

RECEIVED

NOV 28 2017

Department of Water Resources
Eastern Region

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)** Cliff and Nicole Sermon Phone 208-206-5040

2. MAILING ADDRESS 1121 Packer Dr City Blackfoot

State ID Zip 83221 Email cliffsermon@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

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

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

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

3. LIST WATER RIGHT NUMBER(S) 29-4470

- ☒ 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 0.20 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*.

[illegible]

6. GENERAL INFORMATION

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

Letter included describing area that we want the diversion spot to be moved.

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

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

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

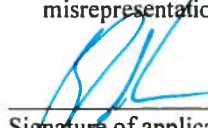
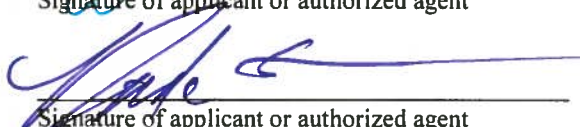
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer_Application/Layouts provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 Signature of applicant or authorized agent	Cliff Sermon Print name and title if applicable	11/28/2017 Date
 Signature of applicant or authorized agent	Nicole Sermon Print name and title if applicable	11/28/2017 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 M Holliday Date 11/28/17
Fee paid \$ 200 Date 10/30/17 Received by JT Receipt # E043527
Preliminary review by MH Date 11/28/17 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)

11/28/2017

<u>Owner Type</u>	<u>Name</u>
Current Owner	CLIFF SERMON
Current Owner	NICOLE SERMON
<u>Priority Date:</u> 4/1/1905	
<u>Basis:</u> Deceased	
<u>Status:</u> Active	

Tributary
BIRCH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.200 CFS	
	Total Diversion		0.200 CFS	

ELLIS CREEK L1(NESW) Sec. 33, Twp 09S, Rge 36E, BANNOCK County

T09S R36E S33	NESE	1.0
T09S R36E S33	NWSE	13.2
	Right Acre Limit:	14.2
	POU Total Acres:	14.2

1.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2.	205	The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
3.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4.	004	This right does not grant any right-of-way or easement across the land of another.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 3/22/2004
Water District Number: 29H

State of Idaho
Department of Water Resources

Water Right
29-4470

IRRIGATION

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

36E



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources

Water Right
29-4470

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State of Idaho
Department of Water Resources

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36E



⊙ Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

0 0.05 0.1 0.2 Miles



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State of Idaho
Department of Water Resources

Water Right
29-4470

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36E



○ Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

□ Quarter Quarters

0 0.05 0.1 0.2 Miles

82028



State of Idaho
Department of Water Resources

Water Right

29-4470

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36E



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

0 0.05 0.1 0.2 Miles

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Seller/Secured Party  P.O. Box 837 • 398 W. Hwy. 39 Blackfoot, Id 83221 (208)785-7017		Purchaser/Debtor						
		Name		CLIFF SERMON		Phone		
		Address						
		City		ARIMO		State	ID	Zip
		Date		AUGUST 24, 2017		Salesman		
		4" MAINLINE AND 7.5 HP PUMP						
QUANTITY	DESCRIPTION				LIST PRICE	UNIT PRICE		
620'	4" PVC PIPE 125# IPS				1.07	663.40		
620'	TRENCH, INSTALL, BACKFILL FOR PIPE				1.10	682.00		
1	7.5 HP BERKELEY PUMP B2TPM SINGLE PHASE					2260.00		
4	4"X4"X3"X36" RISER TEE WITH VALVE TOP				122.00	488.00		
1	END RISER WITH AIR VENT AND VALVE TOP					158.00		
1	48" X 72" CULVERT SUMP WITH SCREEN					690.00		
1	METER BASE					1500.00		
1	PUMP PANEL, TIME CLOCK, PRESSURE SWITCH					1035.00		
1	WIRE METER BASE, PUMP, AND PANEL					980.00		
1	INSTALL SUMP IN CREEK					620.00		
2	THRUST BLOCK				65.00	130.00		
1	4" FOOT VALVE AND SUCTION PIPE					402.00		
1	DISCHARGE FITTINGS AND VALVE					180.00		
1	4" DUCKOUT WITH STARTER COUPLER					135.00		
1	WELDING LABOR TO TIE IN TO MAINLINE					590.00		
1 1/4 mile	3" X 32 PIPE WESTERN HOOK AND LATCH HANDLINE COMPLETE					3980.00		
					SUBTOTAL	\$14493.40		
					SALES TAX 6%	\$869.60		
	ROCK WORK NOT INCLUDED				TOTAL	\$15363.00		
Salesman _____ Signature of Purchaser _____								

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

RECEIVED
DEC 30 2016
Department of Water Resources
Eastern Region

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

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
79-4470 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Bruce Wheatley
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Cliff and Nicole Serron
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☒ and/or
- 1121 Packer Dr Blackfoot ID 83221
Mailing address City State ZIP
- 208-243-2360 cliff.serron@gmail.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed **IRS Form W-9** for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed **Lessor Designation** form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☐ Filing fee (see instructions for further explanation):
- o \$25 per undivided water right.
 - o \$100 per split water right.
 - o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an

8. Signature: [Signature] owner _____ Date _____
Signature of new owner/claimant Title, if applicable

Signature: [Signature] owner _____ Date _____
Signature of new owner/claimant Title, if applicable

For IDWR Office Use Only:

Received by JB Date 12/8/16 Receipt No. E042647 Receipt Amt. \$25 - for this app
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by JB Processed by JB Date 1/13/2016

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First American Title - Pocatello

21615513 2016 Oct 28 PM 02:56:00
Electronically Recorded by Simplifile

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 609592-P (sg)

Date: October 26, 2016

For Value Received, Bruce H. Wheatley and Darlene P. Wheatley, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Cliff Sermon and Nicole Sermon, husband and wife, hereinafter called the Grantee, whose current address is 1121 Hacker Dr. Blackfoot, ID 83221, the following described premises, situated in Bannock County, Idaho, to-wit:

LOT 1, BLOCK 1, BIRCH CREEK RANCHES SUBDIVISION, BANNOCK COUNTY, IDAHO, AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, RECORDED DECEMBER 24, 2007 AS INSTRUMENT NO. 20730081.

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

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

82028

Bruce H. Wheatley
Bruce H. Wheatley

Darlene P. Wheatley
Darlene P. Wheatley

STATE OF Idaho)
) ss.
COUNTY OF Bannock)

On this 27th day of October, 2016, before me, a Notary Public in and for said State, personally appeared **Bruce H. Wheatley and Darlene P. Wheatley**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Inkom, ID
My Commission Expires: 9-30-17



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

January 13, 2017

C.L. "BUTCH" OTTER
Governor

Cliff Sermon
Nicole Sermon
1121 Packer Dr
Blackfoot ID 83221

GARY SPACKMAN
Director

RE: Change of Ownership for Water Right No(s). 29-4470

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right(s) to you. The department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

You are free to contact this office if you have any questions regarding this matter.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

82028

WATER DISTRICT NO. 29H - MARSH CREEK
PO BOX 292
DOWNEY, IDAHO 83234

Welcome to Water District 29H - Marsh Creek.

Enclosed is your first annual assessment, which is due upon receipt and will be past due as of July 1, 2017. **Please remit payment to PO Box 292 Downey, Idaho 83234.**

The Advisory Committee is comprised of the following persons:

Lynn Bastian
Demar "Dee" Gilbert
Ralph Wheatley
Tony Hancock
Kathy Spiegel

The Watermaster is Brad Maddox contact information 208-380-1341.

The Treasurer is Dianna Burden contact information 208-251-3723

Please update any information that is not correct. If you are no longer the water right owner, then the Idaho Department of Water Resources has not received a transfer application. It is not a required form to be completed when property is transferred (sold or purchased), so it may need to be done at this time. The form can be obtained off the IDWR website or completed at the local office. There is an applicable transfer fee. However, if you are the correct water right holder and just need to update your address, there is no fee. Please complete and sign the address change form. The website is: <http://www.idwr.idaho.gov/>

The Regional Office for District 29H is:

Eastern Regional Office

900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718
P: (208) 525-7161
F: (208) 525-7177

141, 2 acres
Water right
a 2005
Ellis Creek

Some water rights have several owners and addresses listed with the IDWR. If there is one specific address and/or contact person for payment of annual assessments, please let Dianna know so that we will mail one invoice to the correct address. This will NOT update the IDWR holders list.

Please feel free to contact the IDWR District Office or Watermaster, Brad Maddox or Treasurer, Dianna Burden for assistance with completing and filing forms.

RECEIVED

OCT 30 2017

Department of Water Resources
Eastern Region

To Idaho Department of Water Resources,

October 26th 2017

My name is Nicole Sermon. My husband and I purchased land sight 29-4470 in Arimo Idaho. On December 30th of 2016 we received approval for the water right ownership change. We have been trying to do some improvements on the land but due to location of the point of diversion for our land it makes it quite hard. The purpose of this letter is to get approval to move my diversion location.

In June of this year I spoke with Mr. Visosky (out of Boise) about what needs to be done to receive approval for the relocation of my diversion location. I was told at that time that I had until the end of 2017 to get this done. The property, to our knowledge has showing no water use since Mr. Wheatley applied for transfer, in 2012. I was told if I did not apply before the end of 2017 I would not be able to and potentially lose my water shares.

On October 24, the I spoke with Blake in the Idaho Falls office and he helped me fill out this information. Blake asked who we had been working with and there have been 3 different people in the Idaho falls office and I think that because of that we have not received the best information. This is why I (Nicole) called Mr. Visosky in Boise . I also learned that back when we applied for the change in water rights we did pay \$200.00 and only \$25 was used to process the paper work. I am asking for a reimbursement for the remaining \$175.00 on recite number E042647. I am inclosing a check in the amount of \$200.00 to pay for the diversion spot relocation.

check 1002

As of right now according to the water right map on the web page, our diversion location is southwest of our neighbors property. (See 1A)

My land is highlighted in (2A)

I can NOT put a pump on someone else's private property for my private use.

I can NOT dig up the ONLY road that gives me and other houses access to our land (see 3A)

I can NOT BLOCK the road by putting a pipe across the only road to feed water to my land.

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I should NOT have to ask permission from another land owner, who owns the property my point of diversion sits on, to turn on my pump.

Do you see my problem?

I was told that I needed to show that we are using water to make improvements on our land. I have enclosed pictures to show how we are watering our land and the area we call our park (4A). We do not live on the land at this point in time but use it for family gatherings . We have been watering and have a small fire pit in our park area. We have kept a large area mowed as to keep down fire danger to those around us.

I was told that I cannot water sage brush or use water haphazardly (which I WOULD NOT DO). The pictures show how we have been watering (garden hose, small pump in stream, sprinkler head). You might laugh at this but we have no other option at this point.

We would like the diversion spot to be moved to location (1B , picture location included) . This spot is located at the creek entrance on our land.

*I am NOT asking for a new water source.

*I am NOT asking for more water rights

*I AM asking to put a creek pump on my land,

Enclosed is the bid we received for the cost to put the pump in and be up to standard with all water use guidelines. As you can see on the bid sheet that the cost incurred on this is substantial and I will only do this once. I want to be in code and not worry about the water master fining us or causing any problems downstream.

If this diversion location change is NOT approved, I am asking how then am I going to be in compliance to use my water share and how do I go about doing that without the water master turning our pump off or receiving fines?

I have enclosed all that I can but I know there is a lot more information on your web page. That is where I received my information and also by speaking with Mr. Visosky. I appreciate the help that I have received to get this done.

Please let me know if there is any other information I can give you or what else I can do to make this change happen.

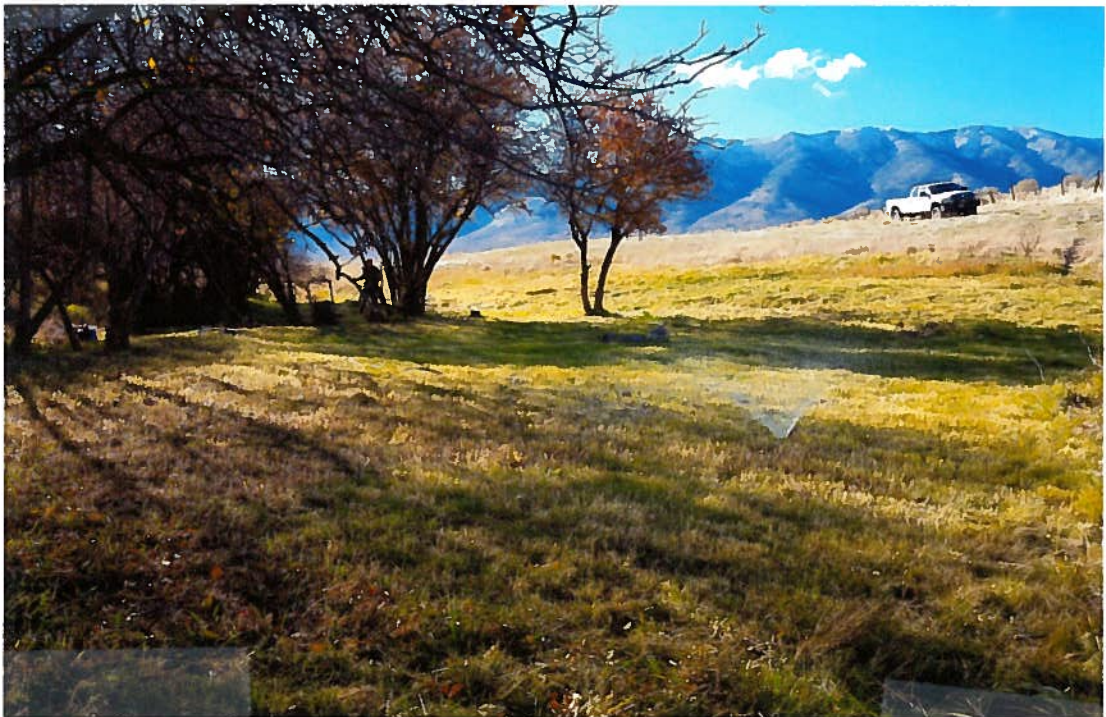
Thank You for you consideration and hopefully approval on this matter.

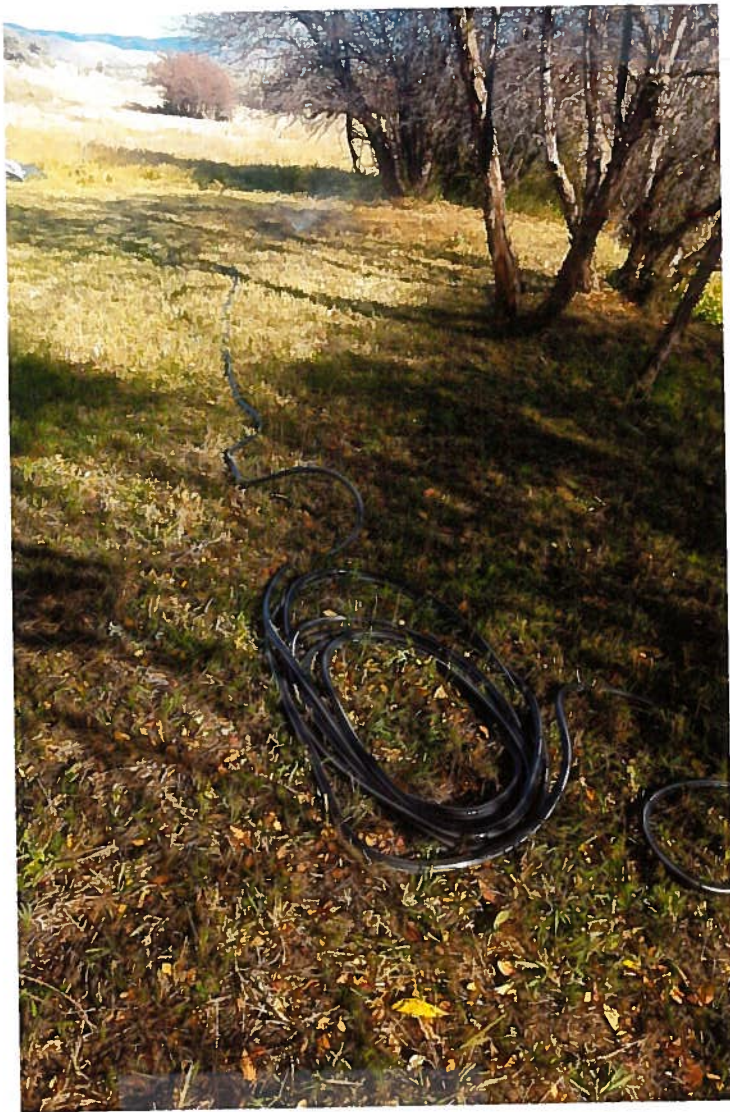
Sincerely,

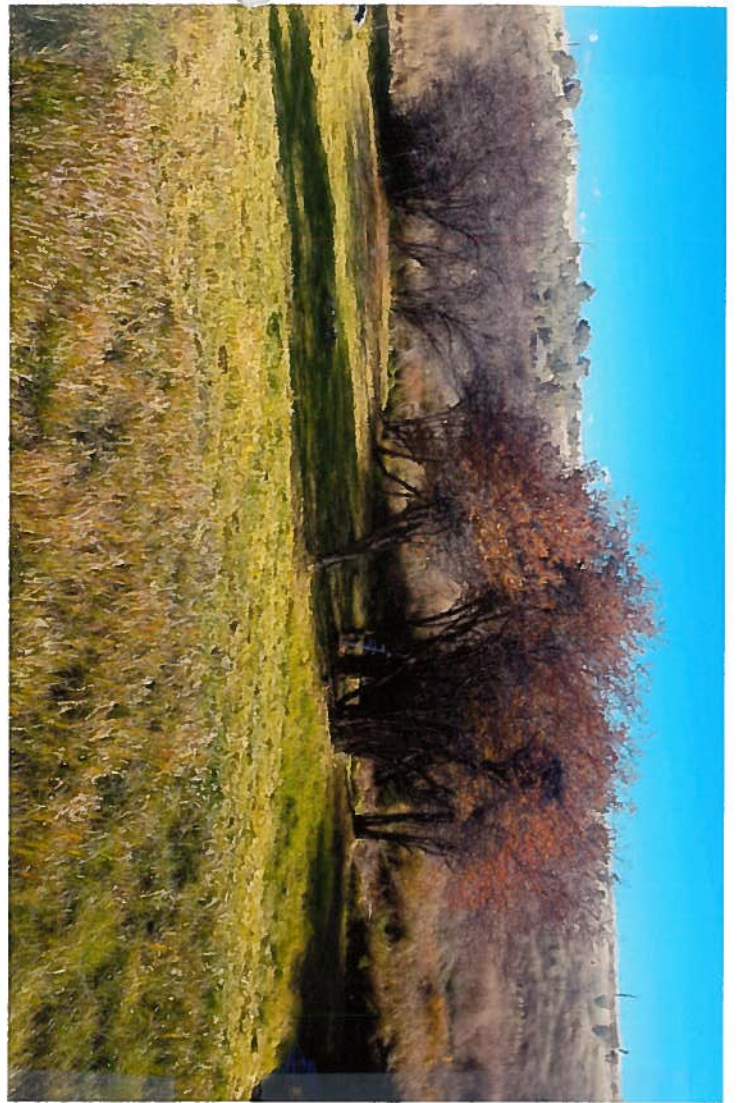
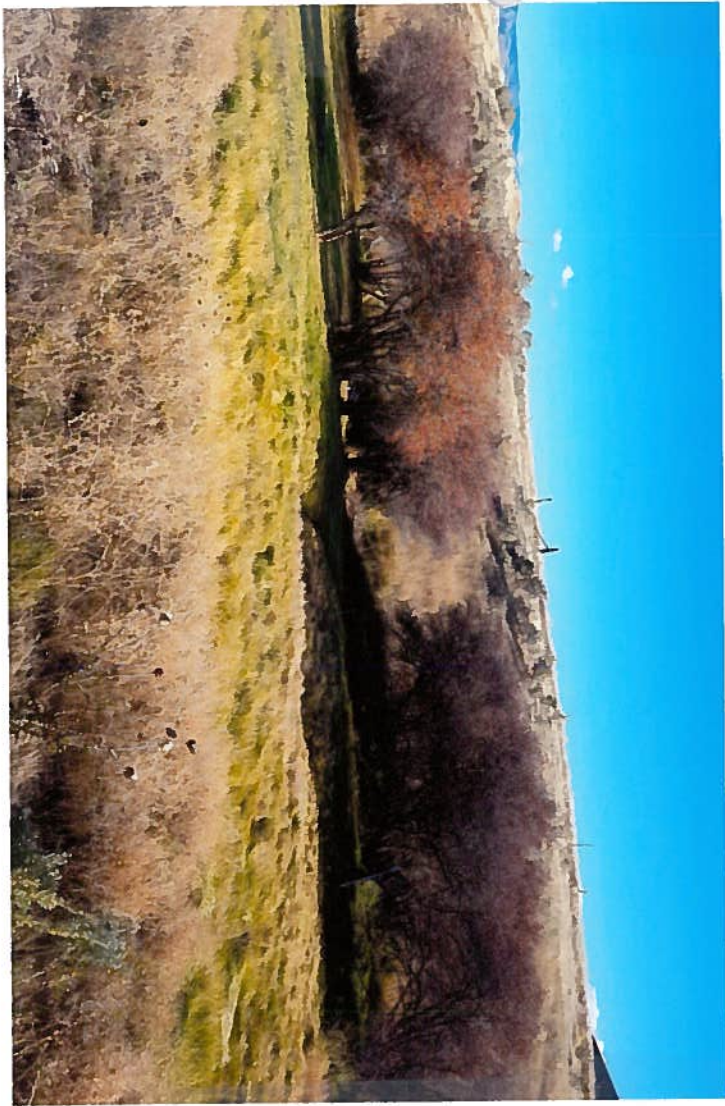
Nicole Sermon

208-206-5040

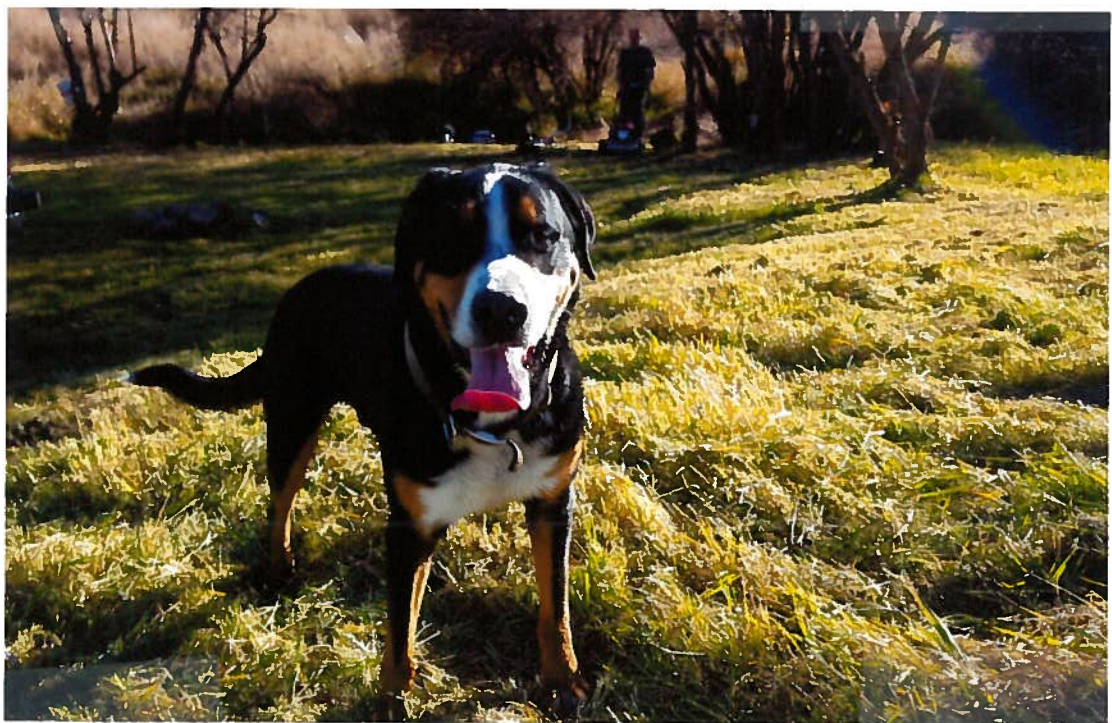
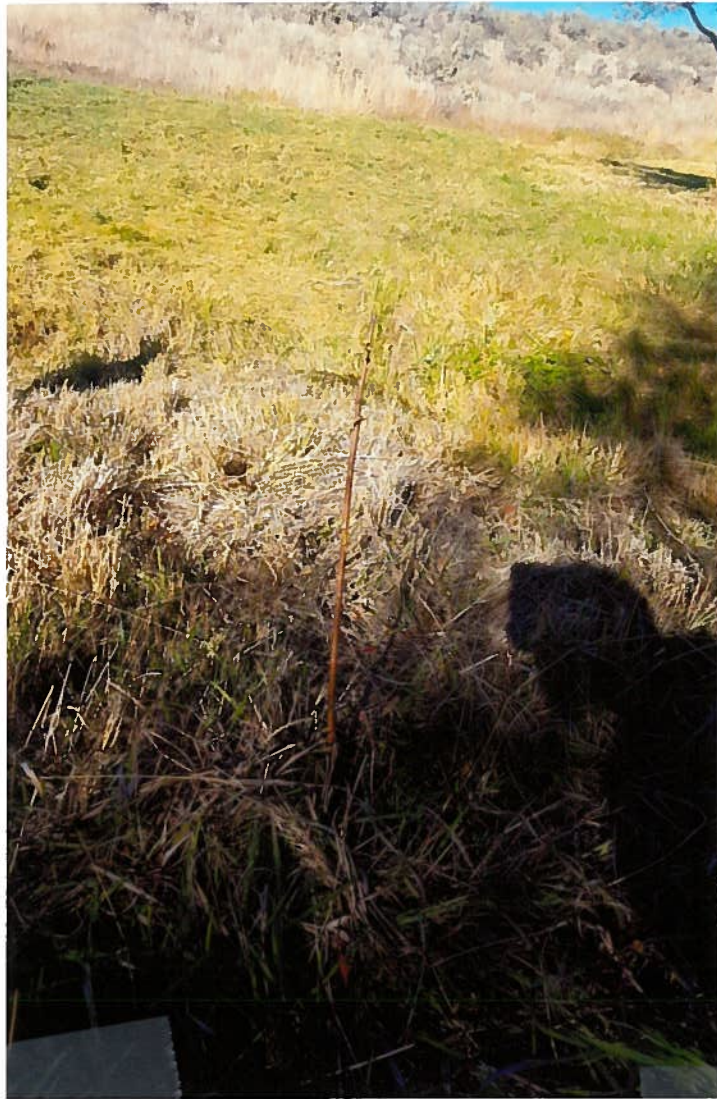
happynsermon@gmail.com







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