

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 16 2017
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Dale and Mary Ann Wade Phone 766 3614

Mailing address 17175 S Jenkins Rd Arimo, ID 83214 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Dale H Wade
Signature of Applicant or Authorized Representative

Dale H. Wade
Print Name and Title if applicable

8-14-2017
Date

Mary Ann Wade
Signature of Applicant or Authorized Representative

MARY ANN WADE
Print Name and Title if applicable

8-14-2017
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Concentrate my water rights on 220.5 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-13896	2.36	Irrigation	03/15 to 11/15	Ground Water
☒ ☐	29-13898	0.35	Irrigation	04/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.71 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.46 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	36E	26										11	24	40					75
		35		40	40		40	19											139
Total Acres (for irrigation use)																			214

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

The diversion system has a 200hp. pump with variable frequency drive that allows pump A measuring device and lockable controller could be installed after water control

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

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

- c.** Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d.** Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e.** Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
It will be dry.

- f.** Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Surface water shares from *Do not have surface water shares*

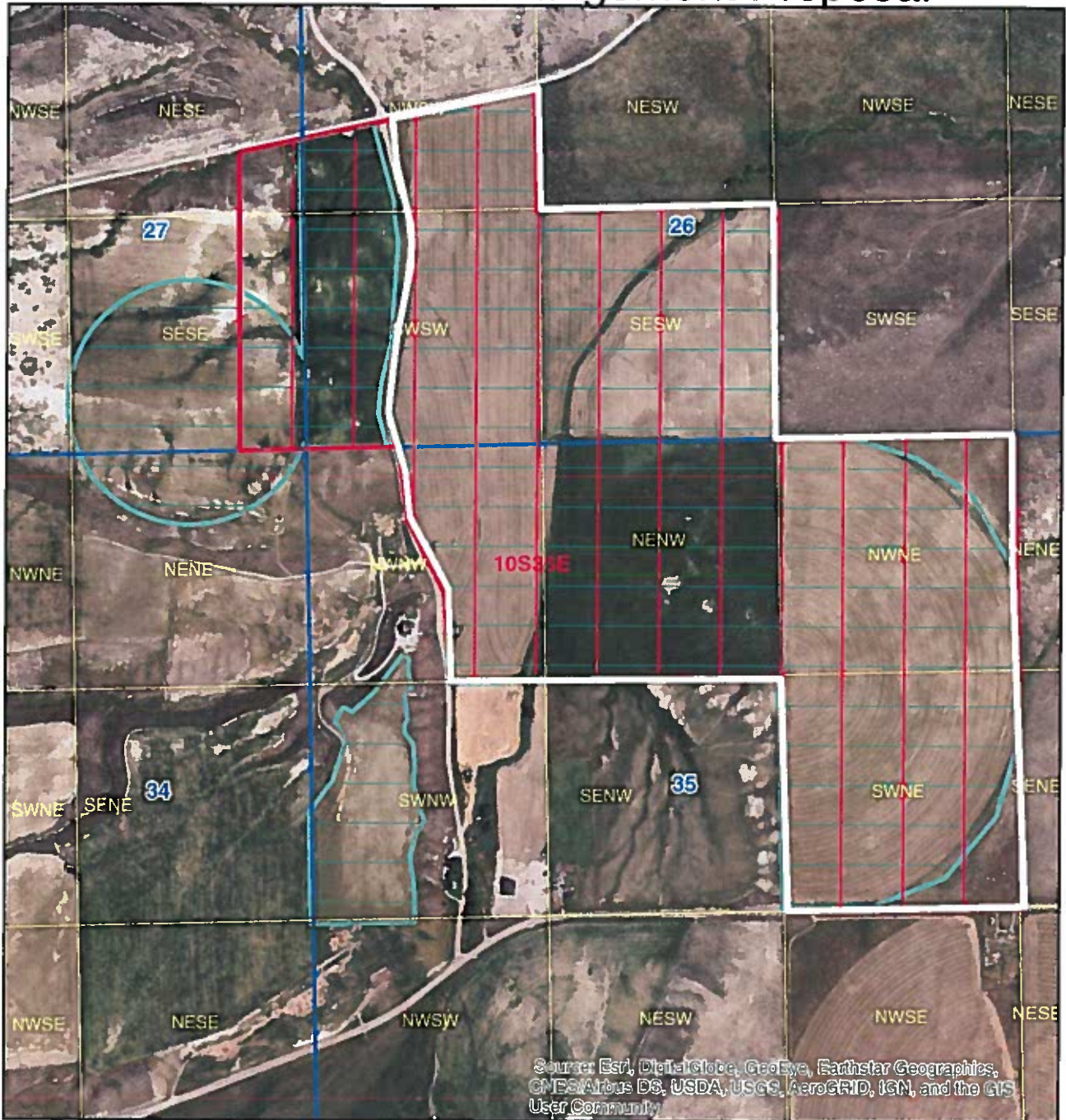
- g.** To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

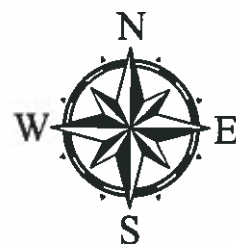
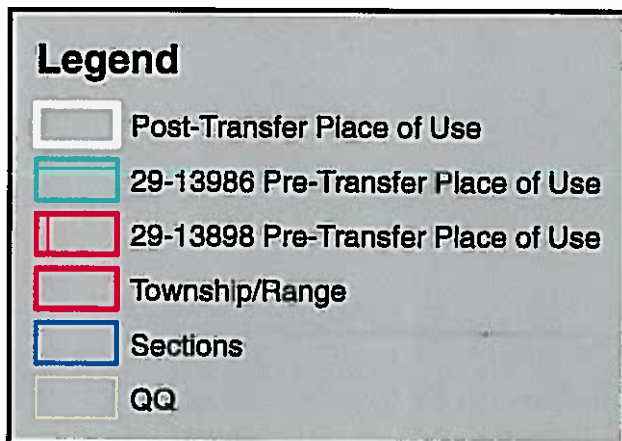
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Place of Use Rearrangement Proposal



2015 Imagery



0 0.1 0.2 0.4 Miles

81876

8/25/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE H WADE 17175 S JENKINS RD ARIMO, ID 83214 (208) 766-3614

Current Owner MARY ANN WADE
17175 S JENKINS RD
ARIMO, ID 83214
(208) 766-3614

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.360 CFS	934.5 AF
	Total Diversion		2.360 CFS	934.5 AF

Sec. 35, Twp 10S, Rge 36E, BANNOCK County

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	36E	26										14.0	37.0	40.0					91.0
10S	36E	27																25.0	25.0
10S	36E	34	9.0																9.0
10S	36E	35		35.0	35.0		40.0	20.0	12.0										142.0

POU Total Acres: 267.0

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2.		USE OF THIS RIGHT IS COMBINED WITH WATER FROM MARSH CENTER IRRIGATION CO.
3.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

8/25/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE H WADE 17175 S JENKINS RD ARIMO, ID 83214 (208) 766-3614

Current Owner MARY ANN WADE
17175 S JENKINS RD
ARIMO, ID 83214
(208) 766-3614

Status: Active

Tributary

Diversion Rate
0.350 CFS
0.350 CFS

Volume

GROUND WATER

NWNW

Sec. 35, Twp 10S, Rge 36E, BANNOCK County

IRRIGATION within BANNOCK County

[illegible]

POU Total Acres: 241.0

1.		This right uses the same well as Right 29-13895, 29-13896, & 29-13897. This right when combined with Right 29-13896 and all other rights shall provide no more than 0.02 cfs per acre nor exceed an annual diversion volume of 843.5 af for the lands above. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
2.	065	The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/25/2017

3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

QUITCLAIM DEED

FOR VALUE RECEIVED

Dale H. Wade also known as Dale Wade
Mary P. Wade also known as Mary Ann Wade
DO HEREBY CONVEY, RELEASE, REMISE, AND FOREVER QUIT CLAIM UNTO
Wade Crest Land LLC

WHOSE CURRENT ADDRESS IS

17175 S Jenkins Rd
Arimo, ID 83214

THE FOLLOWING DESCRIBED PROPERTY:

See Exhibit A

OFFICIAL RECORD BK# *990*
BANDOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE *90.00* DEPUTY *Jo*

Dale H. Wade

21504058

2015 APR -6 P 1:37

TOGETHER WITH THEIR APPURTENANCES

DATED: *4-6-15*

SIGNED

Dale H. Wade

SIGNED

Mary Ann P. Wade

STATE OF IDAHO, COUNTY OF

ON THIS *6* DAY OF *April* 2015

PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, AND
KNOWN TO ME TO BE THE PERSON(S) WHO (SE) NAME(S) SUBSCRIBED TO THE WITHIN
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE(SHE) EXECUTED THE SAME

NOTARY PUBLIC

JoAnn Anderson
RESIDING AT *Idc*, IDAHO

MY COMMISSION EXPIRES

10-23-2015



21504058

20812301

Y-3

APR 14 2008 10:00

Warranty Deed
- continued

File No: 2008-07 (d)
Date: 06/20/2008

EXHIBIT A

PARCEL 1:

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 35; NE $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 27;
W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 26; NW $\frac{1}{2}$ NE $\frac{1}{4}$ OF SECTION 34; IN TOWNSHIP 10, SOUTH,
RANGE 36, E.B.M. BANNOCK COUNTY, IDAHO.

EXCEPT THAT PORTION OF THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 26 AND THE NE $\frac{1}{2}$ SE $\frac{1}{4}$ OF SECTION
27, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, LYING NORTH AND
WEST OF MCDANIELS ROAD WHICH WAS DEEDED TO JOHN WILLIAM HART, ON 16 JUNE
1947.

EXCEPTING THEREFROM: A PIECE OF LAND LYING IN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 35,
TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE NORTHEAST QUARTER SAID
SECTION 35, WITH THE SOUTH LINE NORTHEAST QUARTER SAID SECTION 35, SAME BEING
APPROXIMATELY 5 FEET PERPENDICULARLY DISTANT FROM ENGINEER'S STATION 507+62
OF THE CENTERLINE OF HIGHWAY S-1754(2) AS SAME IS SHOWN ON THE PLANS ON FILE
IN THE OFFICE OF THE STATE HIGHWAY ENGINEER OF IDAHO; THENCE NORTH ALONG SAID
WEST LINE 35 FEET, MORE OR LESS, TO A POINT 40.0 FEET PERPENDICULARLY DISTANCE
FROM SAID CENTERLINE; THENCE NORTH 89°17' EAST 135 FEET, MORE OR LESS, TO A
POINT 40.0 FEET PERPENDICULARLY DISTANT FROM ENGINEER'S STATION 509+00 OF
SAID CENTERLINE; THENCE SOUTHERLY PERPENDICULAR TO SAID CENTERLINE 35 FEET,
MORE OR LESS, TO A POINT ON THE SOUTH LINE NORTHEAST QUARTER SAID SECTION 35;
THENCE WEST ALONG SAID SOUTH LINE 135 FEET, MORE OR LESS, TO THE POINT OF
BEGINNING. ALSO A FURTHER PIECE OF LAND LYING IN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 35,
TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SAID SECTION 35, WITH
THE SOUTH LINE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SAID SECTION 35, SAME BEING APPROXIMATELY 8 FEET
PERPENDICULARLY DISTANT FROM ENGINEER'S STATION 520+92 OF THE CENTERLINE OF
HIGHWAY S-1754(2); THENCE WEST ALONG SAID SOUTH LINE 1192 FEET, MORE OR LESS,
TO A POINT APPROXIMATELY 5 FEET PERPENDICULARLY - DISTANT FROM ENGINEER'S
STATION 509+00 OF SAID CENTERLINE; THENCE NORTHERLY PERPENDICULAR TO SAID
CENTERLINE 20 FEET, MORE OR LESS, TO A POINT 25.0 FEET PERPENDICULARLY DISTANT
FROM SAID CENTERLINE; THENCE NORTH 89°17' EAST 1192 FEET, MORE OR LESS, TO A
POINT ON THE EAST LINE SW $\frac{1}{4}$ NE $\frac{1}{4}$ SAID SECTION 35; THENCE SOUTH ALONG SAID EAST
LINE 17 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

21504053

6-4

20812301

APN: R4225012700

Warranty Deed
- continued

File No.: 202000-P (d)
Date: 05/20/2020

ALSO EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF SWANSEA, SECTION 35, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO; THENCE NORTH 89°17' EAST 138.0 FEET TO A POINT THAT IS 5.0 FEET NORTH OF ENGINEER STATION 509+00; THENCE NORTH 20.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°17' EAST 1192.0 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SWANSEA, SECTION 35, SAID POINT BEING APPROXIMATELY 25.0 FEET NORTH OF ENGINEER STATION 520+92; THENCE NORTH 10.0 FEET; THENCE SOUTH 89°17' WEST 1192.0 FEET, MORE OR LESS, TO A POINT THAT IS APPROXIMATELY 35.0 FEET NORTH OF ENGINEER STATION 509+00; THENCE SOUTH 10.0 FEET TO THE POINT OF BEGINNING.

EXCEPT: ALSO A STRIP OF LAND 50 FEET WIDE LYING IN THE SWANSEA AND NWANSEA SECTION 35, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, SAME BEING 25 FEET RIGHT AND 25 FEET LEFT OF THE FOLLOWING DESCRIBED CENTERLINE OF HIGHWAY S-1754(2):

BEGINNING AT ENGINEER'S STATION 509+00; THENCE NORTH 89°17' EAST 1192 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE NWANSEA, SECTION 35, SAME BEING APPROXIMATELY ENGINEER'S STATION 520+92.

ALSO EXCEPTING: E/4SW1/4NW1/4, SECTION 35, TOWNSHIP 10 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO.

ALSO EXCEPTING:

A PARCEL OF LAND IN THE NW1/4NW1/4 OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/16 CORNER ON THE WEST LINE OF SAID SECTION 35, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP STAMPED PLS 843, AS SHOWN ON RECORD FOR FRED & STACEY BURMEISTER, INSTRUMENT NO. 20503803; THENCE NORTH 89°45'54" EAST ALONG THE SOUTH LINE OF SAID NW1/4NW1/4 A DISTANCE OF 368.80 FEET TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843;

21504053

20812301

V-5

APN: R4383018700

Whitney Deed
- continuedFile No.: 203900-P (c)
Date: 08/29/2003

THENCE NORTH $00^{\circ}05'28''$ EAST, LEAVING SAID SOUTH LINE, 656.05 FEET TO A $1/2"$ REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH $89^{\circ}45'54''$ EAST 287.56 FEET TO A POINT IN THE APPARENT CENTERLINE OF JENKINS ROAD; THENCE SOUTH $25^{\circ}34'42''$ EAST ALONG SAID CENTERLINE 54.36 FEET; THENCE CONTINUING ALONG SAID CENTERLINE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF $22^{\circ}38'58''$, FOR AN ARC LENGTH OF 158.12 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH $14^{\circ}15'13''$ EAST 157.10 FEET; THENCE SOUTH $02^{\circ}59'44''$ EAST, CONTINUING ALONG SAID CENTERLINE, 128.84 FEET; THENCE CONTINUING ALONG SAID CENTERLINE, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF $05^{\circ}10'29''$, FOR AN ARC LENGTH OF 45.16 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH $05^{\circ}30'59''$ EAST 45.14 FEET; THENCE SOUTH $08^{\circ}06'15''$ EAST, CONTINUING ALONG SAID CENTERLINE, 236.61 FEET; THENCE CONTINUING ALONG SAID CENTERLINE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF $04^{\circ}23'52''$, FOR AN ARC LENGTH OF 38.38 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH $05^{\circ}54'17''$ EAST 38.37 FEET, TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID NW $1/4$ NW $1/4$; THENCE SOUTH $89^{\circ}45'54''$ WEST, LEAVING SAID CENTERLINE, ALONG SAID SOUTH LINE, 399.45 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND IN THE NW $1/4$ NW $1/4$ OF SECTION 35, TOWNSHIP 10 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N $1/16$ CORNER ON THE WEST LINE OF SAID SECTION 35, MONUMENTED WITH A $5/8"$ REBAR WITH ALUMINUM CAP STAMPED PLS 843, AS SHOWN ON RECORD FOR FRED & STACEY BURMEISTER, INSTRUMENT NO. 20503689; THENCE NORTH $89^{\circ}45'54''$ EAST ALONG THE SOUTH LINE OF SAID NW $1/4$ NW $1/4$ A DISTANCE OF 368.80 FEET TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A $1/2"$ REBAR WITH PLASTIC CAP STAMPED PLS 843;