

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 81612

**RECEIVED****JUL 20 2017**

**MINIMUM REQUIREMENTS CHECKLIST**  
**TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**

DEPT OF WATER RESOURCES

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) PATRICK J COURTNEY

**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**

**Yes N/A** \*Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☒ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: \_\_\_\_\_

JUL 20 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant PATRICK J COURTNEYPhone 2086554243Mailing Address 2706 E 2500 N, TWIN FALLS ID 83301

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.

Pat Courtney  
Signature of Applicant or Authorized RepresentativePat Courtney / Owner  
Print Name and Title if applicable7-20-2017  
Date\_\_\_\_\_  
Signature of Applicant or Authorized Representative\_\_\_\_\_  
Print Name and Title if applicable\_\_\_\_\_  
Date

## A. PURPOSE OF TRANSFER

| 1. | Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|---------|-------|-----|-----|---------|---------------|---------------|
|    | 47-7005 | No    | No  | Yes | No      | No            | No            |
|    | 47-7494 | No    | No  | Yes | No      | No            | No            |

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant proposes consolidation of water used for irrigation by reducing the number of acres authorized for irrigation under these water rights, while maintaining the original diversion rate and annual diversion volume.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

**Summary of Water Rights After the Approved Change**

| Transferred Right (All or Part) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | Original Right (Remaining Portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---------------------------------|---------------|-----------------|------------|-------------|------------------------------------|----------------|------------------|----------------------|-----------------------|
| 47-7494                         | 0.450 cfs     | 218.3 af        | N/A        | 180.5       |                                    | N/A            | N/A              | N/A                  | N/A                   |
| 47-7005                         | 0.450 cfs     | 163.0 af        | 101.0      | 180.5       |                                    | N/A            | N/A              | N/A                  | N/A                   |

**COMBINED  
TOTALS**

|           |          |     |       |     |     |     |     |
|-----------|----------|-----|-------|-----|-----|-----|-----|
| 0.450 cfs | 219.2 af | N/A | 180.5 | N/A | N/A | N/A | N/A |
|-----------|----------|-----|-------|-----|-----|-----|-----|

2. Total amount of water proposed to be transferred or changed 0.45 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 47-7494**

**Current Water Right Owner**      **PATRICK J COURTNEY**  
**2706 E 2500 N**  
**TWIN FALLS, ID 83301**

**Priority Date: 10/19/1978**

**Origin: Water Right**

**Basis: Decreed**

**Status Active**

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 0.450 CFS             | 218.3 AFA     |                    |
| Total Diversion       |             |           | 0.450 CFS             | 218.3 AFA     |                    |

|                                                                 |          |                                           |
|-----------------------------------------------------------------|----------|-------------------------------------------|
| <b><u>Source and Point(s) of Diversion:</u></b><br>GROUND WATER | L2(SWNW) | Sec. 19 Twp 12S Rge 17E TWIN FALLS County |
|-----------------------------------------------------------------|----------|-------------------------------------------|

**Place of Use:** IRRIGATION

|     |     |     | NE |    |    |    | NW  |     |      |      | SW   |      |      |      | SE |    |    |    |        |
|-----|-----|-----|----|----|----|----|-----|-----|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | Totals |
| 12S | 17E | 19  |    |    |    |    | 1.1 | 0.6 | 19.6 | 40.0 | 40.0 | 19.6 | 19.6 | 40.0 |    |    |    |    | 180.5  |
|     |     |     |    |    |    |    |     | L 1 | L 2  |      |      | L 3  | L 4  |      |    |    |    |    |        |

**POU Total Acres: 180.5**

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 47-7005**

**Current Water Right Owner**  
 PATRICK J COURTNEY  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

**Priority Date:** 8/15/1967

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 10/31     | 0.450 CFS             | 163.0 AFA     |                    |
| Total Diversion       |             |           | 0.450 CFS             | 163.0 AFA     |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER                                      L2(SWNW)      Sec. 19 Twp 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |    |    |    | NW  |     |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    |    |    |    | 1.1 | 0.6 | 19.6 | 40.0 | 40.0 | 19.6 | 19.6 | 40.0 |    |    |    |    | 180.5  |
|     |     |     |    |    |    |    | L 1 | L 2 |      |      |      | L 3  | L 4  |      |    |    |    |    |        |

Right Acre Limit:                      101.0

POU Total Acres:                      180.5

## 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  
Measuring device will be installed when required

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

Applicant

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

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Consolidating acres

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

Salmon River Canal Company Ltd shares

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

Yes

No

☐
☒

undergone a period of five or more consecutive years of non-use,

☐
☒

currently leased to the Water Supply Bank,

☐
☒

currently used in a mitigation plan limiting the use of water under the right, or

☐
☒

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

**Current Water Right No. 47-7494**

**Current Water Right Owner**

**DESSIE D COURTNEY**  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

**PATRICK J COURTNEY**  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

**JOHN K COURTNEY**  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

**Priority Date:** 10/19/1978

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 0.450 CFS             | 218.3 AFA     |                    |
| Total Diversion       |             |           | 0.450 CFS             |               |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER

L2(SWNW) Sec. 19 Twp 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |      |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW   | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    | 23.0 |    |    | 40.0 | 16.0 | 15.0 | 16.0 | 40.0 | 19.0 | 15.0 | 38.0 |    |    |    |    | 222.0  |
|     |     |     |    |      |    |    |      | L 1  | L 2  |      |      | L 3  | L 4  |      |    |    |    |    |        |

Right Acre Limit: 216.5

POU Total Acres: 222.0

**Conditions/Remarks:**

1. 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. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 216.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-7005 & 47-7494
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 219.2 AF. COMBINED RIGHT NOS. 47-7005 & 47-7494

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

**Current Water Right No. 47-7005**

**Current Water Right Owner**

DESSIE D COURTNEY  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

AND

PATRICK J COURTNEY  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

JOHN K COURTNEY  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

AND

**Priority Date:** 8/15/1967

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

**Beneficial Use**  
 IRRIGATION

**From**  
 04/01

**To**  
 10/31

**Diversion Rate**  
 0.450 CFS  
 0.450 CFS

**Volume**  
 163.0 AFA

**Subuse Code**

Total Diversion

**Source and Point(s) of Diversion:**  
 GROUND WATER

L2(SWNW)

Sec. 19 Twp 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |      |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW   | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    | 23.0 |    |    | 40.0 | 16.0 | 15.0 | 16.0 | 40.0 | 19.0 | 15.0 | 38.0 |    |    |    |    | 222.0  |
|     |     |     |    |      |    |    |      | L 1  | L 2  |      |      | L 3  | L 4  |      |    |    |    |    |        |

Right Acre Limit: 101.0

POU Total Acres: 222.0

**Conditions/Remarks:**

1. 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. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 101 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 219.2 AF. COMBINED RIGHT NOS. 47-7005 & 47-7494
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-7005 & 47-7494

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

**B. CHANGES IN NATURE OF USE (Water Balance)**

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

**C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS**

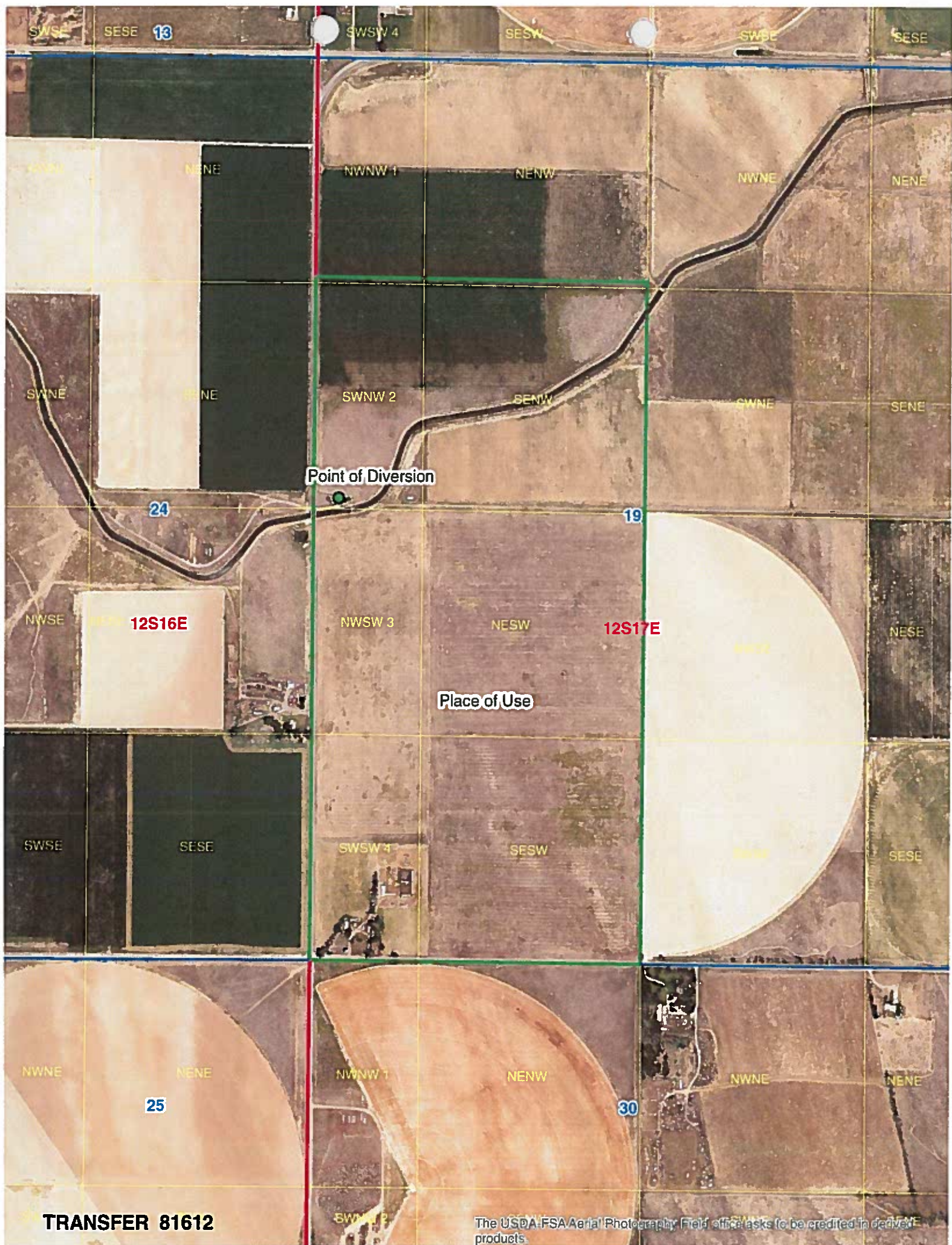
- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Salmon River Canal Company, Ltd shares are used primarily, well is used as needed

**FOR DEPARTMENT USE ONLY**

|                                                         |                       |                             |                          |
|---------------------------------------------------------|-----------------------|-----------------------------|--------------------------|
| Transfer Contains <u>9</u> pages and _____ attachments. |                       |                             |                          |
| Received By <u>BW.</u>                                  | Date <u>6/15/2017</u> | Prelim. Check By <u>BW.</u> | Date <u>6/15/17</u>      |
| Fee Paid <u>\$500-</u>                                  | Date <u>6-15-2017</u> | Received By <u>DM</u>       | Receipt # <u>S036185</u> |
| Add'l Fee Paid <u>\$50-</u>                             | Date <u>7-20-2017</u> | Received By <u>DM</u>       | Receipt # <u>S036234</u> |



Point of Diversion

Place of Use

12S16E

12S17E

TRANSFER 81612

The USDA-FSA Aerial Photography Field office asks to be credited in derived products

Signed: 1/2/2017 07:55 AM

FILED By: *DMC* Deputy Clerk  
Fifth Judicial District, Twin Falls County  
Kristina Glascock, Clerk of the Court

V. LANE JACOBSON [ISB #5994]  
ATTORNEY AT LAW  
161 Fifth Avenue South, Ste. 310  
Post Office Box 5827  
Twin Falls, Idaho 83303  
Telephone: (208) 733-5500  
Facsimile: (208) 733-5553  
[vljacobson@cableone.net](mailto:vljacobson@cableone.net)

*Attorney for Plaintiff*

**TWIN FALLS COUNTY**

Recorded for:

JACOBSON LAW OFFICE, L  
2:18:03 PM 01-12-2017

**2017-000582**

No. Pages: 9 Fee: \$ 34.00

KRISTINA GLASCOCK

County Clerk

Deputy: SMEIER

**RECEIVED**

**JUN 15 2017**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

ATARAXIS ACCOUNTING AND  
ADVISORY SERVICES, CHTD, conservator  
of the Estate of Dessie D. Courtnay,

Plaintiff,

vs.

PATRICK J. COURTNAY, an individual, and  
all persons unknown claiming any interest in  
the property, designated DOES I-X and  
ENTITIES A-Z

Defendants.

Case No.: CV42-16-3258

**JUDGMENT AND DECREE OF  
PARTITION**

**JUDGMENT IS ENTERED AS FOLLOWS:**

1. Plaintiff, Nancy Koonce as designee for ATARAXIS ACCOUNTING AND ADVISORY SERVICES, CHTD., the duly appointed Conservator of the estate of DESSIE D. COURTNEY, having all rights and authority to deal with the property interests of Dessie D. Courtney, hereinafter referred to as "D. Courtney" and Defendant PATRICK COURTNEY, a married individual dealing in his own separate property, referred to as "P. Courtney."

2. D. Courtney and P. Courtney each own an undivided one half interest in nearly 398.303 Acres of farm land along with 842 shares of appurtenant Salmon River Canal Company Ltd. Water and Well with its associated water rights located in Twin Falls County, Idaho, known as the "Harder Property" and specifically described as follows, to wit:

JUDGMENT AND DECREE OF PARTITION - 1

**TRANSFER 81612**

Township Twelve (12) South Range Seventeen (17) East of the Boise Meridian,  
Twin Falls County, Idaho

SECTION NINETEEN (19)

NORTHEAST QUARTER (NE1/4)

LOTS ONE (1) and TWO (2), and the EAST ONE-HALF (E1/2) of the  
NORTHWEST QUARTER (NW1/4)

LOTS THREE (3) and FOUR (4), and the EAST ONE-HALF (E1/2) of the  
SOUTHWEST QUARTER (SW1/4)

EXCEPT Beginning at the Northwest (NW) corner of Section Nineteen (19),  
Township Twelve (12) South Range Seventeen (17) East Boise Meridian,  
THENCE South for a distance of Three Hundred Fifty feet (350'),  
THENCE Northeasterly to a point which is Three Hundred Fifty feet (350') East  
of said Northwest (NW) corner,  
THENCE West Three Hundred Fifty feet (350') to the Point of Beginning.  
Subject to: Twin Falls County Highway Right of Way.

3. Division of Ownership Interest in Harder Property. Attached hereto as Exhibit "A" and incorporated herein as if set forth in full is a survey map and parcel legal descriptions which shows the Harder Property and divides the 398.303 Acres into two separate parcels consisting of 180.548 Acres and 217.755 Acres. P. Courtney shall own the 180.548 Acres as the same is legally described upon Exhibit "A". D. Courtney shall own the 217.755 Acres as the same is legally described upon Exhibit "A".

P. Courtney and D. Courtney shall also receive proportionate shares of the Salmon River Canal Company, Ltd. Water, specifically 380 Shares shall be transferred to P. Courtney and 462 Shares shall be transferred to D. Courtney. Any rights to the Well located upon the parcel of property transferred to P. Courtney shall belong to P. Courtney along with any water rights associated with the Well. All real property taxes, lease payments, utility payments (including water assessments), rent, taxes, insurance payments, and similar obligations and levies imposed on or with respect to the Harder Property shall be prorated between D. Courtney and P. Courtney upon the entry of this Judgment and Decree of Partition.

4. Irrigation Easement and Equipment. The Harder Property is serviced by an aluminum main line, concrete ditch and buried pipe. Attached as Exhibit "B" is a rough layout of the Harder Property showing the aluminum main line, concrete ditch and buried pipe. Each party will receive the wheel line associated with their respective share of the Harder Property. D. Courtney and/or her successors in interest shall have access and use of the aluminum main line that runs along the north west edge of the parcels transferred to both P. Courtney and D. Courtney each party will be responsible for a prorata share of expenses associated with the aluminum main line. P. Courtney and/or his successors in interest shall have access and use of the concrete ditch running along the south boundary line of the 217.755 Acre parcel transferred to D. Courtney.

P. Courtney and/or his successors in interest is granted a 20' easement running from the 180.548 Acres transferred to P. Courtney along the southeast edge of the canal right of

way and traversing the canal edge across a small section of the 217.755 Acres transferred to D. Courtney permitting installation of a ditch or buried connecting irrigation line to join the concrete siphon tube which crosses the canal located upon the parcel transferred to D. Courtney.

There is currently a waste water collection area with pumping plant ("Waste Water System") located upon the north west section of the property transferred to D. Courtney. The waste water is pumped back through a plastic pipe and that waste water can be reused upon the parcels of property owned by D. Courtney and P. Courtney. D. Courtney shall allow P. Courtney and/or his successors in interest use of the Waste Water System including the related pump and return pipe upon payment of a prorata share of expenses related to said Waste Water System. However, there may be changes in the irrigation practices that may alter the amount of waste water available to be used in the Waste Water System. A waste water ditch that runs along the southern side of the canal right away shall be preserved for the benefit of both parcels.

5. P. Courtney Agrees to Liquidate 178 Shares of Salmon River Canal Company, Ltd. Water. Of the 380 Shares of Salmon River Canal Company, Ltd. Water allocated to P. Courtney, will immediately liquidate approximately 178 Shares and transfer the proceeds to Idaho Ag Credit. P. Courtney shall liquidate enough of his allocated 380 Shares of Salmon River Canal Company, Ltd. Water to pay his share of the Harder Property encumbrances, plus his share of any additional taxes or other assessments as identified in 3, supra, in the approximate amount of \$106,827.00. The listing for sale of the approximately 178 Shares of Salmon River Canal Company, Ltd. Water by P. Courtney shall occur immediately upon entry of this Judgment and Decree of Partition. The proceeds from P. Courtney's sale of water shall be payable to P. Courtney and Idaho Ag Credit. Upon payment of his share of the Harder Property encumbrances in the approximate amount of \$106,827.00 to Idaho Ag Credit, D. Courtney shall indemnify and hold P. Courtney harmless on any remaining encumbrances upon the Harder Property. Any monies paid by P. Courtney to Idaho Ag Credit above the \$106,827.00 plus his share of any additional taxes or other assessments as identified in 3, supra, shall be reimbursed to P. Courtney by D. Courtney upon the sale of D. Courtney's share of the Harder Property.

6. Waiver of Leasehold Interest in Harder Property. The Harder Property is not currently under any leasehold obligation. P. Courtney has been allowed use of the Harder Property in 2016 but his use does not create any leasehold interest therein and that the portion of the Harder Property transferred to D. Courtney pursuant to this Judgment and Decree of Partition is free from any claim or interest by him. D. Courtney shall be free to immediately list and sell the portion of the Harder Property allocated to her by this Judgment and Decree of Partition.

7. Integration of Stipulation with Judgment and Decree. All rights and responsibilities of the parties as set forth in the Stipulation for Partition of Harder Property as filed in this matter are hereby made part of this Judgment and Decree of Partition as if set forth in full and will continue in full force and effect.

8. Attorney's Fees on Default. If default is made by either Party hereto in keeping or performing any of the covenants, conditions or agreements herein contained, and the other Party is required to employ an attorney to enforce any such covenant, condition, or agreement, then in such event the Party in default shall pay, in addition to all other sums agreed

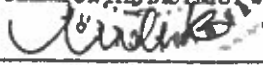
to hercin, a reasonable attorney's fee, together with any costs and disbursements that may be incurred in enforcing or interpreting this Judgment and Decree of Partition.

Page 4 of 5 1/6/2017 07:44 AM



RANDY J. STOKER

District Judge

State of Idaho  
County of Twin Falls,  
I hereby certify the foregoing to be a full, true  
and correct copy of the original on file in the  
above entitled action.  
KRISTINE CLARCOCK  
CLERK OF THE DISTRICT COURT  
By   
COURT SERVICES

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_ day of January, 2016, I caused a true and correct copy of the foregoing JUDGMENT AND DECREE OF PARTITION to be served by the method indicated below, to the following:

V. Lane Jacobson  
Jacobson Law Office  
161 5th Ave. S., Suite 310  
P.O. Box 5827  
Twin Falls, ID 83303-5827  
Facsimile: (208) 733-5553  
Email: [vljacobson@cableone.net](mailto:vljacobson@cableone.net)

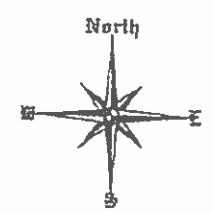
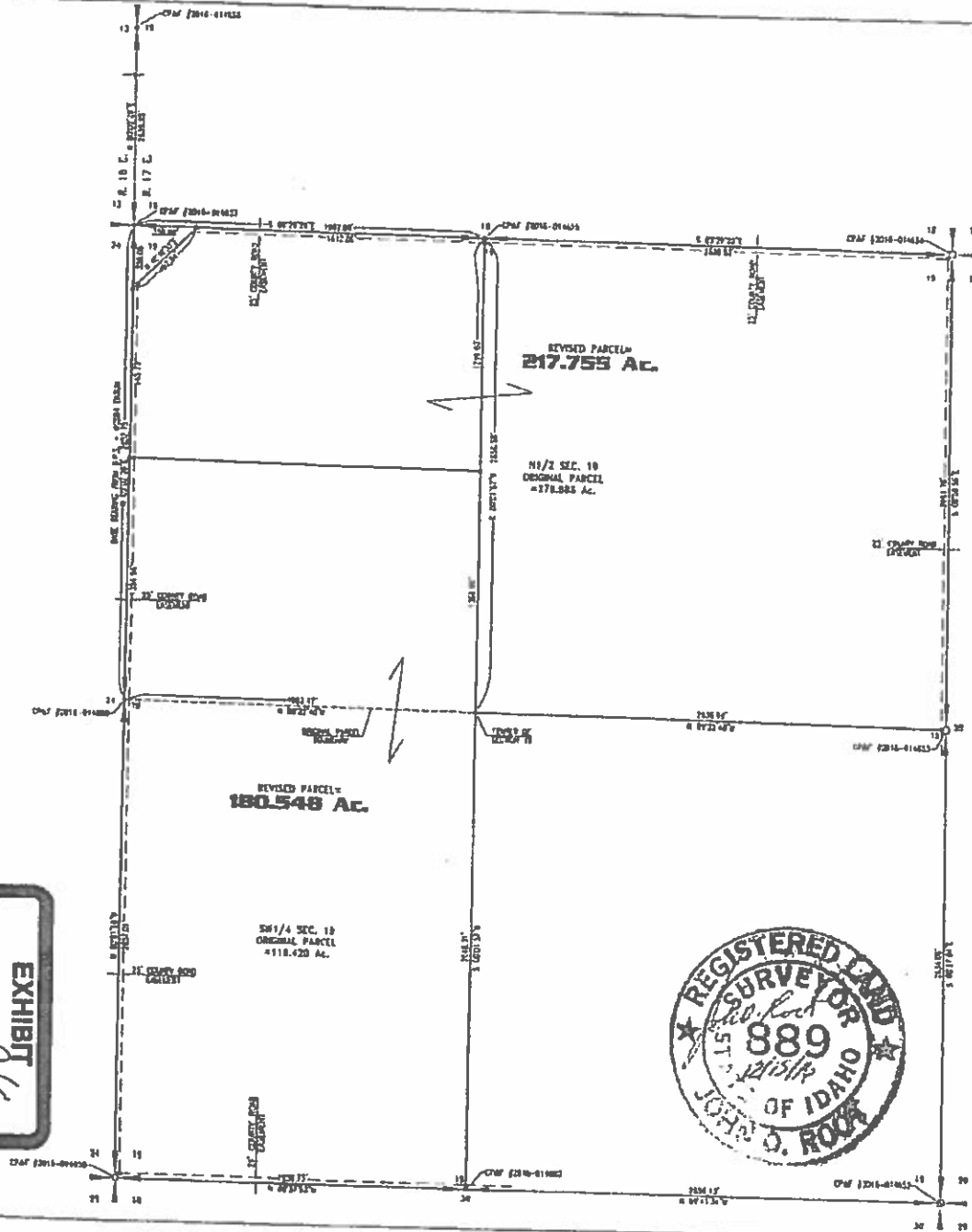
[ ] U.S. Mail, Postage Prepaid  
[ ] Hand Delivered  
[ ] Overnight Mail  
[ ] Facsimile Transmission  
[x] Email

David Coleman  
COLEMAN, RITCHIE & CLUFF  
156 2<sup>nd</sup> Avenue West  
P.O. Box 525  
Twin Falls, ID 83303-525  
Facsimile: (208) 734-3983  
Email: [david@crcflaw.com](mailto:david@crcflaw.com)

[ ] U.S. Mail, Postage Prepaid  
[ ] Hand Delivered  
[ ] Overnight Mail  
[ ] Facsimile Transmission  
[x] Email

Signed: 1/9/2017 07:56 AM

  
CLERK OF THE COURT



**SCALE**  
1" = 400'

**LOCATED IN**  
**SECTION 19,**  
**TOWNSHIP 12 SOUTH,**  
**RANGE 17 EAST,**  
**BOISE MERIDIAN**  
**TWIN FALLS COUNTY, IDAHO**  
**2016**

| LEGEND                   |           |
|--------------------------|-----------|
| SURVEY BOUNDARY LINE     | —         |
| COUNTY ROAD EASEMENT     | - - - - - |
| ORIGINAL PARCEL BOUNDARY | ---       |
| FOUND BRASS CAP          | ⊙         |
| FOUND 3/8" STEEL PIN     | ○         |
| FOUND 1/2" STEEL PIN     | ◐         |
| SET 1/2" REDAR & CAP     | •         |
| ANGLE POINT - NOT SET    | Δ         |

I, JOHN O. ROOT, DO HEREBY CERTIFY THAT THIS MAP IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY SUPERVISION AND DIRECTION.



**REFERENCES**  
DEEDS:  
WST. #2015-008861  
#2022-001193  
#1997-001133  
#1997-003058  
#1997-003855  
#337850  
  
**RECORDS OF SURVEYS:**  
WST. #2024-000847  
#2808-013481  
#1999-004841

|                                                                                                    |                  |
|----------------------------------------------------------------------------------------------------|------------------|
| <b>ALL POINTS LAND SURVEYING</b><br>JOHN ROOT - P.L.S. #889<br>SURVEYING - CONSTRUCTION MANAGEMENT |                  |
| <b>RECORD OF SURVEY FOR:</b><br><b>DEBBIE D. COURTNEY</b>                                          |                  |
| SECTION 19,<br>TOWNSHIP 12 SOUTH, RANGE 17 EAST, B.M.<br>TWIN FALLS COUNTY, IDAHO                  | SHEET NO. 1 OF 1 |
| DATED: 12/11/2016<br>BY: JOHN O. ROOT                                                              | CHECKED:         |

EXHIBIT  
A  
P.C.  
4/16

**LEGAL DESCRIPTION  
FOR  
P. COURTNEY PARCEL**

A parcel of land located in the W1/2 of Section 19, Township 12 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and being more particularly described as follows:

**TOWNSHIP 12 SOUTH  
RANGE 17 EAST  
SECTION 19: (180.548 ACRES)**

**COMMENCING** at the Southwest corner of said Section 19, from which the South One Quarter (S1/4) corner of Section 19 bears South 89°37'53" East-1959.75 feet, said Southwest corner of Section 19 being the **TRUE POINT OF BEGINNING**:

**THENCE** North 00°01'28" West along the West boundary of the SW1/4 of Section 19 for a distance of 2657.01 feet to the Southwest corner of the NW1/4 of Section 19;

**THENCE** North 00°02'26" East along the West boundary of the NW1/4 of Section 19 for a distance of 1356.96 feet;

**THENCE** South 89°22'40" East parallel with the South boundary of the NW1/4 of Section 19 for a distance of 1962.28 feet to a point on the East boundary of the NW1/4 of Section 19;

**THENCE** South 00°01'57" West along the East boundary of the W1/2 of Section 19 for a distance of 4005.27 feet to the Southeast corner of SW1/4 of Section 19;

**THENCE** North 89°37'53" West along the South boundary of the SW1/4 of Section 19 for a distance of 1959.75 feet to the **TRUE POINT OF BEGINNING**.

**SUBJECT TO:**

1-A 25.0 foot wide county road easement along the South and West boundaries of the before described parcel.

2-An easement to the Salmon River Canal company for the use and maintenance of the irrigation lateral that traverses through the before described parcel.

3-All other easements and right-of-ways of record.



**LEGAL DESCRIPTION  
FOR  
D. COURTNEY PARCEL**

A parcel of land located in the N1/2 of Section 19, Township 12 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho and being more particularly described as follows:

**TOWNSHIP 12 SOUTH  
RANGE 17 EAST  
SECTION 19: (217.755 ACRES)**

**COMMENCING** at the Northwest corner of said Section 19, from which the North One Quarter (N1/4) corner of Section 19 bears South 89°29'20" East-1962.06 feet, **THENCE** South 89°29'20" East along the North boundary of the NW1/4 of Section 19 for a distance of 350.00 feet to the **TRUE POINT OF BEGINNING**:

**THENCE** continuing South 89°29'20" East along the North boundary of the NW1/4 of Section 19 for a distance of 1612.06 feet to the Northeast corner of the NW1/4 of Section 19;

**THENCE** continuing South 89°29'20" East along the North boundary of the NE1/4 of Section 19 for a distance of 2628.52 feet to the Northeast corner of the NE1/4 of Section 19;

**THENCE** South 00°08'55" East along the East boundary of the NE1/4 of Section 19 for a distance of 2661.76 feet to the Southeast corner of the NE1/4 of Section 19;

**THENCE** North 89°22'40" West along the South boundary of the NE1/4 of Section 19 for a distance of 2636.99 feet to the Southwest corner of NE1/4 of Section 19;

**THENCE** North 00°01'57" East along the West boundary of the NE1/4 of Section 19 for a distance of 1356.96 feet;

**THENCE** North 89°22'40" West parallel with the South boundary of the NW1/4 of Section 19 for a distance of 1962.28 feet to a point on the West boundary of the NW1/4 of Section 19;

**THENCE** North 00°02'26" East along the West boundary of the NW1/4 of Section 19 for a distance of 945.79 feet;

**THENCE** North 45°16'33" East for a distance of 492.94 feet to the **TRUE POINT OF BEGINNING**.

**SUBJECT TO:**

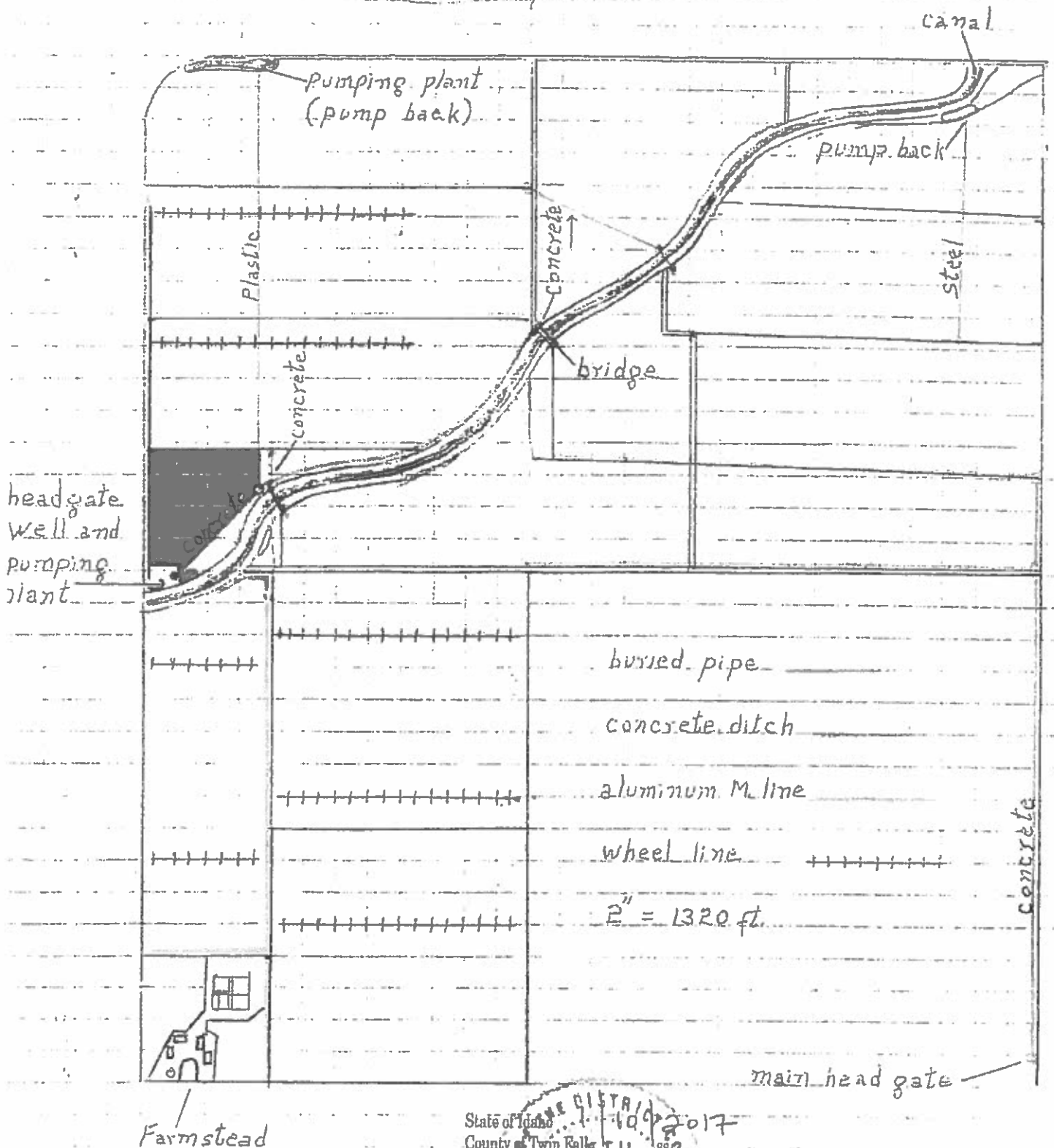
1-A 25.0 foot wide county road easement along the North, West and East boundaries of the before described parcel.

2-An easement to the Salmon River Canal company for the use and maintenance of the irrigation lateral that traverses through the before described parcel.

3-All other easements and right-of-ways of record.



Harder place



State of Idaho  
County of Twin Falls, TH 2017  
I hereby certify the foregoing to be a full, true  
and correct copy of the original on file in the  
above entitled action.  
KRISTINA GLASCOCK  
CLERK OF THE DISTRICT COURT

By

COURT SERVICES

EXHIBIT

B P.C. 1/1/17

JUN 15 2017

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

Transfer No. 81612

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) PATRICK J COURTNEY

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A \*Means the item is always required and must be included with the application

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ \* Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ #9 Other. Please describe: \_\_\_\_\_

JUN 15 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant PATRICK J COURTNEYPhone 2086554243Mailing Address 2706 E 2500 N, TWIN FALLS ID 83301

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.

Pat Courtney

Signature of Applicant or Authorized Representative

Pat Courtney/owner

Print Name and Title if applicable

6-15-2017

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

## A. PURPOSE OF TRANSFER

| 1. | Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----|---------|-------|-----|-----|---------|---------------|---------------|
|    | 47-7005 | No    | No  | Yes | No      | No            | No            |
|    | 47-7494 | No    | No  | Yes | No      | No            | No            |

# APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant proposes consolidation of water used for irrigation by reducing the number of acres authorized for irrigation under these water rights, while maintaining the original diversion rate and annual diversion volume.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

### Summary of Water Rights After the Approved Change

| Transferred Right (All or Part) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | Original Right (Remaining Portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---------------------------------|---------------|-----------------|------------|-------------|------------------------------------|----------------|------------------|----------------------|-----------------------|
| 47-7494                         | 0.45 cfs      | 218.3 af        | N/A        | 180.5       |                                    | N/A            | N/A              | N/A                  | N/A                   |
| 47-7005                         | 0.45 cfs      | 163.0 af        | 101.0      | 180.5       |                                    | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b>          | 0.450 cfs     | 218.3 af        | N/A        | 180.5       |                                    | N/A            | N/A              | N/A                  | N/A                   |

2. Total amount of water proposed to be transferred or changed 0.45 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**Part 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 47-7494**

**Current Water Right Owner**  
 PATRICK J COURTNEY  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

**Priority Date:** 10/19/1978

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/15       | 11/15     | 0.450 CFS             | 218.3 AFA     |                    |
| Total Diversion       |             |           | 0.450 CFS             | 218.3 AF      |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER L2(SWNW) Sec. 16 Twp. 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |    |    |    | NW |     |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW  | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    |    |    |    |    |     | 20.1 | 40.1 | 40.1 | 20.1 | 20.0 | 40.1 |    |    |    |    | 180.5  |
|     |     |     |    |    |    |    |    | L 2 |      |      |      | L 3  | L 4  |      |    |    |    |    |        |

POU Total Acres: 180.5

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**Part 1 Transfer Right After Requested Changes**

**Proposed Water Right No. 47-7005**

**Current Water Right Owner**  
**PATRICK J COURTNEY**  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

**Priority Date:** 8/15/1967

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 10/31     | 0.450 CFS             | 163.0 AFA     |                    |
| Total Diversion       |             |           | 0.450 CFS             | 163.0 AFA     |                    |

**Source and Point(s) of Diversion:**  
 GROUND WATER L2(SWNW) Sec 19 Twp 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |    |    |    | NW |    |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    |    |    |    |    |    | 20.1 | 40.1 | 40.1 | 20.1 | 20.0 | 40.1 |    |    |    |    | 180.5  |
|     |     |     |    |    |    |    |    |    | L 2  |      |      |      | L 3  | L 4  |    |    |    |    |        |

Right Acre Limit: 180.5  
 POU Total Acres: 180.5

*Superseded*  
 7/20/17

**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  
Measuring device will be installed when required

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

Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
Consolidating acres

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
Salmon River Canal Company Ltd shares

- f. 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Current Water Right No. 47-7494**

**Current Water Right Owner**

**DESSIE D COURTNEY**  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

**PATRICK J COURTNEY**  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

**JOHN K COURTNEY**  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

**Priority Date:** 10/19/1978

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

**Beneficial Use**  
 IRRIGATION

**From**  
 03/15

**To**  
 11/15

**Diversion Rate**  
 0.450 CFS  
 0.450 CFS

**Volume**  
 218.3 AFA

**Subuse Code**

**Total Diversion**

**Source and Point(s) of Diversion:**  
 GROUND WATER

L2(SWNW) Sec. 29 Twp 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |      |    |    | SW   |      |      |      | SE   |      |      |      | Totals |    |    |       |
|-----|-----|-----|----|------|----|----|------|------|------|------|------|------|------|------|--------|----|----|-------|
| Twp | Rng | Sec | NE | NW   | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | N      | NW | SW | SE    |
| 12S | 17E | 19  |    | 21.0 |    |    | 30.0 | 16.0 | 15.0 | 16.0 | 40.0 | 19.0 | 15.0 | 38.0 |        |    |    |       |
|     |     |     |    |      |    |    | L 1  | L 2  |      |      |      | L 3  | L 4  |      |        |    |    | 222.0 |

**Right Acre Limit:** 216.5  
**POU Total Acres:** 222.0

**Conditions/Remarks:**

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 219.2 AF. COMBINED RIGHT NOS. 47-7005 & 47-7494
2. 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.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-7005 & 47-7494
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 216.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

**Current Water Right No. 47-7005**

**Current Water Right Owner**

DESSIE D COURTNEY  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

AND

PATRICK J COURTNEY  
 2706 E 2500 N  
 TWIN FALLS, ID 83301

JOHN K COURTNEY  
 2527 N 2700 E  
 TWIN FALLS, ID 83301

AND

**Priority Date:** 8/15/1967

**Origin:** Water Right

**Basis:** Decreed

**Status:** Active

**Source:** GROUND WATER

**Beneficial Use**  
 IRRIGATION

**From**  
 04/01

**To**  
 10/31

**Diversion Rate**  
 0.450 CFS  
 Total Diversion  
 0.450 CFS

**Volume**  
 163.0 AFA

**Subuse Code**

**Source and Point(s) of Diversion:**  
 GROUND WATER

L2(SWNW)

Sec. 19 Twp. 12S Rge 17E TWIN FALLS County

**Place of Use:** IRRIGATION

|     |     |     | NE |      |    |    | NW   |      |      |      | SW   |      |      |      | SE |    |    |    | Totals |
|-----|-----|-----|----|------|----|----|------|------|------|------|------|------|------|------|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW   | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE |        |
| 12S | 17E | 19  |    | 23.0 |    |    | 40.0 | 16.0 | 15.0 | 12.0 | 40.0 | 19.0 | 15.0 | 38.0 |    |    |    |    | 222.0  |
|     |     |     |    |      |    |    |      |      | L 2  |      |      | L 3  | L 4  |      |    |    |    |    |        |

Right Acre Limit: 101.0  
 POU Total Acres: 222.0

**Conditions/Remarks:**

- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 101 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 47-7005 & 47-7494
- 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.
- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.45 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 219.2 AF. COMBINED RIGHT NOS. 47-7005 & 47-7494

# APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

## A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

## B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

## C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required in Part 3B above.:

Salmon River Canal Company, its ditches are used primarily, well is used as needed

### FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and                      attachments.

Received By                      Date                      Prelim. Check By                      Date                     

Fee Paid \$500- Date 6-15-2017 Received By                      Receipt # 8036185

Add'l Fee Paid                      Date                      Received By                      Receipt #



## **MEMORANDUM**

**TO:** Transfer 81612 File

**FROM:** Benny Walker

**DATE:** July 24, 2017

**SUBJECT:** Filing Fee

The filing fee of, \$500.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.45 cfs. The transfer fee schedule for a transfer involving 0.21-1.00 cfs indicates that the filing fee is \$500.00. The applicant submitted the fee of \$525.00 receipt S036185. The additional \$25.00 is for the ownership change of a domestic/stockwater right. The applicant also submitted \$50.00 fee for the ownership change of the two water rights involved in the transfer receipt S036234.

## MEMORANDUM

**Date:** July 24, 2017  
**To:** Transfer 81612 File  
**From:** Benny Walker  
**Re:** Evaluation of Sufficiency of Information Submitted

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Transfer proposes to consolidate 216.5 acres of two supplemental ground water irrigation rights to 180.5 acres in the NW and SW quarters of the authorized place of use. The supplemental ground water rights allow for the combined diversion of 0.45 cfs and 219.2 af from an existing well. There are no changes proposed to the point of diversion and no hydrological impact, therefore it is recommended to process without advertising.

- **Authority to File:**  
Applicant is listed as current owner according to IDWR records. The applicant has submitted a Judgment and Decree of Partition that authorizes the applicant to file this transfer application.
- **Water Right Validity:**  
Rights 47-7005 and 47-7494 were decreed in 2010. Aerial imagery indicates that the right appears to have been used in recent years. Therefore forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**  
None anticipated. No hydrological changes.
- **Enlargement of Use:**  
None anticipated. The water rights will be reduced to a 180.5 acres place of use. The water rights allow for the combined diversion of 0.45 cfs and 219.2 af which are less than the current allowable 0.02 cfs and 4.0 af per acre by Department standards.
- **Local Public Interest:**  
No negative impacts anticipated. Recommend no advertising process.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**  
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**  
None anticipated.

**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:** July 24, 2017  
**To:** Transfer 81612  
**From:** Benny Walker  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
7/13/2017

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.