

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 04 2017

Department of Water Resources
Eastern Region

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

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

Check all that apply:

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

1. APPLICANT(S) Highway Estates Water Users Inc Phone 208 521 1786
 2. MAILING ADDRESS 897 E Farri Drive City Idaho Falls 83401
 State ID Zip 83401 Email _____

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

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

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

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

3. LIST WATER RIGHT NUMBER(S) 25-7038

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

4. TOTAL AMOUNT OF WATER transferred is -2 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
✓			SW	NW	29	3N	38E	Bonneville	Ground Water	Well 2
✓			SW	NW	29	3N	38E	Bonneville	Ground Water	Existing Well 1

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

Current Water Right No.: 25-7038

Current Owner: HIGHWAY ESTATES WATER USERS INC

Priority Date: 9/20/1973

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>
DOMESTIC	01/01 to 12/31	0.2 CFS	22.8 AF
	<u>Total Diversion</u>	0.2 CFS	22.8 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SW1/4NW1/4 Sec. 29, Twp 03N, Rge 38E B.M.

BONNEVILLE County

Place of Use

DOMESTIC Within BONNEVILLE County

T03N R38E S29	SWNW	T03N R38E S29	SE1/4
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Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. X01 Domestic use is for 19 homes.

Decreed Date: 9/30/2005

6. GENERAL INFORMATION

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

Well + Pump House

- b. Who owns the property at the point(s) of diversion? HEK Applicant - Sec Need.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Easement

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

Yes No

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

If yes, describe:

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

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

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

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

Merland E. Ricks
Signature of applicant or authorized agent

MERLAND E. RICKS President 5-2-2017
Print name and title if applicable Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by SC

Date 5/4/17

Fee paid 200- Date 5/4/17

Received by SC

Receipt # E42990

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



POU

T3N R38E
Section 29

Existing Well

Proposed P&D

SW NW

N
↑

81636

WARRANTY DEED

Instrument # 1289879

IDAHO FALLS, BONNEVILLE, IDAHO

2-8-2008

11:57:34 No. of Pages: 1

Recorded for : HIGHWAY ESTATES

IDAHO LONGMORE

EX-Officio Recorder Deputy

Index to DEED, WARRANTY

Fee: 3.00

H-K CONTRACTORS, INC., an Idaho Corporation, as GRANTOR

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

HIGHWAY ESTATES WATER USERS ASSOCIATION as GRANTEE

whose address is 577 Perri Dr. Idaho Falls ID Grantee's successors and assigns all of the following described real property, to wit:

Beginning at the Southwest Corner of Lot 14, Block 3, Highway Estates Subdivision, to the County of Bonneville, State of Idaho, according to the recorded plat thereof; running thence N89°12'23"W along the South boundary line of said Highway Estates Subdivision a distance of 390.72 feet; thence S00°23'36"W 50.00 feet; thence S89°12'23"E 390.72 feet; thence N00°23'36"E 50.00 feet to the point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. Beginning at a point of intersection of the North line of the South Half of the Northwest Quarter of Section 29, Township 3 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho, and the East line of the Lewisville Highway; thence South 360 feet; thence East 1195 feet to the point of beginning; thence South 35 feet, thence East 35 feet; thence North 35 feet; thence West 35 feet to the point of beginning.

SUBJECT TO the 2007 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and any reversion, remainder, rents, issues, and profits thereof

Grantor, for himself and his successors and assigns, does hereby warranty and agree to forever defend the Grantee and Grantee's successors and assigns in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter

Dated 2-8-08

H-K Contractors, Inc

By Brent A. Fort
President

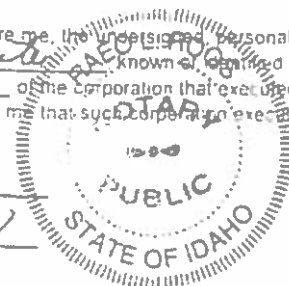
STATE OF IDAHO)

) SS

COUNTY OF BONNEVILLE)

On 2-8-08 before me, the undersigned, personally appeared Brent A. Fort known to me to be the President of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

Ram J. Ross
NOTARY FOR THE STATE OF IDAHO
Commission Expires 9-12-11



81636

Dennis Dunn.

IDWR.

RECEIVED

MAY 02 2017

Department of Water Resources
Eastern Region

Mr. Dunn.

When I. Melamed Rich became the new
President of Highway ESTIMATES WATER I was also
moved into the position of Mr. Dennis Eddes, former
~~owner~~ owner of the Water Well & President
I took over as President and Owner of Well #1.
Attached Warranty Deed is

Thank you

Melamed Rich