

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Arthur and Lorrie Martinez Phone (208)417-9586

Mailing address 300 S 5800 W, Malad City, ID 83252 Email abjm1958@yahoo.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.

29-13469

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]
Signature of Applicant or Authorized Representative

Arthur B Martinez
Print Name and Title if applicable

03/11/16
Date

[Signature]
Signature of Applicant or Authorized Representative

Lorrie Martinez
Print Name and Title if applicable

11 Mar. 16
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Ownership Change 29-7257
- 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 for water rights 29-14132 and 29-14133 to ground that is easier to irrigate. Update ownership for a 24.5-acre split portion of water right 29-7257. Change the point of diversion for our portion of water right 29-7257. All rights are used in the same delivery system.

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 ☒ ☐	29-14132	1.97	Irrigation	04/01 to 10/31	Birch Creek
☒ ☐	29-14133	1.97	Irrigation	04/01 to 10/31	Rowley Creek
☐ ☒	29-7257	0.30	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.27 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.82 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			NW	NW	12	12S	36E	Bannock	Ground Water	
							*****	No changes for	PODs for Birch Creek and	Rowley Creek rights.

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	
12S	36E	11	40	19.7															59.7
		12					1	30	7.8										38.8
Total Acres (for irrigation use)																			98.5

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:
Pipelines from Birch Creek and Rowley Creek to sprinklers. Water from these sources are measured by the watermaster for WD29G (Birch Creek). GW right is not within a water district.
- b. Who owns the property at the point(s) of diversion? New GW POD is on applicant's ground.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
PODs for Birch Creek and Rowley Creek are historic ditches and are not changing.
- 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 rights authorize 98.5 acres of irrigation. We will irrigation 98.5 acres.
- 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:
We have used all the water available from Birch Creek and Rowley Creek. These are very poor sources and are not sufficient to irrigate all of the ground authorized under the rights.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 29-725+

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

3/11/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOY B JEWKES 2263 W 7800 S WEST JORDAN, UT 84088 (801)255-8442

80752

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/11/2016

Water Right 29-14132

Owner Type **Name and Address**
Current Owner ARTHUR MARTINEZ
300 S 5800 W
PLEASANT VIEW, ID 83252
(801)529-3360

Current Owner LORRIE MARTINEZ
300 S 5800 W
PLEASANT VIEW, ID 83252
(801)529-3360

Priority Date: 10/10/1878

Basis: Decreed

Status: Active

Source
BIRCH CREEK

Tributary
MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.970 CFS	
	<u>Total Diversion</u>		1.970 CFS	

Source and Point(s) of Diversion

BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County
BIRCH CREEK	SESENE	Sec. 23, Twp 12S, Rge 36E,	BANNOCK County(R)
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)
BIRCH CREEK	SENWSW	Sec. 27, Twp 12S, Rge 36E,	BANNOCK County(I)

Place Of Use

IRRIGATION within BANNOCK 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	
12S	36E	12					36.3	13.7	11.0	37.5									98.5

POU Total Acres: 98.5

Conditions of Approval:

1. X35 Rights 29-14132 and 29-14133 when combined shall not exceed a total diversion rate of 1.97 cfs and the irrigation of 98.5 acres.
2. D08 The amount of water diverted under this water right may not exceed 2.84% of the stream flow of Birch Creek at the point of diversion described below at any given time. This water right shall not provide more than 0.02 cubic feet per second per acre at any time.
3. F01 Water is delivered through Birch Creek Canal/Ditch.
4. F02 Two points of diversion and two points of injection located in the NWSW of Section 27, T12S R36E.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/11/2016

5. G01 Point of injection into and point of redirection from Birch Creek.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/11/2016

Water Right 29-14133

Owner Type **Name and Address**
Current Owner LORRIE MARTINEZ
300 S 5800 W
PLEASANT VIEW, ID 83252
(801)529-3360

Current Owner ARTHUR MARTINEZ
300 S 5800 W
PLEASANT VIEW, ID 83252
(801)529-3360

Priority Date: 5/1/1884

Basis: Decreed

Status: Active

Source
ROWLEY CREEK

Tributary
BIRCH CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.970 CFS	
	Total Diversion		1.970 CFS	

Source and Point(s) of Diversion

ROWLEY CREEK SWSNW Sec. 11, Twp 12S, Rge 36E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK 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	
12S	36E	12					36.3	13.7	11.0	37.5									98.5

POU Total Acres: 98.5

Conditions of Approval:

1. X35 Rights 29-14132 and 29-14133 when combined shall not exceed a total diversion rate of 1.97 cfs and the irrigation of 98.5 acres.
2. D08 The amount of water diverted under this water right may not exceed 19.5% of the stream flow of Rowley Creek at the point of diversion described below at any given time. This water right shall not provide more than 0.02 cubic feet per second per acre at any time.
3. F01 Water is delivered through Birch Creek Canal/Ditch.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.

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 _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$1180. Date 3-14-16 Receipted by MS Receipt # E041911

Add'l fee paid _____ Date _____ Receipted by MS Receipt # _____

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

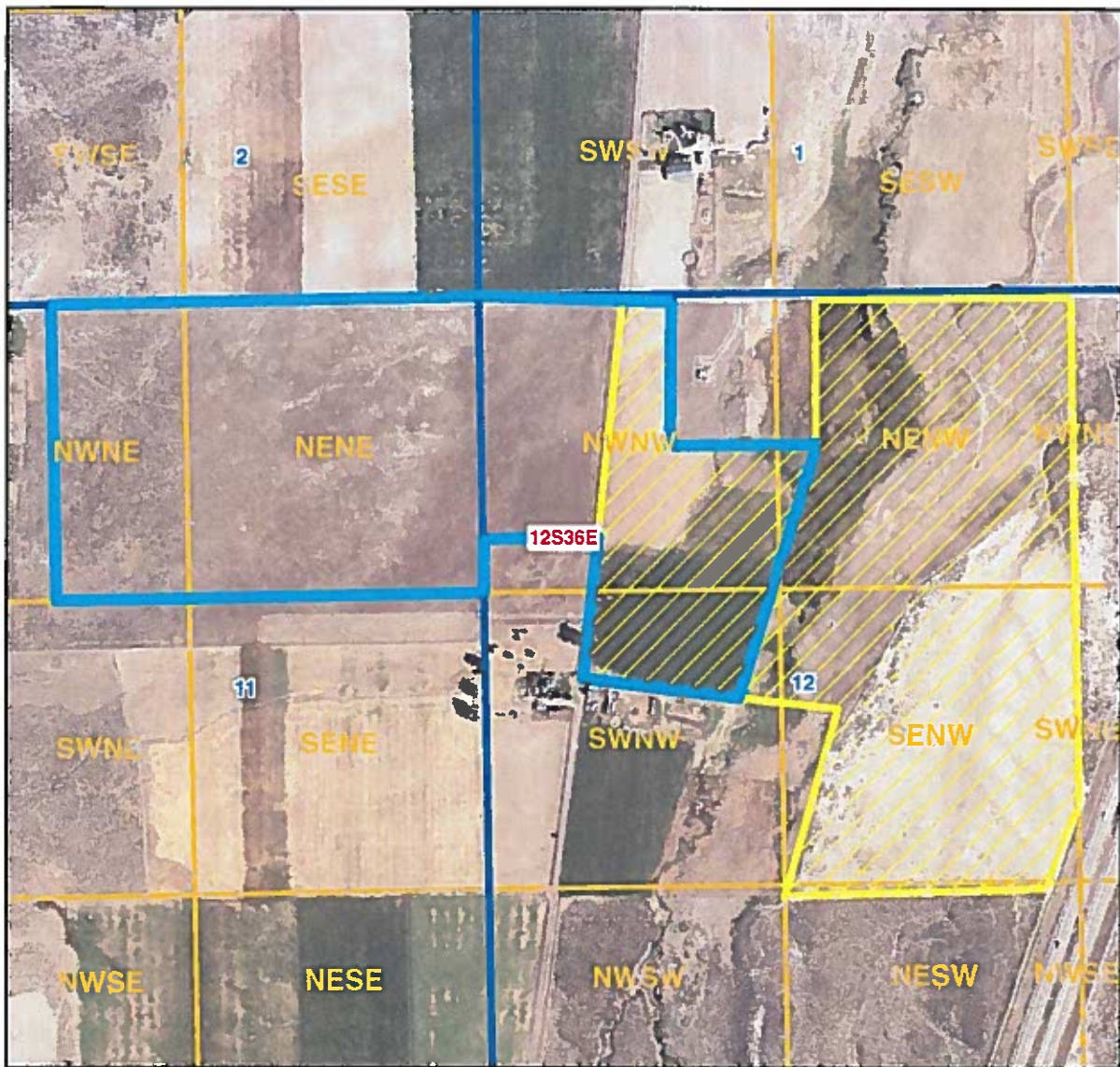
Page 6

Refund of \$500. requested to be sent to
Arthur Martinez

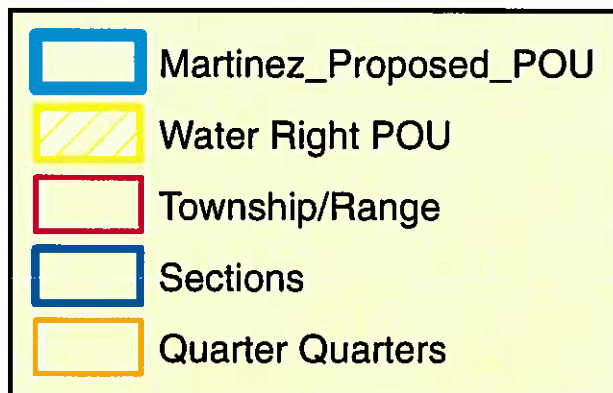
80752

1

Application for Transfer WR 29-14132 and 29-14133



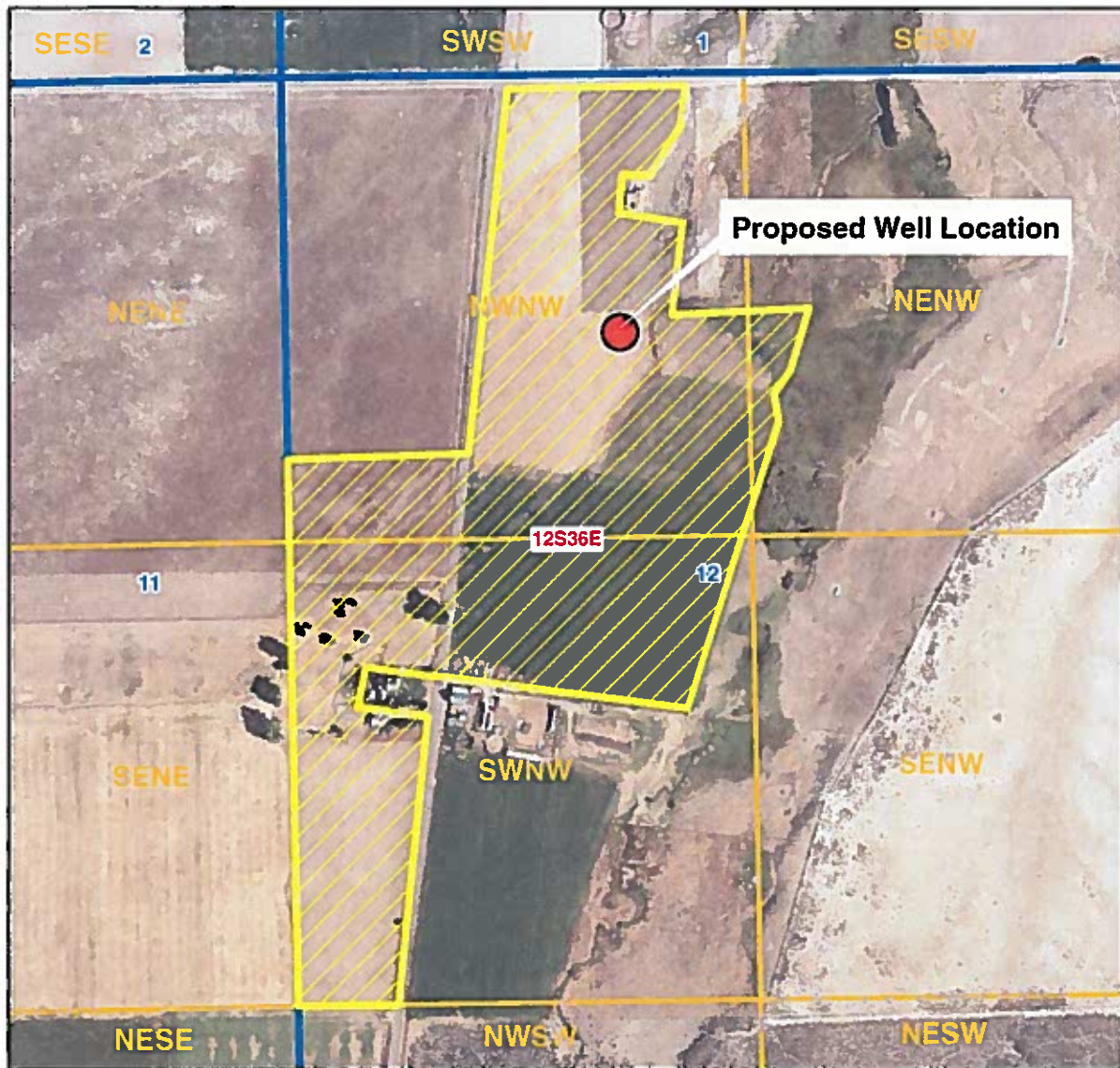
2013 Aerial Photo



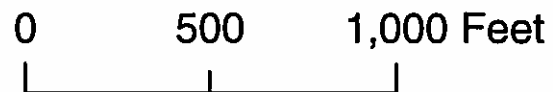
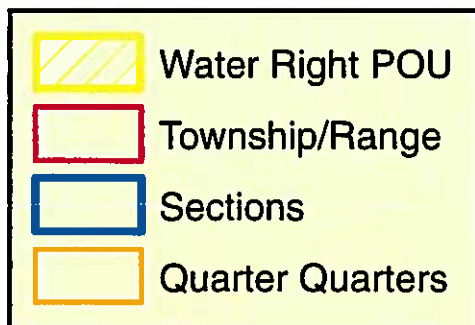
0 500 1,000 Feet



Application for Transfer WR 29-7257

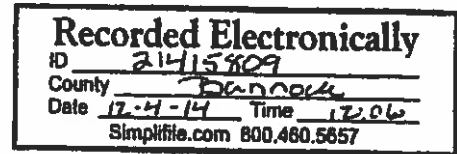


2013 Aerial Photo



80752

Existing



AFTER RECORDING MAIL TO:

Arthur B. and Lorrie Martinez
1079 Cameron Drive
West Haven, UT 84401

SPECIAL WARRANTY DEED

File No.: **500879-P (ci)**

Date: **December 03, 2014**

For Value Received, **Northcom 47, LLC**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Arthur B. Martinez and Lorrie Martinez, husband and wife**, hereinafter called the Grantee, whose current address is **1079 Cameron Drive, West Haven, UT 84401**, the following described premises, situated in **Bannock County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

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(s), their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that they are the owners in fee simple of said premises. The Grantor(s) warrants that said premises are free and clear of all encumbrances suffered or created by the Grantor(s), except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee(s) and any lien or encumbrance revived or placed on said premises by, through or under the Grantee(s), his heirs and assigns.

Date: 12/03/2014

Warranty Deed
- continued

File No : 500879-P (ci)

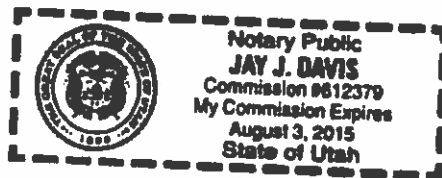
Northcom 47, LLC

By: [Signature]

Brett Broadhead, Manager/Member

STATE OF Utah)
COUNTY OF Cache)
SS.

On this 3rd day of December, 2014, before me, a Notary Public in and for said State, personally appeared **Brett Broadhead**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Northcom 47, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



[Signature]
Notary Public of Utah
Residing at: Logan
Commission Expires: 8/3/15

EXHIBIT A

TOWNSHIP 12 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 2: SW1/4 SE1/4 AND S1/2 SW1/4

SECTION 3: LOT 7

SECTION 11: N1/2 NE1/4 AND ALSO COMMENCING AT THE NORTHWEST CORNER OF SW1/4 NE1/4 OF SAID SECTION 11; THENCE RUNNING EAST TO THE NORTHEAST CORNER OF SE1/4 NE1/4 OF SAID SECTION 11; THENCE SOUTH 210 FEET; THENCE WEST TO A POINT 210 FEET SOUTH OF THE POINT OF BEGINNING; THENCE NORTH 210 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM: A PARCEL OF LAND SITUATED IN THE NORTHWEST 1/4 NORTHEAST 1/4 MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND BRASS CAP MONUMENT MARKING THE NORTH QUARTER CORNER, SECTION 11, TOWNSHIP 12 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, SAID CORNER BEING RECORDED AS INSTRUMENT 599072, RECORDS OF SAID BANNOCK COUNTY; THENCE SOUTH 89°26'53" EAST A DISTANCE OF 357.61 FEET ON A LINE TOWARDS A FOUND BRASS CAP MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 11 AND SAID LINE BEING THE BASIS OF ALL BEARINGS PRESENTED IN THIS DESCRIPTION, TO A 1/2 X 24-INCH IRON PIN WITH A YELLOW PLASTIC CAP INSCRIBED "ESG LS 4430" SET THIS SURVEY SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 0°33'07" WEST A DISTANCE OF 615.27 FEET TO A 1/2 X 24-INCH IRON PIN WITH A YELLOW PLASTIC CAP INSCRIBED "ESG LS 4430" SET THIS SURVEY; THENCE SOUTH 89°26'53" EAST A DISTANCE 212.39 FEET TO A 1/2 X 24-INCH IRON PIN WITH A YELLOW PLASTIC CAP INSCRIBED "ESG LS 4430" SET THIS SURVEY; THENCE NORTH 0°33'07" EAST A DISTANCE OF 615.27 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 11, SAID POINT BEING MARKED WITH A 1/2 X 24-INCH IRON PIN WITH A YELLOW PLASTIC CAP INSCRIBED "ESG LS 4430" SET THIS SURVEY; THENCE NORTH 89°26'53" WEST A DISTANCE OF 212.39 FEET TO THE POINT OF BEGINNING.

SECTION 12: NW1/4

EXCEPTING THEREFROM: A TRIANGULAR PARCEL OF LAND BEING ON THE NORTHWESTERLY SIDE OF THE CENTER LINE OF INTERSTATE 15 PROJECT NO. I-15-1(36)21 HIGHWAY SURVEY AS SHOWN ON THE PLANS THEREOF NOW ON FILE IN THE OFFICE OF THE DEPARTMENT OF HIGHWAYS OF THE STATE OF IDAHO, AND BEING A PORTION OF THE SE1/4 NW1/4 OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 NW1/4 OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST, BOISE MERIDIAN; THENCE NORTH 89°52'44" WEST ALONG THE SOUTH LINE OF SAID SE1/4 NW1/4 A DISTANCE OF 103.12 FEET TO A POINT IN A LINE PARALLEL WITH AND 150.0 FEET NORTHWESTERLY FROM THE CENTERLINE AND OPPOSITE

STATION 593+57.46 OF SAID INTERSTATE 15, PROJECT NO. I-15-1(36)21 HIGHWAY SURVEY; THENCE NORTH 20°13'44" EAST ALONG SAID PARALLEL LINE 298.98 FEET TO A POINT IN THE EAST LINE OF SAID SE1/4 NW1/4 AND OPPOSITE STATION 596+56.44 OF SAID HIGHWAY SURVEY; THENCE SOUTH 0°02'17" WEST ALONG SAID EAST LINE 280.45 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THEREFROM: TOWNSHIP 12 SOUTH, RANGE 36 E.B.M., BANNOCK COUNTY, IDAHO, SECTION 12: COMMENCING AT THE SOUTHWEST CORNER OF THE SW1/4 NW1/4 OF SAID SECTION; THENCE NORTH 1550 FEET; THENCE EAST 470 FEET, MORE OR LESS, TO THE CENTER OF THE EXISTING COUNTY ROAD; THENCE SOUTHWESTERLY FOLLOWING THE CENTER OF SAID ROAD TO THE SOUTH LINE OF THE SW1/4 NW1/4 OF SAID SECTION, SAID POINT BEING 300 FEET, MORE OR LESS, EAST OF THE POINT OF BEGINNING; THENCE WEST 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: TOWNSHIP 12 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, SECTION 12: BEGINNING AT A POINT 1200 FEET EAST OF THE NORTHWEST CORNER OF SECTION 12 AND RUNNING THENCE EAST 330 FEET; THENCE SOUTH 660 FEET; THENCE WEST 330 FEET; THENCE NORTH 660 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A TRACT OF LAND IN THE NW1/4 NW1/4 SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 870 FEET EAST OF THE NORTHWEST CORNER OF SECTION 12 AND RUNNING THENCE EAST 330 FEET; THENCE SOUTH 660 FEET; THENCE WEST 330 FEET; THENCE NORTH 660 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A PART OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN; BEGINNING AT A POINT OF THE EAST RIGHT-OF-WAY OF A COUNTY ROAD LOCATED NORTH 89°47'46" EAST 476.32 FEET ALONG THE NORTH LINE OF SAID SECTION AND SOUTH 00°00'00" WEST 1726.80 FEET FROM THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; RUNNING THENCE SOUTH 82°45'00" EAST 660.00 FEET ALONG AN EXISTING FENCE LINE; THENCE SOUTH 08°17'12" WEST 330.00 FEET; THENCE NORTH 82°45'00" WEST 660.00 FEET TO SAID RIGHT-OF-WAY LINE; THENCE NORTH 08°17'12" EAST 330.00 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO; BEGINNING AT A POINT ON THE EAST LINE OF COUNTY ROAD LOCATED NORTH 89°42'18" EAST 333.90 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION; RUNNING THENCE NORTH 6°30'16" EAST 611.32 FEET ALONG SAID EAST LINE; THENCE SOUTH 82°45'00" EAST 660.00 FEET; THENCE NORTH 8°17'12" EAST 330.00 FEET TO AN EXISTING FENCE; THENCE SOUTH 82°45'00" EAST 540.96 FEET ALONG SAID FENCE; THENCE SOUTH 16°31'09" WEST 810.36 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89°42'18" WEST 1067.51 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: A PARCEL OF LAND LOCATED IN THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST, B.M., BANNOCK COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 36 EAST, BOISE MERIDIAN, MARKED BY A 2 INCH ALUMINUM CAP MONUMENT STAMPED (SLS LS 13023 2013) AS DESCRIBED IN CORNER PERPETUATION INST. NO. 21320124; THENCE SOUTH 89°32'58" EAST, ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 12, (BASIS OF BEARING PER CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), A DISTANCE OF 333.48 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 20110865 BEING MARKED BY A 5/8 INCH REBAR WITH YELLOW PLASTIC CAP STAMPED (LS 5715); THENCE NORTH 07°12'33" EAST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 611.07 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 97007048 BEING MARKED BY A 5/8 INCH REBAR WITH YELLOW PLASTIC CAP STAMPED (LS 5715); THENCE NORTH 08°59'29" EAST, ALONG THE WEST BOUNDARY LINE OF SAID PARCEL OF LAND, A DISTANCE OF 330.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND, BEING MARKED BY A 5/8 INCH REBAR WITH YELLOW PLASTIC CAP STAMPED (LS 5715), ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 08°59'29" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 81°59'04" EAST A DISTANCE OF 1215.25 FEET; THENCE SOUTH 17°13'26" WEST A DISTANCE OF 100.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN DEED INST. NO. 20110865 BEING MARKED BY A 5/8 INCH REBAR (NO CAP); THENCE NORTH 82°02'43" WEST, ALONG THE NORTH BOUNDARY LINES OF 2 PARCELS OF LAND DESCRIBED IN DEED INST. NO'S 20110865 AND 97007048, A DISTANCE OF 1200.96 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO SAID LANDS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

Idaho Department of Water Resources Water Right No. 29-328A.

Priority Date is 10/10/1878.

Decreed Date is 03/22/2004.

Allows for 2.52 cfs from Birch Creek for irrigation.

Legal Place of use is Sec. 12, Township 12 South, Range 36 East, Boise Meridian.

Total Legal Acres that can be irrigated is 126.00 acres.

Idaho Department of Water Resources Water Right No. 29-13469.

Priority Date is 05/01/1884.

Decreed Date is 03/22/2004.

Allows for 2.52 cfs from Rowley Creek for irrigation.

Legal Place of use is Sec. 12, Township 12 South, Range 36 East, Boise Meridian.

Total Legal Acres that can be irrigated is 126.00 acres.

The above water rights together are limited to the irrigation of a combined total of 126.00 acres

and a total combined diversion rate of 2.52 cfs together for the irrigation season.

Idaho Department of Water Resources Water Right No. 29-10377.

Date: 12/03/2014

Warranty Deed
- continued

File No: 500879-P (ci)

Priority Date is 03/01/1890.

Decreed Date is 06/15/1998.

Allows for .05 cfs from Station Creek for Stock water.

Legal Place of use is Sections 2 and 3, Township 12 South, Range 36 East, Boise Meridian.

Idaho Department of Water Resources Water Right No. 29-10378.

Priority Date is 03/01/1890.

Decreed Date is 06/15/1998.

Allows for .05 cfs from Birch Creek for Stock water.

Legal Place of use is Section 12, Township 12 South, Range 36 East, Boise Meridian.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 16, 2016

ARTHUR MARTINEZ
LORRIE MARTINEZ
300 S 5800 W
MALAD CITY, ID 83252

RE: Transfer No. 80752
Water Right No(s). 29-14132, 29-14133, 29-7257

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 3/24/2016 and 3/31/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Judea Jones
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 16, 2016

Kent Winward
WD-29G
699 Big Hollow Rd
Downey, ID 83234

RE: Application for Transfer 80752

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Judea Jones
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer Number.: 80752

Applicant's Name: Martinez

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____, 20____.

Water District No: 29G

Watermaster's Signature

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, March 16, 2016 3:22 PM
To: 'legals@journalnet.com'
Subject: Legal Notice for Your Newspaper
Attachments: Id State Journal Cover Ltr.RTF

Contacts: Idaho State Journal

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80752

ARTHUR MARTINEZ and LORRIE MARTINEZ, 300 S 5800 W, MALAD CITY, ID 83252; has filed Application No. 80752 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-14132, 29-14133, 29-7257; 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 change a portion of the above rights as follows:

Change the place of use and change the point of diversion for a portion of right no. 29-7257. The point of diversion is in the NWNW Sec 12 T12S R36E for 0.30 cfs from ground water. The points of diversion for right nos. 29-14132 and 29-14133 will not change. The place of use is within Sec 11 and 12 T12S R36E for 98.5 acres.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 4/11/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/24/2016 and 3/31/2016