

82458

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

JUN 19 2018

Department of Water Resources
Eastern Region

Name of Applicant(s) Vicki Dunn Phone 208-867-6066
Mailing address 5481 N 5780 W Mackay, ID 83251 Email vickidunn49@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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

Vicki Dunn
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

06/19/18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Ownership change
2. 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**.

Changing the point of diversion to the applicants property, and updating ownership for the proportionate share of the irrigation portion of the right.

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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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	34-7187	0.15 cfs	Irrigation	4/01 to 11/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.15 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.15 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 #
Yes			SW	NW	33	09N	22E	Custer	Ground water	

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	
Total Acres (for irrigation use)																			

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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:

Spinkier to Water pastur

- 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. 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: _____

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:
No effect to irrigated land.

- 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:

Right 34-7187 has a stockwater portion that will not be effected by this ownership change/transfer.

- 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:

6/20/2018

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DICKEY LIVESTOCK INC 5915 HWY 93 MACKAY, ID 83251 (208) 588-2267

Status: Active

Tributary

GROUND WATER NWSWNW Sec. 33, Twp 09N, Rge 22E, CUSTER County

[illegible]

82458

IDAHO DEPARTMENT OF WATER RESOURCES

6/20/2018

Proof Report

3. USE OF THIS RIGHT WITH RIGHT NOS. 34-00156, 34-00566, 34-00567 AND 34-00568 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 430 ACRES IN A SINGLE IRRIGATION SEASON.
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. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. STOCKWATER, 500 RANGE CATTLE

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
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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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by SC Date 6/19/18 Preliminary check by _____ Date _____

Fee paid 300.00 Date 6/19/18 Received by SL Receipt # ED44121

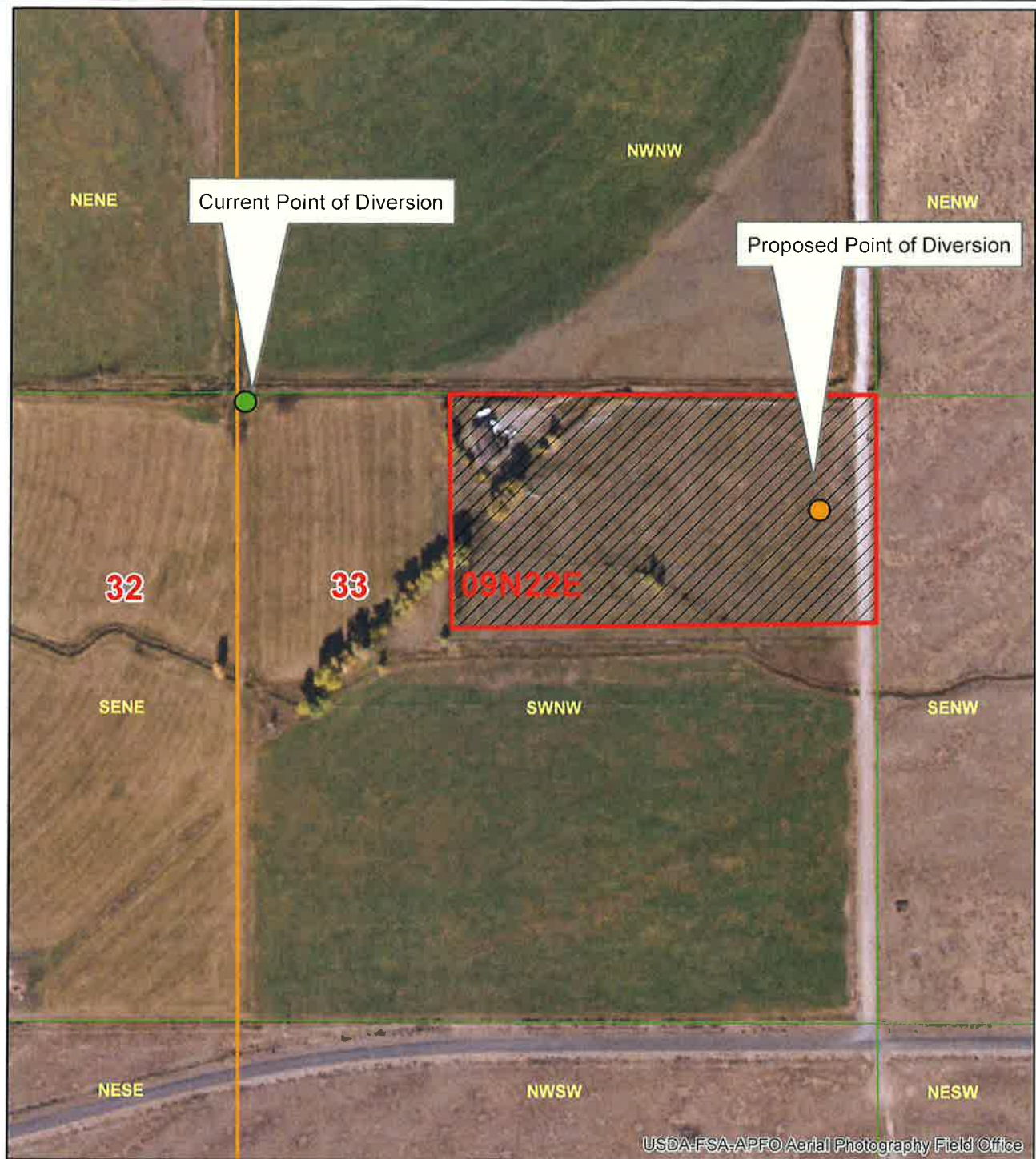
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

Page 6

8 2 4 5 8

Fee paid 300⁰⁰
Add'l fee paid _____
Check all that apply: Attachment W
\$200 - transfer
\$100 - c/o.



-  Dunn_Place_of_Use_Post-Split
-  Township/Range
-  Sections
-  QQ

0 155 310 620 Feet

1 inch = 321 feet



WARRANTY DEED

FOR VALUE RECEIVED, DICKEY LIVESTOCK, INC., an Idaho Corporation, by MARGERY C. FULTON SMITH, President, Grantor, does hereby Grant, Bargain, Sell and Convey unto VICKI DUNN, a widow, the Grantee, whose current address is 5481 N. 5780 W., Mackay, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land situated in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 33, Township 9 North, Range 22 East, Boise Meridian, Custer County, Idaho.

Commencing at the Northwest corner of Section 33, thence North $89^{\circ}28'01''$ East 1338.89 feet to the North $\frac{1}{16}$ of the NW $\frac{1}{4}$; thence $0^{\circ}44'49''$ East 1304.76 feet along the East line of the NW $\frac{1}{4}$ to the TRUE POINT OF BEGINNING; thence South $89^{\circ}15'11''$ West 905.00 feet to a point; thence South $0^{\circ}44'49''$ East 495.00 feet to a point; thence North $89^{\circ}15'11''$ East 905.00 feet to a point; thence North $0^{\circ}44'49''$ West 495.00 feet along the East line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the POINT OF BEGINNING.

TOGETHER WITH AN Easement for vehicular, pedestrian and other reasonable ingress and egress along the existing roadway adjacent to and immediately North of the North boundary of the described parcel. The easement shall be 30 feet in width, private in nature and not for public use, but shall be perpetual, run with the land, and used in common with Grantor or other succeeding owners of the lands surrounding Grantee's parcel.

SUBJECT HOWEVER TO Agreement for electric service dated June 14, 1993, by and between Lost River Electric Co-op Inc., and Dickey Livestock, Inc., recorded March 25, 1994 as Instrument No. 206103, records of Custer County, Idaho.

ALSO SUBJECT TO Agreement for electric service dated June 14, 1993, by and between Lost River Electric Co-op, Inc., and Dickey Livestock, Inc., recorded March 25, 1994 as Instrument No. 206104, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, her successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the

records of Custer County, Idaho, and that it will warrant and defend the same from all lawful claims whatsoever.

Dated: 7-21-97

DICKEY LIVESTOCK, INC.,
an Idaho Corporation



Margery C. Fulton
by: Margery C. Fulton ~~Smith~~,
President

STATE OF IDAHO)
County of Custer) : ss.
On this 21 day of
July, 1997, before
me, a Notary Public, per-
sonally appeared MARGERY C.
FULTON ~~SMITH~~, President of
DICKEY LIVESTOCK, INC., an
Idaho Corporation, known or
identified to me to be
the person whose name is
subscribed to the within
instrument and acknowledged
to me that she executed
the same.

Patsy Kindt
Notary Public for Idaho
Residing at Challis
Commission Expires 3/12/98

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of Custer County Title
at 30 minutes past 2
o'clock P.M., this 21st day of
July, 1997, in my office,
and duly recorded as Instrument
No. _____.

Ethel M. Peck

Ex-Officio Recorder

BY *Wanda J. Murphy*
Deputy

Fee: \$6⁰⁰
Mail to: