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MAR 27 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)

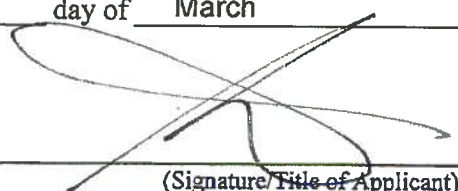
I/We, Michael E. Willard and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

(Applicant's Printed Name) and _____,
(Applicant's Printed Name)

my
hereby withdraw ~~our~~ Application for Transfer No. 82198 of Water Right

No(s). 37-4K, 37-577CK & 37-7958

Signed this 27 day of March, 20 18.



(Signature/Title of Applicant)

MICHAEL E WILLARD
PO BOX 722
HAILEY ID 83333

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

FEB 26 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82198**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Michael E. WillardCheck 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: Copies of recorded plat for Lot 1B, Block 1 Llama Ranch Subdivision & Revised T.L. 8133 and Recreational Pathway Agreement between Applicant and Blaine County Recreation District

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Michael E. Willard Phone 1 (949) 422-9742Mailing address PO Box 722, Hailey, ID 83333 Email mike@ewillard.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 RepresentativeName of Representative James P. Speck Phone (208) 726-4421Mailing address Speck & Aanestad, A Professional Corp., Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.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.

Signature of Applicant or Authorized Representative

Michael E. Willard

Print Name and Title if applicable

Date

2-22-18

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 _____

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**.

Applicant desires to reduce the irrigation place of use for the transferred water rights to Revised T.L. 8133 plus portions of the adjoining right-of-way pursuant to a Recreational Pathway Agreement. Copies of the plat and Agreement are included as Attachment 10.

WITHDRAWN

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	37-4K	0.13/20.8	irrigation	Apr. 15 to Oct. 31	Big Wood R. & Malad R.
☐ ☒	37-577CK	0.05/2.1	irrigation	Apr. 15 to Oct. 15	Big Wood R. & Malad R.
☒ ☐	37-7958	0.05/4.5	irrigation	Apr. 1 to Nov. 1	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.23 cfs and/or 27.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.23 cubic feet per second and/or 27.4 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.)

The rights are limited to irrigating a total of 4.1A (37-4K - 2.0A, 37-577CK - 0.6A & 37-7958 - 1.5A) within the place of use below.

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	
3N	18E	29				2.5									3.4				5.9
Total Acres (for irrigation use)																			5.9

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:
37-4K & 37-577CK delivered from River through Hiawatha Canal - the headgate has a measuring device &
lockable controlling works. Well for 37-7958 pumps into pond where commingled with river water & then
pumped into underground residential irrigation system. Well has Watermaster approved flow meter.

- b. Who owns the property at the point(s) of diversion? 37-7958 - Applicant; Other rights - Hiawatha Canal Co.
 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:
Only 0.5A will continue to be irrigated on Lot 1B, Llama Ranch Subdivision.

- 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:
37-8666 provides in house domestic water only to the home on Lot 1B, Llama Ranch Subdivision

- 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:

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

Current Water Right No.: 37-4K

Current Owner: MICHAEL E WILLARD

Priority Date: 3/24/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Total Diversion

Diversion Rate

0.13 CFS

0.13 CFS

Annual Volume

20.8 AF

20.8 AF

Location of Point(s) of Diversion

BIG WOOD RIVER

BLAINE County

SW1/4NW1/4

Sec. 20, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S29

SENE

1.00

T03N R18E S29

NESE

7.90

Total Acres: 8.9

Conditions of Approval:

1. E56 Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
2. T08 Failure of the right holder to comply with the conditions of Transfer No. 68560 is cause for the Director to rescind approval of the transfer.
3. The portion of Right 37-4G in excess of Right 37-4J and 37-4K in the amount of 0.05 cfs shall be considered abandoned through approval of Transfer No. 68560.
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. X57 Approval of Transfer No. 68560 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. X56 The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and redirection of water from the Hiawatha Canal shall not exceed 0.09 cfs and 20.8 af.
7. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. K06 This right is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season.

Decreed Date: 5/31/2011

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

Current Water Right No.: 37-577CK

Current Owner: MICHAEL E WILLARD

Priority Date: 3/24/1883

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	3.9 AF
IRRIGATION STORAGE	01/01 to 12/31		1.4 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		1.4 AF
RECREATION STORAGE	01/01 to 12/31		1.4 AF
AESTHETIC STORAGE	01/01 to 12/31		1.4 AF
DIVERSION TO STORAGE	04/15 to 10/15	0.1 CFS	
<u>Total Diversion</u>		0.1 CFS	5.3 AF

Location of Point(s) of Diversion

BIG WOOD RIVER
BLAINE County

SW1/4NW1/4 Sec. 20, Twp 03N, Rge 18E B.M.

Place of Use

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IRRIGATION Within BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
Total Acres: 8.9					

IRRIGATION STORAGE Within BLAINE County

T03N R18E S29	NESE
---------------	------

IRRIGATION FROM STORAGE Within BLAINE County

T03N R18E S29	SENE	T03N R18E S29	NESE
---------------	------	---------------	------

RECREATION STORAGE Within BLAINE County

T03N R18E S29	NESE
---------------	------

AESTHETIC STORAGE Within BLAINE County

T03N R18E S29	NESE
---------------	------

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

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. The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.
4. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
6. K06 This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.
7. Approval of Transfer No. 5330 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
8. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. T08 Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to rescind approval of the transfer.
10. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.
11. A portion of Right No. 37-577CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.
12. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
13. E56 Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
14. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Decreed Date: 3/30/2011

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

Current Water Right No.: 37-7958

Current Owner: MICHAEL E WILLARD

Priority Date: 12/4/1981

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	0.05 CFS	4.5 AF
	<u>Total Diversion</u>	0.05 CFS	4.5 AF

Location of Point(s) of Diversion

GROUND WATER

BLAINE County

NE1/4SE1/4

Sec. 29, Twp 03N, Rge 18E B.M.

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
Total Acres: 8.9					

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. T08 Failure of the right holder to comply with the conditions of Transfer 5329 is cause for the Director to rescind approval of the transfer.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. E56 Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
5. K06 This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.
6. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. E55 Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
8. 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.
9. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
10. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 5/31/2011

**RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:**

James P. Speck, Esq.
HOGUE, SPECK & AANESTAD
Post Office Box 987
Ketchum, Idaho 83340

403962
Agreement
BLAINE CO. REQUEST
ON: *Hoyner Speck*

'97 JUL 17 AM 11 08

MARY GREEN, CLERK *ms*

(Space above line for Recorder's use)

FEES \$ *2400*

RECREATIONAL PATHWAY AGREEMENT

THIS RECREATIONAL PATHWAY AGREEMENT is made and entered into effective the date of the last signature hereto, by and between the BLAINE COUNTY RECREATION DISTRICT, an Idaho recreation district, whose address is Post Office Box 297, Hailey, Idaho 83333 (hereinafter referred to as the "District"), and MICHAEL WILLARD, a married man, whose address is Post Office Box 722, Hailey, Idaho 83333 (hereinafter referred to as "Willard").

RECITALS

A. Willard is the owner of certain real property in Blaine County, Idaho, the legal description of which is as follows:

SEE EXHIBIT A

(the "Willard Property"). The Willard Property is adjacent to the former Union Pacific Railroad right-of-way now owned by the State of Idaho (the "right-of-way"). Willard has applied to the Idaho Department of Transportation ("IDOT") for an encroachment permit to allow the construction, maintenance and use of an equestrian pathway, landscaping and other improvements within the right-of-way to serve the Willard Property, all as depicted in the site plan attached hereto as Exhibit B and made a part hereof by this reference (the "Plan").

B. The District holds an encroachment permit from IDOT to maintain a public, non-motorized, recreational pathway and other improvements within the right-of-way (the "Pathway"). Blaine County authorizes the District to require and issue permits for the crossing of the Pathway by driveways or utilities. The existing access driveway to the Willard Property, shared with the property immediately adjacent to the south, crosses the Pathway pursuant to a crossing permit issued previously by the District. IDOT requires the approval of the District before it issues the encroachment permit to Willard. The District is willing to grant such approval on the terms and conditions hereinafter set forth.

AGREEMENT

The parties hereto covenant and agree as follows:

1. INCORPORATION OF RECITALS. The Recitals set forth above are an integral part of this Agreement and are fully incorporated herein by this reference.

2. CONSENT OF DISTRICT. The District hereby consents to IDOT issuing its encroachment permit to Willard solely for the construction, use, repair and maintenance of the equestrian pathway, landscaping and other improvements to the right-of-way as depicted in the Plan, and for no other purposes, provided that the continuity of the Pathway for its public, recreational, transportation purposes shall, at all times, be maintained in a safe and reasonable manner.

3. RIGHT-OF-WAY IMPROVEMENTS.

a. Willard shall construct the equestrian pathway, landscaping and other improvements to the right-of-way according to the Plan, and shall complete such construction within two years of the date IDOT issues Willard the encroachment permit.

b. Willard shall be responsible for maintaining and repairing the equestrian pathway, landscaping and other improvements to the right-of-way as depicted in the Plan. Willard shall maintain and repair stop signs for traffic on the existing access driveway on the east side of the Pathway and the west side of the equestrian pathway. Willard shall keep all portions of the right-of-way depicted on the Plan, including, but not limited to, those portions between the Pathway and Buttercup Road, free and clear of all noxious weeds. Willard shall perform such maintenance and repairs in a manner and at such frequency as necessary to keep the Pathway safe for its public, recreational, transportation purposes, and to protect against damage to the Pathway. In the winter, Willard shall maintain on those portions of the Pathway crossed by the existing access driveway a snow surface reasonably consistent with the snow surface maintained by the District on the adjoining portions of the Pathway. Willard shall pay and hold the District harmless from the entire cost of such maintenance and repairs. The provisions of this paragraph are in addition to and supplement provisions of any Crossing Permit which may be issued to Willard for maintenance, repairs and restoration of the Pathway.

c. Willard shall remove the barbed wire fence from the right-of-way as depicted on the Plan within three months of the date IDOT issues Willard the encroachment permit, and clean up all construction and other debris from the right-of-way after completion of construction of the improvements to the right-of-way.

d. The District shall be responsible for maintaining and repairing the Pathway and other improvements or facilities it may construct within the right-of-way adjacent to the Willard Property for the benefit and use of the public. The District shall pay and hold Willard harmless from the entire cost of such construction, maintenance and repairs.

4. CROSSING PERMIT(S). Willard shall, prior to commencement of any construction requiring the crossing of the Pathway by utilities or other improvements, obtain from the District a Crossing Permit (the "Permit") and shall comply with all reasonable terms and conditions of such Permit. Any utility crossings must be bored under the Pathway. Approval and issuance of the Permit(s) shall not be unreasonably withheld by the District. All terms and conditions of such Permit(s) shall be reasonable and incorporated herein by this reference as if fully set forth.

5. NO ADDITIONAL CROSSINGS. Willard agrees, in the event the Willard Property is subdivided, no new driveway crossings of the Pathway shall be constructed or otherwise provided.

6. INDEMNIFICATION. Willard shall indemnify, defend (by counsel reasonably acceptable to the District), protect and hold the District free and harmless from and against any and all claims, liabilities, penalties, forfeitures, losses or expenses (including attorney's fees) for the death of, or injury to, any person, or damage to any property whatsoever, arising from or caused in whole or in part, directly or indirectly, by the use, construction, operation, maintenance or repair of the driveways or utility crossings of the Pathway or any of the other improvements to the right-of-way depicted in the Plan by Willard, his agents, employees, successors or assigns. The District shall indemnify, defend (by counsel reasonably acceptable to Willard), protect and hold Willard free and harmless from and against any and all claims, liabilities, penalties, forfeitures, losses or expenses (including attorney's fees) for the death of, or injury to, any person, or damage to any property whatsoever, arising from or caused in whole or in part, directly or indirectly, by the maintenance or repair of the Pathway by the District, its agents, employees, successors or assigns.

7. DEFAULT REMEDIES. If either party shall fail to perform any term, covenant, or condition of this Agreement following thirty (30) days written notice of default from the other party which shall specify the default, the non-defaulting party shall be entitled to effect such rights and remedies against the defaulting party as are then available under the terms of this Agreement and the laws of the State of Idaho. The remedies provided in this Agreement are cumulative and the exercise of any remedy by a party shall not be exclusive of the right to effect any other remedy allowed that party under the terms of this Agreement or by law or equity.

8. NON-WAIVER. Any delay by a party in enforcing the terms of this Agreement shall not operate to waive or be deemed a waiver of the rights of that party to require full compliance with the Agreement or to thereafter require performance in strict accordance with the terms of this Agreement.

9. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement of the parties with respect to the subject matter hereof, and it shall not be modified or changed other than by written agreement executed by all of the parties.

10. SEVERANCE AND VALIDITY. In the event any provisions of the Agreement or any part thereof shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect, it being agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void, or unenforceable provision or part thereof.

11. NECESSARY ACTS. Each party agrees to perform any further acts and execute any documents that may be reasonably necessary to effect the purpose of this Agreement.

12. ATTORNEY FEES. In the event either party hereto retains an attorney for the purpose of enforcing any right or duty arising out of this Agreement, the non-prevailing party in such dispute shall pay to the prevailing party the latter's reasonable attorneys fees, whether or not litigation is actually instituted.

13. GOVERNING LAW. The validity, meaning and effect of this Agreement shall be determined in accordance with the laws of the State of Idaho.

14. CAPTIONS TO PARAGRAPHS. The captions to the paragraphs of this Agreement are for convenience only and shall not be deemed to enlarge, diminish, explain or in any manner affect the meaning of such paragraphs.

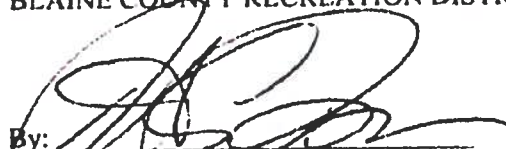
15. BINDING AGREEMENT. This Agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors and assigns of the parties hereto.

16. COVENANTS RUNNING WITH THE LAND. All of the terms, covenants, conditions and restrictions of this Agreement shall run with the Willard Property and shall be binding upon all persons having or acquiring any interest in such real property or any part thereof, shall inure to the benefit of and may be enforced by the District.

IN WITNESS WHEREOF the parties have executed this Agreement on the dates set forth below.

BLAINE COUNTY RECREATION DISTRICT

DATE: 7-15-97

By: 
Robert E. Rosso, President

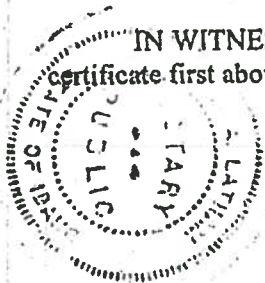
DATE: 6-30-97


MICHAEL WILLARD

STATE OF IDAHO)
) ss.
County of Blaine)

On this 15th day of July, 1997, before me, the undersigned notary public in and for said state, personally appeared ROBERT E. ROSSO, known or identified to me to be the president of the BLAINE COUNTY RECREATION DISTRICT and the person who executed the foregoing instrument on behalf of said recreation district and acknowledged to me that said recreation district executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: Blaine Co.
Commission expires: 1-13-2001

STATE OF IDAHO)
) ss.
County of Blaine)

On this 30th day of June, 1997, before me, the undersigned notary public in and for said state, personally appeared MICHAEL WILLARD, known or identified to me to be the person who subscribed their names to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

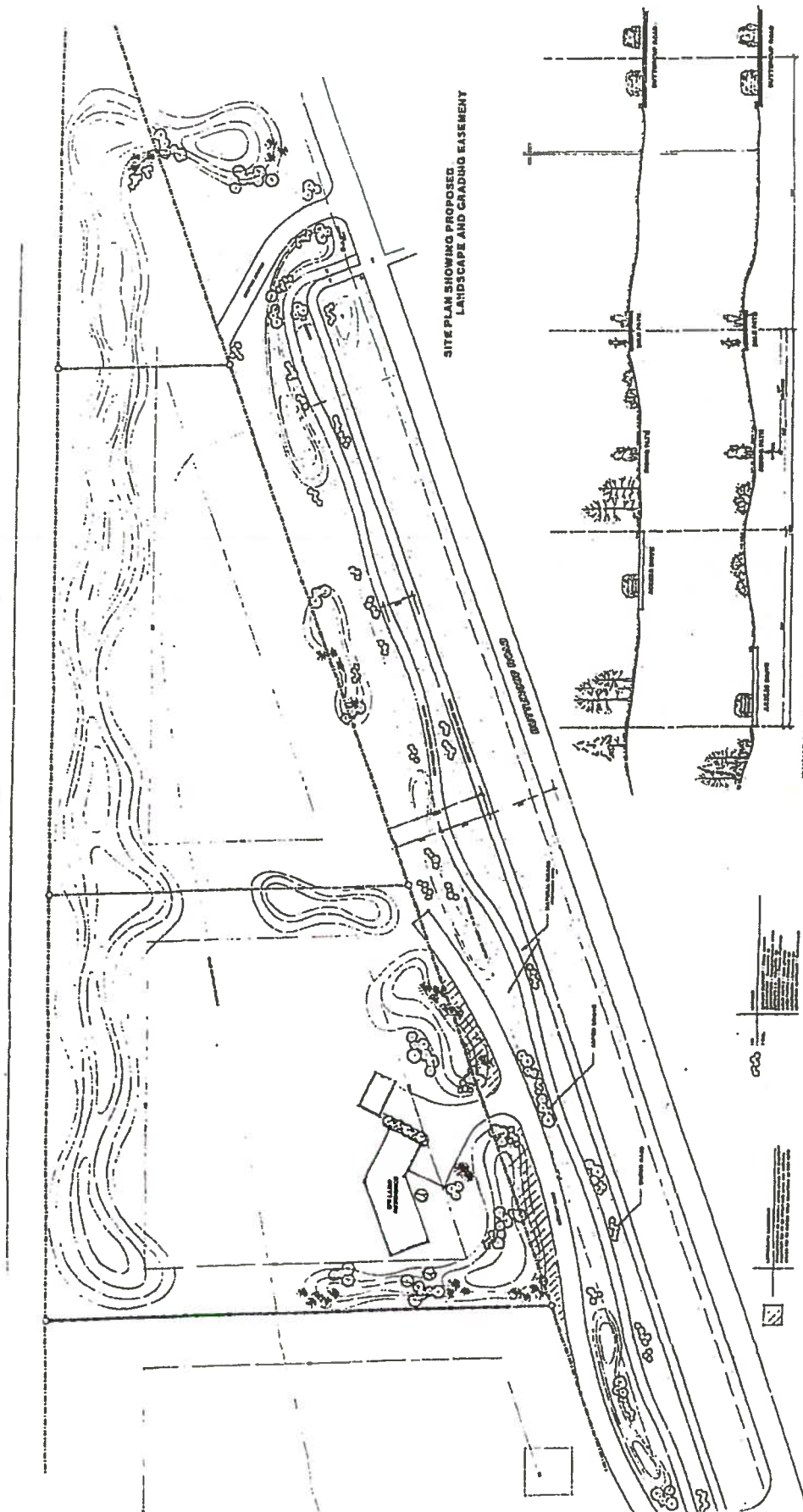


Michele C. Meske
Notary Public for Idaho
Residing at: Ketchum, Idaho
Commission Expires: 16 January 2001

EXHIBIT A

LEGAL DESCRIPTION

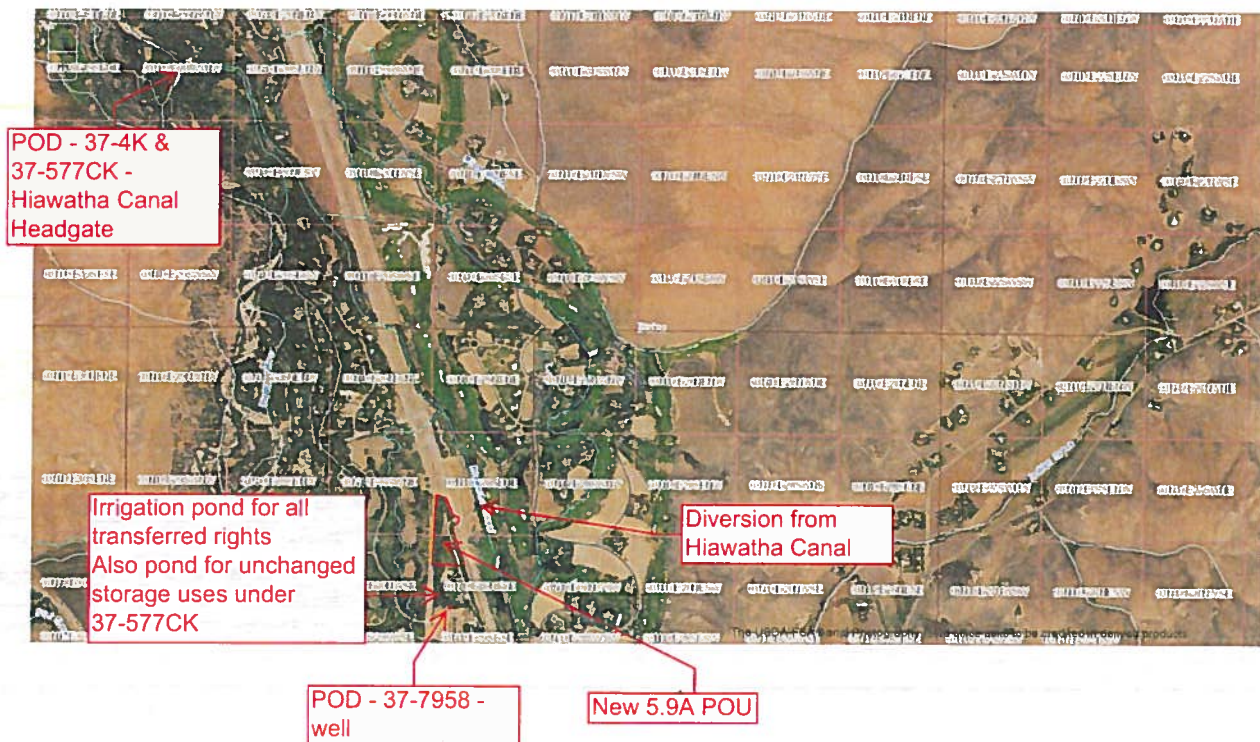
**Lot 1, Block 1, Llana Ranch Subdivision, according to the official plat thereof,
on file in the office of the County Recorder, Blaine County, Idaho**



LLAMA RANCH
BLAINE COUNTY, IDAHO

EXHIBIT B

TYPICAL SECTION



MICHAEL E. WILLARD
APPLICATION FOR TRANSFER
ATTACHMENT 7A

<http://maps.idwr.idaho.gov/map/>

2/21/2018



TRANSFER 82198

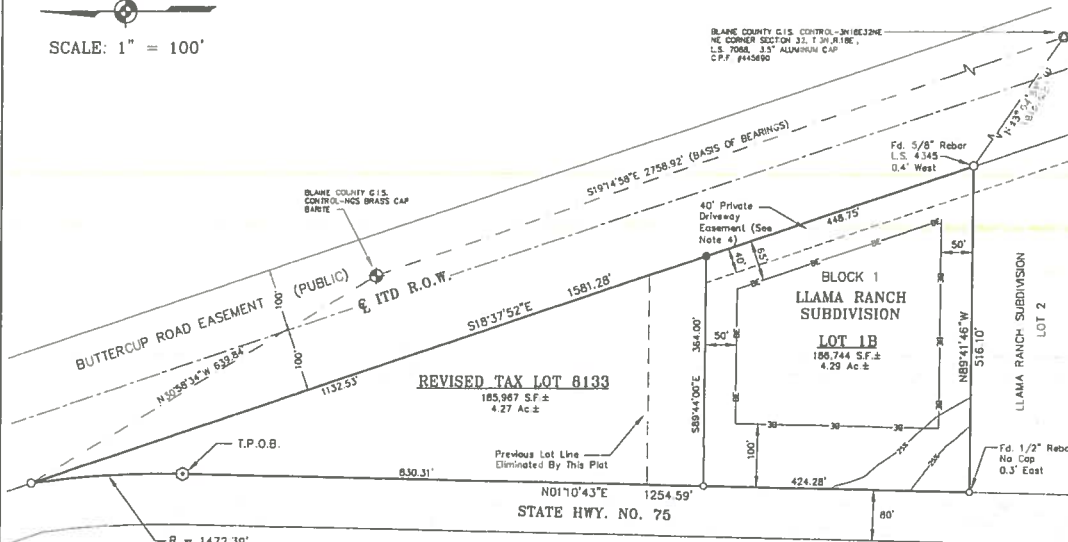
LOT 1B, BLOCK 1, LLAMA RANCH SUBDIVISION & REVISED T. L. 8133
 WHEREIN THE LOT LINE BETWEEN LOT 1A AND T.L. 8133 & BUILDING ENVELOPE ON LOT 1A IS SHIFTED TO THE SOUTH AS SHOWN
 LOCATED WITHIN SECTION 29, T.3N., R.18E., B.M., BLAINE COUNTY, IDAHO

NOVEMBER 2017



LEGEND

- T.P.O.B. True Point of Beginning
- Found Highway Monument
- Found Brass Cap
- Found Aluminum Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar, P.L.S. 13260
- Property Boundary
- Previous Lot Line
- Centerline of Right-of-way
- Building Envelope
- Easement, as Shown
- Survey Tie
- 25% 25% Slope Line per Original Plat of Llama Ranch Subdivision



MICHAEL E. WILLARD
 APPLICATION FOR TRANSFER
 ATTACHMENT 10

R = 1472.39'
 L = 242.08'
 Delta = 09°25'13"
 T = 121.31'
 Chord L = 241.81'
 Chord Brg. = N03°31'53"W

NOTES

- All utilities shall be placed underground.
- A 10 foot public utility easement is reserved centered upon all side & rear lot lines and adjacent to all public rights of way.
- Pursuant to State regulations, maintenance and weed control for all lots are the responsibility of the developer until the lot/block is sold and thereafter the responsibility of the owners of the individual lots/blocks. The control program to be implemented by the responsible party will target those species designated on the Idaho Noxious Weed List. Mowing and manual removal are recommended, although biological control has been shown to be effective in eradicating knapweed.
- The 40 foot wide Private Access Easement shown hereon shall be a one-way easement to provide access from the south in the event that the bike path crossing is moved south. It is not the intent of this easement to provide access to future development to the south.
- This property is subject to restrictions as stated in the Addendum to Purchase and Sale Agreement dated March 9, 1986, recorded under instrument no. 271778, records of Blaine County, Idaho.
- This property is subject to reservations contained in the Patent from the United States to Anna B. Becker, dated February 24, 1900, Book 62 of Patents, Page 4, records of Blaine County, Idaho.
- This property is subject to applicable notes, easements and restrictions shown on the original plat for Llama Ranch Subdivision, recorded on June 18, 1990 as instrument No. 320791, records of Blaine County, Idaho.
- Any future subdivision shall require review by the Blaine County Planning and Zoning Commission, under the applicable ordinances at that time.
- This property is subject to Water Rights #4882, #5329, #5330 & #68560.
- Septic systems shall be built with riser, out-flow filters and drainfield inspection ports on each system.
- All domestic wells in this subdivision shall be metered. Domestic well water shall be limited to use on 1/2 acre.

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date: 11/16/17 [Signature]
 South Central District Health Dept. DHS



BRIAN D. YEAGER, P.L.S. 13260

LOT 1B, BLOCK 1, LLAMA RANCH
 SUBDIVISION & REVISED T. L. 8133
 GALENA ENGINEERING, INC.
 HAILEY, IDAHO
 SHEET 1 OF 2
 Job No. 4649-04

TRANSFER 82198

CERTIFICATE OF OWNERSHIP

This is to certify that the undersigned are the owners in fee simple of the following described parcels of land located within Section 29, T.3N., R.18E., B.M., Blaine County, Idaho:

Lot 1A, Block 1, Llama Ranch Subdivision and Tax Lot 8133, the boundary of which is more particularly described as follows:

Beginning at an I.T.D. highway monument on the easterly right-of-way line of State Highway 75, being the beginning of a curve to the left, and proceeding northerly along said curve, through a central angle of 09°25'13", a radius of 1472.39 feet, on arc length of 242.08 feet, and a chord bearing of North 03°31'53" West, 241.81 feet to the intersection of said easterly right-of-way line and the westerly I.T.D. right-of-way line (formerly the U.P.R.R. right-of-way);

Thence departing said easterly right-of-way line and proceeding South 18°37'52" East, 1,038.24 feet along the westerly I.T.D. right-of-way line to the northeast corner of said Lot 1A, Block 1, Llama Ranch Subdivision;

Thence departing said westerly right-of-way line, North 89°44'00" West, 332.04 feet along the north line of said Lot to its southwest corner and a point on the easterly right-of-way line of State Highway 75;

Thence proceeding North 01°10'43" East, 741.09 feet along said easterly right-of-way line, to the **Point of Beginning**. This parcel contains 3.56 acres (154,910 square feet), more or less.

The easements indicated hereon are not dedicated to the public, but the right to use said easements is hereby reserved for the public utilities and for any other uses indicated hereon and no permanent structures are to be erected within the lines of said easements. We do hereby certify that the individual lots described in this plat will be served by individual wells and not by any water system common to one (1) or more of the lots.

It is the intent of the owners to hereby include said land in this plat.

Michael E. Willard
Owner Tax Lot 8133

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 10th day of JULY, 2017, before me, a Notary Public in and for said State, personally appeared Michael E. Willard, 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.



Kimberlee M. Johnson
Notary Public in and for said State

Residing in HAILEY, IDAHO

My Commission Expires 01/10/23

Michael E. Willard, Trustee, Willard Living Trust, Dated June 5, 1998
Owner Lot 1A Block 1, Llama Ranch Subdivision

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF BLAINE } ss

On this 10th day of JULY, 2017, before me, a Notary Public in and for said State, personally appeared Michael E. Willard, Trustee Under Trust dated June 5, 1998, 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 on behalf of said Trust.

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



Kimberlee M. Johnson
Notary Public in and for said State

Residing in HAILEY, IDAHO

My Commission Expires 01/10/23

SURVEYOR'S CERTIFICATION

I, Brian D. Yeager, a duly licensed Land Surveyor in the State of Idaho, do hereby certify that the foregoing plat is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.

Brian D. Yeager, P.L.S. 13260



BLAINE COUNTY SURVEYOR'S APPROVAL

I, Sam Young, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Sam Young
Blaine County Surveyor

BLAINE COUNTY PLANNING AND ZONING APPROVAL

The foregoing plat was approved by the Blaine County Planning and Zoning Administrator on this 17th day of JULY, 2017.

Sam Young
Administrator

BLAINE COUNTY COMMISSIONERS APPROVAL

The foregoing plat was approved by the Blaine County Board of Commissioners on this 19th day of JULY, 2017.

Sam Young
Chairman

BLAINE COUNTY TREASURER'S APPROVAL

I, the undersigned County Treasurer in and for Blaine County, State of Idaho per the requirements of Idaho Code 50-1308, do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Sam Young
Blaine County Treasurer

11-20-2017
Date

BLAINE COUNTY RECORDER'S CERTIFICATE

Instrument # 645420
HAILEY, BLAINE, IDAHO
12-1-2017 01:03:22 PM No. of Pages: 2
Recorded by: GALENA ENGINEERING, INC.
JULY 10 2017
E. County Recorder's Office
Blaine, IDAHO

LOT 1A, BLOCK 1, LLAMA RANCH
SUBDIVISION & REVISED T. L. 8133
GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 2 OF 2

Job No. 4549-04

MEMORANDUM

TO: Sascha Marston
FROM: Jim Bitzenburg / Denise Maline 
DATE: March 27, 2018
RE : Refund of fees for Application for Transfer 82198

On February 26, 2018, Speck & Aanestad (attorneys) paid \$500.00 for an application for transfer (S036606). On March 27, 2018, the application was withdrawn; therefore will not be processed.

Please issue a refund in the amount of \$500.00 to:

SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340
(208) 726-4421

RECEIPT #

S036606, copy attached

Copy: transfer 82198



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 27, 2018

MICHAEL E WILLARD
PO BOX 722
HAILEY ID 83333

Re: Withdrawal of Application for Transfer No. 82198
Water Right No. 37-4K, 37-577CK, 37-7958

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application for transfer. No further action is required and the matter is now closed.

Please note, a refund request in the amount of \$500.00 has been submitted for processing. Upon approval, the refund will be sent to Speck & Aanestad, as they paid the filing fee on February 26, 2018.

Please contact our office at 208-736-3033 if you have additional questions on this matter. Also, more information about water rights and other matters administered by this agency is available on our website at www.idwr.idaho.gov.

Sincerely,


Denise Maline
Administrative Assistant
Southern Region

cc: Speck & Aanestad

Bitzenburg, James

From: James Speck <jim@speckandaanestad.com>
Sent: Tuesday, March 27, 2018 2:28 PM
To: Bitzenburg, James
Cc: Mike Willard (mike@ewillard.com)
Subject: RE: Michael Willard POU transfer
Attachments: Withdrawal of Application for Transfer 82198 - signed.pdf

Jim,

Attached is the Withdrawal of Application for Transfer 82198 signed by Mike Willard. Do you need the original?

Jim

From: James Speck
Sent: Tuesday, March 27, 2018 11:37 AM
To: 'Bitzenburg, James' <James.Bitzenburg@idwr.idaho.gov>
Subject: RE: Michael Willard POU transfer

OK. Please start the refund process. Thanks.

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Tuesday, March 27, 2018 11:36 AM
To: James Speck <jim@speckandaanestad.com>
Subject: RE: Michael Willard POU transfer

Jim-

Yes, here is the link to that Withdrawal form:

<http://www.idwr.idaho.gov/files/forms/withdrawal-of-application-for-transfer.pdf>

Do you want me to initiate a refund of the \$500.00 fee from the State Office?

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

From: James Speck [<mailto:jim@speckandaanestad.com>]
Sent: Tuesday, March 27, 2018 11:26 AM
To: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Subject: RE: Michael Willard POU transfer

Jim,

My client wants to withdraw this Application. Do you want him to complete and file the Withdrawal form?

Jim

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>

Sent: Tuesday, March 27, 2018 10:23 AM

To: James Speck <jim@speckandaanestad.com>

Subject: Michael Willard POU transfer

Jim-

In regards to the processing of the Michael Willard transfer, Corey Skinner contacted a Permit Coordinator for the Idaho Department of Transportation and she emailed back with a statement that ITD would have no ownership interest in water rights used for watering the permitted landscaping area in the ITD right-of-way, so I believe that issue has been addressed. She did indicate, and it appears the agreement you emailed down to me concurs, that the permitted area is between the north and south entrances from Buttercup Road. This would not include the area within the ITD right-of-way north of the north entrance from Buttercup Road; but would include the portion adjacent to the property directly south of the Willard property lying north of the south entrance from Buttercup Road (see attached map).

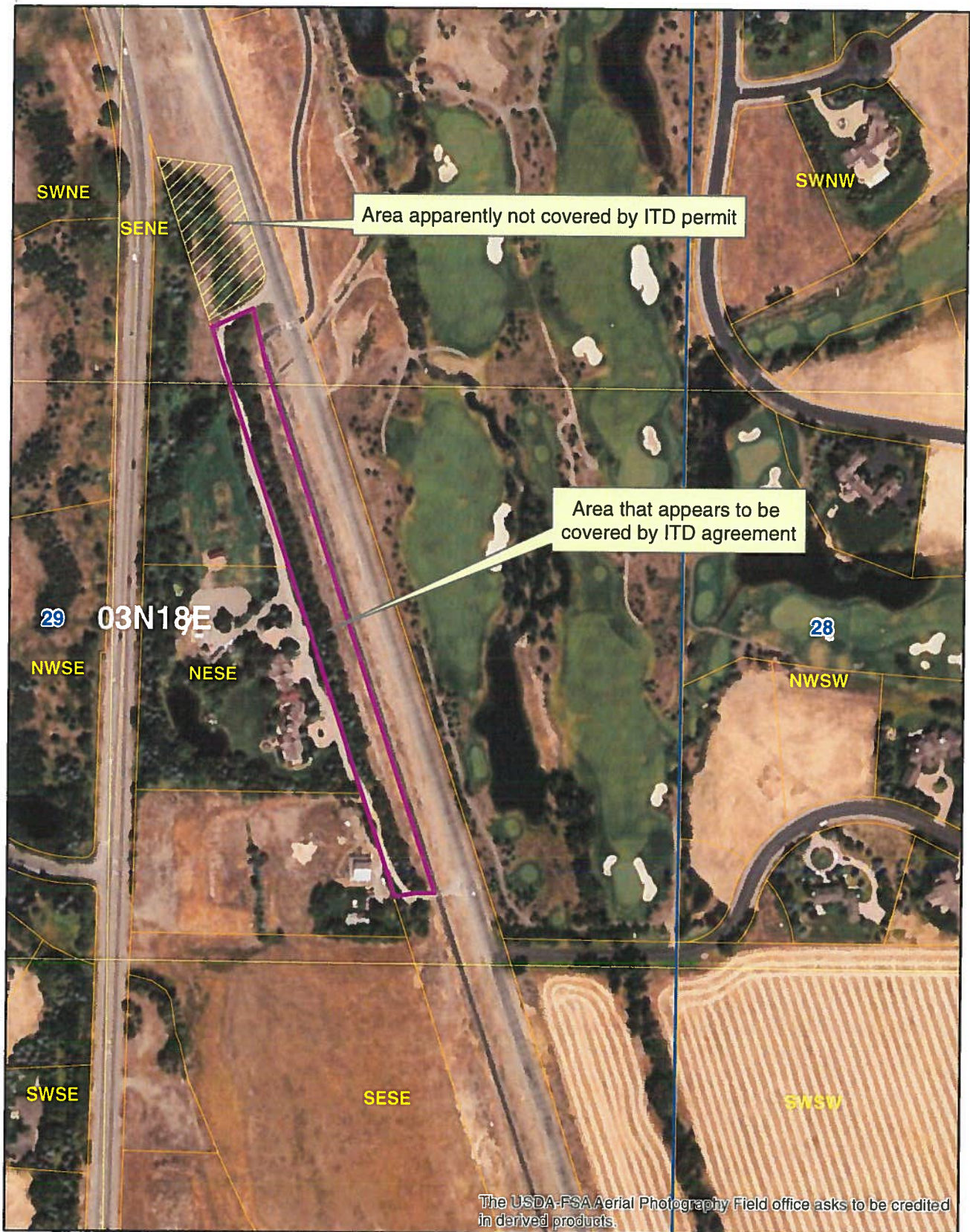
Absent an agreement between ITD and Mr. Willard, it would seem that the yellow cross-hatched area on the map should not be included in the transfer. At this point, you should submit an amended page 5 (Part 2.B.) with the changes I suggested in my March 9 email (you agreed with the revisions). Additionally, the POU description on page 3 should be amended to include the area in the ITD permit between the north and south entrances from Buttercup Road and the area of Revised Tax Lot 8133, if that is the intent of the transfer. It would be cleaner to submit new pages rather than correcting the existing pages to avoid confusion. A corresponding map with the revised PPU should be included with the 4.1 acres of intended irrigation delineated within the PPU. Another map with the 0.5 acre of intended irrigation within Lot 1B should also be included. I believe that the unchanged portion of 37-577CK will have as its PPU, Lot 1B, correct?

Let me know if you have any questions or concerns and thank you for your assistance.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Willard POU Transfer



Legend

- Taxlots
- Township/Range
- Sections
- QQ

0 0.035 0.07 0.14 Miles



Bitzenburg, James

From: Deb Pierson <Deb.Pierson@itd.idaho.gov>
Sent: Monday, March 26, 2018 9:19 AM
To: Skinner, Corey
Cc: Bitzenburg, James
Subject: RE: Permit 4-98-012

Yes I did find the file we discussed and it was the exact same documents as within the permit. I sat down with my engineers since this was a topic that we hadn't been asked before ☺. The permit was given to Michael Willard to landscape our right of way between the North and South entrances from Buttercup Rd & west of the bike path, an area approximately 1200' long by 100' wide. ITD does not have any ownership interest in any of the irrigation water rights used for watering the permitted landscaping area.

Deb Pierson

Idaho Transportation Department D4
Permit Coordinator
216 So. Date St.
Shoshone, ID 83352
208-886-7839 office
Deb.pierson@itd.idaho.gov



Your Safety • Your Mobility • Your Economic Opportunity

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Friday, March 23, 2018 1:41 PM
To: Deb Pierson
Cc: Bitzenburg, James
Subject: RE: Permit 4-98-012

Deb,

Did you have a chance to find the file we talked about? Also could we get the statement from you relating to the ITD's acknowledgment that they have no ownership interest in any irrigation water rights used on the right of way?

Thanks,

Corey

From: Deb Pierson [mailto:Deb.Pierson@itd.idaho.gov]
Sent: Monday, March 19, 2018 11:17 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: Permit 4-98-012

Deb Pierson

Idaho Transportation Department D4
Permit Coordinator

216 So. Date St.
Shoshone, ID 83352
208-886-7839 office
Deb.pierson@itd.idaho.gov



Your Safety • Your Mobility • Your Economic Opportunity



APPLICATION AND PERMIT TO USE RIGHT OF WAY
APPROACHES AND OTHER

received

BCC 7.25.96

PAUG CLEAR 8-4903

Re: Traffic Manual 12-450

Project No.

Buttercup RD
Route _____

Seq. No.	
MP to MP	JUST SOUTH OF RD
Permit No.	
Rec No.	
Fee \$	

_____ To _____
Station to Station

APPROX 2.2 MILES NORTH OF MYRTLE
Distance from Nearest Town OR Jct.

Inspection Fee Required

Distance from Nearest Town OR Jct. Approx 1000' South of BUTTERCUP RD & Hwy 75 Intersection
\$ Performance Bond Required \$

Type Access Control

Board Minute Entry Date

Quantity 1 ROAD (New) Width 20 ft.

Est. Volume 1 ^{SEWING} ~~RESIDENCE~~ ^{POSTED} Speed 10 mph

RESIDENTIAL & TREE GROWING
 pp-Residence/Commercial,Field,other etc.

Sight Distance: Left ____ ft. Right ____ ft.

Culvert: Size: _____ in. Length: _____ ft.

explain Other/

Business Type:

PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED.

Special Provisions: Proposed Road to be Approx 20' wide x 1200' long
! Approaches from Buttercup Rd existing - south & north of
Proposed Road. Road to be located in 100' transportation
Right of Way west of Bike Path, limited to western most 50'
Joining ^{EASTERN} property line of Willard lot. Plan enclosed

I hereby certify that I am the owner or authorized representative of the proposed property to be served and agree to do the work requested hereon in accordance with the general requirements printed on the reverse side, the special provisions and the plans made a part of the permit. This permit shall be void unless the work herein contemplated shall have been completed before one year from the

P.O. Box 722 Hailey ID 83333
Company and Address

DATE OF APPROVAL

MICHAEL E WILLARD
970 BUTTERCUP RD


APPLICANT

208,758-6448

714 631 3459

NAME Co. ID 83333

CITY	STATE	ZIP
ALBANY	NY	12207
ALBUQUERQUE	NM	87102
ALBUQUERQUE	NM	87106
ALBUQUERQUE	NM	87131
ALBUQUERQUE	NM	87132
ALBUQUERQUE	NM	87133
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ALBUQUERQUE	NM	

SIGNATURE OF AUTHORIZED REPRESENTATIVE

DAVE

subject to all terms, conditions and provisions shown on this form or attachments, Permission is hereby granted to the above named applicant to perform the work described.

Local Government Approval When Required

State Highway Administrator

3y: _____

By: _____

Title: _____

District Engineer Date

* IF FEE ASSESSED, PERMIT IS NOT VALID UNLESS ACCOMPANIED BY RECEIPT (DH-1958)

Michael E. Willard
970 Buttercup Road
P.O. Box 722
Blaine Co, Idaho 83333
208-788-6448

May 1, 1997

RECEIVED
MAY - 5 1997
DIV. OF HIGHWAYS
SHOSHONE, IDAHO

Mr. Larry Vanover
District Engineer
Idaho Department of Transportation
P.O. Box 2-A
Shoshone, Idaho 83352-0820

RE: Application and Permit to Use Right of Way
970 Buttercup Road

Dear Mr. Vanover:

In July of 1996, I set out to obtain permission to use the ITD Right of Way adjacent to my property and the bike path on north Buttercup Road. To date I have spent considerable time, effort and money to accomplish this and I am hoping I can accomplish this in the near future.

There seems to have been considerable confusion on the part of the County and the ITD with respect to my application and what my intentions are. Over the last few days, I have had several conversations with both County and ITD officials about this matter in hopes of clarifying the issues. I believe that I have identified everyone's concerns and questions and have addressed them satisfactorily.

When I started this process through Dave Cropper, my real estate broker, we were told by an ITD official that our application needed to be approved by the County prior to its submission to the ITD for approval. At that time, it was our understanding that with the County's approval, the ITD would most likely approve it without issue. With this understanding, we moved ahead to secure the County's approval. After numerous conversations and several meetings with the County and the County recreation district, and the most recent visit yesterday, April 30th at my property, I believe the County would be in approval of my use of the easement which would be shared with them.

Their approval would be subject to certain conditions, and most importantly the ITD's approval. Their conditions would include the understanding that **their approval would in no way be construed as an approval of any subdivision plan to my property nor would my use restrict any public use of the easement.**

In talking with ITD officials, I believe the ITD's concerns regarding my application have to do conversely with the County's approval of my use and the ITD's concern over any liability that might be created by my use of the easement and it's impact. To address this concern and assuming the ITD has no other objections, if granted this easement I am prepared to hold harmless and indemnify both the ITD and the County of any liability or loss that might occur as a result of my negligence, use or maintenance of the Right of Way. I have spoken with both my attorney and insurance agent, and they assure me that this is a viable solution. I understand that **this permit to use the Right of Way is subject to revocation** by the ITD any time in the future as their needs change with respect to the use of the Right of Way and I further understand that the ITD is not granting me a permanent easement for the Right of Way.

The portion of the ITD Right of Way that would be subject to my use is bordered on the westerly side by the County bike path and the easterly side by my property. In the two years that I have owned this property, with the exception of the use of the bike path, there has been virtually no public use of this strip of ground. My requested easement would run approximately 1000' from the northerly already granted ingress/egress above the bike path crossing of Buttercup at the northerly end of my property running south to my residence at 970 Buttercup Road. My use would be restricted to the furthest westerly 50' section of the Right of Way adjoining my property, but I would be agreeing to maintain the landscape and weed control for the entire 100' by 1200' strip section of ground running from my northern entrance above the bike path to my southern entrance over the bike path.

It is my understanding at present that the County will agree and approve my application and permit if the ITD is in agreement and will approve it subsequently. I hope I have correctly identified and addressed the ITD's concerns in this letter. If not, I am willing to work with all parties to address any other issues or conditions there might be for my use of the Right of Way.

Sincerely,



Michael E. Willard
1339 Hampshire Circle
Newport Beach, CA 92660
714-574-9996

cc: Len Harlig
Mary Ann Mix
Dennis Wright
Linda Haavik
Mary Austin Crofts
Pam Smith
Lytle Gaskill

MICHAEL E. WILLARD
OFFICE ACCOUNT
P. O. BOX 16849
IRVINE, CA 92613

DATE 7-30-97

3468

PAY TO THE ORDER OF John's Computer Dept

Wells Fargo

WELLS FARGO BANK

FOR

\$ 700.00

DOLLARS ☒ 700

Bitzenburg, James

From: James Speck <jim@speckandaanestad.com>
Sent: Wednesday, March 14, 2018 3:12 PM
To: Bitzenburg, James
Cc: Mike Willard (mike@ewillard.com)
Subject: RE: Michael Willard POU transfer
Attachments: ITD Permit 4-98-012.pdf; 4-98-012 (2).pdf

Jim,

We agree with your revision to Part 2.B.

I have attached copies of the ITD Permit to Use Right of Way 4-98-012 which I obtained from ITD and a better quality copy from my client that does not include the attachments. You will see the plan for the landscaping to be maintained is the same plan as that in the Recreational Pathway Agreement. This should satisfy the requirement to have an agreement with ITD.

The entire 1200 ft. X 100 ft. area for the ITD Permit should be part of the new PPU for the transferred irrigation rights. The landscaping within the portion adjacent to Lot 1B does not presently require irrigation but I think it's best to include it so another transfer will not be required if irrigation is required in the future.

I will get you a map depicting the 4.1A that will be irrigated within the new PPU. If you need a map depicting the exact 0.5A within Lot 1B can you just draw up something around the home?

Let me know if there are more questions.

Jim

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Friday, March 9, 2018 1:26 PM
To: James Speck
Subject: Michael Willard POU transfer

Jim-

I have been staffed the transfer (#82198) you submitted on behalf of Michael Willard which proposes changing the Place of Use for three water rights on his property north of Hailey. There are a few items in the application which need clarification before I can continue processing it.

- On page 5, Part 2, B., the POU description should be the land where the portion of the right being changed is coming from. In this instance, that would be the current 8.9 acre POU and its accompanying legal description. I believe it would also be proper to split off a like proportion (0.8 AF) of the 1.4 AF Irrigation from Storage component to go with the 0.6 acre, 0.05 cfs, 2.1 AF Irrigation component. See the attached Part 2, B page with changes.
- On page 20 of Transfer Processing Memo #24 (available on the IDWR website), under (3) Applicant Does Not Own New Place of Use, the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed new place of use. From the Recreational Pathway Agreement included with the application, it appears that the State of Idaho is the owner of the property where a portion of the transferred

rights will be located. The agreement does not specifically address water rights, and, in order to avoid possible future confusion over water right ownership, it is advisable to have an agreement between the applicant and the State of Idaho allowing the use of the applicant's water on State land but maintaining the ownership of the rights in Mr. Willard's name.

- Additionally, the unchanged portion of right 37-577CK would still be appurtenant to the existing 8.9 acre POU, though the answer given on page 4, #5, d. indicates that the unchanged portion would be used in Lot 1B (5 acres) on the lower portion of the Willard property. I'm not certain if any acres adjacent to Lot 1B, in the State of Idaho right-of-way would be irrigated as they are proposed to be irrigated in the upper 5.9 acre POU. A map showing the intended irrigated acres within the new 5.9 acre POU; and in the lower portion, whether it is 0.5 acres within an 8.9 acre PPU (this doesn't appear to be the intent), 0.5 acres within a 5.0 acre PPU, or the specific 0.5 acre POU would be helpful. Note that all of Lot 1B is located within the NESE QQ, so it does not appear that identifying a PPU boundary would be necessary. It also appears that the equestrian trail will continue south along Lot 1B, and that area doesn't appear to be covered in this transfer.

If you would like to discuss this, feel free to give me a call and I can pull Corey Skinner in on the call to clarify things better. Thanks.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

COPY

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 37-577CK

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)
Right will be limited to irrigating 0.6A within the following place of use

[illegible]



APPLICATION AND PERMIT TO USE RIGHT OF WAY
APPROACHES AND OTHER

See: Traffic Manual 12-450

Project No. _____

Buttercup Rd.
Route 75

Seq. No.	002230
MP to MP	JUST SO. OF 120
Permit No.	4-98-012
Rec No.	12668
Fee \$	20.00

Station To Station _____

Approx 2.2 Miles No. of MYRTLE
& 100' SOUTH OF BUTTERCUP & HWY
Distance from Nearest Town OR Jct. 75 INTERSECTION

Inspection Fee Required \$ _____ Performance Bond Required \$ _____

Type Access Control _____ Board Minute Entry Date _____

Quantity 1200' Width 100' ft. Est. Volume 120,000 sq ft Posted Speed _____

LANDSCAPE EASEMENT - RESIDENTIAL

Type-Residence, Commercial, Field, other etc.

Sight Distance: Left _____ ft. Right _____ ft.

Culvert: Size: _____ in. Length: _____ ft.

Explain Other/

Business Type: _____

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED.

Special Provisions: LANDSCAPE EASEMENT LOCATED BETWEEN NORTH & SOUTH
ENTRANCES FROM BUTTERCUP Rd & WEST OF BIRCH PATH. AN AREA OF APPROX.
1200' LONG BY 100' WIDE 120,000 sq' AREA. SEE PLAN ENCLOSED

I certify that I am the owner or authorized representative of the proposed property to be served and agree to do the work requested hereon in accordance with the general requirements printed on the reverse side, the special provisions and the plans made a part of the permit. This permit shall be void unless the work herein contemplated shall have been completed before 7-30-98

Company and Address

MICHAEL E WILLIAMS
970 BUTTERCUP RD
P.O. Box 722
HAILEY ID 83333
CITY STATE ZIP

APPLICANT
SIGNATURE OF AUTHORIZED REPRESENTATIVE

714 514-9926
208-788-6448
519-97
DATE

Subject to all terms, conditions and provisions shown on this form or attachments, Permission is hereby granted to the above named applicant to perform the work described.

See attached letter
~~Local Government Approval~~ When Required

State Highway Administrator

By:
Title: County Commissioner

Blaine County
Entity Board of Commissioners for

By:
District Engineer Date 7/30/97



APPLICATION AND PERMIT TO USE RIGHT OF WAY
APPROACHES AND OTHER

See Traffic Manual 12-450

Project No. _____

To _____

Station to Station _____

Buttercup Rd.

Route 75

Approx 2.2 Miles No. of Myrtle
E 100' South of Buttercup & Hwy

Distance from Nearest Town OR Jct. 75 Intersection

Seq. No.	002230
MP to MP	JUST S. OF 120
Permit No.	4-98-012
Rec No.	12668
Fee \$	20.00

Inspection Fee Required \$ _____ Performance Bond Required \$ _____

Type Access Control _____ Board Minute Entry Date _____

Quantity 1200' Width 100' ft. Est. Volume 120,000 sq' Posted Speed _____

LANDSCAPE EASEMENT - RESIDENCE

Type-Residence, Commercial, Field, other etc.

Sight Distance: Left _____ ft. Right _____ ft.

Culvert: Size: _____ in. Length: _____ ft.

Explain Other/

Business Type: _____

A PLAN OF PROPOSED WORK AND APPLICABLE TRAFFIC CONTROL PLANS MUST BE ATTACHED.

Special Provisions: LANDSCAPE EASEMENT LOCATED BETWEEN NORTH & SOUTH
ENTRANCES FROM BUTTERCUP RD & WEST OF BIKE PATH. AN AREA OF APPROX.
1200' LONG BY 100' WIDE 120,000 sq' AREA. SEE PLAN ENCLOSED

I certify that I am the owner or authorized representative of the proposed property to be served and agree to do the work requested hereon in accordance with the general requirements printed on the reverse side, the special provisions and the plans made a part of the permit. This permit shall be void unless the work herein contemplated shall have been completed before 7-30-98

Company and Address

MICHAEL E WILCOX
970 BUTTERCUP RD
PO BOX 722

HAILEY ID 83333

CITY STATE ZIP

APPLICANT

714 1514-9226
208-788-6448

519-97

SIGNATURE BY AUTHORIZED REPRESENTATIVE

DATE

Subject to all terms, conditions and provisions shown on this form or attachments, Permission is hereby granted to the above named applicant to perform the work described.

Local Government Approval When Required

State Highway Administrator

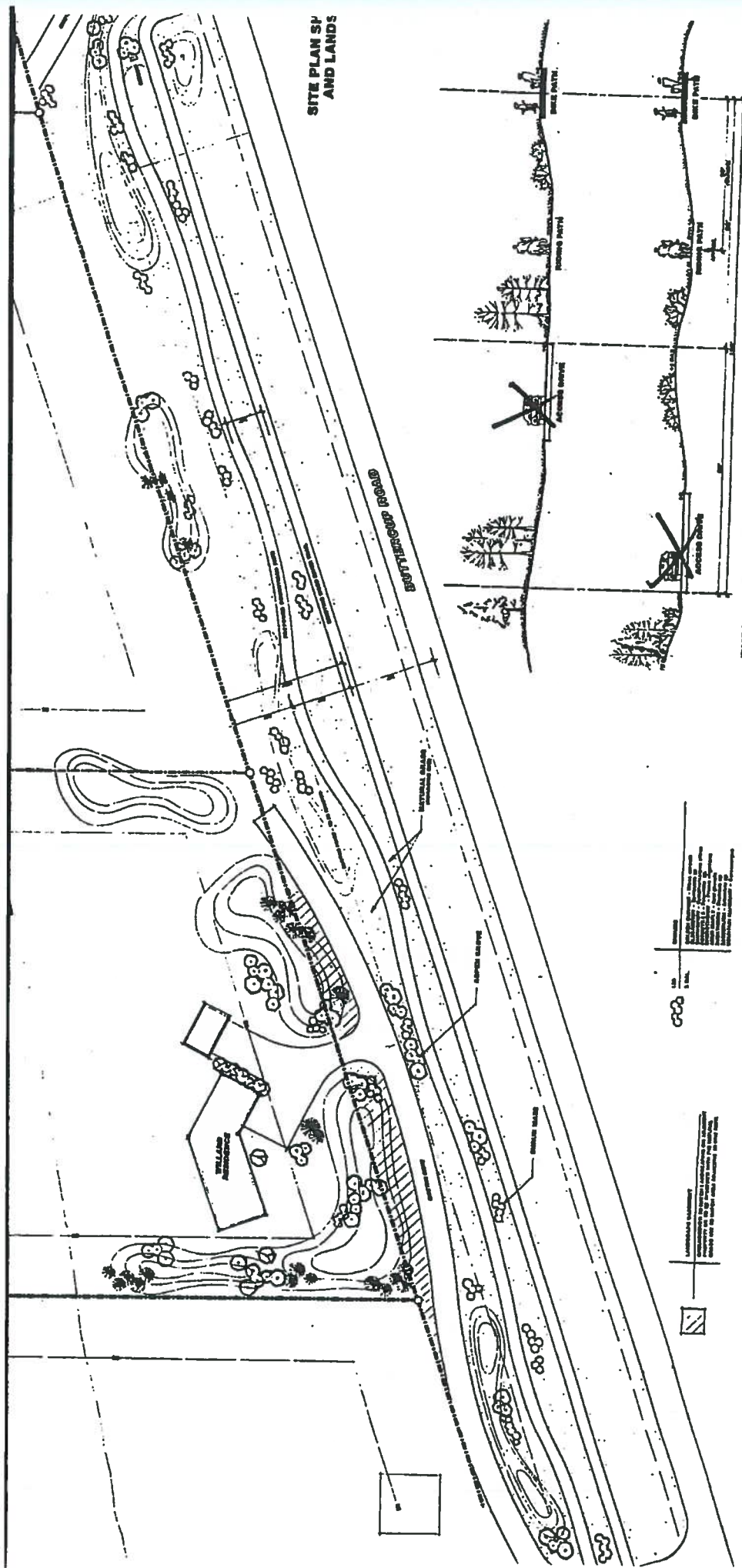
By: [Signature] Blaine County

By: Scott E. Malone 7/30/97

Title: County Commissioner Board of Commissioners for

District Engineer Date

* IF FEE ASSESSED, PERMIT IS NOT VALID UNLESS ACCOMPANIED BY RECEIPT (DH-1958)



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NORTH

SCALE 1" = 10'-0"

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

RECEIVED

FEB 26 2018

DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 22, 2018

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301

**RE: Michael E. Willard- Application for Transfer of Water Right
Water Right Claim Nos. 37-4K, 37-577CK, and 37-7958**

Dear Corey:

Enclosed you will find the *original* and one (1) copy of an Application for Transfer of Water Right for the above-referenced Water Rights. I have also enclosed my firm's check in the amount of \$500.00 for the required filing fee. If the Application meets with your approval, please process and receipt date-stamp the copy of the Application and return it to me in the enclosed self-addressed, postage-paid envelope.

If you have questions, please contact me. Thank you for your assistance.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/kdl

Enclosures

cc: Michael E. Willard w/ copy of form