

42-222 POD - 07/18

JAN 07 2019

Department of Water Resources

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)** Donald and Judy Lord / David Lord Phone 208-390-3062

2. MAILING ADDRESS 4223 N 4100 W City Mackay

State ID Zip 83251 Email

- ☐ 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) 34-13719, 34-13723

- ☐ 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 0.31 cubic feet per second and/or 55.9 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*.

[illegible]

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:

New well will supply water to 1/4 mile wheel line for sprinkler irrigation. Within WD 34. System will be equipped with a flow meter if one is required.

- b. Who owns the property at the point(s) of diversion? Applicant (Donald and Judy Lord)

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 1/4 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.

[Signature]
Signature of applicant or authorized agent

Don Lord
Print name and title if applicable

01/04/19
Date

[Signature]
Signature of applicant or authorized agent

Judy Lord
Print name and title if applicable

01/04/19
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

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

Fee paid \$525 Date 1/7/2018 Received by JB Receipt # E044629

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

12/21/2018

Water Right 34-13719

Owner Type **Name and Address**
Current Owner DE LONE MC KNIGHT
 PO BOX 93
 MACKAY, ID 83251

Current Owner J WILLIAM MC KNIGHT
 PO BOX 93
 MACKAY, ID 83251

Priority Date: 4/19/1960

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.100 CFS	18.9 AF
	<u>Total Diversion</u>		0.100 CFS	18.9 AF

Source and Point(s) of Diversion

GROUND WATER SWSESE Sec. 31, Twp 07N, Rge 25E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	31																16.0	16.0

Right Acre Limit: 6.3

POU Total Acres: 16.0

Conditions of Approval:

1. K06 This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-13719 and 34-13723 when combined shall not exceed a total annual maximum diversion volume of 55.9 af at the field headgate and the irrigation of 16.0 acres.
3. X35 Rights 34-13717, 34-13719, 34-13721 and 34-13723 when combined shall not exceed a total diversion rate of 0.42 cfs and the irrigation of 16.0 acres.
4. P21 This right is a split from former right 34-2361B.
5. 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. Idaho Code § 42-1412(6).

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/21/2018

Water Right 34-13723

Owner Type **Name and Address**
Current Owner DONALD LORD
 4223 N 4100 W
 MACKAY, ID 83251-4520

Current Owner JUDY LORD
 4223 N 4100 W
 MACKAY, ID 83251-4520

Priority Date: 6/18/1948

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.210 CFS	36.8 AF
	Total Diversion		0.210 CFS	36.8 AF

Source and Point(s) of Diversion

GROUND WATER SWSESE Sec. 31, Twp 07N, Rge 25E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	31																16.0	16.0

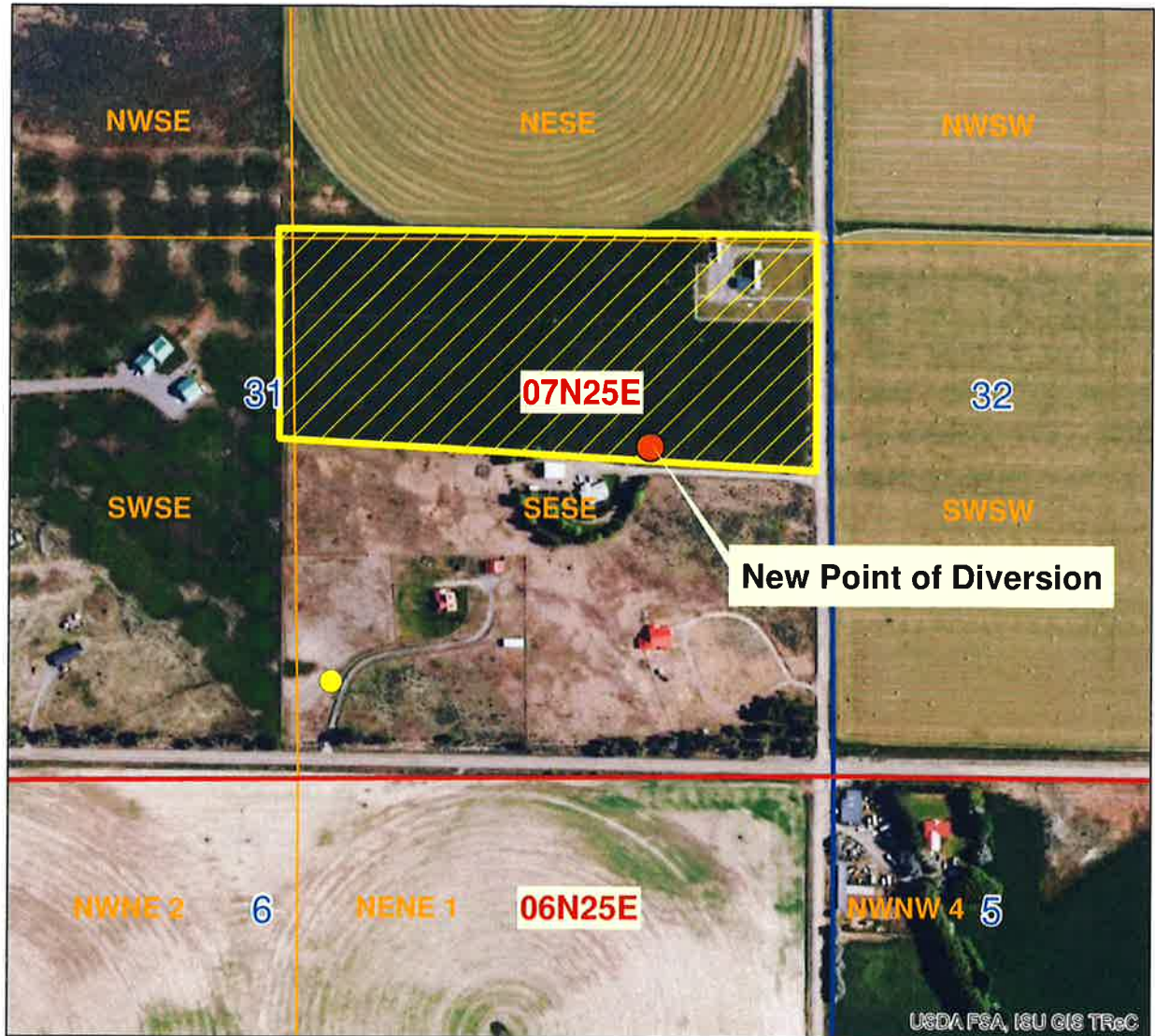
Right Acre Limit: 10.5

POU Total Acres: 16.0

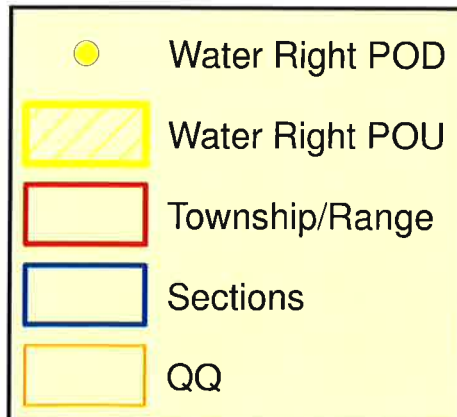
Conditions of Approval:

1. K06 This right is limited to the irrigation of 10.5 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-13717 and 34-13719 when combined shall not exceed a total annual maximum diversion volume of 55.9 af at the field headgate and the irrigation of 16.0 acres.
3. X35 Rights 34-13717, 34-13719, 34-13721 and 34-13723 when combined shall not exceed a total diversion rate of 0.42 cfs and the irrigation of 16.0 acres.
4. P21 This right is a split from former right 34-2281B.
5. C05 Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
6. 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. Idaho Code § 42-1412(6).

Application for Transfer Water Rights 34-13719 and 34-13723



2017 Aerial Photo



0 500 1,000 Feet



WARRANTY DEED

Order No. 307021298L-G

FOR VALUE RECEIVED

William J. McKnight and Delone McKnight, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Donald R. Lord and Judy K. Lord, Husband and Wife

whose current address is

4266 N. 4100 W.
MACKAY ID 83251

the grantee(s), the following described premises, in Custer County, Idaho, TO WIT:

0225404

Custer County Req. of

0225404

Time 11:14 A.M. Date 8-20-2002

Ethel M. Peck, Clerk
Deputy \$3.00

A TRACT OF LAND LYING IN CUSTER COUNTY, STATE OF IDAHO, IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 25 EAST OF THE BOISE MERIDIAN, AND MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 31, THENCE N. 00° 26' 28" W. 741.54 FEET ALONG THE EAST LINE OF SAID SECTION TO THE POINT OF BEGINNING; THENCE N. 87° 04' 09" W. 1340.31 FEET TO A POINT ON THE 1/16TH LINE OF SAID SECTION; THENCE N. 00° 37' 44" W. ALONG THE 1/16TH LINE 532.70 FEET TO THE 1/16TH LINE; THENCE S. 89° 06' 18" E. ALONG THE 1/16TH LINE 1340.10 FEET TO A POINT ON THE EAST LINE OF SAID SECTION; THENCE S. 00° 26' 28" E. 580.28 FEET TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 8/15/2002

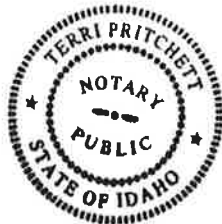
William J. McKnight Delone McKnight
William J. McKnight Delone McKnight

State of Idaho

County of Custer

On this Aug 15 2002, before me, a Notary Public in and for said state, personally appeared William J. McKnight and Delone McKnight

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written



Terri Pritchett
Notary Public for the State of Idaho
Residing at: Mackay IDAHO
Commission Expires: 1-23-2003