

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 03 2019
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Marie D Chappell Phone (208) 680 1495
Mailing address 452 S 900 W, Blackfoot, Idaho 83221 Email mariedchappell@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 _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Marie D Chappell
Signature of Applicant or Authorized Representative

Marie D Chappell
Print Name and Title if applicable

5-25-19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Name / Split Water Right

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**.

My husband and I divorced. I was awarded the house and 1.8 acres of pasture irrigated under water right 27-2120b.

This transfer proposes to move my portion of 27-2120b to my domestic well, and split the water right thereby removing my ex husbands name from my portion.

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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 ☐ ☒	27-2120B	.04/7.2	Irrigation	4/1 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .04 cfs and/or 7.2 acre-feet.

2. Total amount of water proposed to be transferred or changed .04 cubic feet per second and/or 7.2 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	5		SE	NE	28	03S	34E	Bingham	Ground Water	

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	
03S	34E	28				1.3									0.5				1.8
Total Acres (for irrigation use)																			1.8

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:

I would have to rebuild the discharge system to accommodate a water meter.

- 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:

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:

- 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:

IDAHO Department of Water Resources



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

5/6/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 27-2120B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRENT E CHAPPELL
Current Owner	MARIE D CHAPPELL 452 S 900 W BLACKFOOT, ID 83221 2087855707
Lienholder	ZIONS BANK PO BOX 945 BLACKFOOT, ID 83221 2087857899
Original Owner	RALPH D PRESCOTT BLACKFOOT, ID 83221
Original Owner	EVERT H PRESCOTT RT 3 BOX 92 BLACKFOOT, ID 83221
Original Owner	A LADD CARTER
Original Owner	JANE CARTER 1775 W 950 S PINGREE, ID 83262-2500 2086047116

Priority Date: 11/14/1960

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>
IRRIGATION	04/01	10/31	3 CFS	599 AFA

83389

Total Diversion | | 3 CFS |

Location of Point(s) of Diversion:

GROUND WATER | NENE | Sec. 28 | Township 03S | Range 34E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	34E	28		NENE	38		NWNE	35	4	SWNE	30	5	SENE	34
			5	NESE	4.3		NWSE	3.8	4	NWSE	4.7			

Total Acres: 149.8

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.

Dates:

Licensed Date:

Decreed Date: 03/31/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

83389

Idaho Department of Water Resources



Rerecorded to correct
Grantee name

Instrument # 705582

BINGHAM COUNTY

4-1-2019 11:03:19 AM No. of Pages: 2

Recorded for : BRETT E CHAPPELL

PAMELA W. ECKHARDT

Fee: 15.00

Ex-Officio Recorder Deputy

DW
BC

QUIT CLAIM DEED

FOR VALUE RECEIVED:

BRENT E. CHAPPELL, husband, Grantor, does hereby convey, release, remise and forever quit claims unto ^{Dr}MARTHA D. CHAPPELL, wife, Grantee, the following described premises, commonly known as 452 S. 900 W, Blackfoot, Idaho 83221, to-wit:

Part of Section 28 Township 3 South Range 34 East B.M. Bingham County, Idaho described as:

Commencing at the Northeast corner of said Section 28; thence S 00°00'00" E 2661.43 feet along the East line of said Section 28; Thence N 90° 00' 00" W 279.05 feet to the Westerly right of way of a County road and the Point of Beginning; Thence along said Right of Way for the following three (3) courses, (1) S 43° 48' 05" W 108.83 feet; (2) Thence, S 40° 10' 09" W 223.02 feet; (3) Thence, S 23° 11' 51" W 65.46 feet; Thence, N 67° 03' 47" W 276.46 feet; Thence, S 55° 23' 57" W 188.69 feet to an extension of an existing fence; Thence N 58° 57' 05" W 62.75 feet along said extended fence line to an existing fence line; Thence along the existing fence line for the following four (4) courses (1) Thence, N 21° 51' 33" E 257.96 feet; (2) Thence, S 72° 34' 03" E 158.74 feet; (3) Thence, N 16° 37' 03" E 93.80 feet; (4) Thence S 89° 15' 56" E 434.36 feet to said Westerly Right of Way and the Point of Beginning.

Parcel contains 2.98 acres more or less.

TOGETHER WITH all easements and all the improvements now erected on the property and fixtures now part of the property.

IN WITNESS HEREOF, Grantor has set his hand and seal the day and year here below written:

DATED this 29 day of March, 2019.

Instrument # 706316

BINGHAM COUNTY

4-25-2019 02:07:03 PM No. of Pages: 2

Recorded for : BRETT CHAPPELL

PAMELA W. ECKHARDT

Fee: 15.00

Ex-Officio Recorder Deputy

21ms

Brent E. Chappell
BRENT E. CHAPPELL

STATE OF IDAHO)
: ss.
County of Bannock)

On this 29th day of March, 2019, before me, the undersigned, a Notary Public, personally appeared Brent E. Chappell, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

(SEAL)



Rebecca M. Emfield

NOTARY PUBLIC

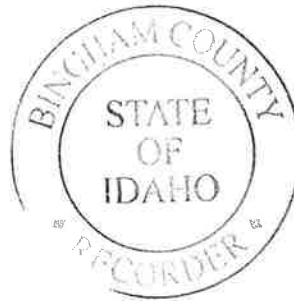
Residing at: Pocatello
My Commission Expires: 5-19-2021

STATE OF IDAHO } ss
County of Bingham }

I certify the foregoing to be a true and correct copy of the original on file and of record in this office at the Clerk and Ex-officio Recorder of Bingham County, Idaho.

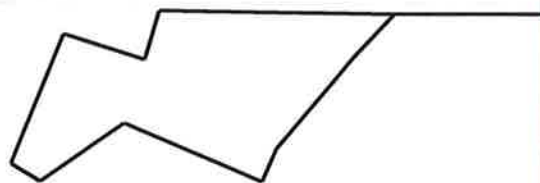
Dated May 6, 2019

PAMELA W. ECKHARDT
Clerk and Ex-officio Recorder
By Daniel H. Walton
Deputy



705582

706316



5/6/2019

Scale: 1 inch= 356 feet

File:

Tract 1: 14.8409 Acres, Closure: n05.5908e 2676.02 ft. (1/2), Perimeter=4811 ft.

01 /ne,28,3s,34e
02 s00.0000e 2661.43
03 n90.0000w 279.05
04 s43.4805w 108.83
05 s40.1009w 223.02
06 s23.1151w 65.46
07 n67.0347w 276.46
08 s55.2357w 188.69
09 n58.5705w 62.75

10 n21.5133e 257.96
11 s72.3403e 158.74
12 n16.3703e 93.80
13 s89.1556e 434.36

88889