

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83205**

This is to certify that: **DAVID A JEPPSON AND/OR
TONYA R JEPPSON
1342 W APPLECREEK CT
EAGLE, ID 83616-1941**

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>
63-34740	WR/DECREED	9/29/1978	0.060 cfs	15.8 af	3.5	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

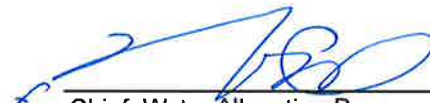
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-34740	NO	YES	NO	NO	NO	NO

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>
63-34740	63-34740	0.060 cfs	15.8 af	3.5	5.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.060 cfs	15.8 af	3.5	5.0		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 12th day of June, 2019.



for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34740**As Modified by Transfer No. 83205**

In accordance with the approval of Transfer No. 83205, Water Right No. 63-34740 is now described as follows:

Right Holder: DAVID A JEPPSON AND/OR
TONYA R JEPPSON
1342 W APPLECREEK CT
EAGLE, ID 83616-1941

Priority Date: 9/29/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.060 cfs	15.8 af
			0.060 cfs	15.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 32 Twp 05N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	32						5.0											5.0

Right Acre Limit: 3.5

POU Total Acres: 5.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 3.5 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 11/26/2002.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

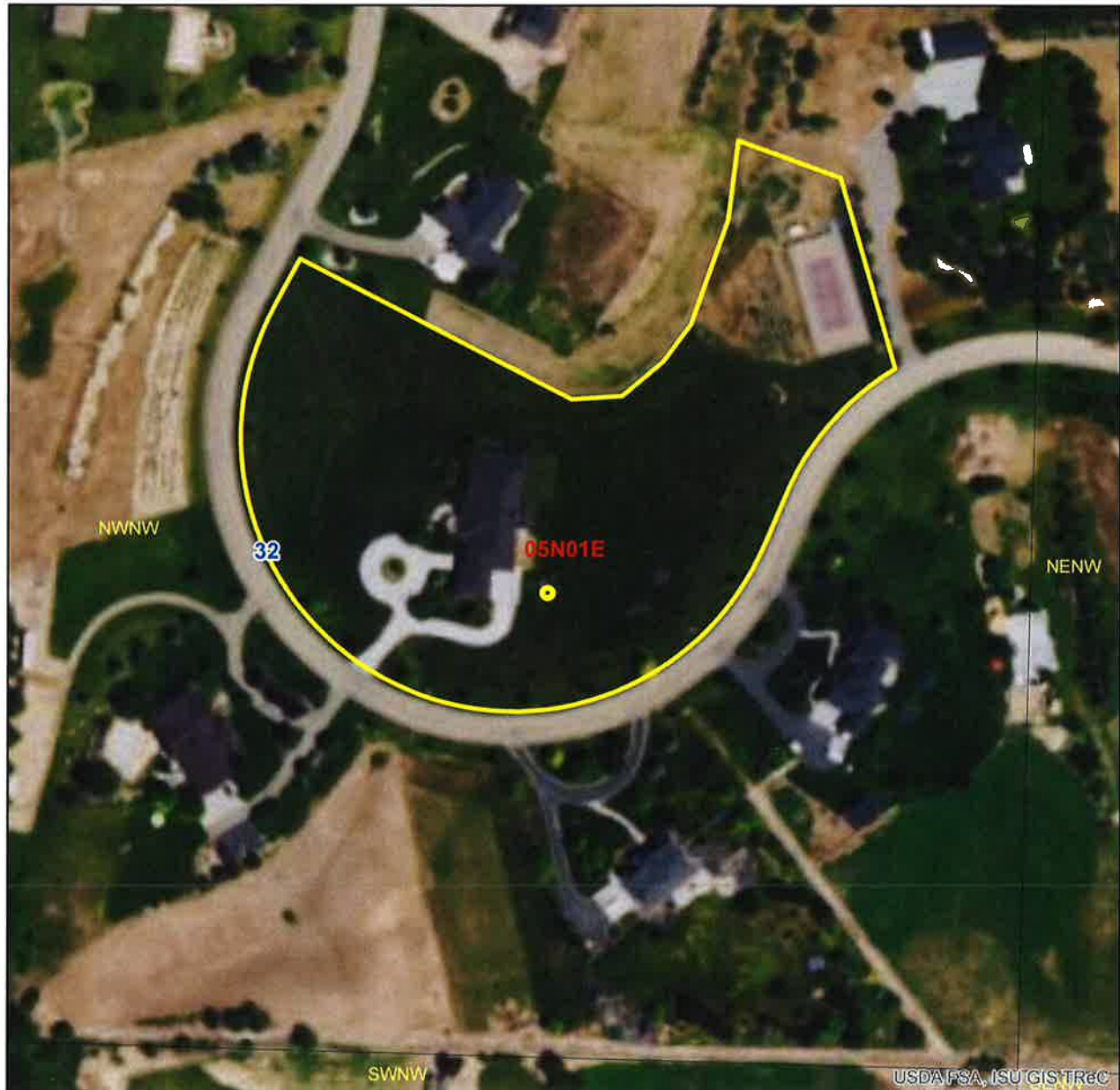
WATER RIGHT NO. 63-34740
As Modified by Transfer No. 83205

CONDITIONS OF APPROVAL

5. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
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. 83205
Water Right: 63-34740

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 0.045 0.09 Miles

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83265

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 www.idwr.idaho.gov.

Name of Applicant(s) David A. and/or Tonya R. Jeppson

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 #1-9.

- ☐ ☒ #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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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.
- ☐ ☒ #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 Other. Please describe: Water right contract and master plan

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 29 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) David A. and/or Tonya R. Jeppson Phone 208-938-0595

Mailing address 1342 W. Applecreek Ct., Eagle, Idaho 83616 Email DAVID_JEPPSON@YAHOO.COM

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

No Representative

Name of Representative TICKER JOHNSON Phone 866-1355

Mailing address 372 S. Eagle Rd Ste 378 Eagle ID 83616 Email tj@skylineid.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

DAVID JEPPSON
Print Name and Title if applicable

8-JULY-2019
Date

Signature of Applicant or Authorized Representative

Tonya Jeppson
Print Name and Title if applicable

8-July-2014
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 water right
- 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.2**.

Split the water right and add a separate private well to applicant's portion aka Lot 2 Block 1 Applecreek Subdivision

**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 ☐ ☒	63-31495	*0.056875 cfs	Irrigation	3/15 to 11/15	Ground Water
☐ ☐		*15.75 ac-ft		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.65 cfs and/or 180.0 acre-feet. *per water right contract (Attachment 9)

2. Total amount of water proposed to be transferred or changed 0.05687 cubic feet per second and/or 15.75 acre-feet per annum.

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 #
no			NW	NW	32	5N	1E	Ada	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	
5N	1E	32						5.02											5.02
Total Acres (for irrigation use)																			*5.02

*3.5 acres within a 5.02-acre permissible place of 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:

Well, pump, pressurized irrigation system.

Measuring device and controlling works will be accommodated upon Department request.

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

Applicant purchased Lot 2, Block 1, Applecreek Subdivision, which is within the water right's 60-acre ppu. A water right contract and master plan, included as Attachment 9, describes the portion of the 40 authorized acres agreed to be appurtenant to applicant's property at time of purchase.

- e. 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

- f. 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:

Page _____ of _____

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

Current Water Right No.: 63-31495

Current Owner: TUCKER M JOHNSON
DENISE R JOHNSON

Priority Date: 9/29/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.65 CFS	180 AF
	<u>Total Diversion</u>	0.65 CFS	180 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

NE1/4NW1/4 Sec. 32, Twp 05N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T05N R01E S32	NENW	20.00	T05N R01E S32	NWNW	40.00
Total Acres: 60					

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. X27 This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
4. O46 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. O1M 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
7. 11E The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
8. R65 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 lands above.
9. T07 The right holder shall accomplish the change authorized by Transfer 69920 within one (1) year of the date of the approval..
10. This right is a split from former right 63-9179C.

Decreed Date: 1/14/2009

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

- ### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- 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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by CP Date 6-10-19

Fee paid 500⁰⁰ Date 4/29/19 Received by KT Receipt # W047361

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

ATTACHMENT 2A
OWNERSHIP DOCUMENTATION

WARRANTY DEED

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/14/03 01:53 PM
DEPUTY Michelle Turner
RECORDED-REQUEST OF
Tandem Enterprises
AMOUNT 3.00

1



FOR VALUE RECEIVED

Tandem Enterprises, LLP, the Grantor, does hereby grant, bargain, sell and convey unto **David A. and Tonya R. Jeppson**, husband and wife, the Grantees, whose current address is:

14027 W. Battenberg Ct.
Boise, Idaho 83713

The following described real property, more particularly described as follows, to wit

Lot 2 of Block 1 of Applecreek Subdivision, According to the official plat filed with the Ada County Recorder's Office, Boise, Idaho, Instrument No. 103145550, Book 86, Pages 9791 through 9792, dated August 27, 2003.

Subject to the following:

The Covenants, Conditions, Restrictions and Easements for Applecreek Subdivision as recorded with the Ada County Recorder's Office, Boise, Idaho, Instrument No. 103163604.

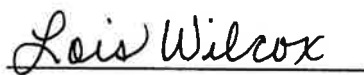
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and their heirs and assigns forever. And the said Grantors does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

October 6, 2003
Date

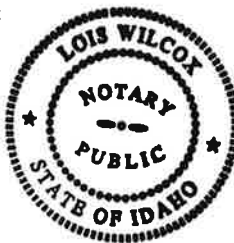

Tandem Enterprises, LLP
Tucker M. Johnson, Managing Partner

STATE OF IDAHO)
COUNTY OF ADA)

On the 6th day October, 2003 before me, a
Notary Public in and for said State, personally appeared Tucker M.
Johnson, known to me to be the Managing Partner of the Tandem
Enterprises, LLP. Grantor herein and acknowledged before me that
he had executed the within instrument in said capacity.


Notary Public for Idaho
Residing at:
Expires:

Middleton, Idaho
3-31-2004



ATTACHMENT 9
CONTRACT AND MASTER PLAN

AFFIDAVIT

LOST PURCHASE & SALE AGREEMENT

I, Tucker M. Johnson and Denise R. Johnson, husband and wife currently residing at 1159 W. Applecreek Ct., Eagle, Idaho 83616, and the owners and officers of Tandem Enterprises, LLP do hereby acknowledge and affirm that the attached Exhibit A is a true representative copy of the Reservation/Purchase Agreement we signed in 2003 with DAVID AND TONIA JEFFSON (original buyers) for Lot 2 Block 1 Applecreek Subdivision in Ada County Idaho, and particularly that the Purchase Contract included 3.50 acres of ground water right 63-31495.


Tucker M. Johnson


Denise R. Johnson

STATE OF IDAHO)
COUNTY OF ADA)

On this the 13th day of March, 2015, before me the undersigned, a notary public in and for said State, personally appeared Tucker M. Johnson and Denise R. Johnson, known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledge to me that he 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.


Notary Public for Idaho
Residing at: Ada County
My Commission expires: 11-22-19

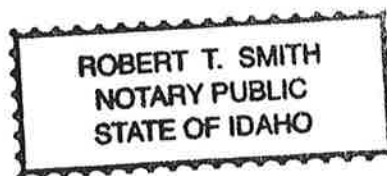


Exhibit A

APPLECREEK SUBDIVISION RESERVATION/PURCHASE AGREEMENT (Buyer's Option)

THIS AGREEMENT, made and entered into this 15TH day of MARCH, 2003, by and between TANDEM ENTERPRISES, L.L.P., as Seller and LAVAR W. AND KIMBERLY A. KOFOED, as Buyer, wherein Buyer does hereby purchase from Seller the optional right to purchase the following described property located in Ada County, State of Idaho, to LOT 6 BLOCK 1 of APPLECREEK SUBDIVISION as shown on attached preliminary plat (lot numbers subject to change), including 3.5 acres of ground water rights.

TERMS: Seller does hereby agree to sell said property to Buyer for the sum of \$ [REDACTED] dollars, lawful money of the United States, provided said amount is fully paid to Seller on or before 5 o'clock p.m., November 1, 2003 (Expiration of Buyer's Option). As consideration for this continuing offer to sell said property, Buyer agrees to pay to the Seller the sum of two thousand (\$2,000.00) non-refundable reservation/option money which shall be credited toward Buyer's closing cost. In the event the full purchase price is not fully paid on or before said expiration date, Seller shall retain said option purchase money payments and any interest payments (as outlined hereafter) and may convey said property to others without regard to this agreement or payments made hereunder and Buyer shall have no claim to said property, option purchase money payments, or interest payments. Seller may grant, at Seller's sole discretion, a written extension of this Purchase Agreement to the Buyer providing that Buyer presents evidence satisfactory to the Seller of progress toward closing the purchase. Seller may require Buyer to deposit additional option purchase money as consideration for granting an extension and/or pay interest in advance and/or at closing at the rate of one percent (1%) per month on the unpaid balance for the extension period, which interest shall not apply to the purchase price.

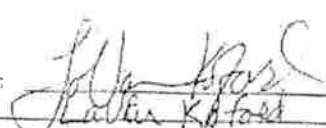
The following additional terms and conditions shall apply:

- 1) Lot to be closed prior to commencing construction thereon. If Buyer commences construction prior to closing, Buyer does hereby indemnify Seller from any and all claims of injury related to Buyer's construction activities.
- 2) Buyer acknowledges receipt of a draft-summary copy of the Covenants, Conditions, and Restrictions (CC&R's) for said subdivision and understands that the official full recorded version of the CC&R's will be binding upon Buyer upon closing. Prior to closing, Seller shall present to Buyer the recorded copy of the CC&R's, which shall closely follow the draft-summary.
- 3) Buyer agrees to submit plans and specifications to the Architectural Control Committee of the subdivision and receive written plan approval prior to start of construction.
- 4) Buyer shall contact Lois Wilcox at 377-4104 for closing document.
- 5) Builder shall verify boundary and measurements before starting construction. Seller will not be responsible for damages resulting from Buyer's failure to do so.
- 6) Buyer shall pay all utility hook-up fees.
- 7) Buyer shall be responsible for coordinating the location of his well and septic drain field with the Central District Health Department and Buyer's well driller.
- 8) Damage to streets, curbs, borrow ditches, piping, fences, utility facilities or other improvements shall be the responsibility of the Buyer if occurring after the date of possession or date of conveyance or buyer's start of construction, whichever date shall first occur.
- 9) Buyer to ensure that all construction activity on said lot complies with all EPA standards (e.g., no mud on roadway, dust, etc.) and in addition, Buyer to keep job site in a clean and orderly manner and contain all construction debris on the job site.
- 10) It is understood and agreed that Seller will not be required to furnish Title Insurance to Buyer but Seller warrants merchantable title, subject to easements, restrictions, and covenants of record and as shown on the official plat of the subdivision. Should Buyer desire Title Insurance, Buyer is to obtain such from a local Title Company at Buyer's expense.
- 11) Tax assessments shall be pro-rated as of possession date.
- 12) Any HOA assessment (not to exceed \$100) shall be collected at closing and shall not be prorated.
- 13) If legal action is to be instituted to enforce this agreement, the prevailing party shall be entitled to reasonable attorney fees.
- 14) This agreement shall be binding on the executors, heirs, administrators, personal representatives, successors, and assigns of the respective parties hereto, time being of the essence. There are no verbal agreements modifying this agreement.
- 15) This option is not transferable without the prior written consent of the Seller.
- 16) An additional \$1,500.00 pathway fee will be added to the final closing price if the majority of Buyers desire the Seller to install a pathway system.

Seller: TANDEM ENTERPRISES, L.L.P.

By: 

Buyer:

By: 

MASTER WATER TRANSFER PLAN 2003

WATER TRANSFERS-2

APPLECREEK SUBDIVISION

W. HOMER RD

3.5 Acres
Irr. Water

3.0 Acres
Irr. Water

3.5 Acres
Irr. Water

3.5 Acres
Irr. Water

3.5 Acres
Irr. Water

3.5 Acres
Irr. Water

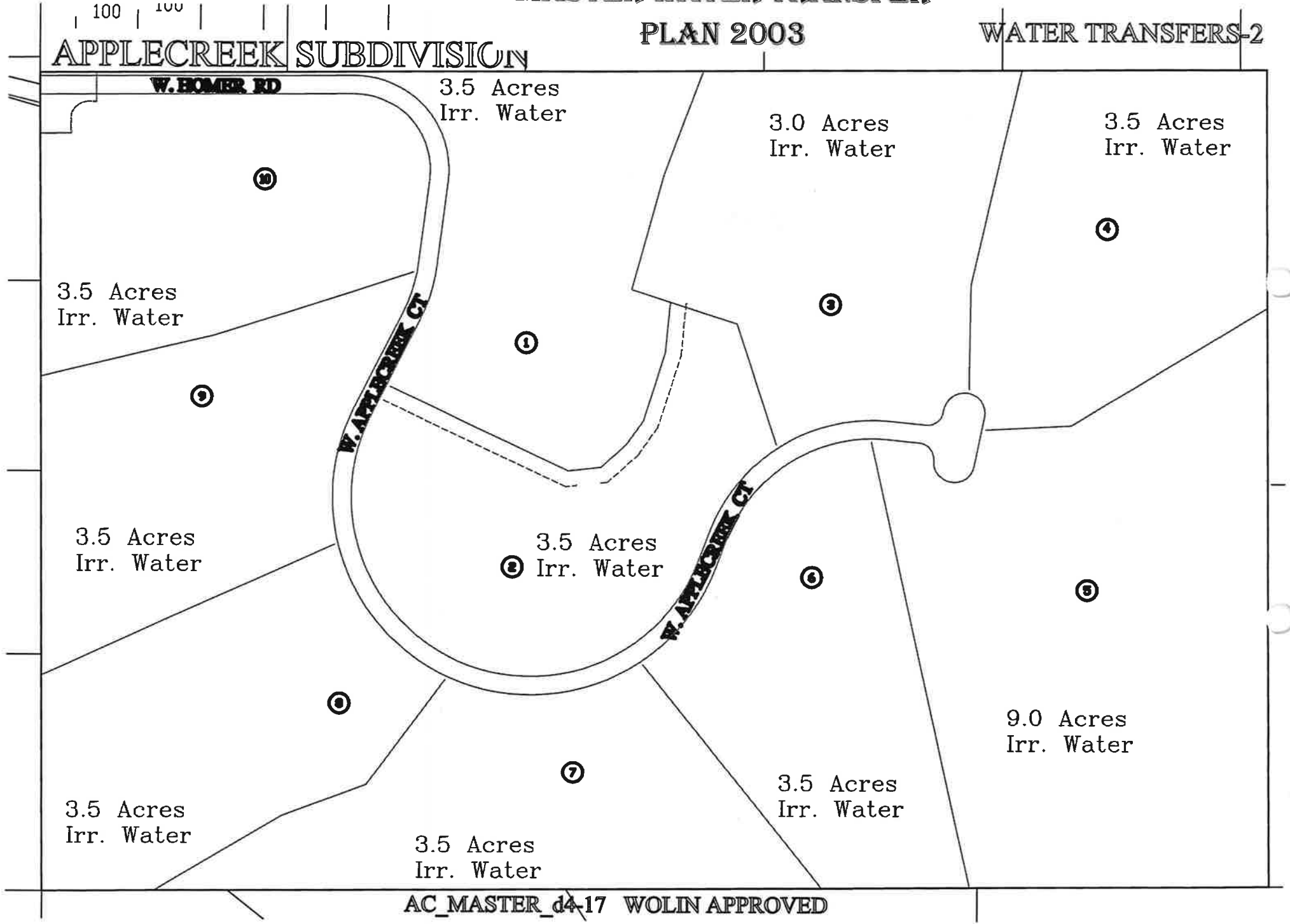
3.5 Acres
Irr. Water

9.0 Acres
Irr. Water

3.5 Acres
Irr. Water

3.5 Acres
Irr. Water

AC_MASTER_d4-17 WOLIN APPROVED



BILL OF SALE

Irrigation Water Right

March 12, 2015

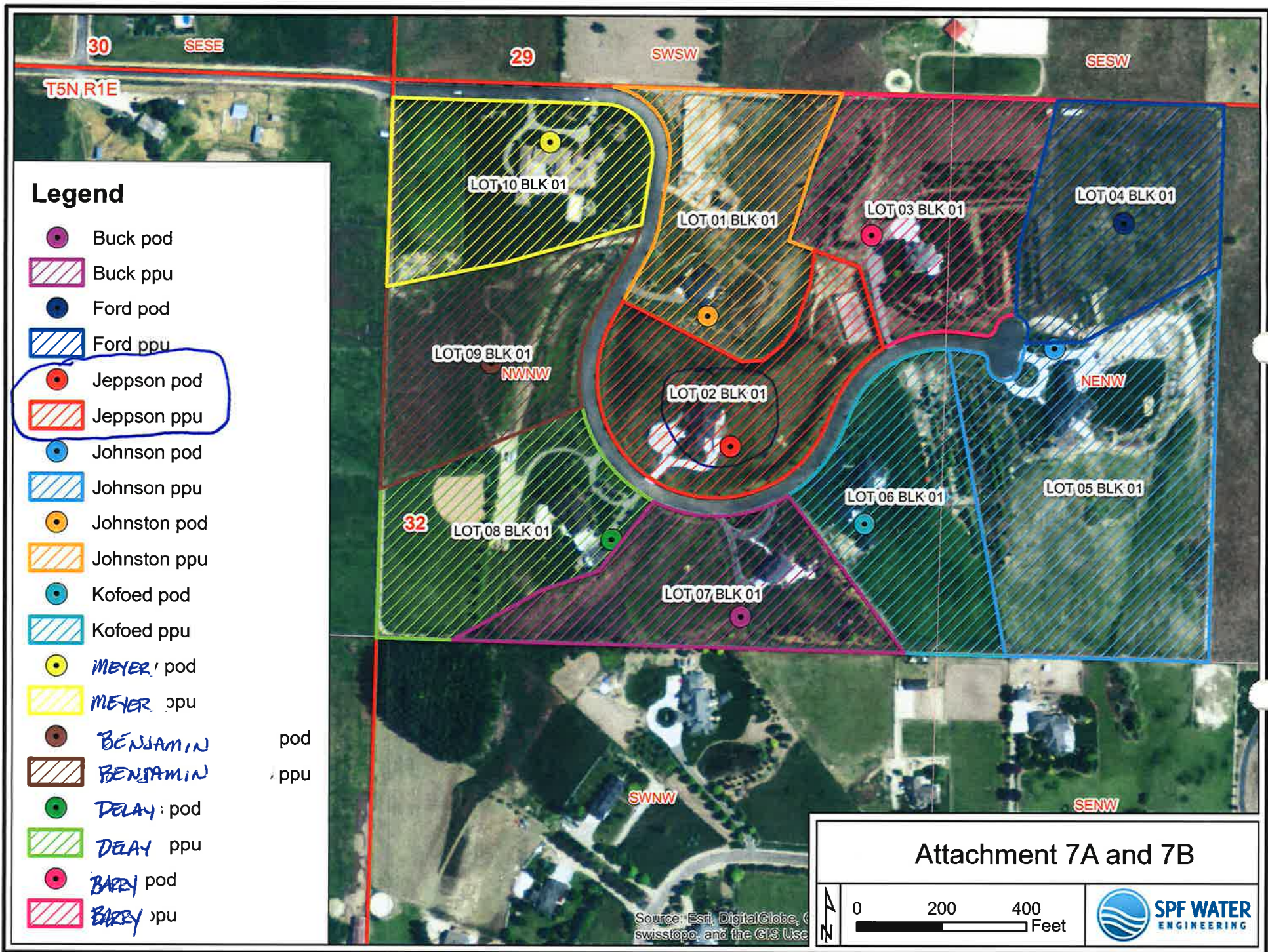
For value received, we the undersigned to hereby bargain, sell, and convey 3.50 acres of irrigation water right 63-31495 to

DAVID AND TONYA JOHNSON which water right is being used and is to be used at 1342 Applecreek Ct., Eagle, Idaho 83616.

Sellers


Tucker M. Johnson


Denise R. Johnson





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

June 12, 2019

DAVID A JEPPSON
TONYA R JEPPSON
1342 W APPLECREEK CT
EAGLE ID 83616-1941

Re: Transfer No.: 83205
Water Right No: 63-34740

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,



Anna Kaiser

For

Nick Miller
Regional Manager

Enclosure

CC:

TUCKER M JOHNSON
372 S EAGLE RD STE 328
EAGLE ID 83616

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 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.: 83205
Water Right No(s): 63-34740

DAVID A JEPPSON
TONYA R JEPPSON
1342 W APPLECREEK CT
EAGLE ID 83616-1941

TUCKER M JOHNSON
372 S EAGLE RD STE 328
EAGLE ID 83616



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 no. 83205 file
FROM: Cody Parker
RE: Evaluation of the sufficiency of submitted information
DATE: June 10, 2019

Transfer application 83205 was submitted April 29, 2019 and proposed to add a point of diversion for a split portion of water right 63-31495. The right was split prior to transfer processing. The split (applicants') portion of the right is now numbered 63-34740. The proposed changes will be applied to the new split portion. The applicant was not required to amend the application.

The application indicates that the purpose of the transfer is to add a point of diversion. However, the table in item B.3 of the application shows the description for only the new point of diversion, which appears to be an existing well on the property. I have taken this to mean that the applicants intend to change the point of diversion rather than add a second point.

Summary of Submitted Information

Authority to File:

The applicants are listed as David and Tonya Jeppson. The ownership change processed prior to transfer processing indicates that the owners of the land are the same. Both David and Tonya signed the application. The applicant has the authority to file the application.

Water Right Validity:

The parent right, 63-31495, was decreed in 2009. The split portion of the right authorizes 3.5 acres of irrigation. Aerial imagery from 2015 and 2017 shows that the full acreage has been irrigated. Forfeiture is not an issue at this time.

Injury to Other Water Rights:

The well driller's report for the original POD suggests a water bearing zone of 332 to 342 ft below ground surface. However, the hole is only sealed the first 20 ft below the surface. Though there is an eight-inch casing in an eight-inch hole from 20 ft to 332 ft below ground surface, there is the possibility that the minimal annular space still allows water from above to infiltrate the well below.

The priority date for the right pre-dates concerns regarding the appropriation of shallow groundwater tributary to the Boise River. The original POD construction suggests that the right may have historically used water tributary to the Boise River. Therefore use of the new POD, which may draw water from as shallow as 158 ft below ground surface, should not change the effect of the diversion on existing rights, including those junior to this right. No injury is anticipated.

Enlargement of Use:

The transfer does not propose any change to the diversion rate or volume, the number of irrigated acres, nor any unsubordinated change to the season of use. No enlargement is anticipated.

Local Public Interest:

None of the available information suggests conflict with the local public interest.

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.