

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81874**

This is to certify that: **MARK A MC DONOUGH**
PO BOX 74
MELBA, ID 83641

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>
63-3597F	WR/DECREED	4/13/1967	0.720 cfs	344.2 af	86.5	106.0	GROUND WATER
63-7156D	WR/DECREED	10/7/1968	0.300 cfs	127.0 af	29.5	106.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

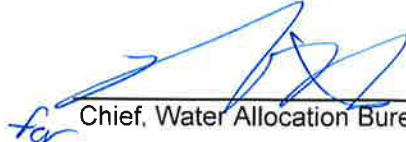
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3597F	NO	NO	YES	NO	NO	NO
63-7156D	NO	NO	YES	NO	NO	NO

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>
63-3597F	63-3597F	0.720 cfs	344.2 af	86.5	96.0	N/A	N/A	N/A	N/A	N/A
63-7156D	63-7156D	0.300 cfs	127.0 af	29.5	96.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.020 cfs	428.0 af	95.1	96.0		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 28th day of August, 2018.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-3597F

Transfer No. 81874

WATER RIGHT NO. 63-3597F**As Modified by Transfer No. 81874**

In accordance with the approval of Transfer No. 81874, Water Right No. 63-3597F is now described as follows:

Right Holder: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

Priority Date: 4/13/1967

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	0.720 cfs	344.2 af
			0.720 cfs	344.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 11 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 11 Twp 02N Rge 03W CANYON 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	
02N	03W	11				2.0									26.0		34.0	34.0	96.0

Right Acre Limit: 86.5

POU Total Acres: 96.0

CONDITIONS OF APPROVAL

1. 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 2/6/2009.
2. This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
3. 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 place of use.
4. Rights 63-3597F and 63-7156D when combined shall not exceed a total annual maximum diversion volume of 428.0 af for the irrigation of 95.1 acres.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 81874

WATER RIGHT NO. 63-3597F
As Modified by Transfer No. 81874

CONDITIONS OF APPROVAL

6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 63-7156D
As Modified by Transfer No. 81874

In accordance with the approval of Transfer No. 81874, Water Right No. 63-7156D is now described as follows:

Right Holder: MARK A MC DONOUGH
PO BOX 74
MELBA, ID 83641

Priority Date: 10/7/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 11/01	0.300 cfs	127.0 af
			0.300 cfs	127.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 11 Twp 02N Rge 03W CANYON County
GROUND WATER	NWSW	Sec 11 Twp 02N Rge 03W CANYON 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	
02N	03W	11				2.0									26.0		34.0	34.0	96.0

Right Acre Limit: 29.5

POU Total Acres: 96.0

CONDITIONS OF APPROVAL

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and end date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/6/2009.
2. This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
3. 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 place of use.
4. Rights 63-3597F and 63-7156D when combined shall not exceed a total annual maximum diversion volume of 428.0 af for the irrigation of 95.1 acres.

Transfer No. 81874

WATER RIGHT NO. 63-7156D
As Modified by Transfer No. 81874

CONDITIONS OF APPROVAL

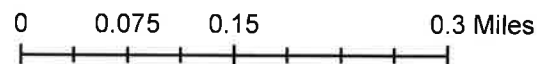
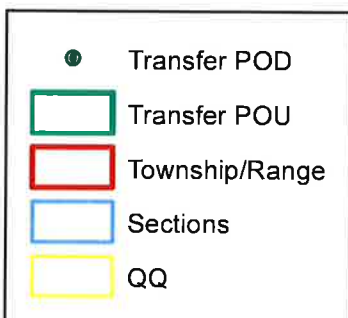
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right does not grant any right-of-way or easement across the land of another.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 81874

Water Right(s): 63-3597F & 63-7156D

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.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81874

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

AUG 18 2017

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) Mark A. McDonough

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 #1-10.

- ☐ ☒ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

W045603
#200
8/18/17

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Mark A. McDonough Phone 208.730.5081
Mailing address P.O. Box 74, Melba ID. 83641 Email Mark.Mcdonough@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 Hal N. Anderson Phone 208.830.5525
Mailing address 2918 N. El Rancho Place, Boise ID. 83704 Email hal@idahowaterengineering.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.

Mark McDonough
Signature of Applicant or Authorized Representative

Hal N. Anderson
Signature of Applicant or Authorized Representative

MARK McDonough
Print Name and Title if applicable

Hal N. Anderson
Print Name and Title if applicable

3.31.17
Date

8/18/17
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 _____
- 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**.

This Transfer Application is to change the Place of Use for WR 63-3597F and 63-7156D. Authorized POU has been reduced due to sale of a portion of the property. The properties were sold without water rights.

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 ☐ ☒	63-3597F	.72	Irrigation	03/15 to 11/15	Ground Water
☐ ☒	63-7156D	.3	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .11 cubic feet per second and/or _____ 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 #

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	
02N	03W	11				2									26		34.01	33.64	95.65
Total Acres (for irrigation use)																			95.65

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:

-NA-

- b. Who owns the property at the point(s) of diversion? _____

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

-NA-

- 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: -NA-

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:

Reduction in authorized POU will slightly increase supply for remaining authorized acreage. Authorized diversion of 1.02 cfs and combined annual volume of 428 af for irrigation of 95.1 acres will not change.

- 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:

WR 63-3597F and 63-7156D have overlapping POU

- 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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7156D

Current Owner: MARK A MC DONOUGH

Priority Date: 10/7/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

0.3 CFS

Annual Volume

127 AF

Total Diversion

0.3 CFS

127 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4

Sec. 11, Twp 02N, Rge 03W B.M.

CANYON County

GROUND WATER

NW1/4SW1/4

Sec. 11, Twp 02N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S11	SENE	2.00	T02N R03W S11	NESE	26.00
T02N R03W S11	SWSE	39.00	T02N R03W S11	SESE	39.00

Total Acres: 106

Conditions of Approval:

1. 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.
2. T07 The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 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.
4. 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.
5. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
6. X27 This right is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. After specific notification by the Department, the right holder shall measure the diversion 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.
9. X36 Rights 63-3597F, 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.
10. This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 2/6/2009

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

Current Water Right No.: 63-3597F

Current Owner: MARK A MC DONOUGH
Priority Date: 4/13/1967
Origin: Water Right
Status: Water Supply Bank 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	0.72 CFS	344.2 AF
	<u>Total Diversion</u>	0.72 CFS	344.2 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 11,	Twp 02N,	Rge 03W B.M.
CANYON County				
GROUND WATER	NE1/4SE1/4	Sec. 11,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S11	SENE	2.00	T02N R03W S11	NESE	26.00
T02N R03W S11	SWSE	39.00	T02N R03W S11	SESE	39.00

Total Acres: 106

Conditions of Approval:

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 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.
3. T07 The right holder shall accomplish the change authorized by Transfer 68832 within one (1) year of the date of the approval.
4. After specific notification by the Department, the right holder shall measure the diversion 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.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
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. Section 42-1412(6), Idaho Code.
7. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
8. X27 This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
9. X36 Rights 63-3597H, 65-7156D, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

Decreed Date: 2/6/2009

8 1 8 7 4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☒ 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. Label it Attachment #7b.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use:

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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:

[illegible]**FOR DEPARTMENT USE ONLY**

Transfer contains 19 pages and 9 attachments.

Received by Chad Jones Date 8/18/17

Preliminary check by Angie Grimm Date 8/21/17

Fee paid \$200.00 Date 8/18/17

Received by Chad Jones Receipt # W045603

Add'l fee paid _____ Date _____

Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

81874

WR 63-3597F & 63-7156D POU Changes

Legend
 Exclusion Area

Exclusion Area 1

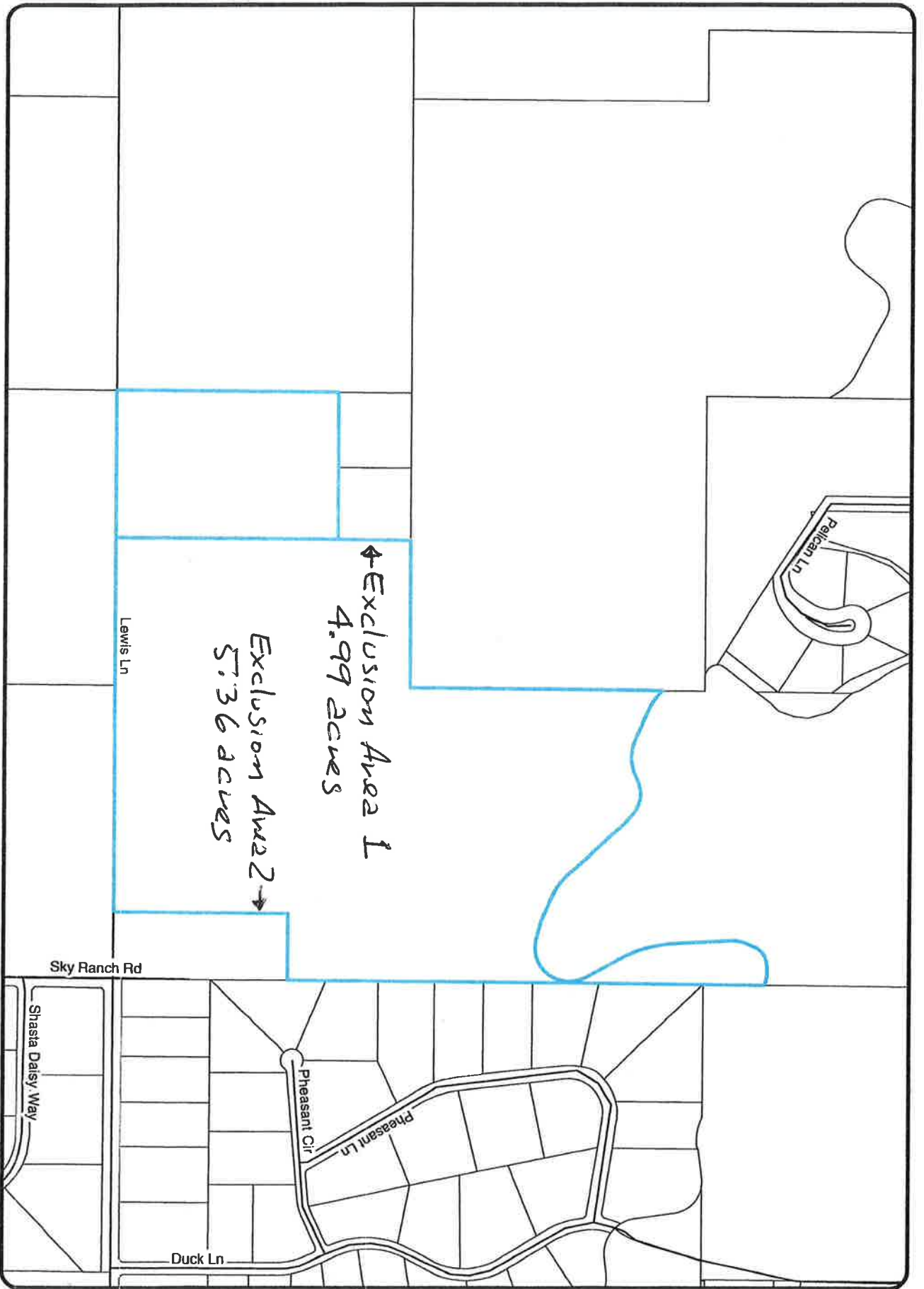
WR 63-3597F & 63-7156D POU

Exclusion Area 2

81874







81874

This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and created for self use only. It is not guaranteed for any accuracy. This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to hold self by this information. Canyon County and State of Oregon do not warrant the accuracy of information resulting from the use of this product for any purpose.

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PTC
Pioneer Title Co.

WATER SUPPLY BANK LEASE CONTRACT

RECEIVED

JUL 27 2016

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

DEPARTMENT OF
WATER RESOURCES

LESSOR: MARK MC DONOUGH
PO BOX 74
MELBA ID 83641
208-730-5081

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. On June 14, 2016, the Lessor filed an application to lease the water rights described below into the Water Supply Bank.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to the conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Priority Date	Source	Tributary	Leased Rate	Annual Leased Volume	Total Leased Acres
63-3597F	04/13/1967	GROUND WATER	NA	0.72 cfs	344.2 af	86.5 ac
63-7156D	10/07/1968	GROUND WATER	NA	0.30 cfs	127.0 af	29.5 ac

Lease Totals 1.02 cfs 428.0 af 95.1 ac

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2016 to December 31, 2017. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

WATER SUPPLY BANK LEASE CONTRACT

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

MARK MC DONOUGH

PO BOX 74

MELBA ID 83641

By Mark McDonough
Printed Name MARK MCDONOUGH

Date July 27, 2017
Title owner

IDAHO WATER RESOURCE BOARD

322 EAST FRONT ST

PO BOX 83720

BOISE ID 83720-0098

By Brian Patton
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 7/29/2016

Lease approved by IDWR Cheryl Walcott

Date 7-29-2016

ATTACHMENT A

WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

WATER RIGHT NOS. 63-3597F and 63-7156D

The water right or portion thereof leased to the bank is described as follows:

Lessor: MARK MC DONOUGH
PO BOX 74
MELBA ID 83641
208-730-5081

Location of Point(s) of Diversion for Water Right 63-3597F and 63-7156D

GROUND WATER	NWSW	Sec. 11, Twp 02N, Rge 03W, CANYON County
GROUND WATER	NESE	Sec. 11, Twp 02N, Rge 03W, CANYON County

<u>Water Right</u>	<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
63-3597F	IRRIGATION	03/15 to	11/15	0.72 cfs	344.2 af
63-7156D	IRRIGATION	04/01 to	11/01	0.30 cfs	127.0 af
Total:				1.02 cfs	428.0 af

Place of Use to be Idled Under This Lease: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	11				2.0									26.0		39.0	39.0	106.0

Total Acres: 95.1

Conditions Applicable to All Leased Water Rights

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department, even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, nor does it improve the status of the right or accomplish the resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code §§ 42-248 and 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment after the following rental season.
11. The water rights leased to the bank are subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 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.
13. Water right 63-3597F is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
14. Water right 63-7156D is limited to the irrigation of 29.5 acres within the place of use described above in a single irrigation season.
15. The total instantaneous diversion of water from all points of diversion under Rights 63-3597F and 63-7156D shall not exceed 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres.
16. Rights 63-3597H, 63-7156D, 63-31535, 63-31799, 63-31800, 63-31801 and 63-31802 are also diverted through the points of diversion described above.

63-3597F and 63-7156D
Effective until December 31, 2017

-





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 29, 2016

MARK MC DONOUGH
PO BOX 74
MELBA ID 83641

RE: WATER SUPPLY BANK LEASE CONTRACT FOR WATER RIGHTS 63-3597F and 63-7156D

Dear Lessor:

Water rights **63-3597F and 63-7156D** were leased into the Water Supply Bank (Bank) as of June 14, 2016, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2017**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at www.idwr.idaho.gov. **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at 287-4800.

Sincerely,

Water Supply Bank

Enclosure: Executed Lease Contract

c: Hal N Anderson – Idaho Water Engineering
Angie Grimm - IDWR Western Region

81874

INSTRUMENT NO. 2009051350

200907298

QUITCLAIM DEED

FOR VALUE RECEIVED, Mark McDonough, an unmarried man, Grantor, does hereby convey, release, remise and forever quitclaim unto BARBARA JACKSON, an unmarried woman, Grantee, whose address is 10005 Sky Ranch Rd, Nampa, ID 83686-9 140, the following described premises, to-wit:

See attached "Exhibit A"

This description includes land already owned by the Grantee

Together with appurtenances. (NONE)

Seller reserves all water rights.

This deed is intended to convey to the Grantee all right, title, and interest of the Grantor in and to said property, now owned or hereafter acquired except as set forth herein. This conveyance is subject to and limited to the condition that the property shall not be further subdivided or split into separate parcels. The property is also subject to a Covenant/Deed Restriction that restricts the planting of vegetation and construction of buildings and other improvements.

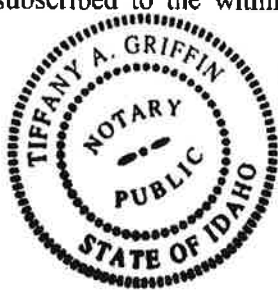
Date October 7, 2009.

Grantor(s):

By: Mark McDonough
Mark McDonough

STATE OF IDAHO)
County of Canyon) ss.

On this 7th day of October, 2009, before me, the undersigned, a Notary Public in and for said state, personally appeared MARK MCDONOUGH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Tiffany A. Griffin
NOTARY PUBLIC FOR IDAHO

Residing at: _____
My Commission Expires 05-17-2014

QUITCLAIM DEED

COMPASS LAND SURVEYING, P.L.L.C.

4270 E. Amity Road
Nampa, Idaho 83687

Telephone: (208) 442-0115
Fax: (208) 327-2106
Email: rgray.cls@gmail.com

Client: Barbara Jackson
Date: September 30, 2009
Job No.: 2009

PARCEL 1 PROPERTY DESCRIPTION

A parcel of land being a portion of the SE 1/4 SE 1/4 of Section 11, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 5/8 inch diameter iron pin with no cap marking the SE corner of said SE 1/4 SE 1/4, (Section corner common to sections 11, 12, 13 and 14), said corner bears S. 89° 56' 44" E., a distance of 2654.30 feet from a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SE 1/4, (South 1/4 corner);

Thence along the southerly boundary of said SE 1/4 SE 1/4, N. 89° 56' 54" W., a distance of 299.80 feet to a magnetic nail set in the pavement of Lewis Lane, said nail bears S. 00° 35' 40" W., a distance of 25.00 feet from a set 1/2 inch diameter iron pin witness corner stamped "CLS PLS 7732";

Thence parallel with the easterly boundary of said SE 1/4 SE 1/4, N. 00° 35' 40" E., a distance of 780.00 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the southerly boundary of said SE 1/4 SE 1/4, S. 89° 56' 54" E., a distance of 299.80 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking a point on the easterly boundary of said SE 1/4 SE 1/4, said point also being the westerly boundary of Lakeview Hills Subdivision as on file in Book 13 of Plats at Page 29 in the Office of the Recorder of Canyon County, Idaho, as Instrument No. 728386;

Thence along the easterly boundary of said SE 1/4 SE 1/4 and westerly boundary of said Lakeview Hills Subdivision, S. 00° 35' 40" W., a distance of 780.00 feet to the *POINT OF BEGINNING*.

This parcel contains 5.36 acres more or less.

All according to the record of survey as recorded in the Office of the Canyon County Recorder.

SUBJECT TO: A 25.00 foot wide strip of land along the easterly 25.00 feet of the SE 1/4 SE 1/4 of said Section 11 for the purpose of Public Right of Way and utilities as recorded in the Office of the Canyon County Recorders by that certain Warranty Deed Instrument No. 550352.

REQUEST
TYPE Doc
FEE 10
PIONEER-CALDWELL



2009 OCT 8 PM 1 05
WILLIAM H. HURST
CANYON COUNTY RECORDER
BY [Signature]

RECORDED

2009051350



2012-056698

RECORDED

12/18/2012 02:18 PM

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=6 CMCLAUGHLIN

\$25.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL

ELECTRONICALLY RECORDED

Canyon County Recorder's Office **Cover Page**

518059 TB/DB

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Remove the County Stamped First
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Part of the original Document.

DEED

mmcd.
an unnamed man
Mark McDonough, an individual ("Seller") for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to Lee Mayer and Janet Mayer, a married couple residing at 3310 Little John Court, Nampa, Idaho 83687 ("Buyer") (Buyer and Seller are collectively referred to herein as the "Parties," and each individually as a "Party"), the following described real property (the "Property"), to wit:

See Exhibit A

SUBJECT TO taxes and assessments for the year 2012 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance does not include any water rights but does include any and all other appurtenances, tenements, hereditaments, reversions, remainders, easements, and rights-of-way in anywise appertaining to the property herein described.

Seller owns the real property described in **Exhibit B** attached hereto (the "Seller's Property").

The Buyer hereby covenants by and for itself, administrators, and assigns, all persons claiming under or through them, that the Property shall be used by the Buyers, successors, heirs, and/or assigns as follows:

1. For the purpose of constructing a site built one-story single dwelling structure and one shed or garage (also one story only) and that the Buyer cannot construct on the Property multiple family dwellings, including, but not limited to, apartment units, condominium units or townhouses. There shall be no structures on the Property over one story. No additional structures are permitted (i.e., no guest houses, outbuildings, mother-in-law structures, etc.).
2. There will be a thirty foot (30') setback of dwellings and accessory structures from the southern border of the Property. No dwellings or accessory structures shall be constructed within this setback area.

The Property is subject to an easement along the western border as set forth in that certain Easement Agreement recorded as Instrument No. 9220402 with the Canyon County Recorder's Office. Seller and Seller's administrators, and assigns, all persons claiming under or through them as owners of the Seller's Property, retain the right to use said easement for ingress and egress across the Property and installation of utilities within said easement.

Seller and Seller's administrators, and assigns, all persons claiming under or through them as owners of the Seller's Property, retain a 25 foot easement for access and utilities along the northern border of the Property and a 10 foot easement for utilities along the eastern border and the southern border of the Property (the "Seller's Easement"). The Seller's Easement shall extend over the following portions of the Property:

- a. The north 25 feet of the Property (for ingress and egress and utilities)

- b. The east 10 feet of the Property (for utilities)
- c. The south 10 feet of the Property (for utilities)

The foregoing covenants shall run with the land.

The conveyance includes an easement for ingress and egress across the Seller's Property (the "Access Easement"), being a strip of land 28 feet wide, as set forth in more detail in that "Declaration of Easement" recorded contemporaneously herewith.

The conveyance includes an easement for utilities across the Seller's Property (the "Utilities Easement"), being a strip of land 10 feet wide, as set forth in more detail in that "Declaration of Easement" recorded contemporaneously herewith.

IN WITNESS WHEREOF, the Parties hereunto subscribed their name to this instrument on the dates set forth below.

Seller

Mark McDonough

Mark McDonough
December 18, 2012
Date

Buyer

Janet Mayer

Janet K Mayer
12-18-12
Date

Lee Mayer

Lee Mayer
12-18-2012
Date

STATE OF IDAHO)
County of Canyon) ss.
)

On this 18th day of December, 2012, before me, a Notary Public, personally appeared Mark McDonough, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged 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.



Tiffany A. Griffin
Notary Public for Idaho

Residing at

Commission Expires

**RESIDING IN MERIDIAN, IDAHO
MY COMMISSION EXPIRES 05-17-2014**

DEED - 2

STATE OF IDAHO)
County of Canyon) ss.

On this 18th day of December, 2012, before me, a Notary Public, personally appeared Janet Mayer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged 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.



Tiffany A. Griffin
Notary Public for Idaho
Residing at _____
Commission Expires _____
RESIDING IN MERIDIAN, IDAHO
MY COMMISSION EXPIRES 05-17-2014

STATE OF IDAHO)
County of Canyon) ss.

On this 18th day of December, 2012, before me, a Notary Public, personally appeared Lee Mayer, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged 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.



Tiffany A. Griffin
Notary Public for Idaho
Residing at _____
Commission Expires _____
RESIDING IN MERIDIAN, IDAHO
MY COMMISSION EXPIRES 05-17-2014

COMPASS LAND SURVEYING, P.L.L.C.

419 Madrone Cir.
Nampa, Idaho 83686

Telephone: (208) 442-0115
Fax: (208) 327-2106
Email: rgray.cls@gmail.com

Client: Lee Mayer
Date: December 5, 2012
Job No.: 6212

PARCEL 2
PROPERTY DESCRIPTION

A parcel of land being a portion of the SW 1/4 SE 1/4 of Section 11, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

Commencing at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SW 1/4 SE 1/4, (South 1/4 corner), said corner bears N. 89° 56' 44" W., a distance of 2654.30 feet from a found 5/8 inch diameter iron pin with no cap marking the SE corner of the SE 1/4 SE 1/4, (Section corner common to sections 11, 12, 13 and 14);

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking the *POINT OF BEGINNING*;

Thence continuing along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 328.17 feet to a found 5/8 inch diameter iron pin with no cap marking the NW corner of the SW 1/4 SE 1/4, (Center south 1/16 corner);

Thence along the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 331.85 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, S. 00° 34' 19" W., a distance of 328.17 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, N. 89° 55' 47" W., a distance of 331.85 feet to the *POINT OF BEGINNING*.

This parcel contains 2.50 acres more or less.

All according to the record of survey as recorded in the Office of the Canyon County Recorder.

SUBJECT TO: A 25.00 foot wide strip of land along the westerly 25.00 feet of the above mentioned Parcel for the purpose of Public Right of Way and utilities as recorded in the Office of the Canyon County Recorders by that certain Warranty Deed Instrument No. 9220402.

SUBJECT TO: A 25.00 foot wide strip of land along the northerly 25.00 feet of the above mentioned Parcel 2 for the purpose of ingress and utilities.

SUBJECT TO: A 10.00 foot wide strip of land along the easterly 10.00 feet and southerly 10.00 feet of the above mentioned Parcel 2 for the purpose of utilities.

TOGETHER WITH: A 28.00 foot wide strip of land along a portion of the westerly 28.00 feet of the SW 1/4 SE 1/4 of said Section 11 for the purpose of an Access easement more particularly described as follows:

BEGINNING at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SE 1/4, (South 1/4 corner);

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a point;

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 28.00 feet to a point;

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, S. 00° 34' 19" W., a distance of 994.53 feet to a point marking the southerly boundary of said SW 1/4 SE 1/4;

Thence along the southerly boundary of said SW 1/4 SE 1/4, N. 89° 55' 47" W., a distance of 28.00 feet to the *POINT OF BEGINNING*.



Electronically recorded- DO NOT
Remove the County Stamped First
Page as it is now Incorporated as
Part of the original Document.

551403 TG/CC

2014-020108

RECORDED

06/05/2014 03:08 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=7 MBROWN \$28.00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL

ELECTRONICALLY RECORDED

BARGAIN AND SALE DEED

Mark McDonough, an unmarried individual ("Seller"), for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey to Charley B. Hutton, a married man, residing at 9068 Booker Lane, Nampa, Idaho 83686 ("Buyer") (Buyer and Seller are collectively referred to herein as the "Parties," and each individually as a "Party"), the following described real property (the "Property"), to wit:

See Exhibit A * and Teresa M. Hutton, husband and wife

SUBJECT TO taxes and assessments for the year 2013 and all subsequent years, together with any and all existing easements, rights-of-way, reservations (including the reservation of mineral rights and other rights set forth in Instrument No. 905822, Canyon County Recorder's Office), restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance does not include any water rights but does include any and all other appurtenances, tenements, hereditaments, reversions, remainders, easements and rights-of-way in anywise appertaining to the property herein described.

Seller owns the real property described in Exhibit B attached hereto (the "Seller's Property").

Buyer hereby covenants by and for itself, administrators, and assigns, all persons claiming under or through them, that the Property shall be used by Buyers, successors, heirs, and/or assigns as follows:

1. There will be a thirty foot (30') setback of dwellings and accessory structures from the southern border of the Property. No dwellings or accessory structures shall be constructed within this setback area.

Seller and Seller's administrators and assigns, all persons claiming under or through them as owners of Seller's Property, retain a 25 foot easement for access and utilities along the northern border of the Property and a 10 foot easement for utilities along the eastern border, western border, and the southern border of the Property (the "Seller's Easement"). Seller's Easement shall extend over the following portions of the Property:

- a. The north 25 feet of the Property (for ingress and egress and utilities)
- b. The east 10 feet of the Property (for utilities)
- c. The west 10 feet of the Property (for utilities)
- d. The south 10 feet of the Property (for utilities)

The foregoing covenants shall run with the land.

DEED - 1

The conveyance includes an easement for ingress and egress across Seller's Property (the "Access Easement"), being a strip of land 28 feet wide, as set forth in more detail in that "Declaration of Access Easement" recorded contemporaneously herewith.

The conveyance includes an easement for utilities across Seller's Property (the "Utilities Easement"), being a strip of land 10 feet wide, as set forth in more detail in that "Declaration of Utility Easement" recorded contemporaneously herewith.

IN WITNESS WHEREOF, the Parties hereunto subscribed their name to this instrument on the dates set forth below.

Seller

Mark McDonough

Mark McDonough
May 30, 2014
Date

Buyer

Charley B. Hutton

X Charley B. Hutton
5-30-14
Date

STATE OF IDAHO)

County of)

) ss.

On this 30th day of May, 2014, before me, a Notary Public, personally appeared **Mark McDonough**, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged 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.



Tiffany A. Griffin
Notary Public for Idaho
Residing at RESIDING IN NAMPA, IDAHO
Commission Expires MY COMMISSION EXPIRES 05/17/2020

STATE OF IDAHO)

County of Canyon)

) ss.

On this 30 day of May, 2014, before me, a Notary Public, personally appeared **Charley B. Hutton**, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged 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.



Tiffany A. Griffin
Notary Public for Idaho

Residing at RESIDING IN NAMPA, IDAHO

Commission Expires COMMISSION EXPIRES 05/17/2020

4825-9724-0091, v. 1

DEED - 3

EXHIBIT A
COMPASS LAND SURVEYING, P.L.L.C.

PARCEL A
PROPERTY DESCRIPTION

A parcel of land being a portion of the W 1/2 SW 1/4 SE 1/4 of Section 11, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

Commencing at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SW 1/4 SE 1/4, (South 1/4 corner), said corner bears N. 89° 56' 44" W., a distance of 2654.30 feet from a found 5/8 inch diameter iron pin with no cap marking the SE corner of the SE 1/4 SE 1/4, (Section corner common to sections 11, 12, 13 and 14);

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a found 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 331.85 feet to a found 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking the *POINT OF BEGINNING*;

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 328.17 feet to a found 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking a point on the northerly boundary of said SW 1/4 SE 1/4;

Thence along the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 331.85 feet to a found 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking the NE corner of said W 1/2 SW 1/4 SE 1/4;

Thence along the easterly boundary of said W 1/2 SW 1/4 SE 1/4, S. 00° 34' 38" W., a distance of 328.17 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, N. 89° 55' 47" W., a distance of 331.82 feet to the *POINT OF BEGINNING*.

This parcel contains 2.50 acres more or less.

TOGETHER WITH: A 28.00 foot wide strip of land along a portion of the westerly 28.00 feet of the SW 1/4 SE 1/4 of said Section 11 for the purpose of a Non-exclusive access easement more particularly described as follows:

BEGINNING at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SE 1/4, (South 1/4 corner);

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a point;

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 359.85 feet to a point;

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, S. 00° 34' 19" W., a distance of 28.00 feet to a point;

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, N. 89° 55' 47" W., a distance of 312.02 feet to a point marking the beginning of a tangent curve left;

COMPASS LAND SURVEYING, PLLC

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Thence a distance of 31.24 feet along the arc of said curve left, having a radius of 20.00 feet, a central angle of $89^{\circ} 29' 54''$, the long chord of which bears S. $45^{\circ} 19' 16''$ W., a distance of 28.16 feet to a point;

Thence tangent to said curve and parallel with the westerly boundary of said SW 1/4 SE 1/4, S. $00^{\circ} 34' 19''$ W., a distance of 946.70 feet to a point marking the southerly boundary of said SW 1/4 SE 1/4;

Thence along the southerly boundary of said SW 1/4 SE 1/4, N. $89^{\circ} 56' 36''$ W., a distance of 28.00 feet to the *POINT OF BEGINNING*.

Also:

SUBJECT TO: A 10.00 foot wide strip of land along the easterly 10.00 feet, southerly 10.00 feet and westerly 10.00 feet of the above mentioned Parcel A for the purpose of utilities.

SUBJECT TO: A 25.00 foot wide strip of land along the northerly 25.00 feet of the above mentioned Parcel A for the purpose of ingress and utilities.

COMPASS LAND SURVEYING, P.L.L.C.

419 Madrone Cir.
Nampa, Idaho 83686

Telephone: (208) 442-0115
Fax: (208) 327-2106
Email: rgray.cls@gmail.com

Client: Mark McDonough
Date: May 28, 2014
Job No.: 3614

PARCEL B
PROPERTY DESCRIPTION

A parcel of land being a portion of the W 1/2 SW 1/4 SE 1/4 of Section 11, Township 2 North, Range 3 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

BEGINNING at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SW 1/4 SE 1/4, (South 1/4 corner), said corner bears N. 89° 56' 44" W., a distance of 2654.30 feet from a found 5/8 inch diameter iron pin with no cap marking the SE corner of the SE 1/4 SE 1/4, (Section corner common to sections 11, 12, 13 and 14);

Thence along the westerly boundary of said W 1/2 SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a found 1/2 inch diameter iron pin stamped "CLS PLS 7732";

Thence parallel with the northerly boundary of said W 1/2 SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 663.67 feet to a set 1/2 inch diameter iron pin stamped "CLS PLS 7732" marking the a point on the easterly boundary of said W 1/2 SW 1/4 SE 1/4;

Thence along the easterly boundary of said W 1/2 SW 1/4 SE 1/4, S. 00° 34' 38" W., a distance of 994.38 feet to a found PK nail marking the SE corner of said W 1/2 SW 1/4 SE 1/4. Said point bears N. 00° 34' 38" E., a distance of 25.00 feet from a found 1/2 inch diameter iron pin witness corner;

Thence along the southerly boundary of said W 1/2 SW 1/4 SE 1/4, N. 89° 56' 36" W., a distance of 663.58 feet to the *POINT OF BEGINNING*.

This parcel contains 15.15 acres more or less.

SUBJECT TO: A 28.00 foot wide strip of land along a portion of the westerly 28.00 feet of the SW 1/4 SE 1/4 of said Section 11 for the purpose of an Access easement more particularly described as follows:

BEGINNING at a found 5/8 inch diameter iron pin with illegible cap marking the SW corner of said SE 1/4, (South 1/4 corner);

Thence along the westerly boundary of said SW 1/4 SE 1/4, N. 00° 34' 19" E., a distance of 994.53 feet to a point;

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, S. 89° 55' 47" E., a distance of 359.85 feet to a point;

Thence parallel with the westerly boundary of said SW 1/4 SE 1/4, S. 00° 34' 19" W., a distance of 28.00 feet to a point;

Thence parallel with the northerly boundary of said SW 1/4 SE 1/4, N. 89° 55' 47" W., a distance of 312.02 feet to a point marking the beginning of a tangent curve left;

EXHIBIT B

COMPASS LAND SURVEYING, PLLC

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Thence a distance of 31.24 feet along the arc of said curve left, having a radius of 20.00 feet, a central angle of $89^{\circ} 29' 54''$, the long chord of which bears S. $45^{\circ} 19' 16''$ W., a distance of 28.16 feet to a point;

Thence tangent to said curve and parallel with the westerly boundary of said SW $1/4$ SE $1/4$, S. $00^{\circ} 34' 19''$ W., a distance of 946.70 feet to a point marking the southerly boundary of said SW $1/4$ SE $1/4$;

Thence along the southerly boundary of said SW $1/4$ SE $1/4$, N. $89^{\circ} 56' 36''$ W., a distance of 28.00 feet to the *POINT OF BEGINNING*.



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 28, 2018

MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

Re: Transfer No: 81874
Water Right No(s): 63-3597F , 63-7156D

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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,

A handwritten signature in dark ink, appearing to read "Rachel Neely for Nick Miller". The signature is written in a cursive, flowing style.

Nick Miller
Regional Manager

Enclosure

CC:

IDAHO WATER ENGINEERING
C/O HAL ANDERSON
2918 N EL RANCHO PL
BOISE ID 83704

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2018 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.: 81874
Water Right No(s): 63-3597F , 63-7156D

MARK A MC DONOUGH
PO BOX 74
MELBA ID 83641

IDAHO WATER ENGINEERING
C/O HAL ANDERSON
2918 N EL RANCHO PL
BOISE ID 83704



Rachel Neely
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. 81874 File

FROM: Justin Shearer

DATE: 7/23/2018

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the Place of Use for WR's 63-3597F and 63-7156D. Authorized POU has been reduced due to sale of a portion of the property. The properties were sold without water rights.

The site is located just West of the Lake View Hills Subdivision in Nampa; North of Lewis Lane and approximately a half mile South of Lake Shore Drive that runs parallel to the South shore of Lake Lowell.

Summary of Information Submitted

Authority to File: The department's ownership records maintained pursuant to Sections 42-248 or 42-1409(6), Idaho Code, list the applicant as the current owner of the Place of Use being transferred. Applicant signed the application. Deeds from the recent sale of lands were provided that show that the applicant did not convey any existing water rights when he sold his property. Thus he has authority to file for transfer on WR's 63-3597F and 63-7156D.

Water Right Validity:

WR's 63-3597F and 63-7156D were both leased into the Idaho Water Supply Bank (WSB) in 2007. They were subsequently released from the WSB in 2013 and then in 2016 they were leased into the WSB again with an expiration date of December 31, 2017. A copy of the WSB lease that expired at the end of 2017 was submitted with the application for transfer. There is a current pending application for the two rights to be entered into the WSB again. Therefore forfeiture is not of concern for these two rights.

Overlap Analysis:

Rights 63-3597H, 63-31535, 63-31799, 63-31800, 63-31801, and 63-31802 are also diverted from the same POD's as 63-3597F and 63-7156D. No changes to current POD's will be made as result of this transfer. The only POU overlap for current and proposed POU is irrigation district WR's. Thus, there should be no overlap concern.

Injury to Other Water Rights:

Because this transfer is merely consolidating the place of use, and the water rights are being placed in the water supply bank, there is no anticipated reduction in the quantity of water available to other rights. There are no proposed changes to the POD's under this transfer nor are any additional POD's being proposed. Therefore concerns of rotation, or unreasonable effort or expense are not present under the proposed transfer. In addition, it is not anticipated that the quality of water available to the holders of existing water rights would be made unusable as a result of this transfer. Mitigation is not needed to prevent injury to existing water rights resulting from this transfer. The proposed transfer is not changing the location of the points of diversion to move within the boundaries of GWMA or CGWA. The source is not being changed, it will remain as "Ground Water." Likewise, there is no proposed change to aquifer source for the rights being transferred. Additionally, conveyance losses are not of

concern because the source will remain as "Ground Water." Because the transfer is only consolidating the POU to reflect a recent sale of lands previously in the POU there is no anticipated injury to other rights as a result of this transfer.

Enlargement of Use:

The proposed total diversion rate, annual diversion volume, and extent of beneficial use does not exceed the amounts, or beneficial use authorized under the water rights prior to the proposed transfer. The number of acres irrigated as a result of this transfer will be the same (reduction in PPU does not change combined acre limit) as what was authorized previously under these rights. This transfer proposes no changes to the nature of use for the water rights. There are no stacked water rights involved in this transfer. The rights included in this transfer are not supplemental, so there is no concern of them being changed from supplemental rights to primary water rights. Enlargement to the historic extent of beneficial use is not likely as a result of this transfer. No changes, or increases to the period of use are being proposed in this transfer. Because of these reasons, it is not anticipated that any enlargement of use will result from the approval of this transfer.

Local Public Interest:

Because there are no real hydraulic changes that would result from this transfer and the applicant owns the entirety of the water rights being transferred there was no need to advertise this transfer. The transfer complies with applicable water and hazardous substance standards designed to protect the public water resource. The proposed transfer would comply with local and state government regulations, zoning ordinances, and policies. This transfer is compatible with the objectives and policies of the State Water Plan. For these reasons, this transfer should be considered in favor of local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

It should be noted that both water rights 63-3597F & 63-7156D were in the WSB in the preceding year and have an application to renew their lease pending this transfer application. I have been in communication with Jean Hersely at the State Office in regards to this transfer application as she has been assigned with the processing of the WSB lease renewal for these rights. The only major concern as part of this transfer would have been if the applicant did not own the entirety of the water rights as a result from his recent sale of lands. However, copies of the deeds were obtained from the applicant that verify that the full water rights were retained and not conveyed in the sale of the 2 lots that will no longer be within the POU as a result of this transfer. Per the decrees issued that designated combined use limits for WR's 63-3597F & 63-7156D the combined use limits will remain 1.02 cfs, nor a total combined annual volume of 428.0 af for the irrigation of 95.1 acres within a 96 acre POU. Rate removed from combined limit condition since it is additive. Condition 01M was added and replaced previous measurement device conditions based on current IDWR policy.

Owner	Block/Quarter	South / 1/4E	Source	POD/PU	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSE	SWSE	TotalAcres
BACHMAN, ELAIRE J.	63-10409	03-11840	GROUND WATER	POU	IRRIGATION			12	16.6								28.6
BACHMAN, ELAIRE J.	63-10409	03-11840	GROUND WATER	POU	DOMESTIC												
BARKER ROSHOLT & SIMPSON LLP	63-1396	03-1378	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
BACHMAN, ELAIRE J.	63-19546	03-19546	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
BACHMAN, ELAIRE J.	63-19546	03-19546	GROUND WATER	POU	DOMESTIC												
BACHMAN, ELAIRE J.	63-19546	03-19546	GROUND WATER	POU	STOCKWATER												
BARKER ROSHOLT & SIMPSON LLP	63-2004	03-2004	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
BARKER ROSHOLT & SIMPSON LLP	63-20067	03-20067	BOISE RIVER	POU	DOMESTIC												
BRUCE MANCH LLC, BRUCE, RYAN J. D	63-20607	03-20607	GROUND WATER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
UNITED STATES OF AMERICA ACTING THROUGH	63-2106	03-2106	GROUND WATER	POU	STOCKWATER												
AMERICAN DITCH CO, BARKER ROSHOLT & SIMPSON LLP	63-2383	03-2383	FIVE MILE CREEK	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
MNEE, HAZEL, SNOODGRASS, EVELYN K.; SNOODGRASS, JAMES D	63-23863	03-23863	BOISE RIVER	POU	DOMESTIC	X	X	X	X	X	X	X	X	X	X	X	
UNITED STATES OF AMERICA ACTING THROUGH	63-23884	03-23884	GROUND WATER	POU	DOMESTIC	X	X	X	X	X	X	X	X	X	X	X	
BOISE PROJECT BOARD OF CONTROL	63-23927	03-23927	WASTE WATER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
ALLEN, CAROL T.; ALLEN, DALE E	63-24015	03-24015	BOISE RIVER	POU	DOMESTIC												
UNITED STATES OF AMERICA ACTING THROUGH	63-25314	03-25314	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
BARKER ROSHOLT & SIMPSON LLP	63-26767	03-26767	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
ELLERKE, THELMA	63-27960	03-27960	GROUND WATER	POU	DOMESTIC												
HEADERSHOT, ELSPF.; HEADERSHOT, HERBERT W	63-28012	03-28012	GROUND WATER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
UNITED STATES OF AMERICA ACTING THROUGH	63-3001A	03-3001A	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
UNITED STATES OF AMERICA ACTING THROUGH	63-3001A	03-3001A	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
CANYON COUNTY LANDS/ESTATES; ESTATE OF REX S. JENSEN; EVANS, MARION E.; EVANS, REX E.; MILLAR, CHANN, JACQIN, CHANN, JESSE, CHANN, VANESSA; ESTATE OF REX S. JENSEN; HARRISON, GEORGE; MILLAR, B	63-31355	03-31355	GROUND WATER	POU	IRRIGATION												
CANYON COUNTY LANDS/ESTATES; ESTATE OF REX S. JENSEN; EVANS, MARION E.; EVANS, REX E.; MILLAR, CHANN, JACQIN, CHANN, JESSE, CHANN, VANESSA; ESTATE OF REX S. JENSEN; HARRISON, GEORGE; MILLAR, B	63-31800	03-31800	GROUND WATER	POU	IRRIGATION												
CANYON COUNTY LANDS/ESTATES; ESTATE OF REX S. JENSEN; EVANS, MARION E.; EVANS, REX E.; MILLAR, CHANN, JACQIN, CHANN, JESSE, CHANN, VANESSA; ESTATE OF REX S. JENSEN; HARRISON, GEORGE; MILLAR, B	63-31801	03-31801	GROUND WATER	POU	IRRIGATION												
CANYON COUNTY LANDS/ESTATES; ESTATE OF REX S. JENSEN; EVANS, MARION E.; EVANS, REX E.; MILLAR, CHANN, JACQIN, CHANN, JESSE, CHANN, VANESSA; ESTATE OF REX S. JENSEN; HARRISON, GEORGE; MILLAR, B	63-31802	03-31802	GROUND WATER	POU	IRRIGATION												
BOISE PROJECT BOARD OF CONTROL	63-33251	03-33251	INDIAN CREEK	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
BOISE PROJECT BOARD OF CONTROL	63-33553	03-33553	TEN MILE CREEK	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
ESTATE OF REX S. JENSEN; MC DONOUGH, MARK A.; MILLAR, BRUCE	63-35977	03-35977	GROUND WATER	POU	IRRIGATION												
CANYON COUNTY LANDS/ESTATES; ESTATE OF REX S. JENSEN; EVANS, MARION E.; EVANS, REX E.; MILLAR, CHANN, JACQIN, CHANN, JESSE, CHANN, VANESSA; ESTATE OF REX S. JENSEN; HARRISON, GEORGE; MILLAR, B	63-35978	03-35978	GROUND WATER	POU	IRRIGATION												
BARKER ROSHOLT & SIMPSON LLP	63-372	03-372	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
UNITED STATES OF AMERICA ACTING THROUGH	63-373A	03-373A	BOISE RIVER	POU	IRRIGATION	X	X	X	X	X	X	X	X	X	X	X	
ESTATE OF REX S. JENSEN; MC DONOUGH, MARK A.; MILLAR, BRUCE	63-371560	03-371560	GROUND WATER	POU	IRRIGATION												

Shearer, Justin

From: Hal Anderson <hal@idahowaterengineering.com>
Sent: Saturday, January 27, 2018 10:49 AM
To: Shearer, Justin
Cc: 'Mark McDonough'
Subject: RE: McDonough Transfer 81874
Attachments: Lewis Lane Deed 3.pdf; Lewis Lane Deed 1.PDF; Lewis Lane Deed 2.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Justin,

Sorry, this has taken so long but my client, just got back to Boise recently. Attached you will find copies of the Deeds documenting that the water rights were excluded from the land purchase. Note that the property sold from the Northwest corner was actually 2 parcels at about 2.5 acres each, Deeds 1&2, and the property in the Southeast corner is recorded on Deed 3. Let me know if you have further questions. –Hal

Hal N. Anderson

Managing Partner
Idaho Water Engineering
2918 N. El Rancho Place, Boise ID. 83704
Website: www.idahowaterengineering.com
e-mail: hal@idahowaterengineering.com
Office: (208) 378-1513
Cell: (208) 830-5525

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From: Shearer, Justin [<mailto:Justin.Shearer@idwr.idaho.gov>]
Sent: Thursday, December 21, 2017 3:21 PM
To: Hal Anderson <hal@idahowaterengineering.com>
Subject: RE: McDonough Transfer 81874

Thanks Hal,

Yes I have the map. However, upon further examination of the application it looks like there are some amendments/additional information needed. I have attached the full Transfer Application for your reference.

Firstly, page 3, as I understand the proposed transfer, is correct. Thus, assuming the acreage of 95.65 listed on page 3 is correct, would make the acreage numbers on page 9 incorrect. Page 9, or part 2B should describe the portion being changed from the water rights as they appear before the requested changes. In other words, 2B should describe the acreage being removed or taken off of the 2 rights as we consolidate. This should be amended.

Secondly, because the water rights are not conveyed in the bill of sale and are being consolidated to less acreage we would need to confirm and document (copies of those deeds from McDonough to Current Owners) that the water rights are not being conveyed in the sale of the 2 lots as part of the "Authority to File" documentation for the transfer.

Please provide the requested amendments (with applicant's initials) and copies of the deeds showing portions of water rights being withheld at your earliest convenience. Feel free to let me know if you have any questions in regards to this matter.

Thanks,

Justin Shearer
Idaho Department of Water Resources
Water Resource Agent
(208) 334-2190
justin.shearer@idwr.idaho.gov

From: Hal Anderson [<mailto:hal@idahowaterengineering.com>]
Sent: Thursday, December 21, 2017 11:13 AM
To: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Subject: RE: McDonough Transfer 81874

Justin,
Here you go. I assume the map and everything else got printed correctly. –Hal

Hal N. Anderson

Managing Partner
Idaho Water Engineering
2918 N. El Rancho Place, Boise ID. 83704
Website: www.idahowaterengineering.com
e-mail: hal@idahowaterengineering.com
Office: (208) 378-1513
Cell: (208) 830-5525

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From: Shearer, Justin [<mailto:Justin.Shearer@idwr.idaho.gov>]
Sent: Wednesday, December 20, 2017 4:32 PM
To: hal@idahowaterengineering.com
Subject: McDonough Transfer 81874

Good evening Hal,

I am in the early stages of processing transfer 81874 for McDonough and I noticed that page 6 of the transfer application was not included. Please complete the attached pg 6 of the application and send back to me at your earliest convenience.

Let me know if you have any questions or concerns in regards to this matter.

Thanks,

Justin Shearer
Idaho Department of Water Resources

Water Resource Agent
(208) 334-2190
justin.shearer@idwr.idaho.gov