

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:

Well and pump to sprinklers. Flow meter can be installed if necessary.

- 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:

Neither we nor the previous owners have had legal access to the well, and the infrastructure needed to water the subdivision has been removed.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer_Application/Layouts provides a satisfactory template for creating the required map.

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.

Sharon Drton
Signature of applicant or authorized agent

Sharon Drton
Print name and title if applicable

6-30-18
Date

Delbert Drton
Signature of applicant or authorized agent

DELBERT DRTON
Print name and title if applicable

6/30/18
Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is 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 MH

Date 7/2/18

Fee paid \$200 Date 6/27/18

Received by SC

Receipt # E044139

Preliminary review by MH

Date 7/2/18

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)

Page _____ of _____

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

Current Water Right No.: 34-13913

Current Owner: CLAY T GUSTIN
PAULA JEAN KIENBAUM
Priority Date: 12/17/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.11 CFS	20 AF
	<u>Total Diversion</u>	0.11 CFS	20 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NE1/4SW1/4 Sec. 31, Twp 07N, Rge 25E B.M.
CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T07N R25E S31 NESW 5.70
Total Acres: 5.7

Conditions of Approval:

1. M03 A totalizing measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
2. X60 Place of use is located within Lot 7, Block 1, Crows Nest Estates Subdivision.
3. Authorized diversion rate = 0.114 cfs.
4. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 8/14/2002

State of Idaho
Department of Water Resources

Water Right
34-13913

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

25E



X PROPOSED POINT OF DIVERSION

● CURRENT
Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

□ Quarter Quarters

0 0.035 0.07 0.14 Miles



Map produced on June 27, 2018

82485

RECEIVED

JUN 25 2018

Form 42-248/42-1409(6) Rev. 1/15

Department of Water Resources
Eastern Region

RECEIVED

JUN 08 2018

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
34-189-1304	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: CLAY T GUSTIN & PAULA JEAN KIENBAUM
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): DEL ORTON OR SHARON ORTON
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☒ or ☐ and/or
- 595 E 925 N FIRTH ID 83236
Mailing address City State ZIP
- 208-251-3103 DEL ORTON 2163 HOTMAIL.COM
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ 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.
5. Date you acquired the water rights and/or claims listed above: 5-31-2018
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Del Orton 6-8-2018
Signature of new owner/claimant Title, if applicable Date
- Signature: Sharon Orton 6.8.18
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 6-8-2018 Receipt No. E044086 Receipt Amt. \$25.00

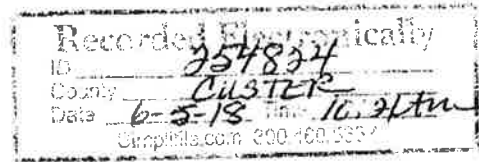
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

82485

RECORDING REQUESTED BY
First American Title Company

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



Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **682339-B (Id)**

Date: **May 29, 2018**

For Value Received, **Clay T. Gustin and Paula Jean Gustin, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Sharon J. Orton and Del Orton, husband and wife**, hereinafter called the Grantee, whose current address is **595 East 925 North, Firth, ID 83236**, the following described premises, situated in **Custer County, Idaho**, to-wit:

Lot 7, Block 1, Crows Nest Estates, Custer County, Idaho, as shown on the plat recorded October 15, 1991, as Instrument No. 200401.

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

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

Date: 05/23/2018

Warranty Deed
- continued

File No.: 682339-B (1d)

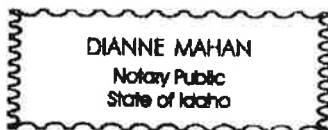
Clay T. Gustin
Clay T. Gustin

Paula Jean Gustin
Paula Jean Gustin

Notarize

STATE OF Idaho)
COUNTY OF Idaho) ss.

On this 30th day of May, 2018, before me, a Notary Public in and for said State, personally appeared **Clay T. Gustin and Paula Jean Gustin**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Dianne Mahan
Notary Public for the State of Idaho
Residing at: Hayden
My Commission Expires: 6-3-2020