

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 31 2018

Department of Water Resources
DIVERSION region

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)** E Mark Taylor and/or Ruby Taylor Phone 208 881 7176

2. MAILING ADDRESS PO Box 257

City Iona

State ID Zip 83427 Email rubyandmarktay@gmail.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) 34 - 14038

- ☒ 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 $\frac{0.16}{(\text{diversion rate})}$ cubic feet per second and/or $\frac{28.3}{(\text{storage volume})}$ acre-feet per annum.

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:

Plan on drilling an 8" well for domestic purposes and irrigation of the remaining acres. When required attach a flow meter to the piping for irrigation purposes.

- b. Who owns the property at the point(s) of diversion? E Mark Taylor and/or Ruby Taylor

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 ¼ ¼ 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.

E. Mark Taylor
Signature of applicant or authorized agent

E. Mark Taylor
Print name and title if applicable

8/31/18
Date

Ruby Taylor
Signature of applicant or authorized agent

Ruby Taylor
Print name and title if applicable

8/31/18
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 \$225 Date 8/31/2018

Received by JB

Receipt # E044345

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

10/12/2018

Water Right 34-14038

Owner Type **Name**
Current Owner KIVI LAND & LIVESTOCK LLC
Priority Date: 5/14/1977
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/15	0.160 CFS	28.3 AF
	Total Diversion		0.160 CFS	28.3 AF

Source and Point(s) of Diversion
GROUND WATER SENE Sec. 24, Twp 06N, Rge 25E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

T06N R25E S24	NENE	7.6
T06N R25E S24	NWNE	0.5
POU Total Acres:		8.1

Conditions of Approval:

1. The water right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
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. E56 The rights listed below are limited to the irrigation of a combined total of 127.6 acres in a single irrigation season. Combined Right Nos.: 34-14038, 34-14039, 34-14086, 34-14426, 34-126, and 34-127.
4. This right when combined with rights 34-126, 34-127, 34-14086, 34-14426 and 34-14039 shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 446.6 af at the field headgate for the lands below.
5. The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates and Other Information

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/12/2018

Decreed Date: 11/8/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 255054
CHALLIS, CUSTER, IDAHO
07-20-2018 02:56:55 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BLACKFOOT
Lura H. Baker Fee: \$15.00
Ex-Officio Recorder Deputy: rr

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **689965-B (vb)**

Date: **July 17, 2018**

For Value Received, **KIVI Land & Livestock, LLC, an Idaho Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **E. Mark Taylor and Ruby Taylor, husband and wife**, hereinafter called the Grantee, whose current address is **PO Box 257, Iona, ID 83427**, the following described premises, situated in **Custer County, Idaho**, to-wit:

LOT A OF BIG LOST RIVER SUBDIVISION, CUSTER COUNTY, IDAHO, ACCORDING TO THE OFFICIAL PLAT RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237105. CERTIFICATE OF OWNER RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237102. AFFIDAVIT OF CORRECTION RECORDED JULY 25, 2007, AS INSTRUMENT NO. 237103. CERTIFICATE OF OWNER RECORDED DECEMBER 11, 2007 AS INSTRUMENT NO. 237960 AND 237961.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

RECORDING REQUEST BY

First American Title Company

AND WHEN RECORDED MAIL TO:First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221**E-RECORDED**

simplifile®

ID: 255054County: CUSTERDate: 7-24-18 Time: 2:56pm

Space Above This Line for Recorder's Use Only

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82757

Date: **07/17/2018**

Warranty Deed
- continued

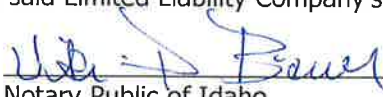
File No.: **689965-B (vb)**

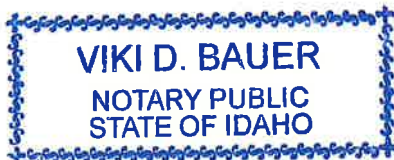
KIVI Land & Livestock, LLC, an Idaho Limited Liability Company, an Idaho limited liability company

By: 
Name: Kit L. Christensen
Title: Manager

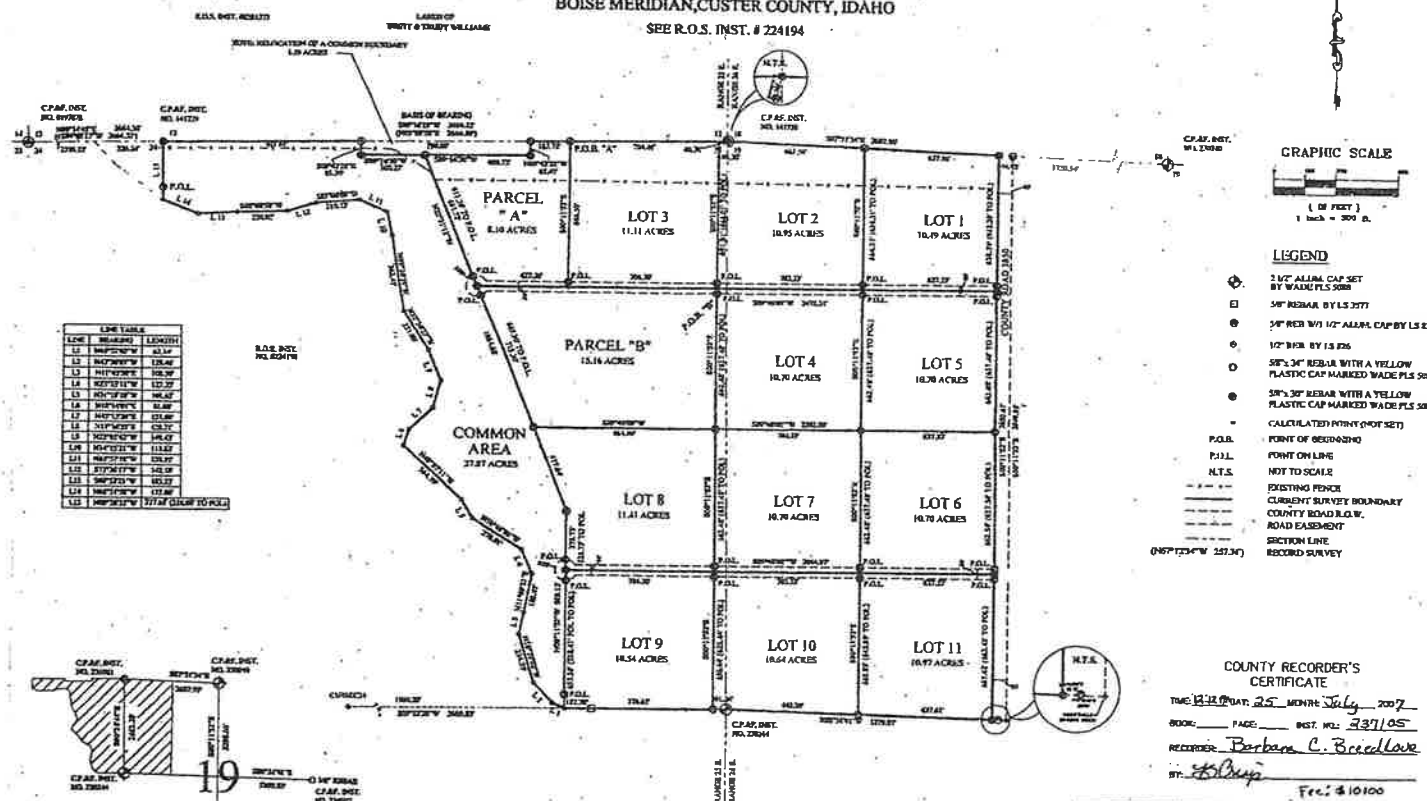
STATE OF Idaho)
COUNTY OF Custer)
SS.

On this **Twentieth day of July, 2018**, before me, a Notary Public in and for said State, personally appeared **Kit L Christensen**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **KIVI Land & Livestock, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.


Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 3/29/20

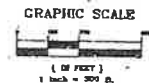


BIG LOST RIVER SUBDIVISION
 LOCATED IN THE NE 1/4 OF SECTION 24, T. 6 N., R. 25 E.,
 AND IN THE NW 1/4 OF SECTION 19, T. 6 N., R. 26 E.,
 BOISE MERIDIAN, CUSTER COUNTY, IDAHO
 SEE R.O.S. INST. # 224194



LINE TABLE

LINE	BEARING	LENGTH
L1	S89°50'W	63.54
L2	S89°50'W	128.46
L3	N11°30'W	108.50
L4	N01°30'W	122.37
L5	N01°30'W	166.42
L6	S89°50'W	63.54
L7	S89°50'W	128.46
L8	N11°30'W	108.50
L9	N01°30'W	122.37
L10	N01°30'W	166.42
L11	S89°50'W	63.54
L12	S89°50'W	128.46
L13	N11°30'W	108.50
L14	N01°30'W	122.37
L15	N01°30'W	166.42
L16	S89°50'W	63.54
L17	S89°50'W	128.46
L18	N11°30'W	108.50
L19	N01°30'W	122.37
L20	N01°30'W	166.42
L21	S89°50'W	63.54
L22	S89°50'W	128.46
L23	N11°30'W	108.50
L24	N01°30'W	122.37
L25	N01°30'W	166.42
L26	S89°50'W	63.54
L27	S89°50'W	128.46
L28	N11°30'W	108.50
L29	N01°30'W	122.37
L30	N01°30'W	166.42
L31	S89°50'W	63.54
L32	S89°50'W	128.46
L33	N11°30'W	108.50
L34	N01°30'W	122.37
L35	N01°30'W	166.42
L36	S89°50'W	63.54
L37	S89°50'W	128.46
L38	N11°30'W	108.50
L39	N01°30'W	122.37
L40	N01°30'W	166.42
L41	S89°50'W	63.54
L42	S89°50'W	128.46
L43	N11°30'W	108.50
L44	N01°30'W	122.37
L45	N01°30'W	166.42
L46	S89°50'W	63.54
L47	S89°50'W	128.46
L48	N11°30'W	108.50
L49	N01°30'W	122.37
L50	N01°30'W	166.42
L51	S89°50'W	63.54
L52	S89°50'W	128.46
L53	N11°30'W	108.50
L54	N01°30'W	122.37
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L56	S89°50'W	63.54
L57	S89°50'W	128.46
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L64	N01°30'W	122.37
L65	N01°30'W	166.42
L66	S89°50'W	63.54
L67	S89°50'W	128.46
L68	N11°30'W	108.50
L69	N01°30'W	122.37
L70	N01°30'W	166.42
L71	S89°50'W	63.54
L72	S89°50'W	128.46
L73	N11°30'W	108.50
L74	N01°30'W	122.37
L75	N01°30'W	166.42
L76	S89°50'W	63.54
L77	S89°50'W	128.46
L78	N11°30'W	108.50
L79	N01°30'W	122.37
L80	N01°30'W	166.42
L81	S89°50'W	63.54
L82	S89°50'W	128.46
L83	N11°30'W	108.50
L84	N01°30'W	122.37
L85	N01°30'W	166.42
L86	S89°50'W	63.54
L87	S89°50'W	128.46
L88	N11°30'W	108.50
L89	N01°30'W	122.37
L90	N01°30'W	166.42
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L96	S89°50'W	63.54
L97	S89°50'W	128.46
L98	N11°30'W	108.50
L99	N01°30'W	122.37
L100	N01°30'W	166.42

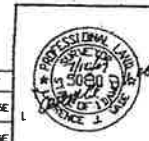


LEGEND

- 3" ALUM. CAP SET BY WADSWORTH
- 5" REBAR BY L.S. 2077
- 3" REBAR W/ 1/2" ALUM. CAP BY L.S. 2077
- 1/2" REBAR BY L.S. 2077
- 3/8" x 34" REBAR WITH A YELLOW PLASTIC CAP MARKED WADSWORTH
- 3/8" x 30" REBAR WITH A YELLOW PLASTIC CAP MARKED WADSWORTH
- CALCULATED POINT (NOT SET)
- P.O.B. POINT OF BEGINNING
- P.O.L. POINT ON LINE
- N.T.S. NOT TO SCALE
- - - - - EXISTING FENCE
- - - - - EXISTING SURVEY BOUNDARY
- - - - - COUNTY ROAD R.O.W.
- - - - - ROAD EASEMENT
- - - - - SECTION LINE
- - - - - RECORDED SURVEY

COUNTY RECORDER'S CERTIFICATE

THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN THE OFFICE OF THE COUNTY RECORDER, CUSTER COUNTY, IDAHO, ON THE 25th DAY OF JULY, 2007.
 BOOK: _____ PAGE: _____ INST. NO.: 237105
 RECORDER: Barbara C. Briddle
 BY: *[Signature]*
 Fee: \$10100



FOR	
DELL HARNEY	
DATE	25 JUL 2007
PROJECT	WADSWORTH, DELL
SURVEY	DELL HARNEY, DELL
LEGAL	LEGAL NAME, DELL
LEGAL	LEGAL NAME, DELL
WADSWORTH, DELL	
LEGAL, POSTING SERVICE	
LEGAL, POSTING SERVICE	
LEGAL, POSTING SERVICE	
LEGAL, POSTING SERVICE	

1/4	SEC	T	R
24	6N	25E	
19	6N	26E	

027577

Section 24 Township 06N Range 25E Located SE of Mackay, ID

Parcel A of Big Lost River Subdivision



82757