

RECEIVED

REV. 07/15

MAY 16 2017

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81688MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Manuel and Mary FariaCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 22 2017

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Manuel and Mary Faria Phone (208) 731-2676
Mailing address 2655 N. 2700 E., Twin Falls, ID 83301 Email fariadairy@gmail.com

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

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

☐ No Representative

Name of Representative Evan T. Roth, Sawtooth Law Offices, PLLC Phone (208) 969-9585
Mailing address 236 River Vista Place, Twin Falls, ID 83301 Email evan@sawtoothlaw.com

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

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

Manuel A. Faria
Signature of Applicant or Authorized Representative

Manuel A. Faria
Print Name and Title if applicable

5-1-17
Date

Mary H. Faria
Signature of Applicant or Authorized Representative

Mary H. Faria
Print Name and Title if applicable

5/1/17
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Please see Attachment

MAY 16 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Rev. 01/15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

COPY

Name of Applicant(s) Manuel and Mary Faria Phone (208) 731-2676Mailing address 2655 N. 2700 E., Twin Falls, ID 83301 Email fariadairy@gmail.com

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

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

☐ No RepresentativeName of Representative Evan T. Roth, Sawtooth Law Offices, PLLC Phone (208) 969-9585Mailing address 236 River Vista Place, Twin Falls, ID 83301 Suite 301 Email evan@sawtoothlaw.com

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

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

Manuel A. Faria
Signature of Applicant or Authorized Representative

Manuel A. Faria
Print Name and Title if applicable

5-1-17
Date

Mary H. Faria
Signature of Applicant or Authorized Representative

Mary H. Faria
Print Name and Title if applicable

5/1/17
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.
 Please see Attachment _____

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 ☒ ☐	47-15265*	0.04 cfs	domestic	1/1 to 12/31	groundwater
☐ ☐		0.20 cfs	stockwater	1/1 to 12/31	groundwater
☐ ☐				to	
☒ ☐	47-16823	0.17 / 30.0	stockwater	1/1 to 12/31	groundwater
☐ ☐		0.17 / 30.0	commercial**	1/1 to 12/31	groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.41 cfs and/or 44.6 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.41 cubic feet per second and/or 44.6 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	
125	16E	13															S	S	
125	16E	24		S															
125	16E	24		D															

"S" = Stockwater / "D" = Domestic

Total Acres (for irrigation use)

n/a

* 47-15265 cannot exceed diversion of 13,000 gpd, or 4,745,000 gallons per annum. This equals 14.6 AFY

** Commercial water place of use under 47-16823 remains unchanged.

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:

Groundwater well located in the NENE of T12S, R16E, Section 24 to underground pipelines serving stockwater, domestic, and commercial uses. Well head is valved and can be plumbed to accommodate a measuring device acceptable to IDWR.

- 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:
n/a

- 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: Farmer's Bank; mortgage

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:
No effect.

- 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:

None,

- 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:

Page 6 of 9

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

Current Water Right No.: 47-15265

Current Owner: MARY A FARIA
MANUEL A FARIA

Priority Date: 1/10/1984

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.2 CFS	
DOMESTIC	1/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	0.24 CFS	

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4

Sec. 24, Twp 12S, Rge 16E B.M.

TWIN FALLS County

Place of Use

STOCKWATER Within TWIN FALLS County

T12S R16E S24 NENE

DOMESTIC Within TWIN FALLS County

T12S R16E S24 NENE

Conditions of Approval:

1. STOCKWATER 250 DAIRY & BARN USE PARCEL NO. RP12S16E240000
2. N11 THE QUANTITY OF WATER DECREEED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 7/9/1999

Page 7 of 9

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

Current Water Right No.: 47-16823

Current Owner: MANUEL A FARIA

Priority Date: 9/26/1987

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.17 CFS	30 AF
STOCKWATER	01/01 to 12/31	0.17 CFS	30 AF
	<u>Total Diversion</u>	0.17 CFS	30 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4NE1/4

Sec. 24, Twp 12S, Rge 16E B.M.

TWIN FALLS County

Place of Use

COMMERCIAL Within TWIN FALLS County

T12S R16E S13	NENE	T12S R16E S13	NWNE
T12S R16E S13	SWNE	T12S R16E S13	SENE
T12S R16E S13	NESE	T12S R16E S13	NWSE
T12S R16E S13	SWSE	T12S R16E S13	SESE

STOCKWATER Within TWIN FALLS County

T12S R16E S13	SWSE
---------------	------

Conditions of Approval:

1. X36 Right 47-15265 is also diverted through the point of diversion described above.
2. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
3. WD8 The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
4. 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.
5. 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.
6. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
7. Commercial use is for a dairy located within the SWSE of S13, T12S, R16E.
8. 108 Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

Decreed Date: 6/1/2010

* Change of Ownership 47-16823 Page 6

Attachment to
APPLICATION FOR TRANSFER OF WATER RIGHT

Part 1

A. Purpose of Transfer

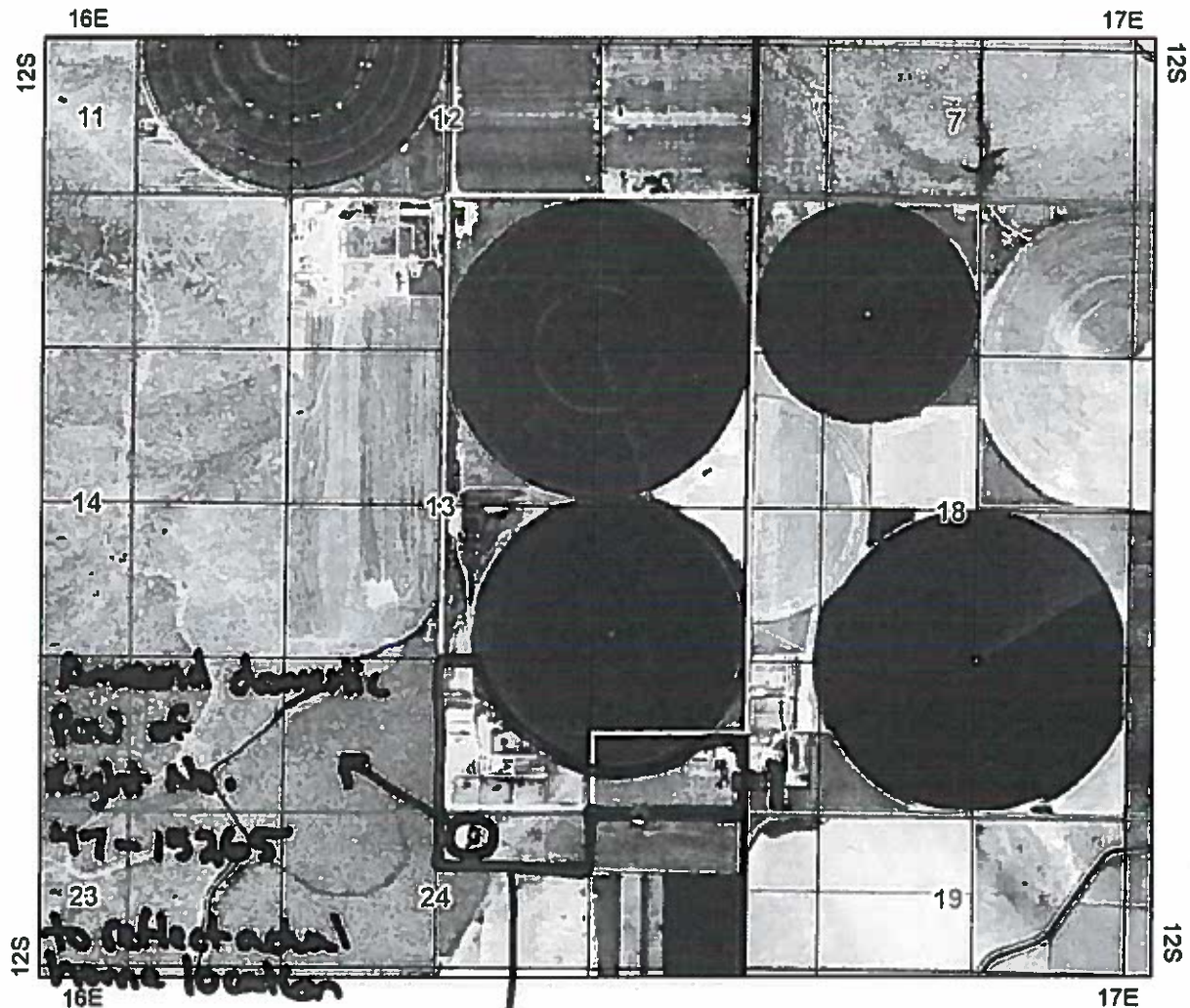
2. Through process of prospective purchase and sale of dairy farm it was discovered that errors were made during the SRBA and that places of use for water right nos. 47-15265 and 47-16823 did not (and do not) match actual use. Because place of use adjustments are necessary, the Applicants propose to additionally create an overall permissible place of use for stockwater purposes. The Applicants do not seek any changes to their water right quantities, existing volumetric limitations, or purposes of use. Rather, the Applicants seek to amend the place of use only.

7A: Post-Transfer POU

State of Idaho
Department of Water Resources

Water Right

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.



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

0 0.175 0.35 0.7 Miles



Uniform stockwater POU
for Right Nos.
47-15265
47-16823



Map produced on April 21, 2017

TRANSFER 81688



**FARMERS
BANK**

ATTACHMENT 6

To: Idaho Department of Water Resources

From: David M. Davis
Farmer Bank, Branch Manager Jerome, Idaho

Re: Manuel and Mary Faria: Application for Transfer of Water Right

To whom it may Concern,

Manuel and Mary Faria have been longstanding customers of Farmers Bank. Presently, their real property subject to the present Application for Transfer of Water Right is encumbered by the mortgage in favor of Farmers Bank. As the only lien holder on the real property we have no objection to the Faria's requested relief identified in their present application with the IDWR. If you have any questions you may contact me at (208) 324-3800

Dated this 21st day of April, 2017

Very Truly Yours,

David M. Davis
Authorized Agent of Farmers Bank

State of Idaho
County of Jerome

On this 21st day of April, in the year 2017, before me a Notary Public in and for said State, personally appeared Dave Davis, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instruments, and acknowledged to me that he/she/they executed the same.

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

Notary Public for the State of Idaho
My Commission Expires: 6/22/2022



PO Box 505 1441 South Lincoln Jerome, ID 83338
PH 208-324-3800 FAX 208-324-4600

TRANSFER 81688

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

***** SPACE ABOVE FOR RECORDER *****
36238fc

TWIN FALLS COUNTY, IDAHO
TITLEFACT, INC. 19940204211

WARRANTY DEED

FOR VALUE RECEIVED EMILIE A. SILVA, aka EMILIE SILVA and aka EMILY A. SILVA, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto MANUEL A. FARIA AND MARY H. FARIA, husband and wife, hereinafter called grantee, whose address is: 340 Covey Lane, Tracy, CA 95376 the following described premises, in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 13: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:
BEGINNING at the Southwest corner thereof;
THENCE North along the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 688 feet;
THENCE East parallel to the South boundary thereof, 900 feet;
THENCE South 688 feet;
THENCE West 900 feet to the POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

PARCEL NO. 2

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 24: BEGINNING at the center intersection of the NE corner of said section:
THENCE Southerly 517 feet;
THENCE Westerly 2640 feet;
THENCE Northerly 482 feet;
THENCE Easterly 2640 feet to the POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 16, 1994

Emilie A. Silva

EMILIE A. SILVA

Paula Brown Sinclair

PAULA BROWN SINCLAIR, ATTORNEY IN FACT

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 28 day of November, 1994, before me, a Notary Public, personally appeared PAULA BROWN SINCLAIR, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of EMILIE A. SILVA aka EMILIE SILVA and aka EMILY A. SILVA and acknowledged to me that she subscribed the name of EMILIE A. SILVA thereto as principal, and her own name as attorney in fact.

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

Paula E. Clayton
Notary Public for Idaho

Residing at Twin Falls

My Commission expires 1-20-98

TRANSFER 81688

The drawing is submitted for
your information only and
is not to be used for any
purpose without your approval.



LEGEND

RAILROAD LINES 
 SECTION LINES 
 SECTION CORNER 
 QUARTER CORNER 
 PARCEL BOUNDARY 
 INDIVIDUAL BOUNDARY 
 ARBITRARY SUBDIVISION OR 
 ARBITRARY BLOCK OR 30 
 ARBITRARY PARCEL OR LINE 
 RAILROAD 
 U.S. HIGHWAYS 
 STATE HIGHWAYS 
 INTERSTATE HIGHWAYS 
 CEMETERY GROUND 

[illegible]

12376292100

10010

Pc / ~~NEW~~ NENE

400-400-2000
P.O. Box 1000

TRANSFER 81688

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY, IDAHO

TITLEFACT, INC.

19940204211

***** SPACE ABOVE FOR RECORDER *****
36238fc

WARRANTY DEED

FOR VALUE RECEIVED EMILIE A. SILVA, aka EMILIE SILVA and aka EMILY A. SILVA, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto MANUEL A. FARIA AND MARY H. FARIA, husband and wife, hereinafter called grantee, whose address is: 340 Covey Lane, Tracy, CA 95376 the following described premises, in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 13: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:
BEGINNING at the Southwest corner thereof;
THENCE North along the West boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, 688 feet;
THENCE East parallel to the South boundary thereof, 900 feet;
THENCE South 688 feet;
THENCE West 900 feet to the POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

PARCEL NO. 2

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 24: BEGINNING at the center intersection of the NE corner of said section:
THENCE Southerly 517 feet;
THENCE Westerly 2640 feet;
THENCE Northerly 482 feet;
THENCE Easterly 2640 feet to the POINT OF BEGINNING.

SUBJECT TO: Twin Falls County Highway Right of Way

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 16, 1994

Emilie A. Silva

EMILIE A. SILVA

Paula Brown Sinclair

PAULA BROWN SINCLAIR, ATTORNEY IN FACT

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 28 day of November, 1994, before me, a Notary Public, personally appeared PAULA BROWN SINCLAIR, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of EMILIE A. SILVA aka EMILIE SILVA and aka EMILY A. SILVA and acknowledged to me that she subscribed the name of EMILIE A. SILVA thereto as principal, and her own name as attorney in fact.

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

E. Clayton
Notary Public for Idaho
Residing at Twin Falls

My Commission expires 1-20-98

TRANSFER 81688

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

***** SPACE ABOVE FOR RECORDER *****

199508044

37047ml

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED LOUGHMILLER, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto MANUEL A. FARIA AND MARY H. FARIA, husband and wife, Grantee, whose address is: 340 COVEY LANE, TRACY CALIFORNIA, 95376 the following described real estate, situated in Twin Falls County, Idaho, to-wit:

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho

Section 13: A parcel of land located in the SE¼ and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 13;

THENCE North 00°47'05" East along the East boundary of the SE¼ of Section 13 for a distance of 688.03 feet to the TRUE POINT OF BEGINNING;

THENCE North 89°45'00" West parallel with the South boundary of the SE¼ of Section 13 for a distance of 2645.78 feet to a point on the West boundary of the SE¼ of Section 13;

THENCE North 00°41'34" East along the West boundary of the SE¼ of Section 13 for a distance of 1969.50 feet to the Northwest corner of the SE¼ of Section 13;

THENCE South 89°44'20" East along the North boundary of the SE¼ of Section 13 for a distance of 2648.94 feet to the East quarter corner of Section 13;

THENCE South 00°47'05" West along the East boundary of the SE¼ of Section 13 for a distance of 1969.01 feet to the TRUE POINT OF BEGINNING.

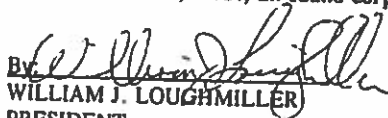
SUBJECT TO: A 25.0 foot wide county road easement along the easterly boundary of the described parcel.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President.

Dated: May 23, 1995

LOUGHMILLER, INC., an Idaho corporation

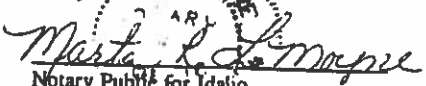
BY: 
WILLIAM J. LOUGHMILLER
PRESIDENT

BY: 
SUSAN E. LOUGHMILLER
SECRETARY

STATE OF IDAHO
County of Twin Falls

On this 23RD day of MAY, 1995, before me, the undersigned, Notary Public in and for said State, personally appeared WILLIAM J. LOUGHMILLER AND SUSAN E. LOUGHMILLER, known to me to be the President and Secretary of the said corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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


Notary Public for Idaho
Residing At: BUHL
My Commission Expires: 9-8-99

TRANSFER 81688

Order No. T980782

WARRANTY DEED

For Value Received

Calvin Robert Payne And Jane Payne,
Husband And Wife.

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto
MANUEL A. FARIA and MARY H. FARIA,
Husband And Wife.

the grantee(s), whose current address is

2599 NORTH 2700 EAST, TWIN FALLS, ID 83301

the following described premises, to-wit:

See Attached Exhibit "A"

Twin Falls County, Idaho
Recorded for:
TWIN FALLS TITLE
04:40pm Nov. 30, 1998
1998-021493
No. of Pages: 2 Fee: \$6.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: VF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: November 6, 1998

Calvin Robert Payne
CALVIN ROBERT PAYNE

Jane Payne
JANE PAYNE

STATE OF WASHINGTON

: ss
COUNTY OF Grant

On This 25th day of November, in the year 1998, before me, a Notary Public in and for said State, personally appeared Calvin Robert Payne And Jane Payne, 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.

WITNESS my hand and official seal.

Alan I. Harkman
Notary Public of Washington
Residing at Moses Lake
Commission Expires: 6/3/99



TITLE & ESCROW
COMPANIES

TRANSFER 81688

EXHIBIT "A"

PARCEL NO. 1

Township 12 South, Range 16 East of Boise Meridian, Twin Falls
County, Idaho

Section 13: A tract of land being the East 1266.27 feet
of the South 688 feet of the Southeast Quarter

SUBJECT TO Twin Falls County Highway Right of Way

PARCEL NO. 2

Township 12 South, Range 16 East of the Boise Meridian, Twin Falls
County, Idaho

Section 13: A parcel of land in the Southeast Quarter,
being more particularly described as follows:

BEGINNING at the Southeast corner of said Southeast Quarter of the
Southeast Quarter;
Thence West 1266.27 feet to the TRUE POINT OF BEGINNING;
Thence North 688 feet;
Thence West 473.73 feet;
Thence South 688 feet;
Thence East 473.73 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO Twin Falls County Highway Right of Way

45875SM

TitleFact, Inc.
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

Twin Falls County, Idaho

Recorded for:
TITLEFACT

04:12pm Sep. 14, 2001
2001-016717
No. of Pages: 1 Fee: \$2.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED LOUGHMILLER, INC., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **MANUEL A. FARIA and MARY FARIA**, husband and wife, Grantee, whose address is: 2605 N. 2700E. TWIN FALLS ID 83301 the following described real estate, situated in Twin Falls County, Idaho, to-wit:

PARCEL NO. 1

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 13: N $\frac{1}{2}$ NE $\frac{1}{4}$
SUBJECT TO: Twin Falls Highway District right of way.

PARCEL NO. 2

Township 12 South, Range 16 East, Boise Meridian, Twin Falls County, Idaho
Section 13: S $\frac{1}{2}$ NE $\frac{1}{4}$
SUBJECT TO: Twin Falls Highway District right of way.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: September 11, 2001

LOUGHMILLER, INC.

BY William J. Loughmiller

STATE OF IDAHO
County of Twin Falls

On this 12th day of September, 2001, before me, the undersigned, Notary Public in and for said State, personally appeared William J. Loughmiller, known to me to be the President of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Susie Moore
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 11-28-2002



TRANSFER 81688

MEMORANDUM

Date: May 31, 2017
To: Transfer 81688
From: William Mills
Re: Legal Notice Not Required

This application only modifies the place of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

Legal Notice Not Required
5/4/2017

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.

MEMORANDUM

Date: May 31, 2017
To: Transfer 81688 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes creating a stockwater permissible place of use (PPU) for two ground water rights: 47-15265 (0.2 cfs stockwater; 0.04 cfs domestic) & 47-16823 (0.17 cfs stockwater; 0.17 cfs commercial). Application also proposes to move the domestic POU to the actual home site in an adjacent 40 acre tract. Both rights share the same point of diversion (POD) and there will be no physical changes to the POD. There will be no change to the commercial POU for right 47-16823. Current place of use (POU), proposed PPU and POD are all located approximately 12.7 to 13.0 miles south and 2.8 to 3.4 west of the intersection of Blue Lakes and Addison Ave in Twin Falls.

Currently water right 47-15265 POU for both stockwater and domestic use is described as in the NENE $\frac{1}{4}$ of Sec. 24, Twp 12S, Rge 16E. According to an attachment provided by the applicant's representative, this was an error "made during the SRBA" and the decreed POUs for both rights in this transfer have never matched the actual POUs. The domestic POU will be changed to the NWNE $\frac{1}{4}$ of Sec. 24, Twp 12S, Rge 16E. The stockwater POU for both rights will be changed to include the SWSE and SESE of Sec. 13 and the NWNE of Sec 24, Twp 12S, Rge 16E.

Overlap analysis finds no other stockwater or domestic rights within the proposed PPU or diverted from the POD.

An ownership change was also requested to add Mary H Faria to water right 47-16823 as part of this transfer. Copies of relevant deeds were provided and are included in the transfer file.

This application only modifies the places of use and there is no actual hydrologic change. Therefore, pursuant to Section 42-222, Idaho Code, this transfer can be processed and approved without advertising.

- **Authority to File:** Applicant's representative provided deeds indicating applicant's ownership of all properties and water rights in this transfer.
- **Water Right Validity:** Water right 47-15265 was decreed in the SRBA on 7/9/1999 and water right 47-16823 was decreed on 6/1/2010. Recent aerial and satellite imagery indicates there is an active dairy site and home site at the properties involved with this transfer.

- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
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: May 31, 2017
To: Transfer 81688
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #81688 were based on the on the current transfer fee schedule and included \$500.00 for the 0.41 cfs being transferred in the application. (Receipt No.S036127). An additional \$25.00 fee was paid on 5/31/2017 (Receipt #S036154) to include a change of ownership which adds Mary F Faria to water right 47-16823.

Mills, William

From: Evan Roth <evan@sawtoothlaw.com>
Sent: Wednesday, May 31, 2017 11:33 AM
To: Mills, William
Subject: RE: faria

Mr. Mills,

As part of transfer 81688 please include a change of ownership (to water right 47-16823) consistent with the Deeds previously provided to you this morning. Specifically, both husband and wife Manuel and Mary Faria should be listed as the current owners of the identified water right as opposed to just Manuel Faria. I will bring a check in the total amount of \$25 to you prior to the close of business. Please call me if you have any questions.

Thank you,

Evan T. Roth
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC
236 River Vista Place Ste. 301
Twin Falls, ID 83301
Direct: (208) 954-3955
Office: (208) 969-9585
Fax: (208) 629-7559
evan@sawtoothlaw.com
www.SawtoothLaw.com



NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 969-9585, so that our address record can be corrected. Thank you.

From: Evan Roth
Sent: Wednesday, May 31, 2017 11:16 AM
To: 'Mills, William'
Subject: FW: faria

Bill,
Please see the attached.

Thank you,

Evan T. Roth
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC
236 River Vista Place Ste. 301
Twin Falls, ID 83301
Direct: (208) 954-3955
Office: (208) 969-9585

Fax: (208) 629-7559
evan@sawtoothlaw.com
www.SawtoothLaw.com



NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 969-9585, so that our address record can be corrected. Thank you.

From: Patti Hurd [<mailto:phurd@TitleOneCorp.com>]
Sent: Wednesday, May 31, 2017 11:07 AM
To: Evan Roth
Cc: Laury Lamb
Subject: RE: faria

As to the attached water right, I have drawn it on the plat and attached the deed that covers it.

Patti Hurd
Sr. Title Officer
TitleOne Corporation
PO Box 349
237 N. Lincoln Ave.
Jerome, Idaho 83338
TitleOneCorp.com

P: 208-324-3357
F: 866-407-8097

NOTICE: This electronic transmission contains information which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you received this electronic transmission in error, please notify the sender and delete the copy you received.

From: Evan Roth [<mailto:evan@sawtoothlaw.com>]
Sent: Wednesday, May 31, 2017 10:48 AM
To: Patti Hurd
Subject:

Thank you,

Evan T. Roth
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC
236 River Vista Place Ste. 301
Twin Falls, ID 83301
Direct: (208) 954-3955
Office: (208) 969-9585
Fax: (208) 629-7559
evan@sawtoothlaw.com
www.SawtoothLaw.com



NOTICE: This e-mail, including attachments, constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this communication in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail or by calling (208) 969-9585, so that our address record can be corrected. Thank you.

Boise Office

Golden Eagle Building
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447
Fax (208) 629-7559

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488
Fax (208) 879-4248

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585



SAWTOOTH LAW
OFFICES, PLLC

David P. Claiborne *
david@sawtoothlaw.com

S. Bryce Farris
bryce@sawtoothlaw.com

Evan T. Roth
evan@sawtoothlaw.com

Daniel V. Steenson
dan@sawtoothlaw.com

Andrew J. Waldera
andy@sawtoothlaw.com

James R. Bennetts (retired)
jim@sawtoothlaw.com

Attorneys licensed in Idaho
** Also licensed in Washington*

Friday, May 19, 2017

Bill Mills
Senior Water Resource Agent
Idaho Department of Water Resources
650 Addison Ave. W, Ste. 500
Twin Falls, ID 83301

RECEIVED

MAY 22 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Water Right Nos. 47-15265 and 47-16823
Application for Transfer of a Water Right

Dear Mr. Mills:

Enclosed please find the original signature page to the above referenced Application for Transfer.

If you have any other questions or concerns regarding the Application, please do not hesitate to contact our office.

Very truly yours,


Debby Long
Assistant to Evan T. Roth

/dl
Enclosure

Boise Office

Golden Eagle Building
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447
Fax (208) 629-7559

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488
Fax (208) 879-4248

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585



**SAWTOOTH LAW
OFFICES, PLLC**

Tuesday, May 16, 2017

David P. Claiborne *
david@sawtoothlaw.com

S. Bryce Farris
bryce@sawtoothlaw.com

Evan T. Roth
evan@sawtoothlaw.com

Daniel V. Steenson
dan@sawtoothlaw.com

Andrew J. Waldera
andy@sawtoothlaw.com

James R. Bennetts (retired)
jim@sawtoothlaw.com

Attorneys licensed in Idaho
* Also licensed in Washington

Via Hand Delivery

Idaho Department of Water Resources
Southern Region Office
650 Addison Ave. W, Ste. 500
Twin Falls, Idaho 83301

Re: Water Right Nos. 47-15265 and 47-16823
Application for Transfer of a Water Right

To whom it may concern,

Enclosed please find a completed Application for Transfer form, the required supporting documents, and the application processing fee. The enclosed Application is intended to correct issues related the Applicants' historic use of the decreed water rights on the real property described within the Application.

If you have any questions concerning the Application, please contact me directly at the information detailed above.

Very truly yours,



Evan T. Roth

ETR/dll
Enclosures

RECEIVED

MAY 16 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION