

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82148

This is to certify that: PATRICK D FUREY AND
TAMMY R FUREY
301 E BROOKHOLLOW DR
BOISE, ID 83706

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
71-4058	WR/DECREED	6/15/1965	0.040 cfs	N/A	N/A	N/A	MERRITT SPRING

Purpose of Transfer (Changes Proposed)

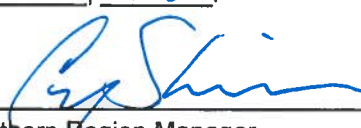
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
71-4058	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
71-4058	71-4058	0.040 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.040 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28th day of February, 2018.



Southern Region Manager

WATER RIGHT NO. 71-4058

As Modified by Transfer No. 82148

In accordance with the approval of Transfer No. 82148, Water Right No. 71-4058 is now described as follows:

Right Holder: PATRICK D FUREY AND
TAMMY R FUREY
301 E BROOKHOLLOW DR
BOISE, ID 83706

Priority Date: 6/15/1965

Source: MERRITT SPRING

Tributary: SINKS

BENEFICIAL USE
DOMESTIC

From 1/01 **to** 12/31

Diversion Rate
0.040 cfs
0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

MERRITT SPRING SESWSW Sec 17 Twp 10N Rge 13E CUSTER County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	13E	17												X					

CONDITIONS OF APPROVAL

1. The quantity of water under this right shall not exceed 13,000 gallons per day.
2. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 82148

State of Idaho
Department of Water Resources
Attachment to Transfer # 82148
71-4058

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



FEB 09 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Patrick D. Furey and Tammy R. Furey, husband and wife Phone 208-368-0855
 2. **MAILING ADDRESS** 301 E. Brookhollow Dr. City Boise
 State Idaho Zip 83706 Email pdfureylaw@icloud.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 71-4058

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.04 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
X		SE	SW	SW	17	10N	13E	Custer	Spring/ 71-4058	Merritt Spring

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:

The spring employs a cinderblock "springbox" that collects seep, which then overflows out through a 1 1/2 in. pipe to feed domestic water to a cabin. A measuring device/locking valve could be installed on the feed pipe.

- b. Who owns the property at the point(s) of diversion? Western Rivers Conservancy

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

Correcting point of diversion to reflect actual location on applicant's property

- 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:

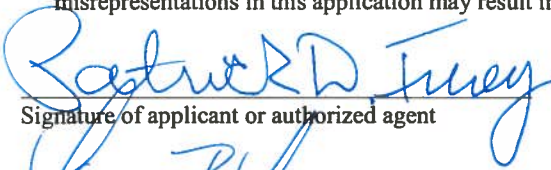
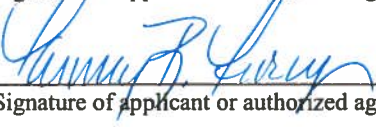
N/A

- 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 1/4 1/4 of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ 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.

	Patrick D. Furey	02-07-2018
Signature of applicant or authorized agent	Print name and title if applicable	Date
	Tammy R. Furey	02-07-2018
Signature of applicant or authorized agent	Print name and title if applicable	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 TF Date 2-9-2018
Fee paid \$225- Date 2-9-2018 Received by Am Receipt # 5036572
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

Conveyance documents resulting in change of ownership

1. Merritt property deed (cabin on 8.75 acres) incl. water rights at Point of Use
2. Jack B. and Nancy J. Furey Family Trust documents
3. Quitclaim deed for water rights, incl. #71-4058
4. Deed conveying "new," true Point Of Diversion

Conveyance documents resulting in change of ownership

1. Merritt property deed (cabin on 8.75 acres) incl. water rights at Point of Use

Merritt Cabin lot (8.75 acres)

251229

Custer County Reg. of
Patrick D. Furey
Time 9:10AM Date 12/30/15
Lura H. Baker, Clerk

GIFT DEED

Cherry Creek \$ 1.00

IN CONSIDERATION OF LOVE AND AFFECTION FOR GRANTEE, JACK B. FUREY and NANCY J. FUREY, husband and wife, individually and as Trustees of The Jack B. and Nancy J. Furey Family Trust, of 352 E. Brookhollow Drive, Boise, Idaho 83706, County of Ada, State of Idaho, and THE JACK B. AND NANCY J. FUREY FAMILY TRUST, Grantors, do Give, Transfer and Convey unto PATRICK D. FUREY, a married man dealing with his sole and separate property, Grantee, whose current address is 301 E. Brookhollow Drive, Boise, Idaho 83706, the following described premises in Custer County, Idaho, to-wit:

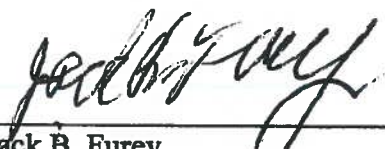
Township 10 North, Range 13 East, Boise Meridian:

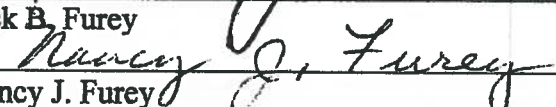
Section 17: N1/2 SW1/4 SE1/4 SW1/4, consisting of 5 acres, more or less, a log cabin and log outbuilding; and SW1/4 NW1/4 SE1/4 SW1/4, consisting of 2.5 acres, more or less; and S1/2 SE1/4 NW1/4 SE1/4 SW1/4, consisting of 1.25 acres, more or less, all in Custer County and consisting in the aggregate of a single parcel of 8.75 acres, more or less.

Together with all appurtenances, water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, his executors, administrators and assigns forever, subject to all covenants, conditions, easements and restrictions of sight or record.

Dated: December 2d, 2015



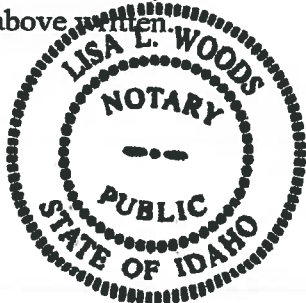
Jack B. Furey


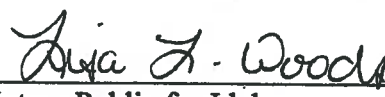
Nancy J. Furey
Individually and as the Trustees of The Jack B. and
Nancy J. Furey Family Trust

STATE OF IDAHO)
:ss
COUNTY OF ADA)

On this 2nd day of December, 2015, before me, a Notary Public in and for said State, personally appeared JACK B. FUREY and NANCY J. FUREY, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they 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 Boise, Idaho
My commission expires: 12-12-18

Conveyance documents resulting in change of ownership

2. Jack B. and Nancy J. Furey Family Trust documents

DECLARATION OF TRUST

This declaration of trust is made by JACK B. FUREY and NANCY J. FUREY as of March 1, 2007. This trust shall be governed by the laws of the State of Idaho.

***** ARTICLE ONE *****

NAME OF TRUST AND APPOINTMENTS

A. NAME OF TRUST:

This trust shall be known as the JACK B. and NANCY J. FUREY FAMILY TRUST.

B. PRIMARY TRUSTEES:

We hereby designate ourselves as the primary trustees of this trust. As long as both of us are alive, either or both of us may exercise dominion and control over any and all of the trust assets. Upon the death of one of us, the survivor shall continue to act as the primary trustee of this living trust, with full power and authority to deal with any and all of the assets of this trust in any manner that said survivor sees fit, except as hereinafter limited as to assets placed in a secondary trust within this living trust to be known as the Credit Shelter Trust, and except as otherwise limited under Article Two of this living trust.

C. SUCCESSOR TRUSTEE:

We designate PATRICK D. FUREY as the successor trustee of this trust. Our successor trustee is to assume the duties as trustee hereunder upon the resignation of both of us or the survivor of us, the death of the survivor of us, the disappearance of both of us or the survivor of us, or if both of us or the survivor of us is certified in writing to be incompetent as provided under Article Five of this Declaration of Trust. Except as otherwise specified within the provisions of this Declaration of Trust, in the event of the incompetency or resignation of both of us or the survivor of us, our successor trustee is to use the income and assets of this trust exclusively for the health, education, support, and maintenance of both of us or the survivor of us.

D. ALTERNATE SUCCESSOR TRUSTEE:

If PATRICK D. FUREY is unable or unwilling to act as successor trustee, we designate SHERMAN F. FUREY, III as successor trustee to serve with all rights and responsibilities given to the original successor trustee.

E. RESIGNATION OF TRUSTEE(S):

Any trustee may resign at any time by giving at least thirty (30) days prior written notice, specifying the effective date of the resignation to any other trustee(s) then serving and to

***** ARTICLE THREE *****
GRANTOR POWERS

A. POWER TO FUND THE TRUST:

After this trust is duly executed, we will execute and deliver all deeds, assignments, bills of sale, written instructions and other legal documents necessary to convey and register all of our assets that we choose to place in trust under this trust to be owned by the trustee(s) of this trust and held and administered under the terms and conditions of this trust. Assets which are evidenced by titles or deeds currently being transferred to the trustee(s) of this trust are listed on Schedule A, which is attached to this trust and made a part of this trust. We hereby transfer to this trust all assets not requiring titles or deeds, including but not limited to our furniture, wearing apparel, and personal possessions. Additionally, the grantor(s) are now holding and will hold, solely and exclusively for and on behalf of such trust, any and all properties of all kinds, whether presently owned or hereafter acquired including bank accounts, certificates of deposit, mutual and money market funds of all kinds, securities, agency and custody accounts, notes, and real estate wherever located, but not including tax-favored assets on which recognition of income has been deferred including but not limited to IRAs, Roth IRAs, qualified plans under IRC §401(a), tax sheltered annuities, and non-qualified deferred compensation.

All such property is hereby transferred to and the same shall be owned by such trust.

This declaration shall apply even though record ownership or title, in some instances, may, presently or in the future, be registered in the individual name or names of either of us, in which event such record ownership shall hereafter be deemed held in trust even though such trusteeship remains undisclosed.

All assets transferred to the trustee(s) of this trust, whether now or at a later date, shall become part of the trust estate and be subject to all terms and provisions of this trust document.

B. POWER TO AMEND:

During our joint lifetimes this trust may be amended in whole or in part by an instrument in writing which is either notarized or executed with the same formalities as a will, signed by at least one grantor, and delivered to the other grantor and all acting trustee(s) (who may be grantor(s)), except as may be limited by Article One or Two of this Declaration of Trust.

Page 21, Jack B. and Nancy J. Furey Family Trust

Dated: March 1st, 2007

WITNESSES:

Kath J. Beyer

Terence Zundel

GRANTORS:

Jack B. Furey
JACK B. FUREY

Nancy J. Furey
NANCY J. FUREY

SELF-PROVING CERTIFICATE OF EXECUTION

We, JACK B. FUREY and NANCY J. FUREY, the grantors and trustees, and the witnesses, whose names are signed to this Declaration of Trust, were duly sworn, and declared to the undersigned officer that the grantors signed this Declaration of Trust in the presence of the witnesses and in the presence of each other as their Declaration of Trust, and the witnesses in the presence of the grantors and in the presence of each other, signed said Declaration of Trust as witnesses thereto.

WITNESSES:

Katherine J. Bpce
Lerna Zundel

GRANTORS AND TRUSTEES:

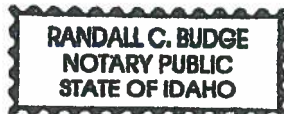
Jack B. Furey
JACK B. FUREY
Nancy J. Furey
NANCY J. FUREY

STATE OF IDAHO

COUNTY OF Bannock

)
) SS:

Personally came before me this 15th day of March, 2007, the above named JACK B. FUREY and NANCY J. FUREY, and Katherine J. Bpce and _____, witnesses, to me known to be the persons who executed the foregoing instrument in their authorized capacities and acknowledged the same.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at: Hocatillo, ID.
My Commission Expires: 10/11/2012

SCHEDULE A

Assets listed on this Schedule A are for purposes of illustration and record keeping. All assets of the trust may not be listed here, and this Schedule A shall in no way be construed to limit the number or amount of assets held by this trust. This Schedule A shall in no way be used to determine the status of assets as community or individual in classification under state statute. Classification of assets shall be determined solely by community property agreement or under state statute.

- ALL BANK ACCOUNTS
- ALL STOCKS
- ALL BONDS
- ALL ACCOUNTS RECEIVABLE
- ALL BUSINESS ASSETS
- ALL REAL ESTATE
- ALL MOTOR VEHICLES
- ALL PERSONAL PROPERTY
- ALL ASSETS OF ANY KIND AND WHEREVER LOCATED

ATTACHMENT 5

The documents making Patrick D. Furey the Trustee of
the Jack B. and Nancy J. Furey Family Trust

CERTIFICATE OF TRUST

The undersigned grantors hereby certify the following:

1. This Certificate of Trust relates to the JACK B. and NANCY J. FUREY FAMILY TRUST (the "trust") created by trust agreement (the "trust agreement").
2. The names of the grantors are JACK B. FUREY and NANCY J. FUREY.
3. The names of each original trustee are JACK B. FUREY and NANCY J. FUREY. Jack B. Furey died on July 16, 2016. A copy of the his Death Certificate is attached. Nancy J. Furey resigned as trustee on July 25, 2016. Patrick D. Furey is the nominated successor trustee and has accepted his nomination and is the sole acting trustee of the trust. A copy of the Resignation of Trustee and Nomination of Successor Trustee is attached.
4. The name and address of each trustee empowered to act under the trust agreement at the time of the execution of this Certificate of Trust are:

Primary: PATRICK D. FUREY
301 Brookhollow Drive
Boise, Idaho 83706

Successor: SHERMAN F. FUREY, III
P.O. Box 83720
Boise, ID 83702-0010

Authority of the successor trustee(s) is provided by the following provisions in the Declaration of Trust:

"We designate PATRICK D. FUREY as the successor trustee of this trust. Our successor trustee is to assume the duties as trustee hereunder upon the resignation of both of us or the survivor of us, the death of the survivor of us, the disappearance of both of us or the survivor of us, or if both of us or the survivor of us is certified in writing to be incompetent as provided under Article Five of this Declaration of Trust. Except as otherwise specified within the provisions of this Declaration of Trust, in the event of the incompetency or resignation of both of us or the survivor of us, our successor trustee is to use the income and assets of this trust exclusively for the health, education, support, and maintenance of both of us or the survivor of us.

If PATRICK D. FUREY is unable or unwilling to act as successor trustee, we designate Sherman F. Furey, III as successor trustee to serve with all rights and responsibilities given to the original successor trustee."

Certificate of Trust – Page 1

5. The trustee is authorized by the trust agreement to have all the rights, powers and authority to deal with and manage the assets of this trust that an individual owner would have if there were no trust and the trustee(s) were acting as legally competent individual(s) dealing with their own property. This includes, but is by no means limited to the right to borrow against or pledge any of the trust assets, including the right to mortgage real estate and margin stocks or other securities owned by the trustee(s) of the trust. This includes all powers now or hereafter conferred upon trustee(s) by applicable state law, and also those powers appropriate to the orderly and effective administration of the trust.

6. The undersigned hereby represent that the statements contained in this Certificate of Trust are true and correct, and that there are no other provisions in the trust agreement or amendments to it that limit the powers of the trustee(s) to sell, convey, pledge, mortgage, lease, manage, operate, control, transfer title, divide, convert, allot or sell upon deferred payments trust property, including real and personal property, that would create liability for any third party relying on this document as authorization for trustee(s)' authority.

7. This trust has not been revoked, modified, or amended in any manner which would cause the representations in this certification of trust to be incorrect. This Certificate of Trust is being signed by all currently acting trustees of the trust.

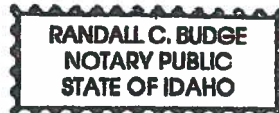

PATRICK D. FUREY

STATE OF IDAHO

COUNTY OF ADA

)
) SS:
)

Personally came before me this 25th day of July, 2016, the above named PATRICK D. FUREY, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Randall C. Budge
Randall C. Budge, Notary Public
Bannock County, Idaho
My Commission 10/11/2016

This instrument was drafted by
Randall C. Budge, Attorney-at-Law
201 E. Center Street; P.O. Box 1391, Pocatello, Idaho 83204

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed JULY 25, 2016

State File No. 2016-07406

DECEDENT - LEGAL NAME JACK BARTLETT FUREY			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 95 YEARS	DATE OF BIRTH DECEMBER 09, 1920
BIRTHPLACE LESLIE, IDAHO		PLACE OF RESIDENCE BOISE, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) NANCY STAFFORD	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME SHERMAN F. FUREY SR			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME JULIA FALLS			BIRTHPLACE IDAHO
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE DAVID B. YRAGUEN	
NAME AND ADDRESS OF FUNERAL FACILITY SUMMERS FUNERAL HOME, BOISE, IDAHO			
DATE OF DEATH JULY 16, 2016	TIME OF DEATH 5:29 P.M.	CITY, TOWN OR LOCATION OF DEATH BOISE, IDAHO	COUNTY OF DEATH ADA
CAUSE OF DEATH (underlying cause last) a. DYSPHAGIA WITH ASPIRATION PNEUMONIA			Approximate Interval Between Onset and Death MONTHS
b. DUE TO (or as a consequence of): END STAGE PARKINSON'S			MONTHS
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER JUDITH M. PERRY, N.P.		TITLE A.P.R.N.
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

JULY 25, 2016

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR



**RESIGNATION OF TRUSTEE AND
NOMINATION OF SUCCESSOR TRUSTEE**

The undersigned NANCY J. FUREY, whose address is P.O. Box 280, Challis, Idaho 83226, is the primary Trustee of the Jack B. and Nancy J. Furey Family Trust, created by Trust Agreement dated March 1, 2007 by reason of the death of original Trustee Jack B. Furey on July 15, 2016 as evidenced by the attached Certificate of Death, and hereby:

1. Resigns as primary Trustee of said Trust.
2. Designates Patrick D. Furey, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, the named successor Trustee in the Trust, to act as the sole primary Trustee of the Trust.

This Resignation shall be effective immediately upon the Acceptance of said successor Trustee.

DATED this 25th day of July, 2016.

By Nancy J. Furey
NANCY J. FUREY

ACCEPTANCE OF SUCCESSOR TRUSTEE

The undersigned PATRICK D. FUREY, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, hereby:

1. Accepts his designation as the successor Trustee of the Jack B. and Nancy J. Furey Family Trust.
2. Agrees to hold, manage, administer and distribute the Trust assets for the named beneficiaries in accordance with the provisions of said Trust.
3. I hereby submit to the jurisdiction of the Ada County, Idaho District Court at any proceedings relating to the Trust estate that may be instituted by any interested person.
4. I agree to act as the sole and primary Trustee of the Trust in accordance with Idaho law.

DATED this 25th day of July, 2016.

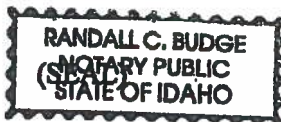
By Patrick D. Furey
PATRICK D. FUREY

STATE OF IDAHO)

County of Ada)

: ss.

On this 25th day of July, 2016, before me a Notary Public for the State of Idaho, personally appeared NANCY J. FUREY, known or identified to me to be the primary Trustee of the Jack B. and Nancy J. Furey Family Trust, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



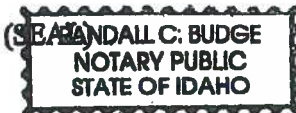
Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID.
My Commission Expires: 10/11/16

STATE OF IDAHO)

County of Ada)

: ss.

On this ___ day of July, 2016, before me a Notary Public for the State of Idaho, personally appeared PATRICK D. FUREY, known or identified to me to be the successor Trustee of the Jack B. and Nancy J. Furey Family Trust, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID.
My Commission Expires: 10/11/16

ATTACHMENT 5

**The documents making Patrick D. Furey the Trustee of
the Jack B. and Nancy J. Furey Family Trust**

CERTIFICATE OF TRUST

The undersigned grantors hereby certify the following:

1. This Certificate of Trust relates to the JACK B. and NANCY J. FUREY FAMILY TRUST (the "trust") created by trust agreement (the "trust agreement").
2. The names of the grantors are JACK B. FUREY and NANCY J. FUREY.
3. The names of each original trustee are JACK B. FUREY and NANCY J. FUREY. Jack B. Furey died on July 16, 2016. A copy of his Death Certificate is attached. Nancy J. Furey resigned as trustee on July 25, 2016. Patrick D. Furey is the nominated successor trustee and has accepted his nomination and is the sole acting trustee of the trust. A copy of the Resignation of Trustee and Nomination of Successor Trustee is attached.
4. The name and address of each trustee empowered to act under the trust agreement at the time of the execution of this Certificate of Trust are:

Primary: PATRICK D. FUREY
301 Brookhollow Drive
Boise, Idaho 83706

Successor: SHERMAN F. FUREY, III
P.O. Box 83720
Boise, ID 83702-0010

Authority of the successor trustee(s) is provided by the following provisions in the Declaration of Trust:

"We designate PATRICK D. FUREY as the successor trustee of this trust. Our successor trustee is to assume the duties as trustee hereunder upon the resignation of both of us or the survivor of us, the death of the survivor of us, the disappearance of both of us or the survivor of us, or if both of us or the survivor of us is certified in writing to be incompetent as provided under Article Five of this Declaration of Trust. Except as otherwise specified within the provisions of this Declaration of Trust, in the event of the incompetency or resignation of both of us or the survivor of us, our successor trustee is to use the income and assets of this trust exclusively for the health, education, support, and maintenance of both of us or the survivor of us.

If PATRICK D. FUREY is unable or unwilling to act as successor trustee, we designate Sherman F. Furey, III as successor trustee to serve with all rights and responsibilities given to the original successor trustee."

5. The trustee is authorized by the trust agreement to have all the rights, powers and authority to deal with and manage the assets of this trust that an individual owner would have if there were no trust and the trustee(s) were acting as legally competent individual(s) dealing with their own property. This includes, but is by no means limited to the right to borrow against or pledge any of the trust assets, including the right to mortgage real estate and margin stocks or other securities owned by the trustee(s) of the trust. This includes all powers now or hereafter conferred upon trustee(s) by applicable state law, and also those powers appropriate to the orderly and effective administration of the trust.

6. The undersigned hereby represent that the statements contained in this Certificate of Trust are true and correct, and that there are no other provisions in the trust agreement or amendments to it that limit the powers of the trustee(s) to sell, convey, pledge, mortgage, lease, manage, operate, control, transfer title, divide, convert, allot or sell upon deferred payments trust property, including real and personal property, that would create liability for any third party relying on this document as authorization for trustee(s)' authority.

7. This trust has not been revoked, modified, or amended in any manner which would cause the representations in this certification of trust to be incorrect. This Certificate of Trust is being signed by all currently acting trustees of the trust.

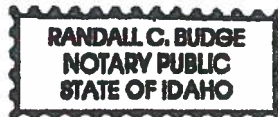

PATRICK D. FUREY

STATE OF IDAHO

)
) SS:
)

COUNTY OF ADA

Personally came before me this 25th day of July, 2016, the above named PATRICK D. FUREY, to me known to be the person who executed the foregoing instrument and acknowledged the same.



R. C. Budge
Randall C. Budge, Notary Public
Bannock County, Idaho
My Commission 10/11/2016

This instrument was drafted by
Randall C. Budge, Attorney-at-Law
201 E. Center Street; P.O. Box 1391, Pocatello, Idaho 83204

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed JULY 25, 2016

State File No. 2016-07406

DECEDENT - LEGAL NAME JACK BARTLETT FUREY			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 95 YEARS	DATE OF BIRTH DECEMBER 09, 1920
BIRTHPLACE LESLIE, IDAHO		PLACE OF RESIDENCE BOISE, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) NANCY STAFFORD	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME SHERMAN F. FUREY SR			BIRTHPLACE IDAHO
MOTHER - MAIDEN NAME JULIA FALLS			BIRTHPLACE IDAHO
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE DAVID B. YRAGUEN	
NAME AND ADDRESS OF FUNERAL FACILITY SUMMERS FUNERAL HOME, BOISE, IDAHO			
DATE OF DEATH JULY 16, 2016	TIME OF DEATH 5:29 P.M.	CITY, TOWN OR LOCATION OF DEATH BOISE, IDAHO	COUNTY OF DEATH ADA
CAUSE OF DEATH (underlying cause last) a. DYSPHAGIA WITH ASPIRATION PNEUMONIA			Approximate Interval Between Onset and Death MONTHS
b. DUE TO (or as a consequence of): END STAGE PARKINSON'S			MONTHS
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER JUDITH M. PERRY, N.P.		TITLE A.P.R.N.
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY A WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

JULY 25, 2016

DATE ISSUED:

This copy not valid unless prepared on engraved header displaying state seal and signature of the Registrar.

James B. Aydeiotte
JAMES R. AYDEIOTTE
STAT. REGISTRAR



**RESIGNATION OF TRUSTEE AND
NOMINATION OF SUCCESSOR TRUSTEE**

The undersigned NANCY J. FUREY, whose address is P.O. Box 280, Challis, Idaho 83226, is the primary Trustee of the Jack B. and Nancy J. Furey Family Trust, created by Trust Agreement dated March 1, 2007 by reason of the death of original Trustee Jack B. Furey on July 15, 2016 as evidenced by the attached Certificate of Death, and hereby:

1. Resigns as primary Trustee of said Trust.
2. Designates Patrick D. Furey, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, the named successor Trustee in the Trust, to act as the sole primary Trustee of the Trust.

This Resignation shall be effective immediately upon the Acceptance of said successor Trustee.

DATED this 25th day of July, 2016.

By Nancy J. Furey
NANCY J. FUREY

ACCEPTANCE OF SUCCESSOR TRUSTEE

The undersigned PATRICK D. FUREY, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, hereby:

1. Accepts his designation as the successor Trustee of the Jack B. and Nancy J. Furey Family Trust.
2. Agrees to hold, manage, administer and distribute the Trust assets for the named beneficiaries in accordance with the provisions of said Trust.
3. I hereby submit to the jurisdiction of the Ada County, Idaho District Court at any proceedings relating to the Trust estate that may be instituted by any interested person.
4. I agree to act as the sole and primary Trustee of the Trust in accordance with Idaho law.

DATED this 25th day of July, 2016.

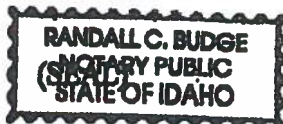
By Patrick D. Furey
PATRICK D. FUREY

STATE OF IDAHO)

County of Ada)

: ss.

On this 25th day of July, 2016, before me a Notary Public for the State of Idaho, personally appeared NANCY J. FUREY, known or identified to me to be the primary Trustee of the Jack B. and Nancy J. Furey Family Trust, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO

Residing at: Porakello, Id.

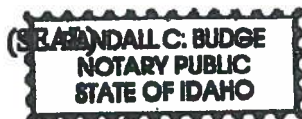
My Commission Expires: 10/11/16

STATE OF IDAHO)

County of Ada)

: ss.

On this ___ day of July, 2016, before me a Notary Public for the State of Idaho, personally appeared PATRICK D. FUREY, known or identified to me to be the successor Trustee of the Jack B. and Nancy J. Furey Family Trust, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO

Residing at: Porakello, Id.

My Commission Expires: 10/11/16

Conveyance documents resulting in change of ownership

3. Quitclaim deed for water rights, incl.
#71-4058

QUITCLAIM DEED FOR WATER RIGHTS

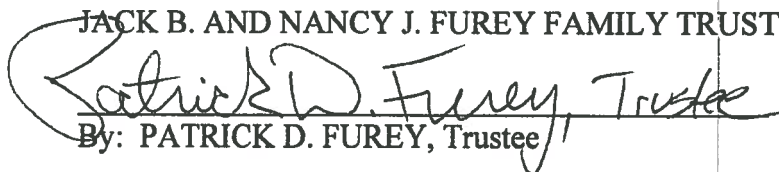
The **JACK B. AND NANCY J. FUREY FAMILY TRUST**, c/o Patrick D. Furey, Trustee, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, hereinafter "GRANTOR," hereby quitclaims and coveys to **PATRICK D. FUREY** and **TAMMY R. FUREY**, husband and wife, whose address is 301 E. Brookhollow Dr., Boise, Idaho 83706, hereinafter "GRANTEES," and to Grantees' heirs and assigns forever any and all of Grantor's right, title and interest in Idaho Department of Water Resources Decreed Water Rights Nos. 71-4057 (the Homestead Spring) and 71-4058 (the Merritt Spring), hereinafter, "Water Rights."

Grantor makes no covenants or warranties as to Water Rights. No land is included in this conveyance.

IN WITNESS WHEREOF, the undersigned has caused his name to be hereunto subscribed.

Dated this 31st day of January, 2018.

JACK B. AND NANCY J. FUREY FAMILY TRUST


By: PATRICK D. FUREY, Trustee

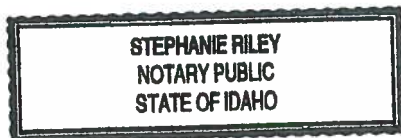
STATE OF IDAHO

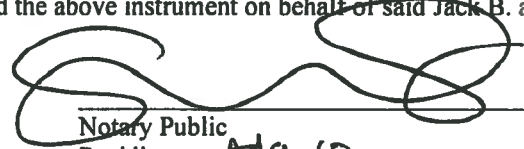
)
)SS:
)

COUNTY OF ADA

ACKNOWLEDGMENT

Personally came before me this 31st day of January, 2018 and before me, a notary public in for said State, personally appeared the above named PATRICK D. FUREY, Trustee of the Jack B. and Nancy J. Family Trust, and acknowledged to me that he executed the above instrument on behalf of said Jack B. and Nancy J. Furey Family Trust.




Notary Public

Residing at: Ada Co.

My Commission Expires: 4-30-20

Conveyance documents resulting in change of ownership

4. Deed conveying "new," true Point Of Diversion

Racine Lot (with springs)

#623741

Instrument # 253027

CHALLIS, CUSTER, IDAHO

03-01-2017

11:50:00

No. of Pages: 4

Recorded for: FIRST AMERICAN TITLE - KETCHUM

Lura H. Baker

Fee: \$19.00

Ex-Officio Recorder Deputy: CAC

WARRANTY DEED

The JEAN RACINE FAMILY TRUST, c/o Randall C. Budge, Trustee, whose address is P.O. Box 1391, Pocatello, Idaho 83204, as an undivided one-half interest, and the LOUIS F. AND JANELL RACINE FAMILY TRUST, c/o Janell Racine, Trustee, whose address is c/o Allen Collins, Cooper Norman, 444 Hospital Way, Suite 555, Pocatello, Idaho 83201, as an undivided one-half interest, hereinafter jointly and separately referred to as "GRANTORS", hereby warrants and conveys to PATRICK D. FUREY and TAMMY R. FUREY, husband and wife, whose address is 301 East Brook Hollow, Boise, ID 83706, hereinafter referred to as "Grantees"), the following described real estate in Custer County, State of Idaho:

**TOWNSHIP 10 NORTH, RANGE 13 EAST, B.M., CUSTER
COUNTY, IDAHO**

SECTION 17: S $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$

TOGETHER WITH AND INCLUDING any and all improvements, appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and his successors and assigns forever.

Grantors do hereby covenant with and warrant the Grantees that Grantors are lawfully seized in fee simple of the Property, have good right and lawful authority to sell and convey the Property, and that Grantors fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantors, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, easements for existing head gates and ditches, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

Dated this 27th day of February, 2017.

WARRANTY DEED - 1

TRANSFER 82148

#623741

RECORDED ELECTRONICALLY	
ID <u>253027</u>	County <u>Custer</u>
Date <u>3-1-17</u>	Time <u>11:50 AM</u>
simplifile www.simplifile.com 800.460.5657	

WARRANTY DEED

The **JEAN RACINE FAMILY TRUST**, c/o Randall C. Budge, Trustee, whose address is P.O. Box 1391, Pocatello, Idaho 83204, as an undivided one-half interest, and the **LOUIS F. AND JANELL RACINE FAMILY TRUST**, c/o Janell Racine, Trustee, whose address is c/o Allen Collins, Cooper Norman, 444 Hospital Way, Suite 555, Pocatello, Idaho 83201, as an undivided one-half interest, hereinafter jointly and separately referred to as "GRANTORS", hereby warrants and conveys to **PATRICK D. FUREY** and **TAMMY R. FUREY**, husband and wife, whose address is 301 East Brook Hollow, Boise, ID 83706, hereinafter referred to as "Grantees"), the following described real estate in Custer County, State of Idaho:

**TOWNSHIP 10 NORTH, RANGE 13 EAST, B.M., CUSTER
COUNTY, IDAHO**

SECTION 17: S½SE¼SW¼SW¼

TOGETHER WITH AND INCLUDING any and all improvements, appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and his successors and assigns forever.

Grantors do hereby covenant with and warrant the Grantees that Grantors are lawfully seized in fee simple of the Property, have good right and lawful authority to sell and convey the Property, and that Grantors fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantors, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, easements for existing head gates and ditches, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

Dated this 2nd day of February, 2017.

WARRANTY DEED - 1

TRANSFER 82148

JEAN RACINE FAMILY TRUST

By: *Randall C. Budge*
RANDALL C. BUDGE, Trustee

LOUIS F. AND JANELL RACINE FAMILY
TRUST

By: _____
JANELL RACINE, Trustee

STATE OF IDAHO

)

) SS:

COUNTY OF BANNOCK

)

ACKNOWLEDGMENT

Personally came before me this 27th day of February, 2017, before me, a notary public in and for said State, personally appeared the above named RANDALL C. BUDGE, Trustee of the Jean Racine Family Trust, that executed the instrument or the person who executed the instrument on behalf of the Trust, and acknowledged to me that such executed the same.



Tessa P. Sparrow
Notary Public
Residing at: Pocatello, Idaho
My commission 10/05/2021

JEAN RACINE FAMILY TRUST

By: _____
RANDALL C. BUDGE, Trustee

LOUIS F. AND JANELL RACINE FAMILY TRUST

By: Janelle Racine
JANELL RACINE, Trustee

STATE OF IDAHO

)

) SS:

COUNTY OF BANNOCK

)

ACKNOWLEDGMENT

Personally came before me this ____ day of February, 2017, before me, a notary public in and for said State, personally appeared the above named RANDALL C. BUDGE, Trustee of the Jean Racine Family Trust, that executed the instrument or the person who executed the instrument on behalf of the Trust, and acknowledged to me that such executed the same.

see attached CA all

Notary Public

Residing at:

My commission

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

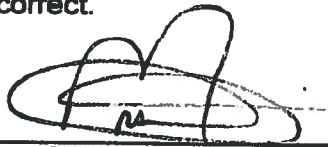
State of California)

County of ORANGE)

On February 27, 2017 before me, C. STUVER CHRISTENSEN, NOTARY PUBLIC,
(Here insert name and title of the officer)

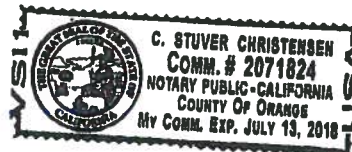
JANELL RACINE

who proved to me on the basis of satisfactory evidence 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 in his ~~her~~ their authorized capacity(ies), and that by his ~~her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Signature of Notary Public

(Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

INSTRUCTIONS

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible.
- Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
- Securely attach this document to the signed document with a staple.

Water Right 71-4058,
as recorded

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/24/2017

WATER RIGHT NO. 71-4058

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK B FUREY
Current Owner	NANCY J FUREY
	PO BOX 280
	CHALLIS, ID 83226
	2088764491

Priority Date: 06/15/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MERRITT SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

MERRITT SPRING|SWSWSW|Sec. 17|Township 10N|Range 13E|CUSTER County

Place(s) of use:

Place of Use Legal Description: DOMESTIC CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10N	13E	17		SESW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP10S13E176610

Dates:

Licensed Date:

Decreed Date: 10/03/1997

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: 170

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

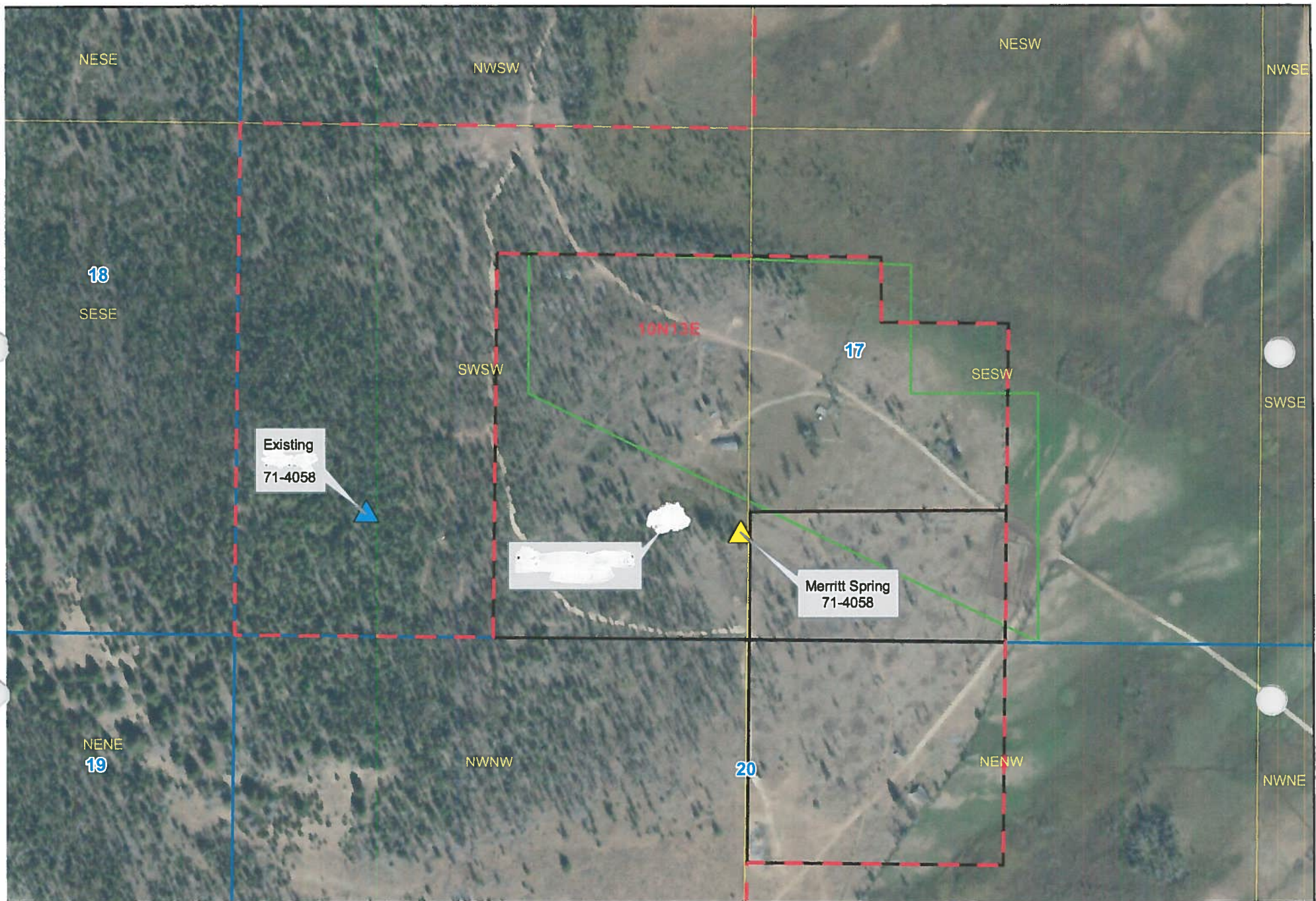
DLE Act Number:

Cary Act Number:

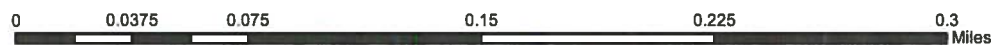
Mitigation Plan: False

Map of the diversion,
showing existing (incorrect)
and proposed (true) POD

TRANSFER 82148



Transfer of water right 71-4058



Imagery: 2015 NAIP

Map Date: 8/25/2017

- Proposed POD
- Existing POD
- Western Rivers Conservancy Property
- Meadow Creek Cabin Lots
- POU 71-4057/ 71-4058



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 5, 2018

PATRICK D FUREY
TAMMY R FUREY
301 E BROOKHOLLOW DR
BOISE ID 83706

Re: Transfer No: 82148
Water Right No(s): 71-4058

Re: Transfer No: 82150
Water Right No(s): 71-4057

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Corey Skinner
Southern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 82148
Water Right No(s): 71-4058**

**Re: Transfer No.: 82150
Water Right No(s): 71-4057**

**PATRICK D FUREY
TAMMY R FUREY
301 E BROOKHOLLOW DR
BOISE ID 83706**



**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: February 26, 2018

To: Transfer 82148

From: Kent Aasa

Re: Memorandum

Memorandum
Date: 2/26/2018

Filing fee of \$200.00 for transfer application 82148 is based on the amount of water (0.04 cfs) proposed to be transferred or changed. An ownership change fee of \$25.00 for 71-4058 is also part of the transfer. Receipt No. S036572 reflects the fee of \$225.00 paid on 02/09/2018.

MEMORANDUM

Date: February 23, 2018
To: Transfer 82148
From: Kent Aasa
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
2/23/2018

The application for transfer simply proposes to identify the point of diversion (POD) to reflect the actual POD QQ location to correct the water right record. This transfer does not propose any place of use (POU) changes. The POD/POU is located approximately 2 miles west and 1.8 miles south of the highway 21/75 intersection in Stanley. The proposed transfer is in Water District 170 and sub-water district 71. De minimis water rights are exempted from Water District administration so Watermaster comments will not be solicited.

Authority to File: The applicants supplied deeds that verify their ownership of the property that 71-4058 is appurtenant to. The applicants also wish to become the current owners of the water right as a result of this transfer and have included the \$25.00 change of ownership fee.

Water Right Validity: Water Right 71-4058 was decreed in the SRBA on 10/03/1997.

Injury to Other Water Rights: No injury to other water rights is anticipated. The transfer will simply identify the correct QQ location of the point of diversion to reflect what was historically developed.

Enlargement of Use: No enlargement.

Local Public interest: No public interest issues anticipated.

Beneficial Use/Conservation of Water Resources: The proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area: No anticipated effects on the local economy.

Effect on Agricultural Base of the Local Area: No anticipated effects on the agricultural base of the area.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: February 20, 2018
To: Transfer 82148
From: Kent Aasa
Re: Legal Notice Not Required

Legal Notice Not Required
2/20/2018

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

RECEIVED

FEB 09 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

Patrick D. Furey
Attorney at Law

February 8, 2018

Mr. Kent Aasa
IDWR Southern Region
650 Addison Ave. W, Suite 500
Twin Falls, Idaho 83301-5858

Re: Pat Furey Transfer Application, Water Right **71-4058** (Merritt Spring and property)

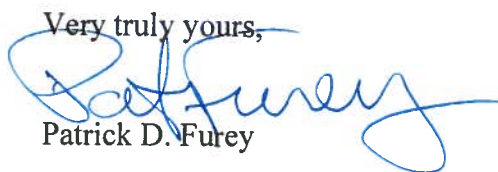
Dear Kent:

Enclosed is my Transfer Application to correct the Merritt Spring/property and water right (71-4058) to change the Point of Diversion from where the records show it to where it truly is on the ground. I'm also documenting the change of the right's ownership from my parents, Jack and Nancy, through their Jack B. and Nancy J. Furey Family Trust, and finally to my wife Tammy and me, who now own both the Merritt Place of Use and the true Point of Diversion.

I am also enclosing my check in the amount of \$225 to cover the \$200 transfer of POD fee and the \$25 transfer of ownership fee.

Thanks for all you help in this and please call me asap if there are any problems or inadequacies in the application. I'll be sending an application changing the POD, POU and ownership for water right 71-4057 (Homestead Spring/property) shortly under separate cover.

Very truly yours,



Patrick D. Furey

encl: Transfer application, water right 71-4058
(changing POD and ownership)

301 E. Brookhollow Dr.
Boise, Idaho 83706
Telephone/Facsimile (208) 368-0855
pdfureylaw@icloud.com

Aasa, Kent

From: Aasa, Kent
Sent: Tuesday, February 06, 2018 10:18 AM
To: 'Patrick Furey'
Subject: RE: Marked up maps
Attachments: Cabin and Springs location.pdf; The Long Form.pdf; The Short Form.pdf

Patrick,

I have been reviewing the application you sent me last week. I have good news and not-so-good-news...The copies of the deeds you provided will work perfectly. However there are a couple of items that need to be addressed: (1) the place of use locations for both water rights identify SESW of section 17, township 10N, range 13E. This is correct for the Merritt cabin however the Homestead cabin is located in SWSW of section 17, township 10N, range 13E. This will require two transfers to accomplish what you want to do: one transfer to change both the place of use and the point of diversion for the Homestead cabin and one transfer to change the point of diversion for the Merritt cabin.

(2) the application for transfer of water right-point(s) of diversion (what we refer to as the "short form") that you sent only allow changes to the point of diversion for a water right. This is fine for the Merritt cabin but the Homestead cabin also needs the place of use corrected. I suggest completing a new "short form" for just the Merritt cabin (71-4058) point of diversion correction.

I also suggest completing the "Application for Transfer of Water Right" (we refer to this as the "long form") to change the place of use and the point of diversion for the Homestead cabin (71-4057).

I have attached a map that I hope will help and I have attached a copy of the long form.

To process the transfers we must have the forms with the original signatures sent to us along with the fees. We also need the fees to process the water right ownership changes.

The fees are \$200.00 for each transfer and the ownership change fees are \$25.00 for each water right for a total of \$450.00.

Thanks,

Kent

P.S. Please call me at your convenience so we can discuss this in a little more detail.

-----Original Message-----

From: Patrick Furey [mailto:pdfureylaw@icloud.com]
Sent: Friday, February 02, 2018 10:36 AM
To: Aasa, Kent <Kent.Aasa@idwr.idaho.gov>
Subject: Re: Marked up maps

I understand completely, and have a great weekend!

Pat

> On Feb 2, 2018, at 10:35 AM, Aasa, Kent <Kent.Aasa@idwr.idaho.gov> wrote:

>

> Got them. Thanks Pat. I won't be able to dive into these until Monday.

>

> Kent

>

> -----Original Message-----

> **From:** Patrick Furey [mailto:pdfureylaw@icloud.com]
> **Sent:** Friday, February 02, 2018 9:46 AM
> **To:** Aasa, Kent <Kent.Aasa@idwr.idaho.gov>
> **Subject:** Marked up maps

>

> Kent,

>

> Attached is the map you sent me, on which I've marked the location of the springs and cabins. I don't know if you need it or not, but I also marked the cabins on the map Amy Cassel from your Salmon office prepared for me last summer that also has the springs marked. Thanks!

>

> Pat

>

Aasa, Kent

From: Patrick Furey <pdfureylaw@icloud.com>
Sent: Friday, February 02, 2018 9:20 AM
To: Aasa, Kent
Subject: Re: Furey Transfer Application, Part I (A)

Excellent, I'll get it marked and returned ASAP. Thanks

> On Feb 2, 2018, at 9:19 AM, Aasa, Kent <Kent.Aasa@idwr.idaho.gov> wrote:

>

> Let me know if this doesn't work.

>

> Kent

>

> -----Original Message-----

> From: Patrick Furey [mailto:pdfureylaw@icloud.com]

> Sent: Friday, February 02, 2018 9:14 AM

> To: Aasa, Kent <Kent.Aasa@idwr.idaho.gov>

> Subject: Re: Furey Transfer Application, Part I (A)

>

> Perfect, thanks!

>> On Feb 2, 2018, at 9:13 AM, Aasa, Kent <Kent.Aasa@idwr.idaho.gov> wrote:

>>

>> Pat,

>> How about if I send you a pdf?

>> Kent

>>

>> -----Original Message-----

>> From: Patrick Furey [mailto:pdfureylaw@icloud.com]

>> Sent: Friday, February 02, 2018 8:43 AM

>> To: Aasa, Kent <Kent.Aasa@idwr.idaho.gov>

>> Subject: Re: Furey Transfer Application, Part I (A)

>>

>> Thanks, Kent. I'm having trouble finding a program that will open the map, can you suggest one?

>> Pat

>>> On Feb 1, 2018, at 4:31 PM, Aasa, Kent <Kent.Aasa@idwr.idaho.gov> wrote:

>>>

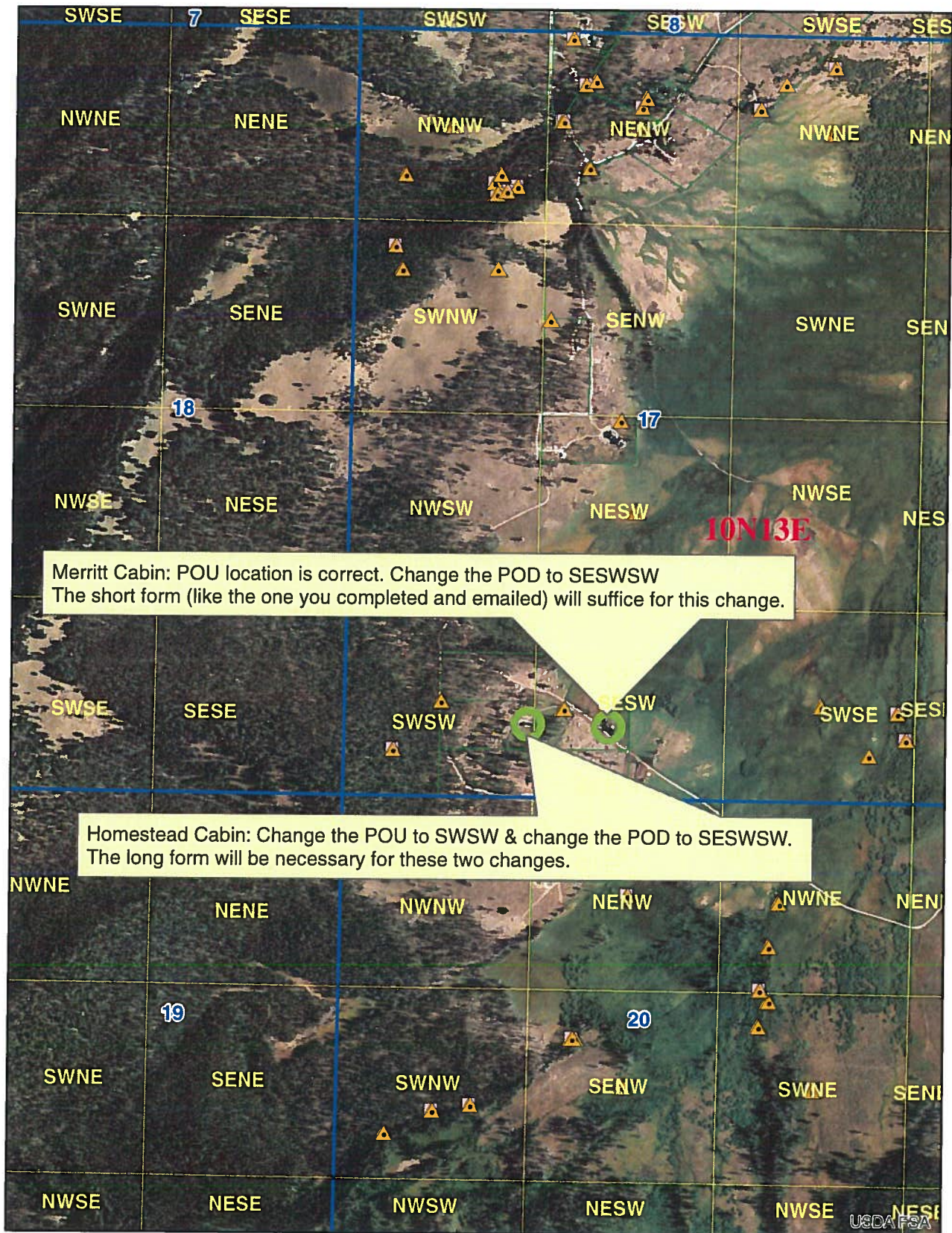
>>> <POD_Change.mxd>

>>

>

> <POD_Change.pdf>

Need Corrections for Transfer



A map I emailed Patrick to help him complete the two transfer applications