

RECEIVED

APR 29 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80893WATER RESOURCES
WESTERN REGIONMINIMUM 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) Neva Ann HamiltonCheck 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: Water right split table

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 29 2016

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Neva Ann Hamilton Phone 208-366-2463
 Mailing address 51381 Hwy 78, Hammett, ID 83627 Email hamiltonsn@rtci.net

- ☐ 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 SPF Water Engineering, LLC Phone 208-383-4140
 Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.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.

Neva Ann Hamilton Neva Ann Hamilton 4/29/16
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other split right
- 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**.
 1) Split water right to reflect portion appurtenant to applicant's property and portion quitclaimed from Idaho Power property

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	2-10518	1.41	Irrigation	4/1 to 11/1	Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.03 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.41 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5.

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	6E	29											40						40
		32						30											30
Total Acres (for irrigation use)																			70

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:
Pump & mainline; a measuring device and lockable controlling works will be accommodated upon Department request.
- b. Who owns the property at the point(s) of diversion? State of Idaho
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Documented easement
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Family lease to irrigate Idaho Power lands has expired; irrigation will no longer occur
- 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:

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

Current Water Right No.: 2-10518

Current Owner: LELAND M SHETLER CO-TRUSTEE
 Priority Date: 9/2/1956
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 11/01

Diversion Rate

3.03 CFS

Annual Volume**Total Diversion**

3.03 CFS

Location of Point(s) of Diversion

SNAKE RIVER

NW1/4SE1/4NE1/4

Sec. 30,

Twp 05S,

Rge 06E B.M.

ELMORE County

Place of Use**IRRIGATION Within ELMORE County**

T05S R06E S29	NWSW	13.00	T05S R06E S29	SWSW	40.00
T05S R06E S30	Lot 3 SWNE	5.00	T05S R06E S30	SENE	15.00
T05S R06E S30	NESE	26.00	T05S R06E S30	SESE	23.00
T05S R06E S31	NENE	9.00	T05S R06E S32	NWNW	19.00

Total Acres: 150

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 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.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 10/26/2009

Instrument # 439309 # Pages: 3
ELMORE COUNTY, Idaho
Nov 20, 2013 4:12:16 pm Fee: \$ 16.00
For: HALL, FRIEDLY & WARD
BARBARA STEELE, Recorder
DELLIS, Deputy

TRUSTEES' DEED

THIS INDENTURE, made this 20th day of November, 2013, between Neva Ann Hamilton and Ivan L. Shetler, as successor co-trustees of The Leland & Lucille Shetler Trust, which was effective May 15, 1985, and that was amended and restated pursuant to the Restated Trust Agreement of The Leland & Lucille Shetler Trust effective February 20, 2003, the Parties of the First Part, and Neva Ann Hamilton, of 51381 Highway 78, Hammett, Idaho 83627, the Party of the Second Part.

WITNESSETH: That the said Parties of the First Part, for the purpose of distributing real property from The Leland & Lucille Shetler Trust as provided in said trust and for good and valuable consideration, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the said Party of the Second Part, and to her heirs, personal representatives, successors and assigns, all that certain land, situated in the County of Elmore, State of Idaho, and particularly described as follows, to-wit:

Property Situated in Township 5 South, Range 6 East, Boise Meridian, Elmore County, Idaho:

In Section 29: The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$

In Section 32: NW $\frac{1}{4}$ of the NW $\frac{1}{4}$

That part of SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ not previously conveyed to Idaho Power Company

TOGETHER WITH all water, water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the Party of the Second Part, and to her heirs, personal representatives, successors and assigns forever.

IN WITNESS WHEREOF, the said Parties of the First Part have hereunto set their hands the day and year first above written.

The Leland & Lucille Shetler Trust

By: Neva Ann Hamilton
Neva Ann Hamilton, Trustee

By: Ivan L. Shetler
Ivan L. Shetler, Trustee

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE)

On this 20th day of November, 2013, before me, a Notary Public in and for said State, personally appeared Neva Ann Hamilton, known or identified to me, to be the person whose name is subscribed to the within instrument as a co-trustee of The Leland & Lucille Shetler Trust and acknowledged to me that she executed the same as such trustee.

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



Jay R. Friedley
Notary Public for Idaho
Residing at: Ada, Idaho, ID
My Commission Expires: 5-23-2015

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE)

On this 20th day of November, 2013, before me, a Notary Public in and for said State, personally appeared Ivan L. Shetler, known or identified to me, to be the person whose name is subscribed to the within instrument as a co-trustee of The Leland & Lucille Shetler Trust and acknowledged to me that he executed the same as such trustee.

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



Jay R. Friedley
Notary Public for Idaho
Residing at: Ada, Idaho, ID
My Commission Expires: 5-23-2015

Exhibit A

Page 1 of 5

Legal Description Idaho Power Real Property

[Refer to attached document.]

QUITCLAIM DEED
Idaho Power Company to Neva Ann Hamilton

12

80893

WARRANTY DEED

THIS INDENTURE, Made this 20th day of June, in the year of our Lord one thousand nine hundred and ~~fifty-two~~, between E. L. STEVENS, a widower, and BYRON STEVENS, a bachelor, of County of Elmore, State of Idaho, the parties of the first part, and IDAHO POWER COMPANY, a corporation, with its principal place of business in Boise, County of Ada, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) lawful money of the United States of America, and other valuable considerations, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in County of Elmore, State of Idaho, to-wit:

Lots One (1), Two (2), Three (3) and Four (4) of Section 32, Township 5 South, Range 6 East, Boise Meridian, and that part of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 32, described as follows:

Beginning at the southwest corner of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), thence north along the west line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) to the northwest corner of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence east along north line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 200 feet, more or less; thence South 54° 38' East 890 feet, more or less; thence South 75° 39' East 430 feet, more or less, to the east line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence south along the east line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) to southeast corner of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence west along the south line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) to the place of beginning; also

Lots One (1), Two (2), Three (3) and Four (4) of Section 31, Township 5 South, Range 6 East, Boise Meridian; also

Lots One (1), Two (2) and Three (3) of Section 30, Township 5 South, Range 6 East, Boise Meridian, and that part of Lot Four (4), the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 30, described as follows:

Beginning at the northwest corner of said Lot Four (4); thence east along the north line of said Lot Four (4) to the south one-quarter corner of Section 19; thence South 19° 27' West 231.7 feet; thence South 3° 24' East 318.2 feet; thence South 16° 32' East 488.4 feet; thence South 27° 53' East 319.9 feet; thence South 32° 26' East 50 feet, more or less, to the north line of said Lot Three (3); thence east along the north line of said Lot Three (3) 1300 feet, more or less, to a point in the north line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence South 28° 36' West 590 feet, more or less, to the west line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence south along the west line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 840 feet, more or less; to a point in the west line of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); thence South 17° 06' East 340 feet, more or less; thence South 26° 08' East 720.5 feet; thence South 11° 39' West 300 feet, more or less, to south line of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); thence west along the south line of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) to the southeast corner of said Lot Two (2); thence continuing west along the south line of said Lot Two (2) to the west bank of Snake River; thence northerly along the west bank of Snake River to the place of beginning; also

Lot Four (4) of Section 33, Township 5 South, Range 6 East, Boise Meridian, and that part of Lot One (1), Lot Two (2) and Lot Three (3) of said Section 33, described as follows:

Beginning at the northwest corner of said Lot Three (3), thence east along the north line of said Lot Three (3) 740 feet, more or less; thence South 66° 06' East 620 feet, more or less; thence North 60° 44' East 200.6 feet; thence North 8° 52' East 1065.1 feet; thence North 79° 04' East 1688.7 feet; thence North 82° 17' East 795.4 feet to the east line of said Lot One (1); thence south along the east line of said Lot One (1) to the north bank of Snake River; thence southwesterly along the north bank of Snake River to the west line of said Lot Three (3); thence north along the west line of said Lot Three (3) to the place of beginning; also

That part of Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, Township 5 South, Range 6 East, Boise Meridian, described as follows:

Beginning at a point on the west line of said Lot 4, which is south 2689.8 feet from the northwest corner of said Section 34; thence North 82° 17' East 248.3 feet; thence North 48° 25' East 1206.9 feet; thence South 72° 15' East 240 feet, more or less, to the east line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); thence south along the east line of said Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) to the northeast corner of said Lot Four (4); thence south along the east line of said Lot Four (4) to the north bank of Snake River; thence northwesterly along the north bank of Snake River to the west line of said Lot Four (4); thence north along the west line of said Lot Four (4) to the place of beginning; also

That part of Lot One (1) of Section 16, Township 5 South, Range 5 East, Boise Meridian, described as follows:

Beginning at a point in the west line of said Lot One (1), which is 18.7 feet south of the northwest corner of said Lot One (1); thence South 73° 33' East 929.4 feet; thence North 57° 39' East 297.4 feet; thence South 44° 09' East 250 feet, more or less, to the east line of said Lot One (1); thence south along the east line of said Lot One (1) 250 feet, more or less; thence South 51° 45' West 700 feet, more or less; thence South 18° 21' East 340 feet, more or less, to the south line of said Lot One (1); thence west along the south line of said Lot One (1) to north bank of Snake River; thence northwesterly along the north bank of Snake River to the west line of said Lot One (1); thence north along the west line of said Lot One (1) to the place of beginning.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.



E L Stevens (Seal)

Byron Stevens (Seal)

STATE OF IDAHO)
County of Elmore) ss

On this 20th day of June in the year 1952, before me J H Petersen, a Notary Public in and for said State, personally appeared E L STEVENS and BYRON STEVENS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that 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.

J H Petersen
Notary Public for the State of Idaho,
Residing at Bain, Idaho.

(Notarial Seal)

Warranty Deed

E. L. Stevens
et al.

Idaho Power Co.

STATE OF IDAHO,
County of Elmore

I hereby certify that this instru-
ment was filed for record at request of

James E. Bruce, Jr.

at 15 minutes past 9

o'clock P.M., this 29

day of July A. D. 1912

Book of Warranty Deeds

51 of

at Page 60

James E. Bruce, Jr.
Ex Officio Recorder,

By _____

Deputy.

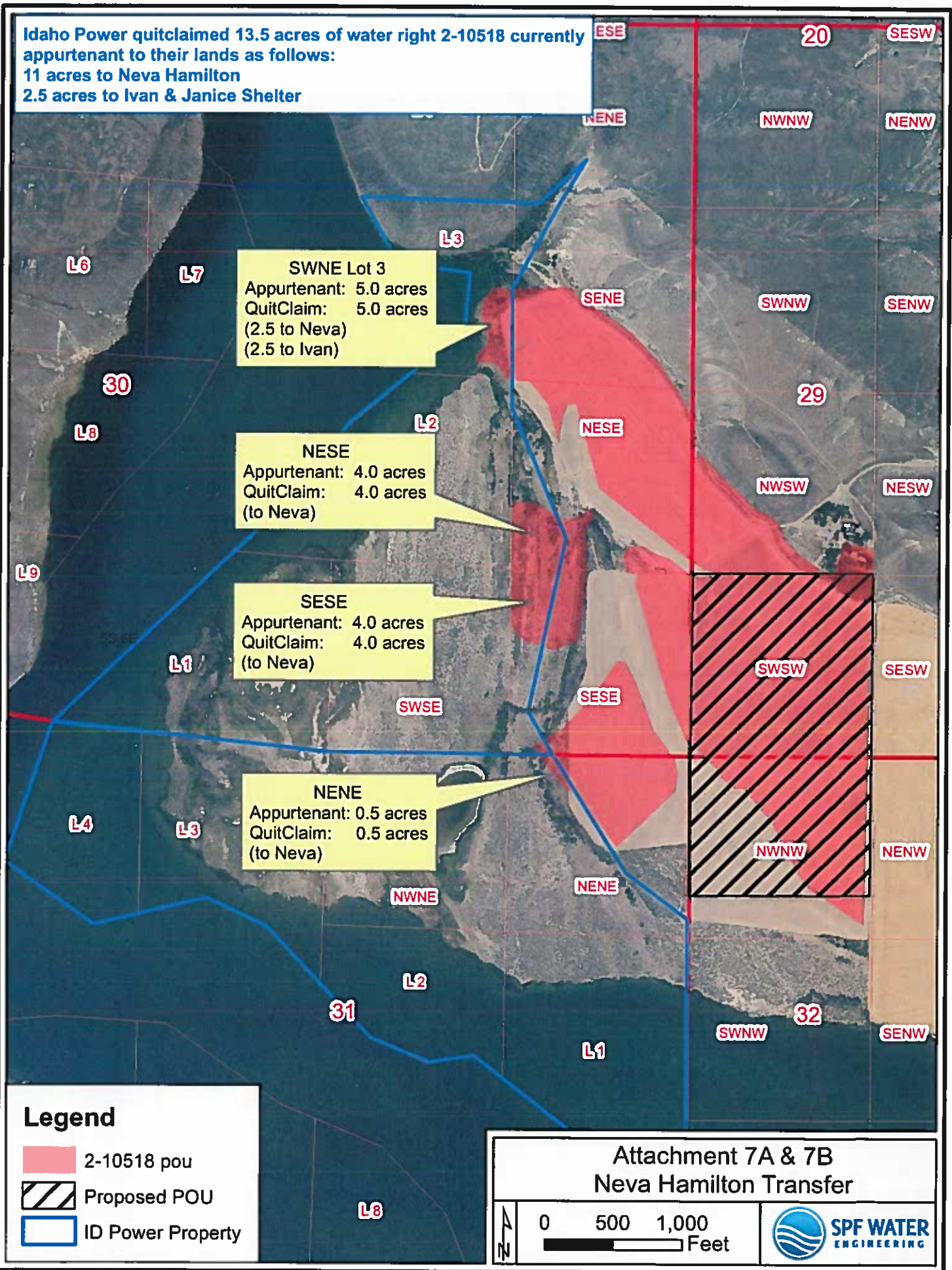
Fees \$

Idaho Power Co.
Attention - James E. Bruce, Jr.
Boise Idaho

216

80893

Idaho Power quitclaimed 13.5 acres of water right 2-10518 currently appurtenant to their lands as follows:
 11 acres to Neva Hamilton
 2.5 acres to Ivan & Janice Shelter



Split Analysis

Attachment 10

Water Right Number: 2- 10518

Diversion Rate: 3.03 CFS

Date: 3/3/2016

Acreage Analysis

Twp	Rng	Sec	Q-Q	Lot	Parent	Children Acres									
					Parent	Hamilton	Shetler	ID Power							
5S	6E	29	NWSW		13	0	13	0							
			SWSW		40	40	0	0							
		30	SWNE	3	5	0	0	5	2.5 to Neva	2.5 to Ivan					
			SENE		15	0	15	0							
			NESE		26	0	22	4	to Neva						
			SESE		23	0	19	4	to Neva						
		31	NENE		9	0	8.5	0.5	to Neva						
		32	NWNW		19	19	0	0							

Water Right Number: 2- 10518
 Diversion Rate: 3.03 CFS
 Date: 11/20/2015

Split Tree

Parent (150.0 ac & 3.03 cfs)	Hamilton (59.0 ac & 1.19 cfs)
	Shetler (77.5 ac & 1.57 cfs)
	ID Power (13.5 ac & 0.27 cfs)

Summary

Right No:	Diversion Rate	Irrigated Acres	CFS / Acre
Parent	3.03	150	0.020
Hamilton	1.19	59	0.020
Shetler	1.57	77.5	0.020
ID Power	0.27	13.5	0.020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2017

NEVA ANN HAMILTON
51381 HWY 78
HAMMETT, ID 83627

RE: Transfer No. 80893
Water Right No(s). 2-10518

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the MOUNTAIN HOME NEWS on 1/18/2017 and 1/25/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE, ID 83706

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 12, 2017 10:19 AM
To: 'Swenson, Stacy'
Subject: Elmore Legal Ads
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 1/18/17 & 1/25/17.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

January 12, 2017

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application for Transfer No. 80896,
 Water Right No(s): 2-10518
 Application for Transfer No. 80893,
 Water Right No(s): 2-10518

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/6/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80896**

IVAN L SHETLER and JANIS SHETLER, 6944 SW SHETLER DR, MOUNTAIN HOME, ID 83647; has filed Application No. 80896 for changes to the following water rights within ELMORE County(s): Right No(s) 2-10518; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to change the location of 9 acres of water right no. 2-10518 from land owned by Idaho Power Company to land owned by the applicants. This action will make the acres and place of use described by the water right more accurately reflect the irrigation practices taking place on the property. The site is in Elmore county approximately 20 kilometers southwest from Mountain Home, Idaho on the north bank of the CJ Strike Reservoir.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80893**

NEVA ANN HAMILTON, 51381 HWY 78, HAMMETT, ID 83627; has filed Application No. 80893 for changes to the following water rights within ELMORE County(s): Right No(s) 2-10518; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The transfer proposes to split that portion of water right no. 2-10518 that is appurtenant to land now owned by Neva Ann Hamilton (the applicant) and to move 11 acres from land owned by Idaho Power Company to increase the total acres and diversion rate at the proposed place of use. The proposed place of use is located in Elmore County approximately 20 kilometers southwest from Mountain Home, Idaho on the north bank of the CJ Strike Reservoir.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/18/2017 and 1/25/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 12, 2017 10:28 AM
To: Whitney, Rob
Subject: Applications for Transfer Nos. 80896 & 80896
Attachments: Watermaster Recommendation Form.docx; Application for Transfer 80893.pdf; Application for Transfer 80896.pdf

January 12, 2017

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Applications for Transfer Nos. 80896 & 80896

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by February 6, 2017.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Hummer, Phill

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Monday, November 21, 2016 11:59 AM
To: Hummer, Phill
Subject: RE: Hamilton and Shetler Transfer Applications

Thanks, but I'm not Lori!

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | c. 208.859.8428

From: Hummer, Phill [<mailto:Phill.Hummer@idwr.idaho.gov>]
Sent: Monday, November 21, 2016 11:58 AM
To: Roxanne Brown <RBrown@spfwater.com>
Cc: hamiltonsn@rtci.net; ivanshetler@yahoo.com
Subject: RE: Hamilton and Shetler Transfer Applications

Lori,

One more thing, the transfer application for Ivan and Janis Shetler needs to be signed by both applicants since they used the "and" name connector was used. Or a statement with Janis Shetler's signature showing she is okay with the filing can be submitted instead. I added the both email address that were provided from the applicants to these email so that they are aware of the issues.

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Monday, November 21, 2016 11:51 AM
To: Hummer, Phill
Subject: RE: Hamilton and Shetler Transfer Applications

Thank you, Phill. I'll bring a check to you ASAP.

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | c. 208.859.8428

From: Hummer, Phill [<mailto:Phill.Hummer@idwr.idaho.gov>]
Sent: Monday, November 21, 2016 8:17 AM
To: Roxanne Brown <RBrown@spfwater.com>
Subject: Hamilton and Shetler Transfer Applications

Hi Roxanne,

This is in regards to SPF Job No. 1197.0010. The transfer applications in the name of Hamilton (80893) and Shetler (80896) propose to split water right no. 2-10518 and change the ownership of each portion. The application processing fee included with the application did not include the additional fee needed for the split or the ownership change. We only need to split the right once but to change the ownership of each portion requires a fee for each portion. Before both transfer applications can be approved we need an additional \$125.00 total, 100 for the split and 25 for each ownership change. The applications can be advertised before these fees are received and I am hoping to have them advertised the first 2 weeks of December.

Phill Hummer

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 80893
FROM: Phill Hummer
DATE: 06/29/2016
RE: Evaluation of Application

The transfer proposes to split that portion of water right no. 2-10518 that is appurtenant to land now owned by Neva Ann Hamilton (the applicant) and to move 11 acres from land owned by Idaho Power Company to increase the total acres and diversion rate at the proposed place of use.

The site is in Elmore County approximately 20 kilometers southwest from Mountain Home, Idaho on the north bank of the CJ Strike Reservoir.

Contact person for the applicant is Roxanne Brown, Water Rights Specialist at SPF Water Engineering.

Summary of Information Submitted

Authority to File:

The application includes a warranty deed that shows Idaho Power Company owns land that is a portion of the place of use authorized to be irrigated under water right no. 2-10518. Idaho Power Company conveyed that portion of the water right to Neva Hamilton through a quitclaim deed signed April 8, 2016.

Water Right Validity:

The parent water right no. 2-2091 was decreed in 2009 and protected from forfeiture through a five year period following 2009. Beneficial use should have resumed by the end of 2015 per multiple programs memo no. 2. However, land ownership issues arose from the settling of an inheritance and that process influenced the ability to receive permission from Idaho Power to move portions of the water right. Since these issues were beyond the control of the applicant the water right is protected from forfeiture pursuant to Idaho Code § 42-223. Additionally, the land inherited by the applicant is currently being irrigated in excess of what is authorized under water right no. 2-10518. The water and acres proposed to be transferred are currently being used at the proposed place of use and this transfer will authorize the current irrigation practice.

Injury to Other Water Rights:

No injury to existing water right holders is anticipated. The water is already being used at the place of use; this transfer will authorize the current irrigation practice.

Enlargement of Use:

Water right no. 2-10518 authorizes 3.03 cfs for the irrigation of 150 acres, which is 0.0202 cfs per acre and it is department policy to round the rate of diversion to the nearest hundredth (2 decimal places). The Water right is conditioned with 03A limiting the diversion rate to 0.02 cfs per acre. If approved this condition should be replaced with condition R64, which would also limit the annual volume to 4.0 af per acre.

Local Public Interest:

The transfer application proposes beneficial use consistent with local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Comments from the watermaster of basin 02 are needed since the Snake River is the source for this water right.

Part 1.b.5c of the application is incomplete. Since there no security interests filed for water right no. 2-10518 it is assumed there are no liens associated with the property. Since the proposed change will increase the value of the property at the proposed place of use no additional comments are required.

Data entry affected the correct record, transfer data entry affected right id 675271.

Overlapping Rights

According to department records water rights no. 2-2091 and 2-10517 are also diverted from the same location but authorize irrigation at a different place of use. Water right no. 61-10219 overlaps the proposed place of use but authorizes domestic and stockwater use (not the same beneficial use as 2-10518) and the acres that are overlapping are not involved in this transfer application.

Water right no. 2-10518 is not leased to the water supply bank.

Summary

If approved these conditions should be updated on the changed portion of the water right.

- Condition C05 should be removed per usage description.
- Condition 03A should be updated to R64.
- Condition C18 should be updated to T19.
- Condition T07 and T08 as standard transfer condition should be added.
- Conditions R43 and R05 should be added per measurement device flow chart.

If approved these conditions should be updated on the unchanged portion of the water right.

- Condition C05 should be removed per usage description.
- Condition 03A should be updated to R64.
- Condition C18 should be updated to T19.
- Condition X61 should be updated to current wordage.

Drilling fee upgrade is not required because the water right authorizes the diversion of surface water.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Hummer, Phill

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Friday, June 17, 2016 10:07 AM
To: Hummer, Phill
Cc: hamiltonsn@rtci.net
Subject: RE: Transfer 80893 Hamilton

Categories: More Info Emails

Phill –

The Partial decree of the parent right (2-2091) was issued in 2009. According to Multiple Programs Memo No. 2, the forfeiture review period would normally run from 2010 (the year after issuance of the partial decree) until the end of 2015 (the year allowed for resumption of use). In this case, the Hamilton's began working on the transfer in 2015 (which would have authorized the additional place of use on land Neva stood to inherit from Leland Shetler's estate). Unfortunately, the estate was not settled and the land conveyed to Neva, and the State of Idaho did not provide permission to remove the water right from State land until 2016. We believe these events protect the water right from forfeiture pursuant to Idaho Code § 42-223(6) as the timing of these circumstances were outside of Mrs. Hamilton's control.

I would like to note that Mrs. Hamilton inherited a parcel of land that has been actively irrigated in excess of the Q-Q legal description of water right 2-2091 and this transfer is intended to cover existing irrigated land. In fact, if Mrs. Hamilton continues irrigation as it exists today, she will have to obtain additional water rights. In summary, the Hamilton and Shetler parcels (the result of the split of the Leland Shetler estate) have irrigated using the full extent of the water rights, although the elderly Mr. Shetler did not file a transfer application at the time the irrigation practice changed. Shetler and Hamilton are trying to play "catch up" with their transfer applications to authorize current irrigation practice.

This is a quick response to your email. Please let me know if you need a more formal reply.

Roxanne

From: Hummer, Phill [<mailto:Phill.Hummer@idwr.idaho.gov>]
Sent: Friday, June 17, 2016 9:39 AM
To: Roxanne Brown
Cc: hamiltonsn@rtci.net
Subject: Transfer 80893 Hamilton

Hi Roxanne,

I am working on the transfer application submitted by Neva Hamilton and need some more information regarding the historical use of the water right. Department ArcMap imagery shows the 11 acres proposed to be transferred have not been irrigated in the last 5 years. Will you provide information that shows the right is valid and has not been lost to partial forfeiture.

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190*



SPF WATER
ENGINEERING

RECEIVED

APR 29 2016

WATER RESOURCES
WESTERN REGION

April 29, 2016

Angie Grimm
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Transfer of Water Right
Water Right No. 2-10518 (portion)

Dear Angie,

On behalf of Neva Hamilton, we are pleased to submit the enclosed *Application for Transfer*. The application seeks authorization to remove water right 2-10518 from land owned by Idaho Power and correctly describe the place of use now owned by Neva Hamilton.

We understand the filing fee for this application is \$580.00. You will find a check for that amount enclosed. Please contact me with any questions.

Best Regards,

Roxanne Brown
Sr. Water Rights Specialist

CC: Neva Hamilton

Enclosures

SPF Job No. 1197.0010