

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Peggy Love, Personal Representative of Keith & Betty McDaniel Phone 208-390-5683

2. **MAILING ADDRESS** 1750 W 17th South City Idaho Falls

State ID Zip 83402 Email pslove52@yahoo.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 35-13236

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.04 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SE	23	2N	37E	Bonneville	Ground water	D0032590

6. 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:

Shared well for domestic use. The right included in this transfer is for one of the two homes on the shared well.

- 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. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ 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.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Peggy Love for McDaniel Peggy Love/Kerth McDaniel 9/11/2019
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

*Receipt total \$225.-
200.- for this app*

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$200.- Date 9/11/2019 Received by JB Receipt # E045316

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/4/2019

Water Right 35-13236

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEITH MC DANIEL 1750 W 17TH S IDAHO FALLS, ID 83402

Priority Date: 12/8/1967

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion

GROUND WATER	SESE	Sec. 23, Twp 02N, Rge 37E, BONNEVILLE County
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Place Of Use

DOMESTIC within BONNEVILLE County
T02N R37E S23 SESE

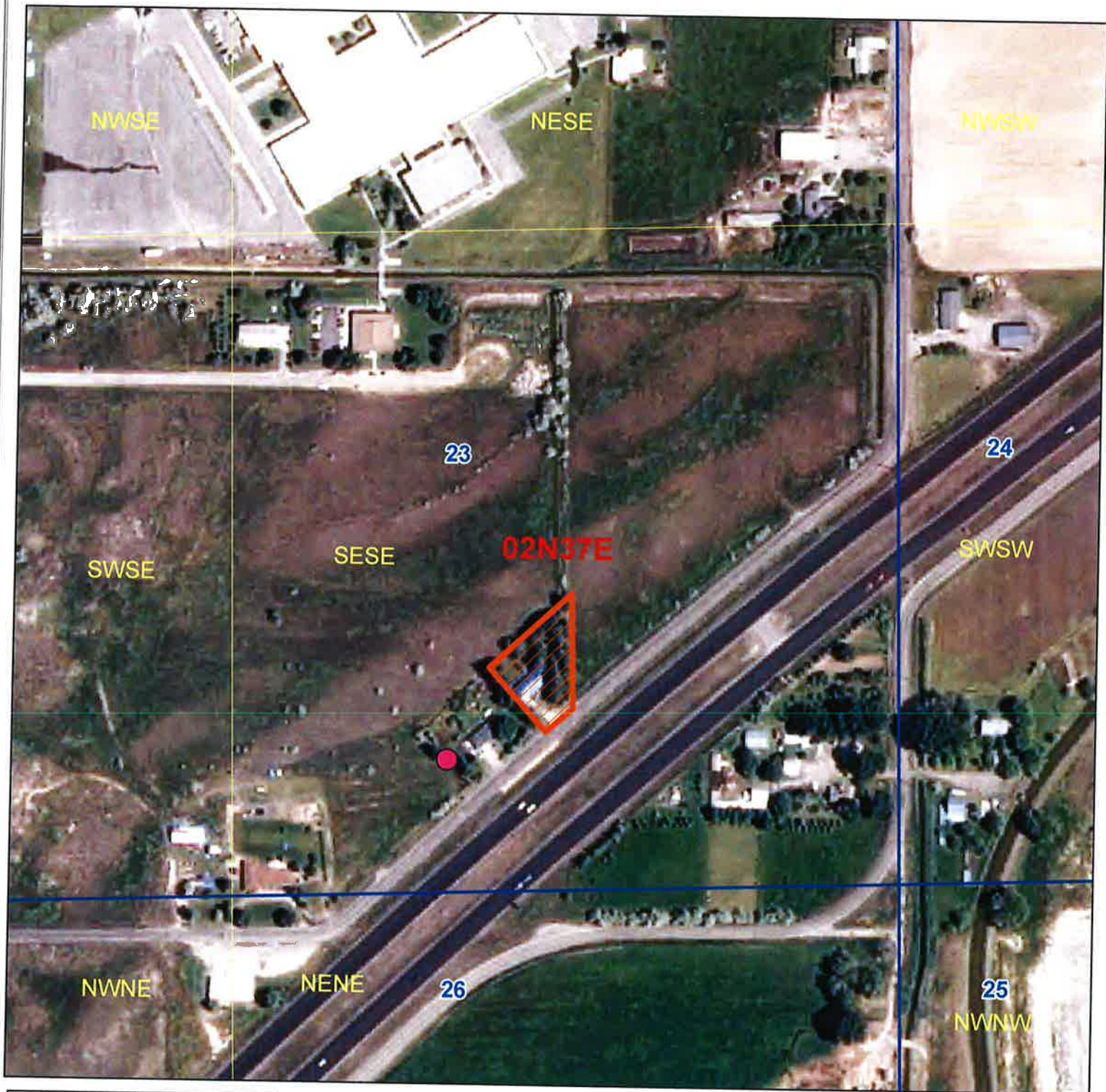
Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. RP02N37E239301 RIGHT NO. 35-12530 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates and Other Information

Decreed Date: 11/17/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Transfer of Right No. 35-13236



Legend

- Proposed POD
- Place of use
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles





March 27, 2014

VIA EMAIL sdockery@postregister.com

The Post Register
P. O. Box 1800
Idaho Falls, Idaho 83403

Attn: Staci

Re: Estate of Betty Lou Jensen McDaniel

Dear Staci:

Enclosed for publication is the Notice to Creditors for the captioned estate.

Please publish the notice on your official legal publication day in each of three consecutive weeks, starting with your Tuesday, April 8, issue. When publication is completed, please send your statement, together with Proof of Publication, to the undersigned.

Thank you for your assistance.

Best regards,

Ryan B. Meikle

Ryan B. Meikle

Enclosure

c: Peggy Love ✓

Ryan B. Meikle, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P. O. Box 50130
Idaho Falls, Idaho 83405-0130
Telephone: (208) 523-0620
Telefax: (208) 523-9518
Idaho State Bar Number 8391

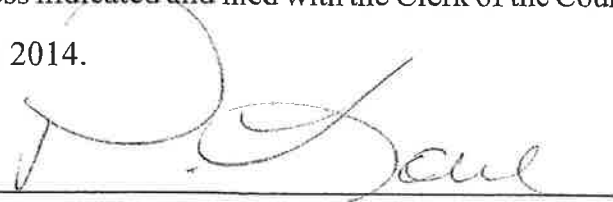
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE	)	Case No. <u>CV-14-1702</u>
	)	
OF	)	
	)	NOTICE TO CREDITORS
BETTY LOU JENSEN MCDANIEL,	)	
	)	
Deceased.	)	
_____	)	

NOTICE IS HEREBY GIVEN, that the undersigned has been appointed personal representative of the above named decedent. All persons having claims against the decedent or the decedent's estate are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to the undersigned at the address indicated and filed with the Clerk of the Court.

Dated this 27th day of February, 2014.



Peggy Love
Personal Representative
1750 W. 17th S.
Idaho Falls, Idaho 83402

Ryan B. Meikle, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
Idaho Falls, Idaho 83405

Publication to be on: April 8, April 15, and April 22, 2014.

September 19, 2019

Legal Notice Department

Post Register

PO Box 1800

Idaho Falls ID 83403

RE: Legal Ads for your paper

Dear Taylor Winger:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **October 15, 2019**. Your cooperation is appreciated.

Sincerely

Christina Henman

Administrative Assistant

Dept of Water Resources

900 N Skyline Dr Ste A

Idaho Falls ID 83402

208-497-3793

208-525-7177 – fax

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83602**

PEGGY LOVE, 1750 W 17TH S, IDAHO FALLS, ID 83402; has filed Application No. 83602 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 35-13236; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The point of diversion will be in SESE Sec 23 T2N R37E for 0.04 cfs from ground water. The place of use remains the same.

TRANSFER NO. 83556

W T WILLIAMS INC, 3094 N 3200 E, TWIN FALLS, ID 83301; has filed Application No. 83556 for changes to the following water rights within BUTTE County(s): Right No(s). 33-10986, 33-2041, 33-2069, 33-4000, 33-4001, 33-4002; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: add points of diversion and change place of use. The points of diversion will be in NWSENE and NWNWSE Sec 23, NWNWNW Sec 16, SENE, SWSENE and SESENE Sec 21, SWSWSE Sec 8, NENENE and NWNWNE Sec 25, T6N R29E for 11.08 cfs from ground water. The place of use is within Sec 14, 15, 23, and 25, T6N R29E for 554 acres within a 629-acre permissible place of use.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 10/15/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/26/2019 and 10/3/2019



DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 18, 2019

PEGGY LOVE
1750 W 17TH S
IDAHO FALLS, ID 83402

RE: Transfer No. 83602
Water Right No(s). 35-13236

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **POST REGISTER on 9/26/2019 and 10/3/2019**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (10/15/2019).

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

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

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

Sincerely,

Christina Henman
Administrative Assistant