

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 03 2018

OF DIVERSION

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)** Lita W. West, trustee of the Lita W. West Living Trust Phone 208-481-1411

2. MAILING ADDRESS Post Office Box 1930 City Jacksonville

State OR Zip 97530 Email lita.w.west@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) 34-14020

- ☒ 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 2.4 cfs cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump in Back Channel of Big Lost River to open ditches for flood irrigation

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

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

- c. 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.

Lita W. West
Signature of applicant or authorized agent

Lita W. West, Trustee
Print name and title if applicable

July 25, 2018
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 660.00 Date 8-3-2018

Received by JS Receipt # E044257

Preliminary review by Ownership Date _____

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
Water Right Report

7/24/2018

WATER RIGHT NO. 34-14020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LITA WEST PO BOX 1930 JACKSONVILLE, OR 97530 2084811411
Original Owner	HERB WHITWORTH JR 5425 HWY 93 MACKAY, ID 83251 2085882820

Priority Date: 04/15/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	2.4 CFS	
Total Diversion			2.4 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SESWSE|Sec. 32|Township 09N|Range 22E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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08N

22E

2

NWSW 20

NESE 32

NWSE 35

Total Acres: 87

Conditions of Approval:

1. 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.
2. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
3. WATER IS DELIVERED THROUGH LONGHURST CANAL. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00759, 34-00761 AND 34-00762.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

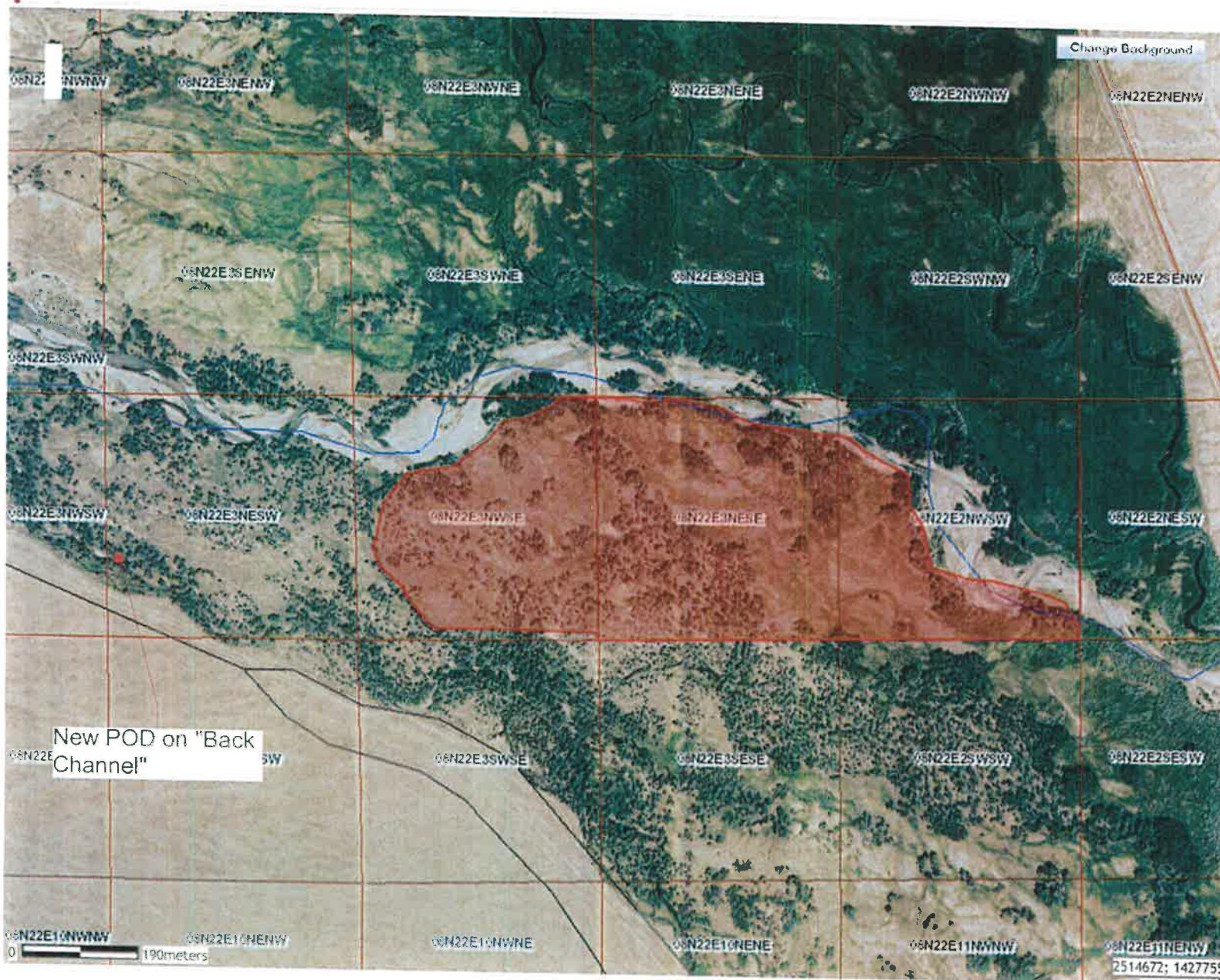
Close

82596

LITA W. WEST LIVING TRUST

34-14020 APPLICATION DOR TRANSFER - POINT OF DIVERSION

[Home](#)
[Contact Us](#)



- Change Background

Layers

Legend
- Layers

☐ Base Map
 ☐ Major Roads
 ☒ Streets
 ☒ Cities
 ☐ Counties
 ☒ Townships
 ☒ Sections
 ☒ PLSQQ
 ☐ Water
 ☒ Major Rivers
 ☐ Minimum Stream Flow Points
 ☐ Minimum Stream Flow
 ☐ Minimum Lake Level
 ☐ Wells
 ☐ Point of Diversion
 ☐ POD - Adjudication Claims
 ☐ POD - Adjudication Recommendations
 ☐ POD - Permits
 ☐ POD - Water Rights
 ☐ Place of Use
 ☐ POU - Adjudication Claims
 ☐ POU - Adjudication Recommendations
 ☐ POU - Permits
 ☐ POU - Water Rights
 ☐ Ground Water
 ☐ Eastern Snake Plain Aquifer

SELECT ACTIVE LAYER

POU - Water Rights

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

253234
Custer County Req. of
Speck & Associates
Time 10:56 AM Date 5/2, 2017
Lura H. Baker, Clerk
Caryn Cushman \$19.00
Deputy

(Space above line for Recorder's use)

QUITCLAIM DEED

FOR VALUE RECEIVED, LITA WEST, an unmarried woman, whose address is P.O. Box 1930, Jacksonville, Oregon 97530 ("Grantor"), hereby releases and quitclaims to LITA W. WEST, Trustee of the LITA W. WEST LIVING TRUST UTA dated April 3, 2017, whose address is P.O. Box 1930, Jacksonville, Oregon 97530 ("Grantee"), all right, title and interest which Grantor now has or may hereafter acquire in that certain real property situated in Custer County, Idaho and described in Exhibit A attached hereto and incorporated herein by reference;

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto Grantee, and to it heirs and assigns forever.

This Quitclaim Deed may be executed in one or more counterparts, all of which together shall constitute one and the same Quitclaim Deed.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed as of the dates set forth below.

"GRANTOR"

Date: April 21, 2017

Lita W. West
LITA W. WEST



QUITCLAIM DEED - 1

253284

STATE OF OREGON)
) ss.
County of Jackson)

On this 21st day of April, 2017, before me, the undersigned notary public in and for said state, personally appeared LITA WEST known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Wendy Loraine Feeley
Notary Public for Oregon
Residing at: Central Point, OR
Comm. Expires May 17, 2019

STATE

County



QUITCLAIM DEED - 2

82596

LEGAL DESCRIPTION

EXHIBIT "A"

PART SECTIONS 2, 3 and 4 TOWNSHIP 8 NORTH RANGE 22 EAST B.M. CUSTER
COUNTY, IDAHO DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SECTION 3; THENCE N. $00^{\circ} 32' 12''$ W. 1313.40 FEET ALONG THE EAST LINE OF SECTION 3 TO THE SE CORNER OF THE NE $1/4$ SE $1/4$, AND THE POINT OF BEGINNING. THENCE S. $88^{\circ} 58' 32''$ W. 2590.53 FEET TO THE SW CORNER OF THE NW $1/4$ SE $1/4$; THENCE S. $89^{\circ} 47' 27''$ W. 1345.10 FEET TO THE SW CORNER OF THE NE $1/4$ SW $1/4$; THENCE N. $00^{\circ} 52' 37''$ W. 1322.71 FEET TO THE NW CORNER OF THE NE $1/4$ SW $1/4$; THENCE S. $89^{\circ} 23' 23''$ W. 1336.57 FEET TO THE WEST $1/4$ CORNER OF SECTION 3; THENCE IN SECTION 4 S. $89^{\circ} 53' 36''$ W. 1324.92 FEET TO THE SW CORNER OF THE SE $1/4$ NE $1/4$; THENCE N. $00^{\circ} 36' 11''$ W. 809.88 FEET ALONG THE WEST LINE OF THE SE $1/4$ NE $1/4$ TO THE CENTERLINE OF THE BIG LOST RIVER; THENCE ALONG SAID CENTERLINE THE FOLLOWING (9) NINE COURSES (1) S. $88^{\circ} 06' 08''$ E. 454.07 FEET; THENCE (2) N. $66^{\circ} 12' 34''$ E. 333.45 FEET; THENCE (3) S. $83^{\circ} 10' 56''$ E. 910.31 FEET; THENCE (4) S. $46^{\circ} 50' 34''$ E. 233.31 FEET; THENCE (5) S. $33^{\circ} 32' 56''$ E. 293.63 FEET; THENCE (6) S. $66^{\circ} 37' 39''$ E. 200.83 FEET; THENCE (7) S. $83^{\circ} 09' 37''$ E. 298.09 FEET; THENCE (8) S. $69^{\circ} 07' 56''$ E. 333.37 FEET; THENCE (9) S. $61^{\circ} 25' 38''$ E. 338.50 FEET TO A POINT ON THE NORTH LINE OF THE NE $1/4$ SW $1/4$ OF SECTION 3; THENCE N. $89^{\circ} 23' 23''$ E. 144.24 FEET ALONG SAID NORTH LINE TO THE NORTH BANK OF THE BIG LOST RIVER; THENCE ALONG SAID NORTH BANK THE FOLLOWING (14) FOURTEEN COURSES; THENCE (1) S. $47^{\circ} 29' 18''$ E. 38.44 FEET; THENCE (2) S. $71^{\circ} 55' 12''$ E. 51.31 FEET; THENCE (3) S. $89^{\circ} 10' 05''$ E. 200.14 FEET; THENCE (4) S. $76^{\circ} 11' 19''$ E. 107.93 FEET; THENCE (5) N. $81^{\circ} 24' 52''$ E. 81.73 FEET; THENCE (6) S. $68^{\circ} 52' 43''$ E. 131.84 FEET; THENCE (7) S. $48^{\circ} 25' 07''$ E. 70.67 FEET; THENCE (8) S. $73^{\circ} 22' 46''$ E. 207.70 FEET; THENCE (9) N. $85^{\circ} 52' 09''$ E. 169.20 FEET; THENCE (10) N. $84^{\circ} 58' 55''$ E. 110.90 FEET; THENCE (11) N. $69^{\circ} 22' 23''$ E. 91.72 FEET; THENCE (12) N. $55^{\circ} 50' 45''$ E. 158.49 FEET; THENCE (13) N. $46^{\circ} 57' 54''$ E. 50.22 FEET; THENCE (14) N. $29^{\circ} 27' 21''$ E. 57.01 FEET TO A POINT ON THE NORTH LINE OF THE NW $1/4$ SE $1/4$ OF SECTION 3; THENCE N. $89^{\circ} 23' 23''$ E. 242.65 FEET ALONG SAID NORTH LINE TO THE SOUTH BANK OF THE BIG LOST RIVER; THENCE ALONG SAID SOUTH BANK THE FOLLOWING (5) FIVE COURSES; THENCE (1) N. $41^{\circ} 05' 05''$ E. 30.75 FEET; THENCE (2) N. $46^{\circ} 45' 26''$ E. 87.06 FEET; THENCE (3) N. $71^{\circ} 01' 12''$ E. 21.64 FEET; THENCE (4) S. $81^{\circ} 59' 17''$ E. 169.24 FEET; THENCE (5) S. $62^{\circ} 48' 31''$ E. 135.87 FEET TO A POINT ON THE NORTH LINE OF THE NW $1/4$ SE $1/4$ SECTION 3; THENCE N. $89^{\circ} 23' 23''$ E. 1139.38 FEET ALONG THE NORTH LINE OF THE SOUTH $1/2$ OF SECTION 3 TO THE CENTERLINE OF THE BIG LOST RIVER; THENCE ALONG SAID CENTERLINE THE FOLLOWING (13) THIRTEEN COURSES (1) S. $53^{\circ} 41' 05''$ E. 264.08 FEET TO A POINT ON THE EAST LINE OF SECTION 3; THENCE IN SECTION 2 (2) S. $53^{\circ} 41' 05''$ E. 44.90 FEET; THENCE (3) S. $57^{\circ} 42' 52''$ E. 114.11 FEET; THENCE (4) S. $65^{\circ} 03' 24''$ E. 477.30 FEET; THENCE (5) S. $62^{\circ} 05' 18''$ E. 110.29 FEET; THENCE (6) S. $46^{\circ} 44' 55''$ E. 140.31 FEET; THENCE (7) S. $00^{\circ} 38' 17''$ W. 258.98 FEET; THENCE (8) S. $30^{\circ} 49' 19''$ E. 106.19 FEET; THENCE (9) S. $39^{\circ} 19' 46''$ E. 101.11 FEET; THENCE (10) N. $69^{\circ} 22' 43''$ E. 108.83 FEET; THENCE (11) N. $79^{\circ} 00' 12''$ E. 102.86 FEET; THENCE (12) S. $82^{\circ} 22' 16''$ E.

253234

158.27 FEET; THENCE (13) S. 60° 15' 05" E. 83.13 FEET TO A POINT ON THE EAST LINE OF THE NW1/4SW1/4 SECTION 2; THENCE S. 00° 28' 17" E. 258.02 FEET TO THE SE CORNER OF SAID NW1/4SW1/4; THENCE S. 88° 47' 46" W. 1304.16 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ANY AND ALL WATER RIGHTS APPURTANENT THERETO INCLUDING BUT NOT LIMITED TO WATER RIGHT NO. 34-14020.

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED
AUG 03 2018
Department of Water Resources
Eastern Region
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

July 30, 2018

Idaho Department of Water Rights
Eastern Division
900 N Skyline Dr # A
Idaho Falls, ID 83402

Attention: Sharla Cox

**RE: *Application for Transfer of Water Right - Point(s) of Diversion
Lita West , No. 34-14020***

Dear Sharla:

Enclosed you will find the original and one copy of the *Application for Transfer of Water Right - Point(s) of Diversion* for water right 34-14020. The applicant is Lita W. West, trustee of the Lita W. West Living Trust. The current record owner of the water right is Lita West and the application includes a copy of the Quitclaim Deed from Ms. West to the Trust.

We have also enclosed our check payable to the Department in the amount of \$685.00 to cover the transfer application fee and the change of ownership for the water right.

Please contact me right away if you have any questions or concerns about the Application. If not, kindly receipt date stamp the enclosed copy of the Application and return it to me in the postage prepaid self-addressed envelope I have included for that purpose.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

Enclosure

cc: Ms. Lita West
Mark Brown