

AUG 20 2015

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

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) Brett or Trudy Williams Phone (208)588-3317h/589-13242. MAILING ADDRESS 3962 N 3580 W City MooreState Idaho Zip 83155 Email bretttrudy@gmail.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one: **N/A**

☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.

☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-2436 & 34-10621 Combined Diversion Rate = 2.00 cfs

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 2.00 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Adjacent ESPA Cells

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
YES			NW	SE	18	6N	26E	CUSTER	Gound Water	

6. 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:

Well, pump into a mainline. A straight section of mainline will be accessible from well.

- b. Who owns the property at the point(s) of diversion? Applicant-Original POD & New POD Leon L. Williams

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

See attached agreement

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Brett T. Williams
Signature of applicant or authorized agent

Brett T. Williams
Print name and title if applicable

7-10-15
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$580.00 Date 8-20-2015

Received by [Signature] Receipt # E041379

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

WATER RIGHT NO. 34-2436

Owner Type	Name and Address
Current Owner	BRETT TRUDY WILLIAMS
	RT 1 BOX 21, DARLINGTON, ID 83213

Priority Date: 09/05/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESE	Sec. 13	Township 06N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 100

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	13		NWSE	40		SWSE	40		SESE	39			
		24		NENE	5									
	26E	18	4	SWSW	38									
		19	1	NWNW	5									

Total Acres: 167

IRRIGATION Use: Acre Limit: 100

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 34-10621 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 584.5 AF.
2.		USE OF THIS RIGHT WITH RIGHT NOS. 34-00874, 34-10621 AND 34-13578 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITH THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	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.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		RIGHT NO. 34-10621 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHT NO. 34-10621 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Decreed Date: 12/14/2001

Owner Name Connector: OR

Water District Number: 34

Combined Acres Limit: 167

WATER RIGHT NO. 34-10621

Owner Type	Name and Address
Current Owner	BRETT or TRUDY WILLIAMS
	RT 1 BOX 21, DARLINGTON, ID 83213

Priority Date: 06/01/1977

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.8 CFS	
Total Diversion			0.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESEW	Sec. 13	Township 06N	Range 25E	CUSTER County
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Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	13		NWSE	40		SWSE	40		SESE	39			
		24		NENE	5									
	26E	18	4	SWSW	38									
		19	1	NWNW	5									

Total Acres: 167

Conditions of Approval:

1.		USE OF THIS RIGHT WITH RIGHT NO. 34-02436 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 584.5 AF.
2.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3.		USE OF THIS RIGHT WITH RIGHT NOS. 34-00874, 34-02436 AND 34-13578 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 167 ACRES IN A SINGLE IRRIGATION SEASON.
4.	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.
5.		THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02436 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6.		RIGHT NO. 34-02436 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 67 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Decreed Date: 12/14/2001

Enlargement Statute Priority Date: 4/12/1994

Owner Name Connector: OR

Water District Number: 34

Combined Acres Limit: 167

ORIGINAL POINT(S) OF DIVERSION IN THE NE ¼ SW ¼ SEC 13, T06N, R25E:

Water Rights 34-2436, 34-10621 & 34-2437A lists the point of diversion(s) within the following legal description:

NE¼SW¼ Sec 13, T6N, R25E.

Water Rights 34-2436 & 34-10621, in the names of Brett or Trudy Williams, lists the point of diversion as within the following legal description:

SE¼ NE¼SW¼ Sec 13, T6N, R25E.

Water Rights 34-2437A, in the name of Albert W or Eleanor Fullmer Jr., lists the point of diversion as within the legal description:

NW¼ NE¼SW¼ Sec 13, T6N, R25E.

The two separate legal descriptions would seem to indicate two (2) separate points of diversion. According to Brett Williams the point of diversion for all three (3) water rights (34-2436, 34-10621 & 34-2437A) should be in the NW¼ NE¼SW¼ Sec 13, T6N, R25E. Brett Williams does not know why his point of diversion is listed in the SE¼ NE¼SW¼, when in fact there is only one well located in the NE¼SW¼ Sec 13. According to Custer County, Brett Williams is the owner of the well site in the NW¼NE¼SW¼ Sec 13, T6N, R25E.

Brett Williams is currently leasing/buying the Fullmer's property and the Fullmer's are holding the mortgage, so the water rights will remain in the Fullmer's name until the mortgage is paid off. A companion transfer will also transfer the Fullmer's water right (34-2437A) to the NWSE Sec18, T6N, R26E.

The original well in the NW¼NE¼SW¼ Sec 13, T6N, R25E is in the middle of the neighbor's field (Douglas C. Holbrook). Mr. Holbrook would like to use the original well site to irrigate his property. Mr. Holbrook will pay Brett Williams the cost of the new well in exchange for Brett Williams property. Mr. Holbrook will also need to file a transfer to add a point of diversion to his water right(s).

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USDA - FmHA
Form FmHA 427-12 ID
(Rev. 2-10-75)

WARRANTY DEED
(Idaho)

4th
167352

LEON L. WILLIAMS and JUNE T. WILLIAMS, his wife, of Custer County, Idaho, hereinafter called the Grantor, for and in consideration of ONE HUNDRED TWENTY THOUSAND AND NO/100-----DOLLARS (\$120,000.00), GRANTS, CONVEYS, and WARRANTS to BRETT T. WILLIAMS and TRUDY K. WILLIAMS, his wife, of Custer County, Idaho currently residing at Rt. 1, Darlington, Idaho, hereinafter called the Grantee, as a community property estate, the following-described premises situated in Custer County, Idaho: .

Tract One

A parcel of land generally described as a portion of the East Half of the Northwest Quarter, Section 18, Township 6 North, Range 26 East of the Boise Meridian, Custer County, Idaho; being more particularly described as follows:

Commencing at the Northwest Corner of Said Section 18, thence S. 0°19'52" East, along the West boundary of said Section 18, a distance of 2664.82 feet to the West One-quarter corner of said Section 18, thence S. 87°51'03" East, along the South boundary of the Northwest One-quarter of said Section 18, a distance of 1334.61 feet to the Southwest corner of the East half of the Northwest Quarter of said Section 18, thence N. 0°26'07" West, along the West boundary of the East half of the Northwest Quarter, a distance of 508.41 feet to the POINT OF BEGINNING.

Thence continuing along the West boundary of the East half of the Northwest Quarter, said Section 18, N. 0°26'07" West, 149.40 feet; thence S. 86°49'54" East, 217.19 feet; thence S 1°12'59" West, 73.11 feet; thence N. 89°21'23" West, 45.58 feet; thence S. 0°35'37" West, 67.48 feet; thence N. 89°05'33" West, 167.92 feet to the POINT OF BEGINNING.

The above described parcel of land contains 0.65 acres and is subject to a fifty feet wide county road access easement parallel to and along the West boundary thereof.

(See Reverse)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as above described; and that Grantor will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

Dated this 5th day of May, 1983

Leon L. Williams
LEON L. WILLIAMS
June T. Williams
JUNE T. WILLIAMS
ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF BUTTE

On this 6th day of May, 1983, before me,

LEON L. WILLIAMS and JUNE T. WILLIAMS, the undersigned officer, personally appeared known to me or satisfactorily proven to be the person(s) whose name(s) subscribed to the within instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

80350

Jun.29.2015 05:59 PM

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Tract TwoCUSTER COUNTY, IDAHO :

~~S $\frac{1}{4}$ SE $\frac{1}{4}$~~ and ~~NW $\frac{1}{4}$ SE $\frac{1}{4}$~~ , Section 13, Township 6 North, Range 25 East, Boise Meridian; and an undivided 1/2 interest in and to that parcel of land described as beginning at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13 situated 30 feet South from a point 3481 feet West from the Quarter Section monument between Section 13, Township 6 North, Range 25 East, Boise Meridian and Section 18, Township 6 North, Range 26 East, Boise Meridian, said point of beginning, also being 35 feet North of well casing center; thence 35 feet East; thence 70 feet South; thence 70 feet West; thence 70 feet North; thence 35 feet East to the said point of beginning, all in Section 13, Township 6 North, Range 25 East, Boise Meridian;

Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 18, Township 6 North, Range 26 East, Boise Meridian;

TOGETHER WITH all ditch and ditch rights and water and water rights, including 3422 inches of storage water in Mackay Reservoir; said storage water based on full capacity storage and all parties to share pro rata when actual water stored is less than full capacity; and 95 miner's inches, with April 15, 1907 priority, and a 50% interest in water under State of Idaho Water License No. J4-2436.

LLW
J.F.W.

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of William Carlson
at 1:25 o'clock P.M. 5/13 2013
and duly filmed and indexed in the Records of Custer
County.

Ethel M. Park
Ex-Officio Recorder

By *Barbara Abbott* Deputy
Fees 4.00

INSTRUMENT NO. 49163

WARRANTY DEED

For Value Received, we JOHN L. POWERS, and ELAINE POWERS, husband and wife, and CHARLES M. POWERS and EVELYN POWERS, husband and wife, the grantors, do hereby, grant, bargain, sell and convey unto LEON L. WILLIAMS and JUNE T. WILLIAMS, husband and wife, the grantees, the following described premises, to-wit-

Parcel 1: All that portion of the following described lands lying within Butte County,

Idaho: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 8, Township 6 North, Range 26 East, Boise Meridian, E $\frac{1}{2}$ W $\frac{1}{4}$ of Section 17, Township 6 North, Range 26 East, Boise Meridian, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 6 North, Range 26 East, Boise Meridian.

Parcel 2: Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho; Section 18: Lot 2, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying and being in said Custer County and Butte County.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, rights to ground waters produced from a well or wells located and to be located on the foregoing premises, especially such water under Permit No. G33112, approved by the Idaho State Reclamation Engineer on August 25, 1966, for 4.8 c.f.s.; also, water and ditch rights under the Big Lost River Irrigation District; rights to 8387 inches of stored water in Mackay Reservoir and decreed waters of the Big Lost River as follows: 50 inches with a priority of April 22, 1884; 80 inches with a priority of September 14, 1886; 60 inches with a priority of June 1, 1887; 15 inches with a priority of June 30, 1888; 60 inches with a priority of June 1, 1889; 15 inches (high water) with a priority of June 30, 1890; and 30 inches with a priority of June 23, 1913.

Subject to exceptions and reservations contained in patents from the United States

Subject to existing easements for roads, highways, ditches, canals, laterals and power transmission lines.

Subject to the provisions of the Idaho State Reclamation Act and the provisions of the

of the Big Lost River Irrigation District.

Subject to the burdens incident to the inclusion of the land within the boundaries of the Big Lost River Irrigation District.

Subject, as to Parcel 1, to the easement as disclosed by the instrument in favor of the Lost River Electric Cooperative, Inc. recorded September 25, 1951, in Book 3, page 337, records of Butte County, Idaho.

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

Dated: January 24, 1968.

s/John L. Powers

s/Charles M. Powers

s/Elaine Powers

s/Evelyn Powers

STATE OF IDAHO, COUNTY OF BUTTE

On this 24th day of January, 1968 before me a notary public in and for said State, personally appeared John L. Powers, Elaine Powers, Charles M. Powers and Evelyn Powers, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

s/J. Leggit Shoup

Notary Public

Residing at Challis, Idaho
Comm. Expires March 17, 1971

STATE OF IDAHO, COUNTY OF BUTTE

I hereby certify that this instrument was filed for record at the request of Fred H. Boyer at 45 minutes past 11 o'clock a.m., this 12th day of February, 1968 in my office and duly recorded in Book 22 of Deeds at page 443.

Hazel Johnson
Ex-Officio Recorder

By: s/Judith R. Nohle
Deputy

Fees: \$1.80

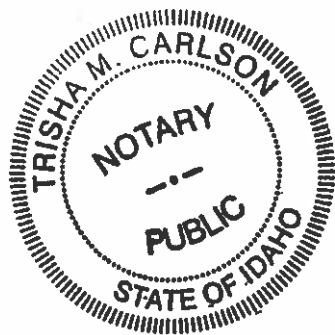
Authorization to Drill a Well

I Leon L. Williams authorize a well to be drilled on my property for Brett T Williams owner of rights 34-2436 & 31-10621, and Albert W. Fullmer Jr. owner of right 34-2437A. All costs associated with drilling of the well be the responsibility of Brett T. Williams.

Leon L. Williams
Leon L. Williams

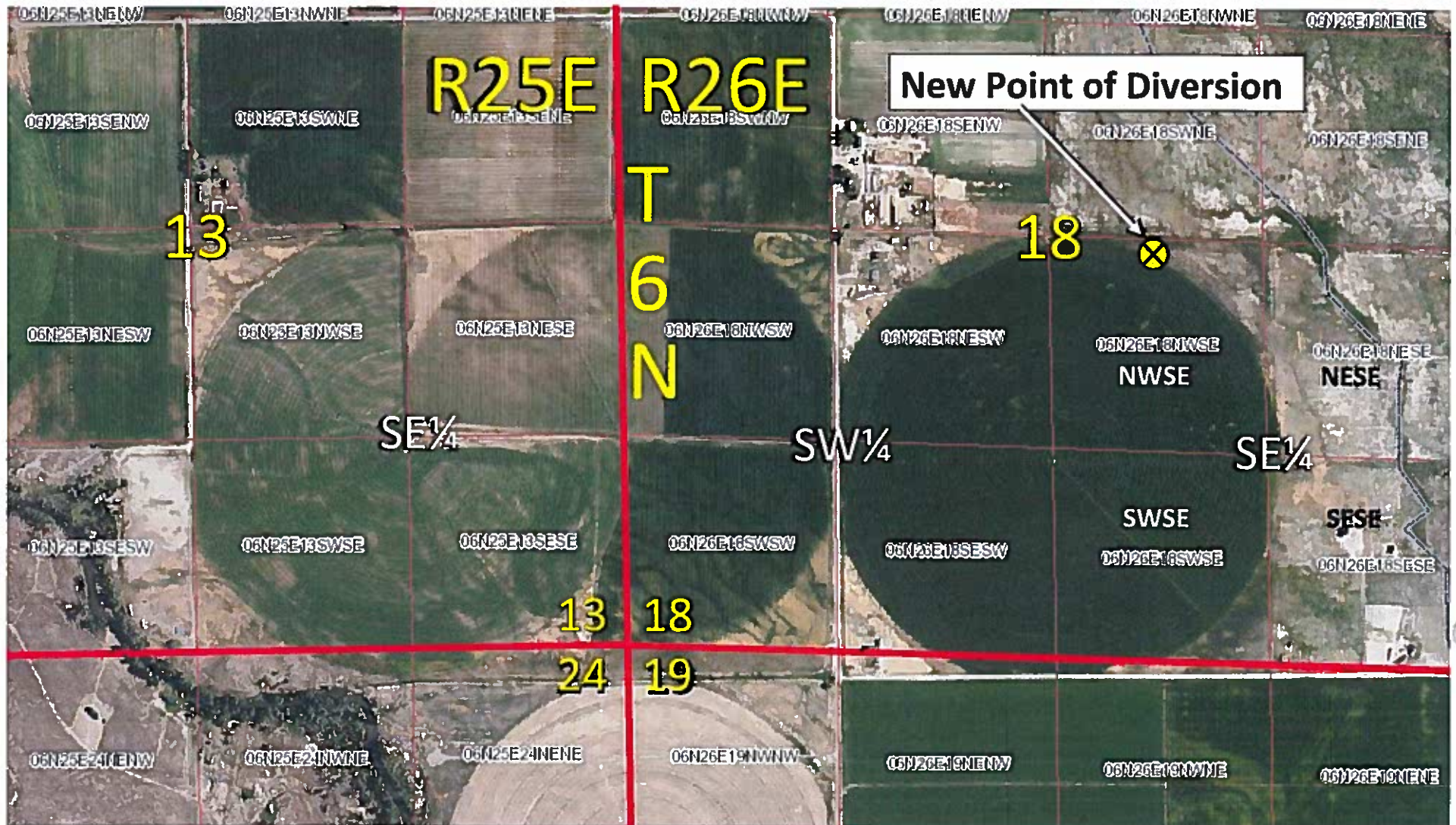
State of Idaho)
County of Custer) S.S.

On this 13 day of July, in the year of 2015, before me personally appeared Leon L. Williams, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.



Trisha M Carlson
Notary Public

My Commission Expires on: 4/4/2020





Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

RECEIVED

AUG 20 2015

Department of Water Resources
Eastern Region

August 20, 2015

RMEA 15-0067

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID

Re: Applications for Transfer

To whom it may concern:

Please find enclosed two Applications for Transfer, one for Brett and Trudy Williams and one for Albert W and Eleanor Fullmer Jr. Also enclosed is a check for \$1,160 to cover filing fees for both transfers (\$580 for each transfer).

Brett Williams and Albert Fullmer each own ½ interest in the well located in the NESW Section 13, Township 6 North, Range 25 East, which is located in the middle of Douglas C. Holbrook's field. Mr. Holbrook would like to buy out the rights to that well in exchange for a new point of diversion to be drilled on Leon Williams' property in NWSE Section 18, Township 18 North, Range 26 East. The enclosed transfers propose to change the point of diversion for the appurtenant water rights from the existing well location to a proposed location on Leon William's property. Mr. Leon Williams has granted authorization, see Attachment #6.b, for the new well to be drilled.

Additional information regarding the existing well is included in Attachment #6.b in each transfer. Deeds to the properties have also been included to show ownership of the existing well and the proposed well location.

Thank you,

Keith C. Wilson
Senior Water Rights Analyst

Enclosures: 2 Applications for Transfer
 Check for \$1,160