

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
JUN 29 2016
Department of Water Resources
Eastern Region

Name of Applicant(s) Kenneth Wernette Phone 680-1214
Mailing address 508 N 600 E, Firth, ID 83236 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**.

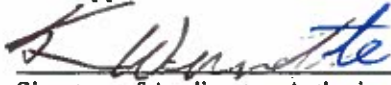
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ 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.


Signature of Applicant or Authorized Representative

Kenneth Wernette
Print Name and Title if applicable

6/29/2016
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 ownership change
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**.
Rearrange place of use to reflect changes in irrigation system and create combined place of use for both water rights. Also removing two points of diversion from right 27-12217, since they cannot be used on the property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	27-11946	0.32 cfs	Irrigation	4/1 to 10/31	Sand Creek/Blackfoot R.
☒ ☐	27-12217	0.27 cfs	Irrigation	4/1 to 10/31	Sand Creek/Blackfoot R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.59 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.34 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 #
		NE	NE	NE	12	2S	36E	Bingham	Sand Creek	
		SW	NE	NE	12	2S	36E	Bingham	Sand Creek	

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	
2S	36E	12	19.9	1.5		6.1													27.5
Total Acres (for irrigation use)																			27.5

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:

Flood irrigation and sprinkler irrigation. Headgate to ditches.

- 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:

- 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:

Will be dry.

- 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:

No other water rights used on place of use. Christiansen and Wasia rights from the PODs.

- 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:

3/24/2016

<u>Owner Type</u>	<u>Name</u>
Current Owner	OPAL WERNETTE
Current Owner	FLORIAN WERNETTE
<u>Priority Date:</u> 4/1/1961	
<u>Basis:</u> Deceased	
<u>Status:</u> Active	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.320 CFS	
	Total Diversion		0.320 CFS	

T02S R36E S12	NENE	9.4
T02S R36E S12	SENE	6.5
POU Total Acres:		15.9

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.

Decreed Date: 5/1/2012
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 01
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/24/2016

Water Right 27-12217

Owner Type **Name**
Current Owner OPAL WERNETTE
Current Owner FLORIAN WERNETTE
Priority Date: 4/1/1901
Basis: Decreed
Status: Active

Source **Tributary**
SAND CREEK BLACKFOOT RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.270 CFS	
	Total Diversion		0.270 CFS	

Source and Point(s) of Diversion

SAND CREEK	NENENE	Sec. 12, Twp 02S, Rge 36E,	BINGHAM County
SAND CREEK	NWSWNE	Sec. 12, Twp 02S, Rge 36E,	BINGHAM County
SAND CREEK	NWSESW	Sec. 12, Twp 02S, Rge 36E,	BINGHAM County
SAND CREEK	SWNENE	Sec. 12, Twp 02S, Rge 36E,	BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

T02S R36E S12	NENE	21.0
T02S R36E S12	SENE	6.5
POU Total Acres:		27.5

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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Dates and Other Information

Decreed Date: 5/1/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: Or
Water District Number: 01
Mitigation Plan: False

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

- 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.

☐ 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.

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

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid 500.⁰⁰ Date 3-29-2016 Received by [Signature] Receipt # E041970
 Add'l fee paid 50.⁰⁰ Date 3-29-2016 Received by [Signature] Receipt # _____

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

State of Idaho
Department of Water Resources
Transfer of Rights 27-11946 and 27-12217
Date: 3/29/2016



Legend

- Current PODs
- Proposed POU
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles



81036

Map prepared by Michael Holliday

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Instrument # 659887
BINGHAM COUNTY, IDAHO
2014-07-10 12:02:33 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BLACKFO
SARA J. STAUB Fee: \$13.00
Ex-Officio Recorder Deputy KSecrist
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 510228-B (vb)

Date: July 02, 2014

For Value Received, Richard G Wernette, Personal Representative of the Estate of Florian E Wernette, deceased, Case #CV-2014-0422 and Opal Wernette, a widow, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Jovita Maria Velasquez, hereinafter called the Grantee, whose current address is 494 N 600 E, Firth, ID 83236, the following described premises, situated in Bingham County, Idaho, to-wit:

as her separate property, D1

Part of the Northeast ¼ of Section 12, Township 2 South, Range 36 East B.M., Bingham County, Idaho described as:

Beginning at the Northeast corner of Section 12; thence S 00°43'16" E 339.36 feet along the section line; thence S 78°59'18" W 223.65 feet along an existing fence line; thence N 03°56'17" W 382.03 feet to a point on the north line of Section 12; thence N 89°46'43" E 241.50 feet along the section line to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the 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.

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific Street/PO Box 868
Blackfoot, ID 83221

Recorded Electronically	
ID	659837
County	BINGHAM
Date	7-10-14 12:03pm
Sim	

Space Above This Line for Recorder's Use Only

WARRANTY DEED

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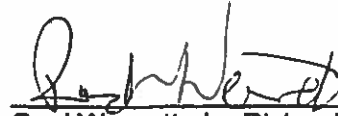
Date: 07/02/2014

Warranty Deed
- continued

File No.: 510228-B (vb)

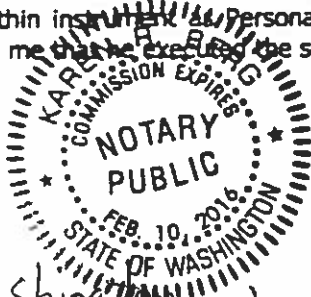
Richard G Wernette, Personal
Representative of the Estate of Florian E
Wernette, deceased, Case #CV-2014-0422

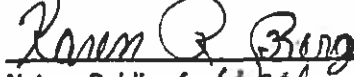

Richard G Wernette, Personal
Representative


Opal Wernette by Richard G Wernette as
Attorney In Fact

STATE OF Washington)
COUNTY OF Walla Walla)

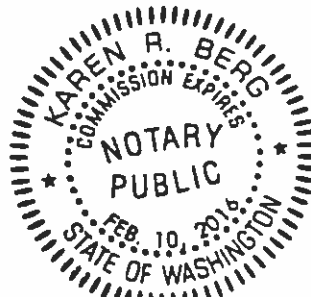
On this 7th day of July, 2014, before me, a Notary Public in and for said State, personally appeared **Richard G Wernette**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Florian E Wernette**, and acknowledged to me that he executed the same as such Personal Representative.




Notary Public of Washington
Residing at: Walla Walla, WA
Commission Expires: 2/10/16

STATE OF Washington)
COUNTY OF Walla Walla)

On this 7th day of July, 2014, before me, a Notary Public in and for said State, personally appeared **Richard G Wernette**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument as the attorney in fact of **Opal Wernette**, and acknowledged to me that he subscribed the name of **Opal Wernette** thereto as principal, and his own name as attorney in fact.




Notary Public of Washington
Residing at: Walla Walla, WA
Commission Expires: 2/10/16

RECEIVED

APR 11 2016

Department of Water Resources
Eastern Region

March 29, 2016

I, Jovita Maria Velasquez, give my
Father, Ken Wernette, my Sand Creek water
rights.

Jovita Maria Velasquez
Jovita Velasquez

STATE OF IDAHO

COUNTY OF BINGHAM

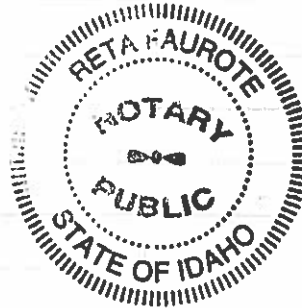
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 6th DAY OF APRIL, 2016

BY RETA FAUKOTE

Reta Faurote
NOTARY PUBLIC

COMMISSION EXPIRES 01 MAY 2018



GRANT DEED

Instrument # 665461
BINGHAM COUNTY
3-12-15 11:51:49 AM No. of Pages: 2
Recorded for : 6003 STEVEN L. WETZEL, P.A.
PAMELA W. ECKHARDT Fee: 13.00
Ex-Officio Recorder Deputy

For the consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Opal Wernette, an incompetent person, through her authorized representative, Richard G. Wernette, ("Grantor"), grants, bargains, sells and conveys to Kenneth F. Wernette, ("Grantee") and his successors and assigns forever, all of the Grantor's interest in the following described real property:

Part of the Northeast 1/4 Section 12 Township 2 South Range 36 East B.M. Bingham County, Idaho described as:

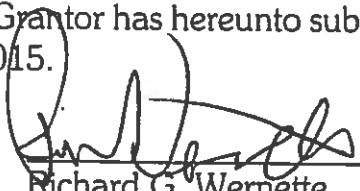
Commencing at the Northeast corner of Section 12; thence S 89°46'43" W 241.50 feet along the section line to the point of beginning. Thence S 03°56'17" E 382.03 feet; thence N 78°59'18" E 223.65 feet along an existing fence line extended to a point on the east line of the northeast 1/4 section 12; thence S 00°43'16" E 1810.67 feet along the east line of section 12; thence N 35°12'35" W 452.14 feet; thence N 46°11'11" W 276.92 feet; thence N 55°40'15" W 184.06 feet; thence 64°46'24" W 135.43 feet; thence N 74°39'51" W 341.48 feet; thence N 81°55'42" W 206.71 feet; thence S 84°04'39" W 391.74 feet; thence N 39°37'53" W 123.56 feet; thence N 45°46'04" E 472.74 feet; thence N 22°16'00" E 462.28 feet; thence N 06°50'02" E 494.66 feet to a point on the north line of section 12; thence N 89°46'43" E 896.17 feet along the section line to the point of beginning.

Parcel contains 45.55 Acres more or less and is subject to an existing county road right of way along the east line of section 12.

SUBJECT TO taxes and assessments for the year 2014 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described as well in law as in equity.

IN WITNESS WHEREOF, the Grantor has hereunto subscribed his name to this instrument this 3rd day of March, 2015.


Richard G. Wernette

STATE OF WASHINGTON)
)ss.
COUNTY OF Walla Walla)

On this 3rd day of March, 2015, before me Deborah K Flint, personally appeared Richard G. Wernette, authorized representative of Opal Wernette, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Deborah K Flint
NOTARY PUBLIC FOR WASHINGTON
Residing at Walla Walla
My Commission Expires 2-7-18

665461

**PERSONAL REPRESENTATIVE'S DEED**

THIS DEED, made by Richard G. Wernette, as personal representative of the estate of Florian E. Wernette, deceased, Grantor, to Kenneth F. Wernette, Grantee, of Firth, Idaho.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. 2014-0422, in Bingham County, Idaho;

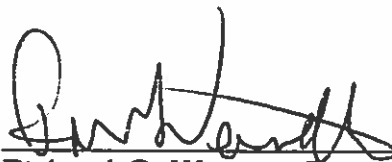
THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee, all interests of the Estate of Florian E. Wernette to the following described real property in Bingham County, Idaho:

Part of the Northeast 1/4 Section 12 Township 2 South Range 36 East B.M. Bingham County, Idaho described as:

Commencing at the Northeast corner of Section 12; thence S 89°46'43" W 241.50 feet along the section line to the point of beginning. Thence S 03°56'17" E 382.03 feet; thence N 78°59'18" E 223.65 feet along an existing fence line extended to a point on the east line of the northeast 1/4 section 12; thence S 00°43'16" E 1810.67 feet along the east line of section 12; thence N 35°12'35" W 452.14 feet; thence N 46°11'11" W 276.92 feet; thence N 55°40'15" W 184.06 feet; thence 64°46'24" W 135.43 feet; thence N 74°39'51" W 341.48 feet; thence N 81°55'42" W 206.71 feet; thence S 84°04'39" W 391.74 feet; thence N 39°37'53" W 123.56 feet; thence N 45°46'04" E 472.74 feet; thence N 22°16'00" E 462.28 feet; thence N 06°50'02" E 494.66 feet to a point on the north line of section 12; thence N 89°46'43" E 896.17 feet along the section line to the point of beginning.

Parcel contains 45.55 Acres more or less and is subject to an existing county road right of way along the east line of section 12.

EXECUTED this 3rd day of March, 2015.

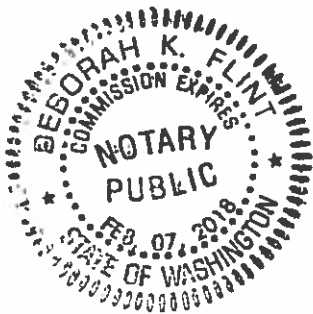


Richard G. Wernette Personal Representative
of the Estate of Florian E. Wernette deceased.

STATE OF WASHINGTON)
COUNTY OF Walla Walla : ss

On this 3rd day of March, 2015, before me, the undersigned, a notary public in and for said state, personally appeared, Richard G. Wernette, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of Florian E. Wernette, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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

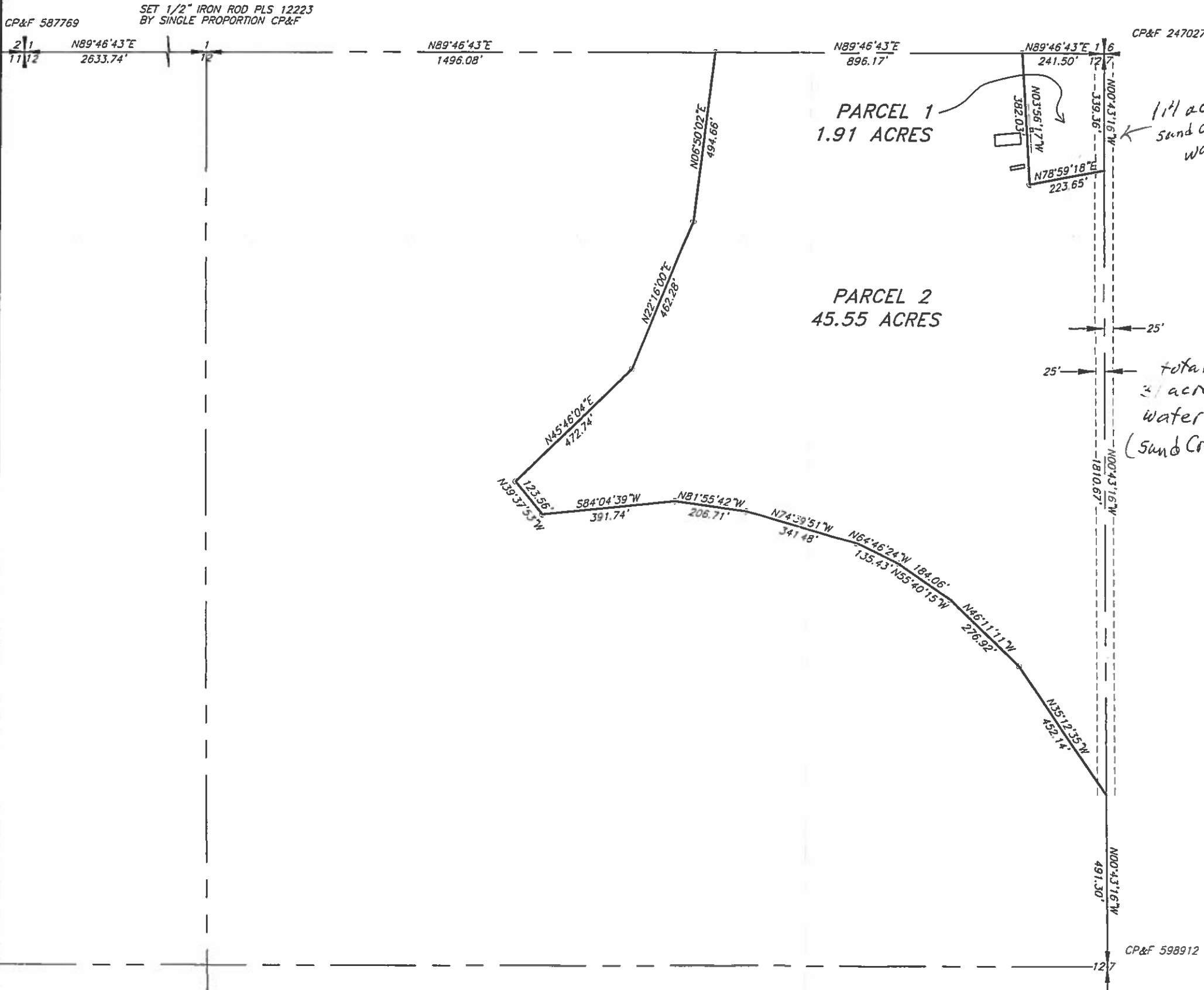


Deborah K. Flint
NOTARY PUBLIC
My Commission Expires: 2-7-18

665462

PART OF SECTION 12, T. 2S., R. 36
 E.B.M. BINGHAM COUNTY, IDAHO

RECORDER'S CERTIFICATE



	RECORD OF SURVEY		
	KEN WERNETTE		
	SEC. 12, T. 2 S., R. 36 E.B.M.		
	JOB NO.: 14-053		
DATE: 04-08-14		SHEET	
DRWN. BY: DDR		1	
CHECKED BY: DDR		OF	
1		1	

HARPER-LEAVITT ENGINEERING, INC.
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS

800 W. Andy St. P.O. Box 888
 Blackfoot, Idaho 83221
 (208) 755-1977
 Fax: (208) 755-1990

885 N. Capitol Ave. P.O. Box 50891
 Idaho Falls, Idaho 83403
 (208) 324-0212
 Fax: (208) 324-0229

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