

T5061 WINDING BROOK CORP

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5061
WATER RIGHT NO. 27-07303B

RECEIVED

JUN 16 1982

This is to certify that: **WINDING BROOK CORP**
C/O RODNEY H MOORE
PO BOX 53
NAMPA ID 83653

Department of Water Resources
Eastern Region

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.85 CFS	170.0 AF

SOURCE

GROUNDWATER

Priority: 03/17/1982

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 27, Township 02S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	27	SWNW 13.9	SENEW 28.6		42.5
Total number of acres irrigated:						42.5

CONDITIONS OF APPROVAL AND REMARKS

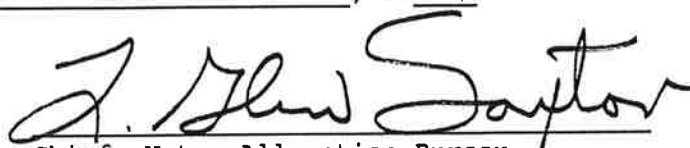
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. Diversion and use of water under this right is subject to rules that may subsequently be promulgated for the use of existing rights used for supplemental purposes.

TRANSFER NO. 5061
WATER RIGHT NO. 27-07303B

CONDITIONS OF APPROVAL AND REMARKS

4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 10th day of June, 1997.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE NO. 27-07303

FROM: PAM SKAGGS²⁷/STATE OFFICE

SUBJECT: TRANSFER NO. 5061

DATE: June 10, 1997

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Transfer No. 5061 changes the point of diversion under a portion of Right No. 27-07303, splitting the right into parts A and B. This application reflects the pending sale of the transferred portion of land and the use of the new owners well developed under Right No. 27-07318.

Recommended conditions include irrigation overlap, future measuring devices/reporting, future supplemental conditions and standard transfer conditions.

COPY

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5061

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant WINDING BROOK CORP. Phone (208) 466-0419
Post Office address PO RODNEY H. MOORE, P.O. Box 53, NAMPA, ID 83653

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 Transfer portion to another P/D
2. Describe the reason for the proposed changes Selling a portion of irrigated land under this water right and transferring that portion of the water right to well, licensed under 27-07318

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 27-07303 Priority 3/17/1982 Amount (cfs/ac-ft) 0.85 cfs Nature of Use IRRIGATION Period of Use 4/1 to 10/31
2. Total amount of water being transferred 0.85 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	27	2S	36E	BINGHAM	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	36E	27							13.9	28.6									42.5

Total acres 42.5

PART 1**6. General Information:**

a. Description of diversion system well pump mainline to sprinkler system with pivots.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE. PLACE OF USE WILL NOT CHANGE

d. Remarks:

WINDING BROOK CORP IS SELLING A PORTION OF LAND UNDER LIC# 27-07303 TO CHARLES N & CAROL L. DANSIE, P.O. Box 445, BLACKFOOT ID 83221, (208) 785-7068, and will need a change in the point of diversion for that portion of 27-07303

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5061

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

SEE ATTACHED COPY

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 27-07303 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above NONE

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.85 cfs for IRRIGATION purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	27	2S	36E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	36E	27							13.9	28.6									42.5

Total acres 42.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 3.55 cfs for IRRIGATION purposes from 4/1 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	27	2S	36E	Bingham	

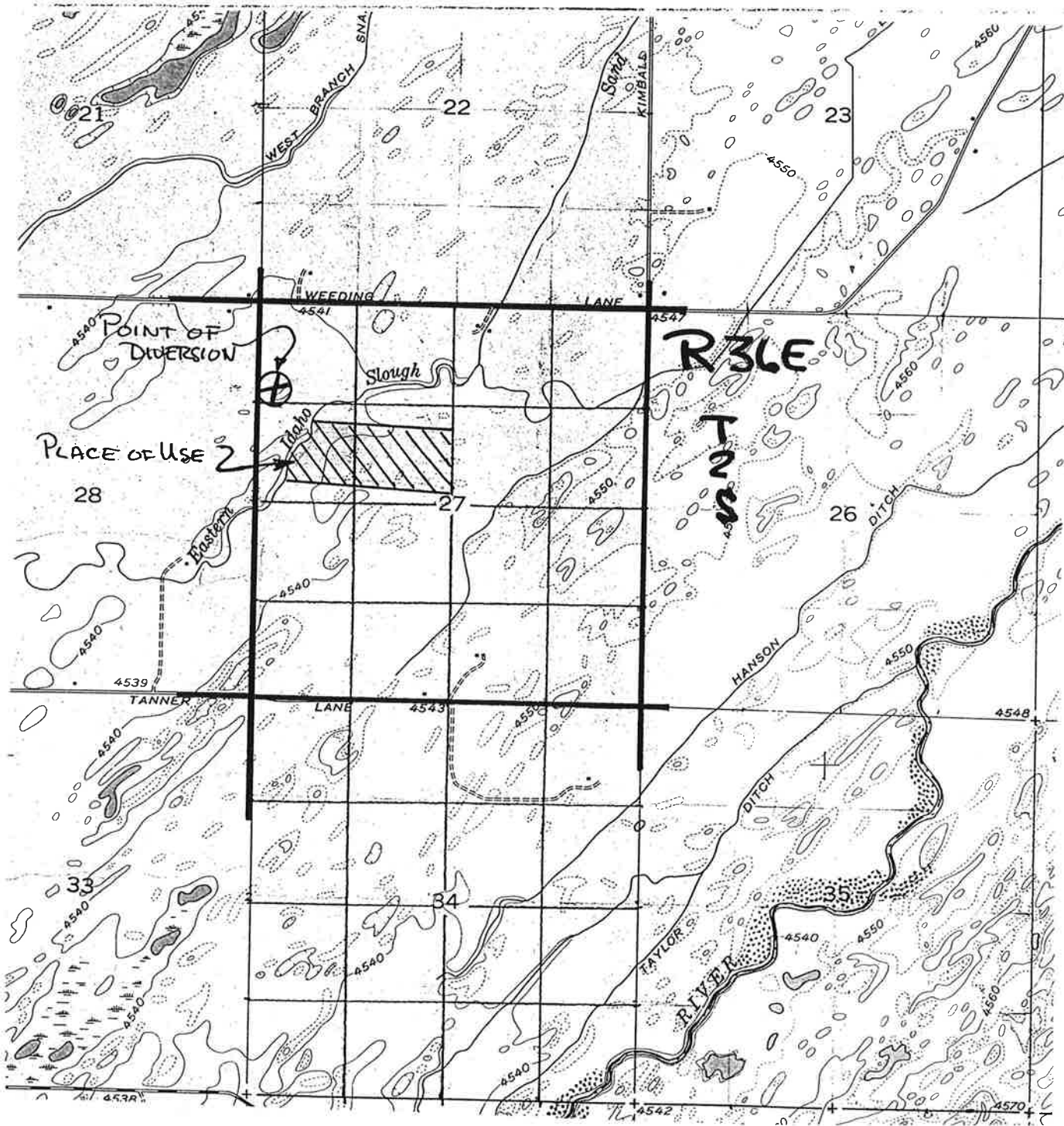
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2S	36E	27							3.3	2.4	35.5	36.8	34	28.5					140.5
		34					37												37.0

Total acres 177.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>N/A</u>			_____ to _____ _____ to _____
2. Quantity and quality of return flows and location of discharge: <u>N/A</u>				
3. Describe effects on other water uses resulting from the proposed change: <u>N/A</u>				

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

Winding Brook Corp by Rodney H. Moore V.P.
(Signature of Applicant)

Subscribed and sworn to before me this 27th day of January, 1997.

Marlyn H. Barinam
(Notary Public)

My commission expires 11-14-2002

FOR DEPARTMENT USE ONLY

Transfer contains <u>6</u> pages and <u>4</u> attachments	
Received by <u>KCWILSON</u> Date <u>1-30-1997</u>	Protest filed by _____
Prelim. check by _____ Fee <u>100⁰⁰ #E022930</u>	_____
Receipted by <u>KCW</u> Date <u>1-31-97</u>	_____
Published in <u>Morning News</u>	Copies of protest forwarded by _____
Pub. dates <u>May 1 and 8, 1997</u>	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☐ approval ☐ denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	

3-47921

COPY Warranty Deed

435433

For Value Received

JAMES S. JOHNSTON, aka J. SIM JOHNSTON AND CLAUDINE H. JOHNSTON aka
CLAUDINE A. JOHNSTON, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

WINDING BROOK CORPORATION, a Massachusetts Corporation

whose current address is

500 Winding Brook Drive, Glastonbury, CT 06033

the grantee, the following described premises, in BINGHAM

County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
BY THIS REFERENCE MADE A PART HEREOF

INFORMATION
ONLY

BINGHAM COUNTY RECORD
BLANKF00T, IDAHO
FEE 6.00 DEP 4
95 JUN 15 AM 9 09
RECORDED AT THE REQUEST OF
American Land Title Co.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said
Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 15, 1995

James Sim Johnston

Claudine H. Johnston
Claudine H. Johnston

CHECK PAYABLE TO:
KEY PORTER, TAX COLLECTOR
BOX 190
KFOOT, ID 83221
-785-8040

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP0437603
129,3

BILL# 11187 CODE AREA 14-00 L

1ST HALF DUE
930.98

2ND HALF DUE
930.98

FULL DUE
1,861.96

TOT MV 129,3

TAX
PEN
INT
COST
TOT

TAX
PEN
INT
COST
TOT

WAC 6.
TOT ACS 217.

WINDING BROOK CORP
C/O BATLERY MARCK: AGRIVEST
PO BOX 53
NAMPA ID 83653

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005181906	670.
SCHOOL 55	.007786088	1,006.
AMBULANCE DIST	.000310727	40.
BLKFT/SR FIRE	.001112736	143.
FLOOD #1	.000005919	
AMOUNT DUE	.014397376	1,861.

T2S R36E SEC 27
S2NW* SW4 LESS T-10391,
T-11083

★ ★ ★ IMPORTANT ★ ★ ★

PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

REC'D NAMPA, ID
NOV 21 1996
Batterymarch Agency

OFFICE COPIES OF TAX BILLS WILL NOT BE PRINTED
YOU MUST BRING NOTICE OR SEND STUB WHEN PAYING*

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

WINDING BROOK CORP

1996
11187

2ND HALF TAX

AMOUNT DUE 930.98

SHAM COUNTY
437603 A
4-00

PEN
INT
COST
TOT

JUNE 20, 1997
CHECK #
CASH

DUENT IF NOT PAID ON OR BEFORE
FE PAID
ID BY

ATTACHMENT 3
T5061

EXHIBIT A

Township 2 South, Range 36 East, Boise Meridian, Bingham County, Idaho
Section 27: S $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$

Excepting therefrom the following:

A part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 2 South, Range 36, East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point N 00°27'49" E 24.30 feet from the S $\frac{1}{4}$ corner of Section 27, thence N 89°43'03" W 873.39 feet; thence N 27°49'26" E 296.00 feet, thence N 46°34'55" E 1023.00 feet, thence S 00°27'49" W 969.25 feet, more or less, to the POINT OF BEGINNING.

Also excepting therefrom the following:

Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 2 South, Range 36 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is N 00°21'40" E 28.00 feet along the section line from the Southwest corner of said Section 27 and running thence N 00°21'40" E 1095.35 feet along the section line; thence S 89°38'20" E 19.64 feet to a point on a curve, which point is 80 feet extended from the end of an existing point; thence Southerly 564.64 feet along a curve to the left being 80 feet extended from the end of said existing pivot, Curve Data: Delta= 23°36'51"; Radius= 1370.0 feet, Chord bearing S 30°35'32" E 560.65 feet; thence S 00°21'40" W 614.54 feet; thence N 89°38'20" W 308.00 feet to the point of beginning.

Section 34: NE $\frac{1}{4}$ NW $\frac{1}{4}$

Reserving to the Grantors, their heirs and assigns, a 50 foot easement for ingress and egress, and for the maintenance, care and usage of an irrigation ditch and pipeline, more particularly described as follows:

Part of the SW $\frac{1}{4}$ of Section 27, Township 2 South, Range 36 East, Boise Meridian, Bingham County, Idaho described as:

Beginning at a point that is N 00°21'40" E 28.00 feet along the section line to the North right-of-way of a county road from the Southwest corner of said Section 27 and running thence N 00°21'40" E 2350.61 feet along the section line; thence N 39°39'58" E 576.88 feet along a ditch bank; thence N 31°42'22" E 132.90 feet to the Southerly bank of the Eastern Idaho slough; thence S 84°07'48" E 55.55 feet along said South bank; thence S 31°42'22" W 160.57 feet along an existing field road; thence S 39°39'58" W 562.51 feet along said Field Road; thence S 00°21'40" W 2332.76 feet parallel with the section line to the North right-of-way of a county road; thence N 89°38'20" W 50.00 feet to the point of beginning.

INFORMATION
ONLY

