Nos: 63-34786, 63-34787

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 "Anna Kaibel".

Anna Kaibel

For Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 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.: 83585
Water Right No(s): 63-34786, 63-34787

KIRK R BARTLOW
SHARON L BARTLOW
12574 DEER RIDGE TRL
NAMPA ID 83686-7807



Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer application 83585 file
FROM: Cody Parker
RE: Evaluation of the Sufficiency of Information
DATE: September 4, 2019

The purpose of this transfer is to change the point of diversion for the split portions of 63-32968 and 63-32970 to an existing well located on the applicants' property. The changes will be applied to the split portions of the above rights, now numbered 63-34786 and 63-34787. The applicant was not required to amend the application.

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.

Summary of Submitted Information

Authority to File:

The transfer applicants are listed as Kirk and Sharon Bartlow. The same two people signed the application. The transfer proposes to change the point of diversion for the portions of rights 63-32968 and 63-32970 appurtenant to the applicants' property. Those portions were split and put in the applicants' name through the ownership change process prior to transfer processing. The applicants submitted a personal representative's deed as evidence of their ownership of the property. Therefore, the applicants have the authority to file the transfer application.

Water Right Validity:

Rights 63-32968 and 63-32970 were decreed in 2009 and 2008 respectively. Portions were placed in the Water Supply Bank in 2012 including this lot. Forfeiture is not an issue at this time.

Injury to Other Water Rights:

This application does not propose any additional diversion of water nor increased beneficial use. The proposed POD is less than a quarter mile from one of the original points. Diversion from the new well would be accompanied by an equal reduction in diversion from the other two wells. The proposal should have minimal impact on surrounding wells. No injury is anticipated.

Enlargement of Use:

This transfer will not authorize any additional diversion of water nor increased irrigation. Combined-use limits were added through the ownership change process to ensure that the rate, annual volume, and irrigated acres remained the same after the water rights were split.

Local Public Interest:

None of the available information suggests conflict with the local public interest. Similar split/transfer packages have been approved for other lots within the same subdivision.

Beneficial Use/Conservation of Water Resources:

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

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



August 20, 2019

RECEIVED

AUG 22 2019

WATER RESOURCES
WESTERN REGION

Nick Miller
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear Nick,

Enclosed on behalf of the Kirk R. and Sharon L. Bartlow, is an *Application for Transfer* involving portions of water rights 63-32968 and 63-32970 appurtenant to their property. The water rights are currently in the name of Deersky Ranch Subdivision HOA.

Check No.1596 for \$525 is enclosed for the filing fees including: \$200 for the transfer application, \$200 to split the water rights, and \$125 to upgrade applicant's existing domestic well to an irrigation well.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a light blue circular stamp.

Lori Graves
Water Rights Specialist

Cc: Kirk Bartlow

Enclosures

SPF file number: 1506.0010

Handwritten initials in blue ink, possibly "KGB", are located at the bottom center of the page.