

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 18 2016

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Meghan Foos, Janice and Kristine Guillory Phone 775 304 1532Mailing address 568 Nixon St. Minnemucca, NV 89445 Email _____

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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

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

Meghan Foos
Signature of Applicant or Authorized Representative

Meghan Foos
Print Name and Title if applicable

11/4/2016
Date

Janice V. Zielinski
Signature of Applicant or Authorized Representative

Janice V. Zielinski
Print Name and Title if applicable

11/4/2016
Date

Kristine Guillory
Signature of Applicant or Authorized Representative

Kristine Guillory
Print Name and Title if applicable

11/10/2016
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**.

Changing the point of diversion for right 31-11359.

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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 ☒ ☐	31-11359	0.12	Irrigation	05/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.12 cfs and/or 26.3 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or 26.3 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 #
Yes			NW	NW	8	12N	39E	Clark	Ground Water	

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	
Total Acres (for irrigation use)																			

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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 to sprinklers, can accommodate a measuring device in future if necessary.

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

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

N/A

- 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:

East Camas Creek rights 31-145 and 31-146

- 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
Proof Report

11/2/2016

Water Right 31-11359

Owner Type **Name and Address**
 Current Owner MEGHAN ZIELINSKI
 568 NIXON ST
 WINNEMUCCA, NV 89445
 (775)304-1532

Current Owner JANICE ZIELINSKI
 568 NIXON ST
 WINNEMUCCA, NV 89445
 (775)304-1532

Current Owner KRISTINE GUILLORY
 568 NIXON ST
 WINNEMUCCA, NV 89445
 (775)304-1532

Priority Date: 11/28/1961

Basis: Decreed

Status: Active

Source
 GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	0.120 CFS	26.3 AF
	<u>Total Diversion</u>		0.120 CFS	26.3 AF

Source and Point(s) of Diversion

GROUND WATER NESWSW Sec. 5, Twp 12N, Rge 39E, CLARK County

Place Of Use

IRRIGATION within CLARK County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	39E	8						32.0	36.0	38.0									106.0

Right Acre Limit: 8.8

POU Total Acres: 106.0

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. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 8.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/2/2016

3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 106 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00145 AND 31-00146.

Comments:

1. j barg 9/26/2014 Ownership Change
water right 31-11359 was split into 31-11359 and 31-12347

2. j barg 9/26/2014 POU
Updated Shape

Dates and Other Information

Decreed Date: 2/22/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 110
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

[The page contains faint horizontal lines, suggesting it was part of a lined notebook or document.]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

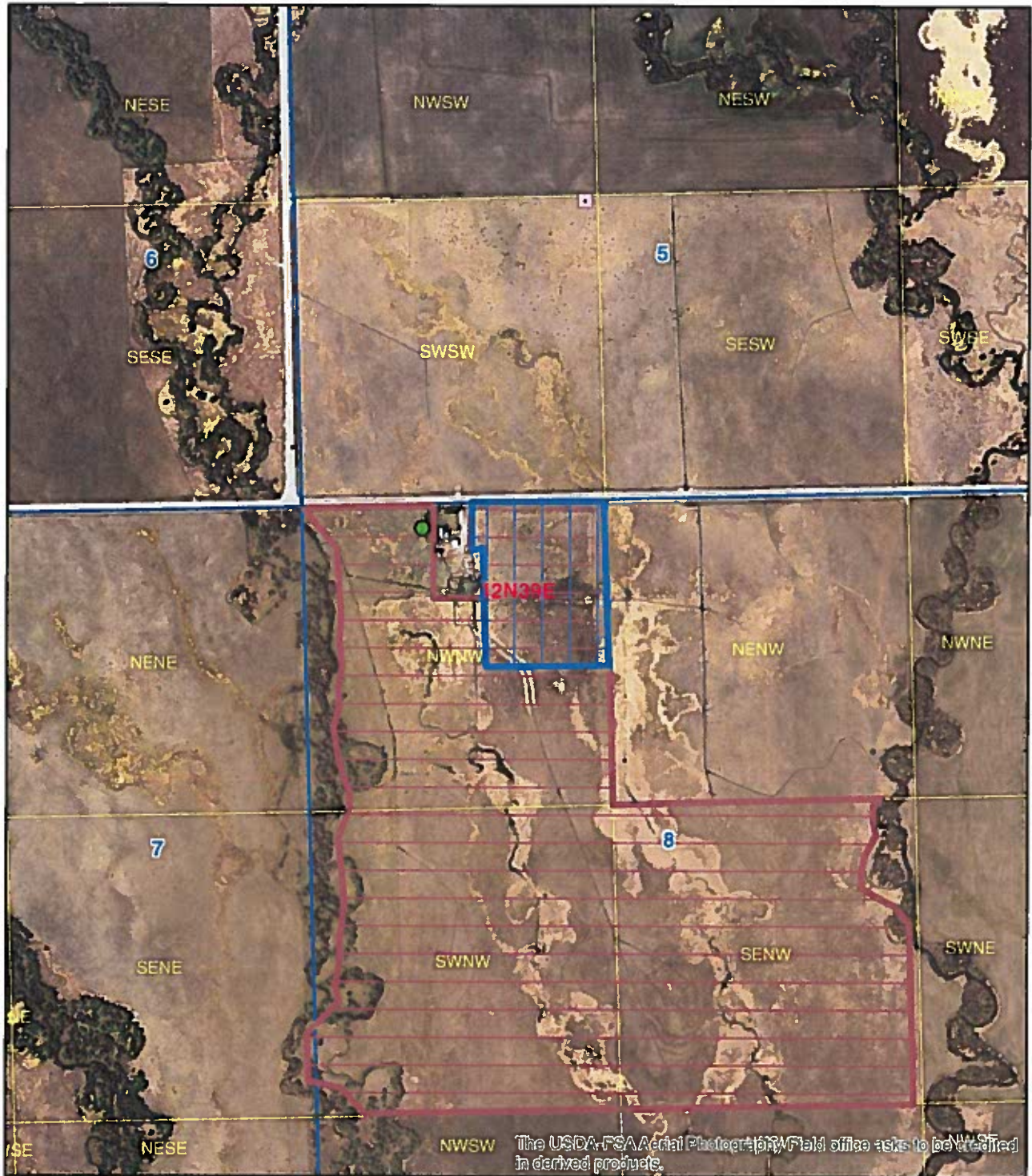
Received by Se Date 11/18/16 Preliminary check by _____ Date _____

Fee paid 500- Date 11/8/16 Received by SL Receipt # 5042610

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

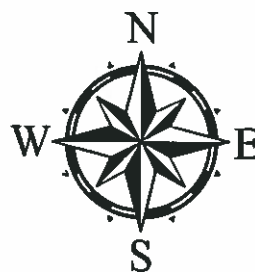
31-11359 Point of Diversion Change



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

Legend

- Current POD
- Post-Transfer_POD
- 8.8 Irrigated Acres
- Water Right POU
- Township/Range
- Sections
- QQ



81323

0 0.1 0.2 0.4 Miles

State of Idaho

County of FREMONT

No. 1298

Marriage License

Instrument No. 538573

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Marriage between:

GROOM

Name: BRYCE RYAN FOOS

Address: NISLAND, BUTTE County, SOUTH DAKOTA US

Age: 27 Race: CAUCASIAN Status: SINGLE

Birthdate: 5/6/1985

Birthplace: RAPID CITY, SOUTH DAKOTA USA

AND

BRIDE

Name: MEGHAN J ZIELINSKI

Address: ST ANTHONY, FREMONT County, IDAHO/USA

Age: 22 Race: CAUCASIAN Status: SINGLE

Maiden name if previously married: ZIELINSKI

Birthdate: 7/1/1979

Birthplace: WINNEMUCCA, NEVADA USA

And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at

ST ANTHONY, FREMONT County, IDAHO, this 14th day of May, 2012

ABBIE MACF Recorder

Deputy Recorder

Marriage Certificate

I, Burt Lee Williams, an Elder (Bishop)
residing in the city of St. Anthony (Parker), in the county of Fremont, in the state of
Idaho do certify that, in accordance with the authority on me conferred by the above license, I did on this Second day
of June in the year A.D. 2012 in the city of Teton in
the county of Teton, in the state of Idaho, solemnize the rites of matrimony between

BRYCE RYAN FOOS of NISLAND, in the county of BUTTE, of the state of SOUTH DAKOTA US
and MEGHAN J ZIELINSKI of ST ANTHONY, in the county of FREMONT, of the state of IDAHO USA

in the presence of Timothy H. Nowak and Brad Andrews
WITNESS my hand at the county aforesaid, this Second day of June, A.D. 2012.

In the presence of:

Officiant's Signature

Officiant's Mailing Address

Timothy H. Nowak

and Brad Andrews

Burt Lee Williams

219 N 2nd St.

St. Anthony, ID 83445

(Use typewriter and/or black ink)

(This copy for the Bride and Groom)

WARRANTY DEED

FOR VALUE RECEIVED, Janice Zielinski and Michael Zielinski, wife and husband, and Kristine Guillory, a single woman, dealing with her sole and separate property, the Grantors do hereby grant, bargain, sell and convey unto Meghan J. Foos, a married woman, dealing with her sole and separate property, whose present address is 12346 Highway 212, Nisland, South Dakota 57762, the Grantee, the following described premises, located in Clark County, Idaho, to wit:

Township 12 North, Range 39 East, Boise Meridian:

Section 8: ~~W1/4NW1/4~~ and ~~SE1/4NW1/4~~

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that Grantors are the owners in fee of said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 31st day of July, 2014.

Janice Zielinski
Janice Zielinski

Michael Zielinski
Michael Zielinski

Kristine Guillory
Kristine Guillory

WARRANTY DEED
PAGE 1

Instrument # 55784
DUBOIS, CLARK, IDAHO
8-7-2014 01:40:55 No. of Pages: 2
Recorded for: GOODMAN LAW OFFICE
VELVET KILLIAN Fee: 13.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

81323