

RECEIVED

APR 20 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80874MINIMUM 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) Alita M. Ruby and Gregory L. DickersonCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Alita M. Ruby and Gregory L. Dickerson Phone 208-870-9349

Mailing address 13506 Burgundy Pl., Caldwell, ID 83607 Email GregMSW@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 SPF Water Engineering 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.


Signature of Applicant or Authorized Representative

Gregory Dickerson 4/17/16
Print Name and Title if applicable Date


Signature of Applicant or Authorized Representative

Alita Ruby 4-17-16
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**.
(1) consolidate appurtenant ground water to 4.5-acres within Parcel 12 of Vinecrest No. 2 Subdivision, and (2)
change authorized point of diversion to a proposed private well. Applicants previously submitted an ownership
change notice to the Department 3/16/2016 for their granted portions of the transfer water rights (see
Attachment 2A).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-2798	0.04/not listed	Irrigation	3/15 to 11/15	Ground Water
☐ ☒	63-31820	0.038/9.0	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.078 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.078 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 #
Y			NE	SE	25	3N	4W	Canyon	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	
3N	4W	25													5				
Total Acres (for irrigation use)																			*5

*4.5 acres irrigation within a 5-acre permissible place of use

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:
Proposed well, pump and pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department's request.

- b. Who owns the property at the point(s) of diversion? Applicants
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:
Water appurtenant to the 5-acre lot will be consolidated to 4.5 acres of landscape/pasture area.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Page _____ of _____

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

Current Water Right No.: 63-2798

Current Owner: JOHN J HOCKBERGER SR
Priority Date: 4/26/1953
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.47 CFS	
	<u>Total Diversion</u>	0.47 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 25,	Twp 03N,	Rge 04W B.M.
CANYON County				
GROUND WATER	NE1/4SE1/4	Sec. 25,	Twp 03N,	Rge 04W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T03N R04W S25	SENE	4.00	T03N R04W S25	NESE	40.00
Total Acres: 44					

Page _____ of _____

Conditions of Approval:

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. PRIOR TO DIVERSION OF WATER UNDER THIS APPROVAL, THE RT. HOLDER SHALL PROVIDE A MEANS OF MEASUREMENT ACCEPTABLE TO THE DEPT. FROM ALL AUTHORIZED POINTS OF DIVERSION WHICH WILL ALLOW DETERMINATION OF THE TOTAL RATE OF DIVERSION. THE TOTAL INSTANTANEOUS DIVERSION OF WATER FROM ALL POINTS OF DIVERSION UNDER TRANS. NO. 4339 SHALL NOT EXCEED 0.70 CFS, NOR TOTAL COMBINED ANNUAL VOLUME OF 292.5 AF. TWO POINTS OF DIVERSION ARE LOCATED WITHIN NESE, S25, T03N, R04W.
3. X35 Rights 63-31820, 63-34190, 63-34178, and 63-2798 when combined shall not exceed a total annual maximum diversion volume of 499.5 af at the field headgate, and the irrigation of 111 acres.
4. F05 Right No. 63-31821 is also diverted through point of diversion located in the E1/2NESE, Sec. 25, Twp. 3N, Rge. 4W as described above.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. 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.
9. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark 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.

Decreed Date: 2/6/2009

Page _____ of _____

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

Current Water Right No.: 63-31820

Current Owner: JOHN J HOCKBERGER

Priority Date: 6/13/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.68 CFS	162 AF
	<u>Total Diversion</u>	0.68 CFS	162 AF

Location of Point(s) of Diversion

GROUND WATER

L1(NW1/4NW1/4) Sec. 30, Twp 03N, Rge 03W B.M.

CANYON County

Place of Use

IRRIGATION Within CANYON County

T03N R03W S30	Lot 1	NWNW	5.00	T03N R03W S30	Lot 2	SWNW	21.00
T03N R04W S25		NESE	10.00				

Total Acres: 36

Page _____ of _____

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-8474.
2. 01B The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department.
3. The right holder shall use the full allotment of appurtenant surface water rights, to the extent they are available, in conjunction with groundwater diverted pursuant to this right.
4. This right to divert groundwater shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use without the approval of the Department.
5. 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.
6. 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.
7. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark 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.
8. X35 Rights 63-31820, 63-34190, 63-34178, and 63-2798 when combined shall not exceed a total annual maximum diversion volume of 499.5 af at the field headgate, and the irrigation of 111 acres.

Decreed Date: 4/29/2009

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:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

FOR DEPARTMENT USE ONLY

Transfer contains **22** pages and **4** attachments.

Received by WESTERN Date 4/20/14 Preliminary check by P. Keller Date 9-21-2016

Fee paid \$200.00 Date 4/20/16 Received by WESTERN Receipt # W044084

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)

GREGORY L. DICKERSON

March 16, 2016

State of Idaho
Department of Water Resources- Western Region
2735 Airport Way
Boise, ID 83705-2190

RE: Notice of Change of Water Rights

To Whom It May Concern:

Attached you will find a completed Notice of Change in Water Right Ownership form. Per the instructions in the form, I have included the following documentation supporting this change (numbered in the lower right hand corner of each page):

1. an aerial map of water right 63-2798 denoting the point of Diversion, Place of use boundary, and where my property is situated within the place of use boundary.
2. an aerial map of water right 63-31820 denoting the point of Diversion, Place of use boundary, and where my property is situated within the place of use boundary.
3. The special grant deed transferring a portion of water right 63-31820 to my wife and I.
4. The special grant deed transferring a portion of water right 63-2798 to my wife and I.
- 5-7. Copies of the warranty deed documenting our ownership of the subject property.
8. A copy of the subdivision plat with our property outlined in yellow which corresponds to the aerial photographs listed in 1 & 2 above.
9. a check for \$200 to cover the filing fee for 2 split water rights.

We appreciate your consideration of this application for change in water rights. If I may answer any questions or if you need additional documentation, please contact me at the phone number listed below.

Sincerely,



Gregory L. Dickerson

13506 BURGUNDY PLACE • CALDWELL/IDAHO • 83607
PHONE: 208-870-9349 • FAX: 208-321-0221

2016-011494

RECORDED

03/28/2016 04:46 PM



00222459201600114940020027

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 MBROWN

\$13.00

DEED

DICKERSON, GREGORY L

(Space Above For Recorder's Use)

CORRECTED SPECIAL GRANT DEED FOR WATER RIGHT

THIS DEED, is made by TrESCo of Idaho, the duly appointed, qualified, and acting Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased ("Grantor"), to **ALITA M. RUBY** and **GREGORY L. DICKERSON**, husband and wife, whose address is 13506 Burgundy Place, Caldwell, Idaho 83607 ("Grantees").

WHEREAS, Grantor is the duly appointed, qualified, and acting Successor Personal Representative of the Estate of John J. Hockberger, Sr., deceased, which estate is being probated in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Magistrate Division, Boise Section, Case Number CV-IE-2008-10167 and the Letters Testamentary having been recorded in the records of Canyon County, Idaho, as Instrument No. 2013-020323 on the 7th day of May, 2013;

WHEREAS, Grantor previously executed that certain Special Grant Deed for Water Right, recorded in the real property records of Canyon County, Idaho on September 14, 2015, as Instrument No. 2015-035603 ("Prior Deed");

WHEREAS, Grantees have expressed concern that said Prior Deed does not satisfy certain requirements applicable to deeds pursuant to Idaho law; and

WHEREAS, Grantor desires to correct said Prior Deed;

THEREFORE, for value received, Grantor does hereby convey and assign unto Grantees, the following described portion of Water Right No. 63-31820, appurtenant to Grantees' real property:

Place of use: 2.0 acres

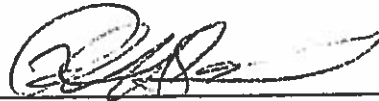
Quantity: 0.038 cfs

TO HAVE AND TO HOLD, the above-described portion of Water Right No. 63-31820 unto the Grantees and to the successors and assigns of Grantees forever.

This instrument corrects and replaces that prior Special Grant Deed for Water Right, recorded in the real property records of Canyon County, Idaho on September 14, 2015, as Instrument No. 2015-035603.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 15th day of MARCH, 2016.

ESTATE OF JOHN J. HOCKBERGER, SR.,
Deceased

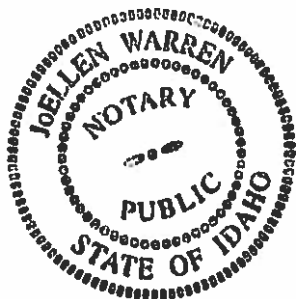


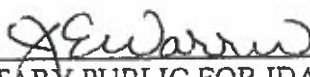
Paul M. Seideman
TrESCo of Idaho
Successor Personal Representative

STATE OF IDAHO)
) ss.
County of Ada)

On this 15th day of March, ²⁰¹⁶2015, before me Joellen Warren, personally appeared **PAUL M. SEIDEMAN**, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument as Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased, and acknowledged to me that he executed the same as such Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased.

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




NOTARY PUBLIC FOR IDAHO
Residing at Eagle, ID
My Commission Expires 4-21-2017

ACCOMMODATION

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

2015-035603	
RECORDED	
09/14/2015 12:15 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=1 EHOWELL	\$10.00
TYPE: DEED	
PIONEER TITLE CANYON - CALDWELL	
ELECTRONICALLY RECORDED	

SPECIAL GRANT DEED FOR WATER RIGHT

FOR VALUE RECEIVED, the Estate of John J. Hockberger, Sr., ("Grantor"), does hereby convey and assign unto Alita M. Ruby and Gregory L. Dickerson, husband and wife., ("Grantees"), whose address is 13506 Burgundy Place, Caldwell, Idaho, 83607, the following described portion of Water Right No. 63-31820 (Hereinafter this portion is referred to as the "Water Right"):

Quantity: 2.0 acres
 0.038 cfs

TO HAVE AND TO HOLD, the above-described portion of Water Right No. 63-31820 unto the Grantees and to the successors and assigns of Grantees forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 28TH day of August, 2015.



TrESCO of Idaho, Personal Representative

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 28 of August, 2015

Stashia Gidican

Notary Public

Residing at Nampa, ID

My commission Expires 3/30/21



2016-011386

RECORDED

03/28/2016 11:37 AM



00222317201600113860020027

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 BJBROWN

\$13.00

DEED

GREG DICKERSON

(Space Above For Recorder's Use)

CORRECTED SPECIAL GRANT DEED FOR WATER RIGHT

THIS DEED, is made by TrESCo of Idaho, the duly appointed, qualified, and acting Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased ("Grantor"), to **ALITA M. RUBY** and **GREGORY L. DICKERSON**, husband and wife, whose address is 13506 Burgundy Place, Caldwell, Idaho 83607 ("Grantees").

WHEREAS, Grantor is the duly appointed, qualified, and acting Successor Personal Representative of the Estate of John J. Hockberger, Sr., deceased, which estate is being probated in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Magistrate Division, Boise Section, Case Number CV-IE-2008-10167 and the Letters Testamentary having been recorded in the records of Canyon County, Idaho, as Instrument No. 2013-020323 on the 7th day of May, 2013;

WHEREAS, Grantor previously executed that certain Special Grant Deed for Water Right, recorded in the real property records of Canyon County, Idaho on September 14, 2015, as Instrument No. 2015-035624 ("Prior Deed");

WHEREAS, Grantees have expressed concern that said Prior Deed does not satisfy certain requirements applicable to deeds pursuant to Idaho law; and

WHEREAS, Grantor desires to correct said Prior Deed;

THEREFORE, for value received, Grantor does hereby convey and assign unto Grantees, the following described portion of Water Right No. 63-2798, appurtenant to Grantees' real property:

Place of use: 4.0 acres

Quantity: 0.04 cfs

TO HAVE AND TO HOLD, the above-described portion of Water Right No. 63-2798 unto the Grantees and to the successors and assigns of Grantees forever.

This instrument corrects and replaces that prior Special Grant Deed for Water Right, recorded in the real property records of Canyon County, Idaho on September 14, 2015, as Instrument No. 2015-035624.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 15th day of MARCH, 2016.

ESTATE OF JOHN J. HOCKBERGER, SR.,
Deceased



Paul M. Seideman
TrESCo of Idaho
Successor Personal Representative

STATE OF IDAHO)
) ss.
County of Ada)

On this 15th day of March, ²⁰¹⁶~~2015~~, before me Joellen Warren, personally appeared **PAUL M. SEIDEMAN**, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument as Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased, and acknowledged to me that he executed the same as such Successor Personal Representative of the **ESTATE OF JOHN J. HOCKBERGER, SR.**, deceased.

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





NOTARY PUBLIC FOR IDAHO
Residing at Eagle, ID
My Commission Expires 4-21-2017

**ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.**

SPECIAL GRANT DEED FOR WATER RIGHT

Quantity: 4.0 acres
0.04 cfs

IN WITNESS WHEREOF, the Grantor has executed this Deed this 20th day of August, 2015.

State of Idaho)
County of Ada) ss.

Subscribed and sworn (or affirmed) before me this 28 of August, 2016

AFTER RECORDING MAIL TO:

Alita M Ruby and Gregory L Dickerson
13506 Burgundy Place
Caldwell, ID 83607

2013-008435	
RECORDED	
02/22/2013 02:39 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=4 CMCLAUGHLIN	\$19.00
TYPE: DEED	
FIRST AMERICAN TITLE AND ESCROW	
ELECTRONICALLY RECORDED	

WARRANTY DEED

File No.: 4101-2036442 (TH)

Date: February 20, 2013

For Value Received, **Columbus Candies, Jr. and Mary S. Candies, husband and wife**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Alita M Ruby and Gregory L Dickerson, wife and husband**, hereinafter referred to as Grantee, whose current address is **13506 Burgundy Place, Caldwell, ID 83607**, the following described premises, situated in Canyon County, Idaho, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

Parcel 12 (Twelve) as defined by Instrument No. 200361751, Second Amended Record of Survey dated October 3, 2003; in the Northeast Quarter Southeast Quarter, Section 25, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho. The North Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter, Section 25, Township 3 North, Range 4 West, Boise Meridian, Canyon County, Idaho.

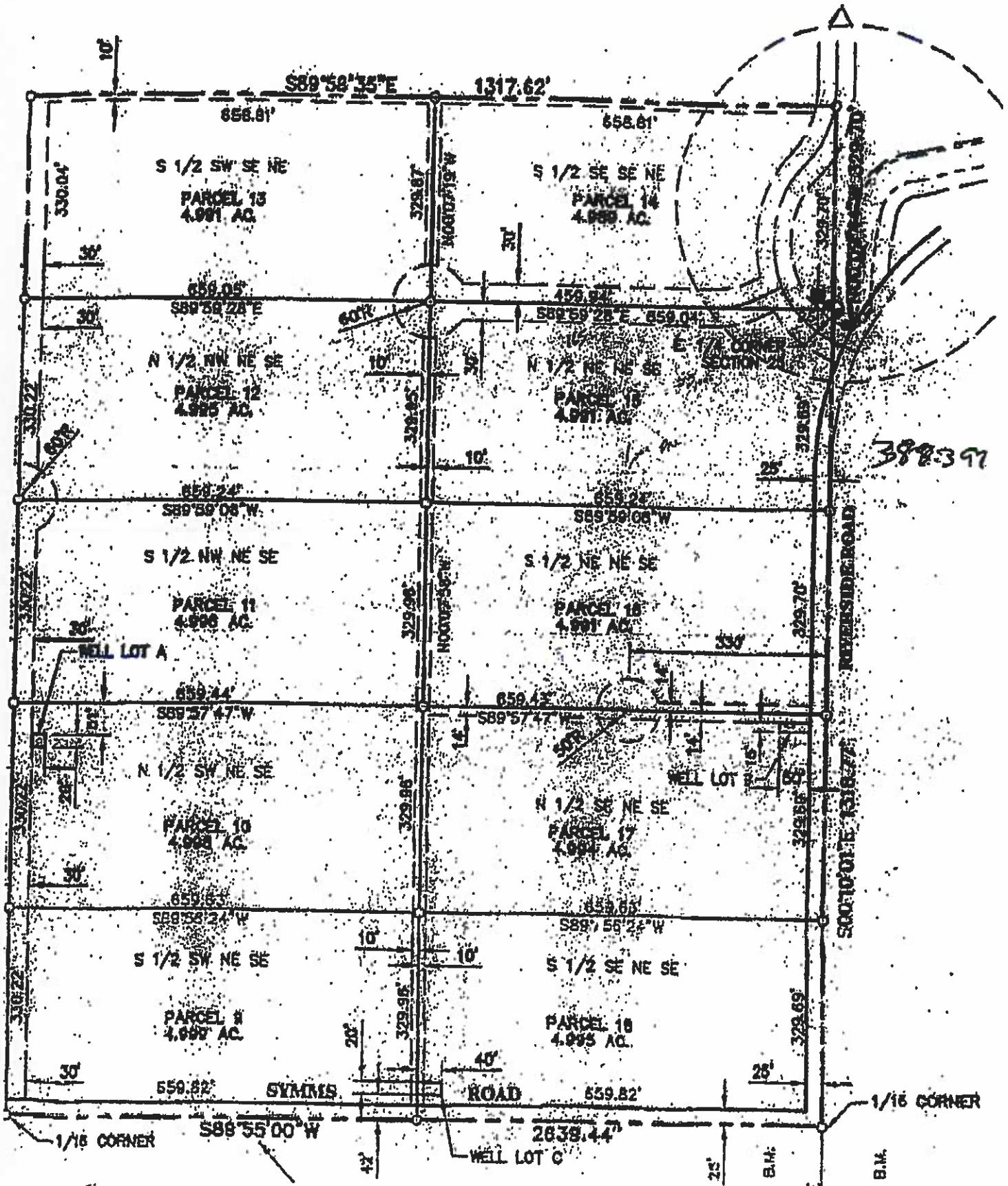
APN: 33512010 0

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.



Columbus Candies Jr.

Mary S. Candies



SUBJECT PROPERTY - 13506 BURGUNDY PL.



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

November 23, 2016

GREGORY L DICKERSON
ALITA M RUBY
13506 BURGUNDY PL
CALDWELL, ID 83607

Application for Permit No. 63-34228
Application for Transfer No. 80874
Water Right No(s). 63-34270, 63-34271

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

Legal notices of the applications have been prepared and are scheduled for publication in the PRESS TRIBUNE on 12/1/2016 and 12/8/2016. Protests to either application may be submitted for a period ending ten (10) days after the second publication.

If either of the applications 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 either of the applications 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 permit.

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

Sincerely,

Rachel Neely
Administrative Assistant

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

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, November 23, 2016 10:14 AM
To: 'IDAHO PRESS TRIBUNE'
Subject: Canyon Legal Ads
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 12/1/2016 & 12/8/2016.

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

November 23, 2016

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application for Permit No. 63-34228
 Application for Transfer No. 80874,
 Water Right No(s): 63-34270, 63-34271

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 12/19/2016. 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:

63-34228

GREGORY L DICKERSON

ALITA M RUBY

13506 BURGUNDY PL

CALDWELL, ID 83607

Point of Diversion NESE S25 T03N R04W CANYON County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/20/2016

Place of Use: IRRIGATION

T03N R04W S25 NESE

Total Acres: 4.5

Water bearing zone to be appropriated is from 100-400 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80874

GREGORY L DICKERSON and ALITA M RUBY, 13506 BURGUNDY PL, CALDWELL, ID 83607; has filed Application No. 80874 for changes to the following water rights within CANYON County(s): Right No(s). 63-34270, 63-34271; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to drill a new private well within the applicant's property boundaries. Water will be used at the current place of use to irrigate a total of 4.0 acres located ¾ mile SW of Lake Lowell Lower Embankment.

Permits will be subject to all prior water rights. 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 §§ 42-203A and 42-222. Any protest against the approval of the application(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 12/19/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/1/2016 and 12/8/2016



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

November 23, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LYNN MUNOZ
13545 HACKBERGER RANCH RD
CALDWELL ID 83607

Re: Application for Permit No. 63-34228
Application for Transfer No. 80874

Dear Interested Party:

The above referenced applications may be of interest to you. I would like to inform you that the applications have been submitted to the *Idaho Press Tribune* for advertising. I have enclosed copies of the applications for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by December 19, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

MEMORANDUM

TO: Transfer No. 80874
FROM: Patrick Kelly
DATE: 9/21/2016
RE: Evaluation of Application

Summary of Information Submitted

Narrative: An ownership change was submitted for 63-2798 and 63-31820 in December of 2015 by the property owner and is being processed immediately before transfer processing by IDWR staff Brenda Serrano. The split of 63-2798 and 63-31820 through the ownership change creates child rights 63-34270 and 63-34271. These child rights are actually what is being transferred and changing the elements of those rights. The transfer application identifies 63-2798 and 63-31820 because the application was received prior to the assignment of child water right numbers. The transfer will be considered for child rights 63-34270 and 63-34271.

Transfer No, 80874 proposed to drill a new private well and create a new POD. Page 3 Item 4 of the transfer application wishes to create a 4.5 acre irrigation use within a 5 acre boundary. This creates a problem primarily because the two rights carry direct overlap of acres, thus totaling an authorized beneficial use of 4.0 acres. The 5 acre PPU is an unnecessary complication of the rights since a home exists on the property, and a change in irrigation use is not going to occur between seasons. For this reason, the transfer will be considered and recommended for a total of 4.0 acres, which reflects the actual beneficial use.

The process of gaining consent from the associated water right owners will not be sought in this case because the change to the limits do not impose additional limits to the exercise of the associated rights. The ownership split specifically identified the POU for the child rights and reduced acres from the parent. The transfer will remove the child rights from the limit and take with them the pertinent acres to which the associated rights carry no interest in. The change in combined use limit does not reduce a rate, and reduces the volume to reflect the standard headgate requirement.

A condition on 63-2798 stated that all the PODs under transfer 4339 cannot exceed diversion of 0.70 cfs or 292.5 af. This condition only outlines what is already stated by the maximum limits of the water right. The opportunity was taken to remove the condition since the right was being split, and did not provide any additional useful information.

Authority to File: The application was filed in the name of Alita M Ruby and Gregory L Dickerson (applicants). The applicants are current water right owners to 63-34270 and 63-34271 per the original ownership change submitted in December 2015. A second ownership change of the same rights were signed in March of 2016 and submitted with the transfer application. Warranty deed information and current county taxlot data indicates that the applicants have full authority of the rights.

Water Right Validity: 63-2798 and 63-31820 were decreed in 2009. Review of aerial imagery throughout the past five year's shows irrigated lands associated with the POU. Risk of forfeiture is not a concern.

Overlap Analysis: A number of irrigation water rights overlap the property from both ground water and surface water sources. Large company irrigation districts include the Boise Project Board of Control. Water right staff has no information to suggest irrigation shares are owned or delivered.

63-2798 and 63-31820 are direct overlap of each other in the NESE QQ for a total of 4 acres. 63-2798 was licensed in 1971 as a primary groundwater right carrying a 1953 priority date. This gave the NESE QQ 40 acres of primary irrigation under this right. In 1995, 63-8474 was licensed as a supplemental groundwater right carrying a 1977 priority date for 10 acres of irrigation in the same QQ. 63-8474 was later split and decreed in part as 63-31820.

63-8474 application for permit acknowledges overlap from 25 acres served by the Wilder Irrigation District and 63-2798. The 1990 field exam for the right does not identify the surface water use. For purposes of the transfer, I am considering the 63-31820 decree as *partially* supplemental. The acres associated with the split under 63-34271 will not be viewed as part of the supplemental use. I justify this by assuming the 25 acres of surface water may serve ground north of the Mora Canal. Department staff has no information to indicate water is delivered to the applicants' property and no canals or ditches are visible using latest satellite imagery. Supplemental groundwater conditions are being removed from 63-34271.

Water rights 63-34270 and 63-34271 are splits of these parent rights. The pre-transfer combined use limit of 111 acres and 499.5 af is being reduced by 4.0 acres and 18 af since 63-34270 and 63-34271 are moving to a private system.

Parent right 63-2798 carries two combined use limits associated with two separate groups of rights. The child right pertinent to the transfer from 63-2798 is 63-34270. This is the primary, 4.0 acre right, and should reduce the combined use limits by 4.0 acres to both groups. Both limits will be reduced by $(4.5 \text{ af} \times 4.0 \text{ ac})$ 18 af to maintain the 4.5 af/ac volume limit identified on both combined uses.

Water rights associated with the 111 acre combined use limit will be brought into the transfer as associated rights so that combined use limits can be changed to reflect the 4.0 acre reduction on all rights.

Water rights associated with the 105 acre combined use limit will be brought into the transfer as associated rights so that a combined use limits can be changed to reflect the 4.0 acre reduction on all rights.

A combined use limit of 4.0 acres will be created to recognize the overlap between 63-34270 and 63-34271. 63-34271 is junior but provides an additional 0.04 cfs to the property. A volume limit of 18 af will be added as well since it has an implied volume of 4.5/af based on historic calculations.

There is no POD overlap since the applicant proposes to drill a new private well associated with the transfer rights.

Injury to Other Water Rights: None anticipated. The new point of diversion proposal is being drilled within the subdivision. A well log for 63-2798 was secured and represents an existing well 365 ft deep with perforations at various depths 80-345 ft deep. Water right application 63-34228 is being processed concurrently with the transfer application to add additional water to the property and proposes a water bearing zone of 100-400 ft. This will closely resemble water historically appropriated from the ground water source. At the time of this review, the proposal is outside of any established ground water related concern boundary.

Enlargement of Use: None anticipated. The ownership split of parent rights reduced the rate, volume and acres associated with the parent rights. Child rights pertinent to the Ruby property are still subject to combined use limits identified by the conditions of approval.

Local Public Interest: No issues identified. A public announcement will be advertised to provide an opportunity for protest. Lynn Munoz of Caldwell will be added to the file and notified during the announcement period as an interested party for expressed concerns over water supply in the area.

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.

OFFICE DAY REFERRAL

DM to NVD
YOUR NAME

8-8-16
DATE

PROGRAMS - CHECK ALL THAT APPLY
☒ Water Rights ☐ Dams ☐ Wells ☒ Other
Transfer

QUESTIONS/CONCERNS

- Lynn Munoz called to check on status of ownership split for W.R.s 63-2798 + 63-8475.

↳ let her know Brenda recently received all parts and should have processed by September

- IS concerned about Transfer 80874 in name of Ruby + Dickerson

• Neighborhood was originally developed w/ 1 well per lot because of concern for water supply. Is afraid this transfer will authorize too many diversions + their well will be impacted.

↳ explained that transfers look for enlargement. they won't approve an additional rate.

↳ we have an idea of general areas of drilling concern, but don't monitor each site.

★↳ She would like to be notified when transfer is advertised / being processed so she can express concerns. ★

WATER RIGHT NO. 63-2798, 63-8475, 80874

OR
LEGAL DESCRIPTION

CONTACT INFO - check one for best method

Name Lynn Munoz

Telephone 208-989-0166 ☐ Fax

☐ Mailing Address 13545 Hockberger Ranch Rd., Caldwell, ID 83607

☐ E-Mail Address



SPF WATER
ENGINEERING

April 18, 2016

RECEIVED

APR 20 2016

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Applications for Permit and Transfer

Dear Angie,

Enclosed on behalf of Alita Ruby and Greg Dickerson, is an *Application for Transfer* and an *Application for Permit* concerning irrigation water rights and a proposed new well for their property in Canyon County.

Check No. 1148 for \$300 is enclosed for the filing fees; \$200 for the transfer and \$100 for the permit. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Greg Dickerson

Enclosures

SPF file number: 1042.0020