

RECEIVED

SEP 21 2016

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 81294

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Chad RindlisbacherCheck 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](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show 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

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Department of Water Resources  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Chad Rindlisbacher Phone 208-313-4945

Mailing address 890 North 4600 West, Malad City, ID 83252 Email redhawktrading@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.

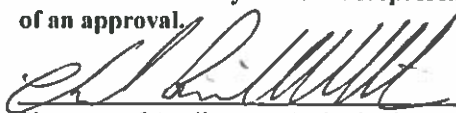
☐ No Representative

Name of Representative \_\_\_\_\_ 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.

  
Signature of Applicant or Authorized Representative

Chad Rindlisbacher  
Print Name and Title if applicable

Sept 21/16  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
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**.  
This transfer proposes to change the place of use for a 120-acre portion of water right 15-4023. I own a 160-acre portion of this water right. I don't want to split the right at this time. The point of diversion will not change. The right (120 acres) is currently stacked with water right 15-2032. At the proposed POU, it will be stacked with right 15-7312.

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 15-4023      | 2.40 / 624            | Irrigation    | 5/1 to 10/31  | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 2.40 cfs and/or 624 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.60 cubic feet per second and/or 156 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 |             |
| 14S                              | 35E | 22  |      |    |    | 40 |      |    |    |    |      |    |    |    |      |    |    |    | 40          |
|                                  |     | 23  |      |    |    |    |      |    | 40 | 40 |      |    |    |    |      | 40 |    |    | 120         |
|                                  |     | 25  |      |    |    |    |      | 40 | 40 |    |      |    |    |    |      |    |    |    | 80          |
|                                  |     | 26  | 40   |    |    | 40 |      |    |    |    |      |    |    |    | 40   | 40 | 40 |    | 200         |
|                                  |     | 35  |      | 40 |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 40          |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 480         |

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:  
Shared well pumps water to my property and ground irrigated by Blair Palmer. All ground is irrigated with sprinklers. South 160-acres described under the right (Tim Willie ground) is no longer served by the well. Well can be equipped with flow meter if one is required in the future.
- 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: According to a court order, I own 160 acres of the water right independent of the property at the existing place of use.  
 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 change. Existing place of use will continue to be irrigated. I am stacking my water right with existing water right 15-7312.
- 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:  
15-7312
- 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

9/21/2016

Water Right 15-2032

**Owner Type**      **Name and Address**  
Current Owner      CHAD L RINDLISBACHER  
                                 321 N 5400 W  
                                 MALAD, ID 83252  
                                 (208) 766-4945

Current Owner      CAROL RINDLISBACHER  
                                 321 N 5400 W  
                                 MALAD, ID 83252  
                                 (208) 766-4599

**Priority Date:** 8/14/1945

**Basis:** License

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | /                             | /                | 1.900 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 1.900 CFS                    |                      |

**Source and Point(s) of Diversion**

GROUND WATER      NESE      Sec. 22, Twp 14S, Rge 35E, ONEIDA County

**Place Of Use**

IRRIGATION within ONEIDA County

|     |     |     | NE |    |    |    | NW |    |    |    | SW   |      |    |    | SE   |      |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|------|------|----|----|------|------|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | NE   | NW   | SW | SE |        |
| 14S | 35E | 22  |    |    |    |    |    |    |    |    |      |      |    |    | 32.0 |      |    |    | 32.0   |
| 14S | 35E | 23  |    |    |    |    |    |    |    |    | 40.0 | 40.0 |    |    |      | 40.0 |    |    | 120.0  |

POU Total Acres: 152.0

**Conditions of Approval:**

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

9/21/2016

Water Right 15-4023

| <u>Owner Type</u> | <u>Name and Address</u>                                                            |
|-------------------|------------------------------------------------------------------------------------|
| Current Owner     | CHAD L RINDLISBACHER<br>321 N 5400 W<br>MALAD, ID 83252<br>(208) 766-4945          |
| Current Owner     | CAROL RINDLISBACHER<br>321 N 5400 W<br>MALAD, ID 83252<br>(208) 766-4599           |
| Current Owner     | BLAIR PALMER<br>4029 WEST 500 SOUTH<br>MALAD CITY, ID 83252<br>(435)279-7049       |
| Current Owner     | HEATHER PALMER<br>4029 W 500 S<br>MALAD CITY, ID 83252<br>(435)279-7049            |
| Current Owner     | ROTATION CROP GROWERS WELL<br>HOLBROOK STAR RT<br>HOLBROOK<br>MALAD CITY, ID 83252 |
| Current Owner     | JENKIN PALMER<br>, ZZ                                                              |

**Priority Date:** 4/1/1941

**Basis:** Statutory Claim

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 5/01                   | 10/01     | 2.400 CFS             | 624.0 AF      |
|                       | <u>Total Diversion</u> |           | 2.400 CFS             | 624.0 AF      |

**Source and Point(s) of Diversion**

|              |      |                                          |
|--------------|------|------------------------------------------|
| GROUND WATER | NESW | Sec. 23, Twp 14S, Rge 35E, ONEIDA County |
|--------------|------|------------------------------------------|

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

9/21/2016

**Place Of Use**

IRRIGATION within ONEIDA 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 |        |
| 14S | 35E | 22  |      |      |    |      |    |      |      |    |      |      |    |    | 40.0 |      |      |    | 40.0   |
| 14S | 35E | 23  |      |      |    |      |    |      |      |    | 40.0 | 40.0 |    |    |      | 40.0 |      |    | 120.0  |
| 14S | 35E | 25  |      |      |    |      |    | 40.0 | 40.0 |    |      |      |    |    |      |      |      |    | 80.0   |
| 14S | 35E | 26  | 40.0 |      |    | 40.0 |    |      |      |    |      |      |    |    | 40.0 | 40.0 | 40.0 |    | 200.0  |
| 14S | 35E | 35  |      | 40.0 |    |      |    |      |      |    |      |      |    |    |      |      |      |    | 40.0   |

POU Total Acres: 480.0

**Conditions of Approval:**

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/8/2016

**Water Right 15-7312**

**Owner Type**      **Name and Address**  
Current Owner      CAROL RINDLISBACHER  
321 N 5400 W  
MALAD, ID 83252  
(208) 766-4599

Current Owner      CHAD L RINDLISBACHER  
321 N 5400 W  
MALAD, ID 83252  
(208) 766-4945

**Priority Date:** 4/28/1995

**Basis:** License

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/01                         | 10/31            | 1.970 CFS                    | 696.5 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 1.970 CFS                    | 696.5 AF             |

**Source and Point(s) of Diversion**

GROUND WATER      NWNW      Sec. 23, Twp 14S, Rge 35E, ONEIDA County

**Place Of Use**

IRRIGATION within ONEIDA County

|     |     |     | NE   |    |    |      | NW   |      |      |      | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|----|----|------|------|------|------|------|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW | SW | SE   | NE   | NW   | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 14S | 35E | 22  | 18.0 |    |    | 40.0 |      |      |      |      |    |    |    |    |    |    |    |    | 58.0   |
| 14S | 35E | 23  |      |    |    |      | 36.0 | 25.0 | 40.0 | 40.0 |    |    |    |    |    |    |    |    | 141.0  |

POU Total Acres: 199.0

**Conditions of Approval:**

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

**Comments:**

1. bjordan      9/25/2008      POD

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

11/8/2016

PODID 726354 correlated from SpatialDataID 394424 to SpatialDataID 394424

2.      bjordan                      9/25/2008      POU  
Updated Shape
3.      scox                          12/9/2008      Transferred Right  
This is now an approved transfer, transfer number = 75098
4.      psdaggs                      12/11/2008      Transferred Right  
This is now an approved transfer, transfer number = 75098
5.      cfritz                          4/16/2015      Updated Shape  
Updated POUShape
6.      scox                          4/27/2015      Transferred Right  
This is now an approved transfer. Transfer Number = 79878

**Dates and Other Information**

Licensed Date: 9/3/2008  
Owner Name Connector: AND/OR  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 3.5  
Mitigation Plan: False

**Combined Use Limits**

N/A

**Verification Log**

**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 rights(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:

N/A

#### FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

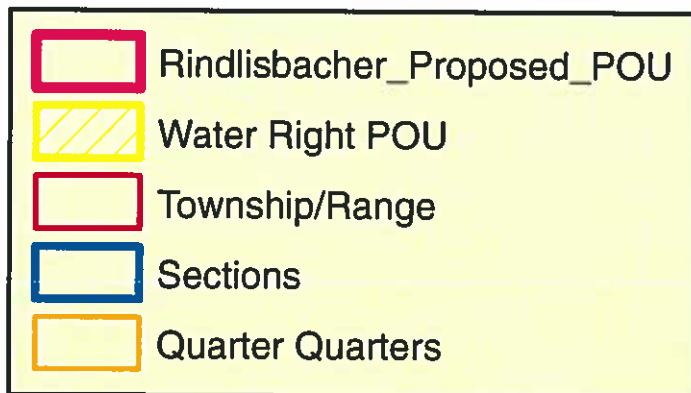
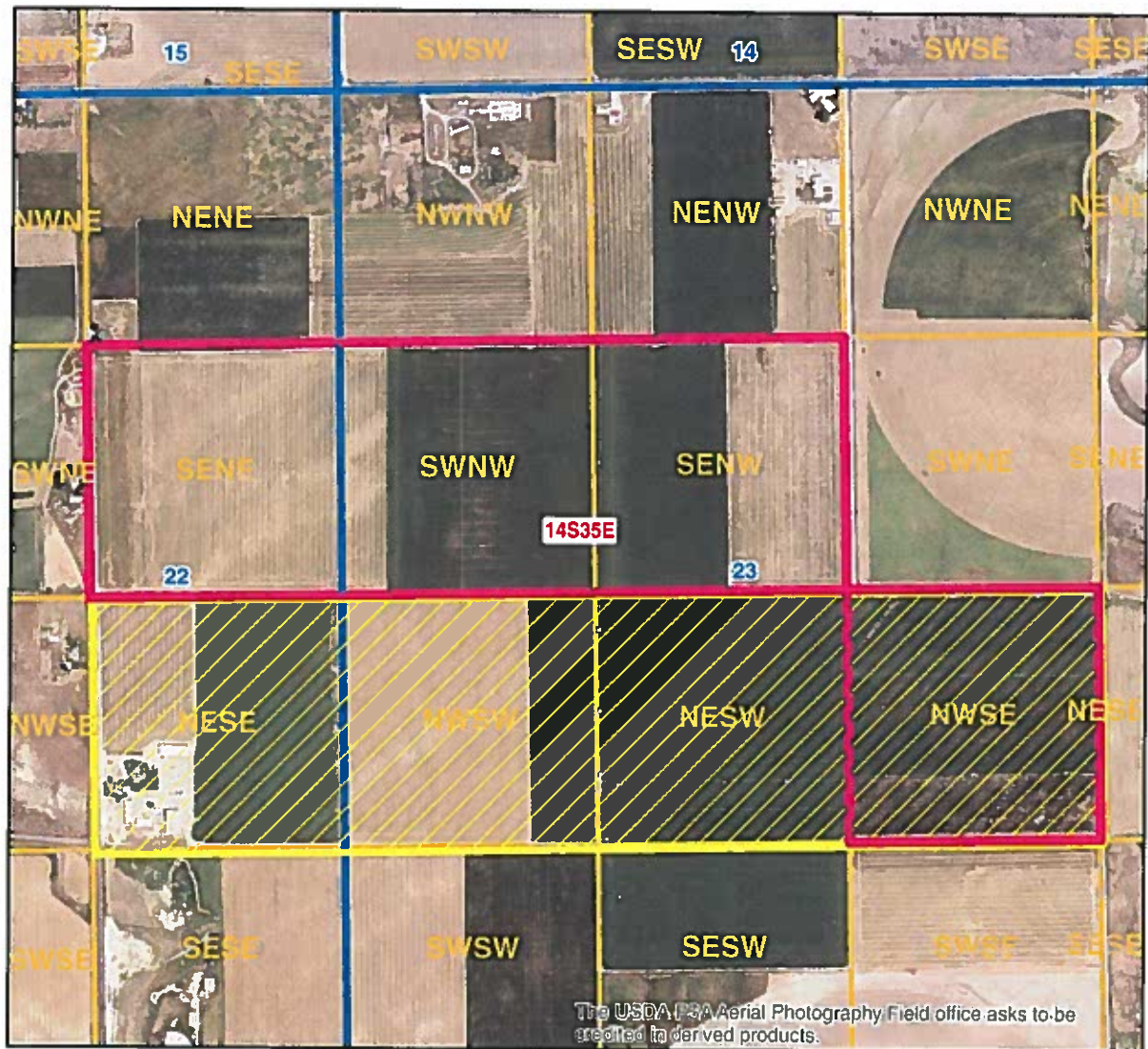
Received by SC Date 9/21/16 Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 500 - Date 9/21/16 Received by SC Receipt # 1042470

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)

# Application for Transfer - Rindlisbacher



0 500 1,000 Feet



IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF ONEIDA

|                                                                                                                               |                                                        |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| CHAD L. RINDLIBACHER,<br><br>Plaintiff,<br><br>vs.<br><br>CAROL JONES RINDLIBACHER<br>n.k.a. CAROL STEVENS,<br><br>Defendant. | Civil No. CV-2015-131<br><br>STIPULATION TO SETTLEMENT |
|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|

The Plaintiff, Chad Rindlibacher ("Rindlibacher"), and the Defendant, Carol Stevens ("Stevens"), having conducted mediation with the Honorable David Kress on January 8, 2016, do enter into the following settlement agreement:

BACKGROUND

1. Rindlibacher and Stevens were previously married and entered into a mediated settlement agreement in 2009.
2. In 2012, the Ranch Property also known as the Mountain Property was conveyed to Stevens along with 215 acres of farm ground, a home, barns, etc. Rindlibacher was conveyed approximately 250 acres of farm ground, a business known as Red Hawk Trading and a small

seed business that, following the divorce, was expanded by Rindlisbacher and has now been operated as the CR Seed business.

3. Even though the farm land had been divided by the parties, various parcels of farm land had debt liens recorded against them.

4. From 2009 through 2011, Stevens and Rindlisbacher each paid half of all the debt payments accrued on the properties.

5. Rindlisbacher claims that in 2009, Rindlisbacher and Stevens reached an agreement that if the Mountain property were to sell, the proceeds would be used to satisfy the Mountain property debt and the remaining balance would be applied to the debt on the farm land that was now owned by Rindlisbacher.

6. Subsequently Stevens sold the Mountain Property and satisfied approximately \$131,000 of debt that was against the Mountain Property and then Stevens retained approximately \$39,000 from the sale of the Mountain Property and did not apply the proceeds to the farm land debt.

7. Rindlisbacher and his wife refinanced the farm land debt in their names but have made demand upon Stevens for repayment of half of the net difference between the Mountain Property debt and the farm property debt.

After recital of the foregoing background, the parties agree to resolve their differences as follows:

A. The farm property deeded to Stevens and the farm property deeded to Rindlisbacher shall remain in place except as hereafter noted Stevens will deed Rindlisbacher a small tract of ground around the East Well. Currently in referencing the attached Exhibit, Rindlisbacher owns 25% of the Main Well and Stevens owns 75% of the Main Well. Rindlisbacher agrees to transfer and,

by this document, does transfer to Stevens all of his interest in the Main Well so Stevens will now own 100% of the Main Well. Rindlisbacher will retain 100% ownership of the East Well and the North Well. The South Well has previously been conveyed to Stevens and the water right associated therewith has been completely transferred to her and is not involved in this agreement.

B. At any time after the execution of this agreement and before May 1, 2016, the mainline that runs from the Main Well to the East Well will be severed and capped by Stevens so the East Well and the Main Well are no longer interconnected. Stevens will water solely from the Main and South Wells and Rindlisbacher will water solely from the East and North Wells.

C. Until satisfaction of paragraph D. and E. below, or adjudication of water rights takes place, Rindlisbacher and Stevens reserve transferring any of the water rights as between Water Rights 15-2032, 15-4023 and 15-7312.

D. Rindlisbacher is in the process of applying for a change of diversion from the East Well to the North Well which would allow for more efficient watering of Rindlisbacher's portion of the farm property. Rindlisbacher agrees to timely pursue the change of diversion and Stevens agrees not to object to any such application which would involve change of diversion for Water Right 15-4023.

E. Once Rindlisbacher's change of diversion is completed, the parties are in agreement that Stevens shall have ownership of Water Right 15-2032 for watering the acreage owned by her and Rindlisbacher will have sole ownership of Water Right 15-4023 and 15-7312 for watering the acreage owned by him. Due to the potential overlapping issues of two of the water rights, the parties agree to cooperate in realigning those water rights once Rindlisbacher has successfully changed his point of diversion for the East Well and Water Right 15-4023.

F. The parties acknowledge that the mainlines are deteriorated; Rindlisbacher will build a new mainline off of the East Well and intends to have such completed in late spring of 2016. In building the new mainline, Rindlisbacher will build it on his land so it will not be on Steven's land. Stevens likewise intends to build a new mainline running from the Main Well and in doing so, will construct her new mainline solely on property owned by her. Stevens will focus on abandoning that portion of the mainline that is on Rindlisbacher's property first. Each party will pay for constructing their own mainline. Neither party is responsible to the other to remove the old deteriorated mainlines currently on the properties.

G. Rindlisbacher shall pay for a survey from the corner pin survey marker near the East Well bordered by the County road surveying off a portion of land that is on property owned by Stevens that will run 50 feet south and 30 feet west from the corner pin marker. Once a sufficient description has been obtained that will satisfy the title company, Stevens will deed that 30 X 50 tract of ground to Rindlisbacher so Rindlisbacher owns that land upon which the East Well is located. Rindlisbacher will fence off that tract of ground on the surveyed line tying into the existing fences of Stevens by May 1, 2016. In the event that size of ground is insufficient to allow a well truck to service the East Well, Stevens is open to negotiating an additional price for any additional land. Notwithstanding the foregoing, the parties are hopeful that the 30 X 50 tract will be sufficient for maintenance access from the County road to the East Well by well rigs.

H. To avoid the litigation risk as to whether or not Rindlisbacher can successfully maintain claim against Stevens for the excess debt assumed by him, Stevens has agreed to pay to Rindlisbacher and Rindlisbacher has agreed to accept the sum of \$42,500 which sum is to be paid by Stevens to Rindlisbacher on or before February 7, 2016.

I. Rindlisbacher agrees that upon receipt of such funds, he will have no more claim against Stevens and each is free and clear of obligations previously set forth regarding the debt of the various properties, application of the proceeds from the mountain ranch and that this payment by Stevens to Rindlisbacher includes a payment for Rindlisbacher's 25% interest in the Main Well and for all claims Rindlisbacher has against Stevens for debt.

J. Each party shall bear their own costs and attorney's fees and each party mutually releases the other from any and all further claims except as set forth in this mediated settlement agreement, which will be submitted to the Court for approval and entry as an order of the Court.

K. Stevens' spouse, Jeff Stevens, and Rindlisbacher's spouse, Kaylene Rindlisbacher, join in approving this Stipulation to Settlement to the extent necessary to bind them to join in any acts necessary to finalize and complete the terms of this stipulated settlement agreement.

L. The exchange of copies of this document and of signature pages by facsimile or by scanned E-mail shall constitute effective execution and delivery of this document as to the parties and may be used in lieu of the original document for all purposes. Signatures of the parties transmitted by facsimile or E-mail shall be deemed to be their original signature for all purposes.

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DATED this 29 day of Jan, 2016.

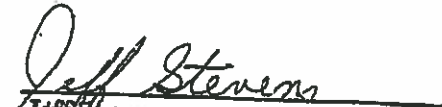
  
Chad Rindlisbacher

DATED this 1 day of February, 2016.

  
Carol Stevens

CONSENT AND APPROVAL BY SPOUSES

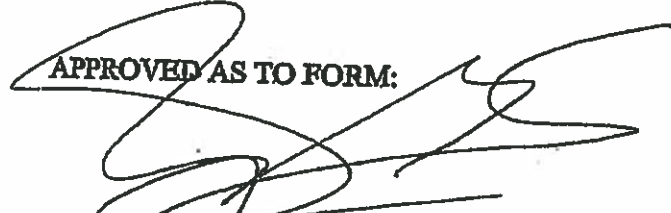
DATED this 1 day of February, 2016.

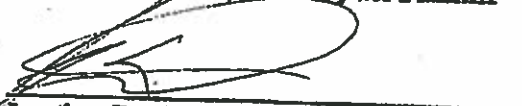
  
Jeff Stevens

DATED this 29 day of January, 2016.

  
Kaylene Rindlisbacher

APPROVED AS TO FORM:

  
Thomas J. Holmes, Attorney for Plaintiff

  
Jonathan R. Grover, Attorney for Defendant