

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 14 2015

Department of Water Resources  
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant(s) KSBP Living Trust Phone \_\_\_\_\_Mailing address 18407 N. Conestoga Dr., Sun City, Arizona 85373 Email kayla.e.bowen@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

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

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Kayla Peters  
Signature of Applicant or Authorized Representative

Kayla Peters  
Print Name and Title if applicable

9-9-2015  
Date

Theodore D. Peters  
Signature of Applicant or Authorized Representative

THEODORE D. PETERS  
Print Name and Title if applicable

9-9-2015  
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.

The legal description location for the point of diversion and place of use are in error. This transfer proposes correct the legal description error by changing the point of diversion and place of use for water right 21-10375. The point of diversion and place of use has always been located in the NWNE of 13N, 42E, Section 24.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

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

| 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> All or Part<br/> <input checked="" type="checkbox"/> <input type="checkbox"/> </div> <div style="width: 60%;"> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">21-10375</div> <div style="width: 10%;">0.04</div> <div style="width: 45%;">Domestic</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">1/01</div> <div style="width: 10%;">to</div> <div style="width: 45%;">12/31</div> </div> <div style="width: 40%;">Ground Water</div> </div> </div> |              |                       |               |               |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |
| <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |                       |               | to            |                    |

Total authorized under rights 0.04 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 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 # |
|-------|-----|---|----|----|-----|-----|-----|---------|--------------|---------------------|
|       |     |   | NW | NE | 24  | 13N | 42E | Fremont | 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 |    |    |    | Acres Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |              |
| 13N                              | 42E | 24  |      | D  |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |              |
| Total Acres (for irrigation 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:

Ground water pump to home.

- 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:

N/A

- 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:

N/A

- 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:

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

7/6/2015

WATER RIGHT NO. 21-10375

| <u>Owner Type</u>      | <u>Name and Address</u>                                                           |
|------------------------|-----------------------------------------------------------------------------------|
| Current Owner          | MS ELLSWORTH TRUST<br>620 E PALM ST<br>LITCHFIELD PARK, AZ 85350<br>(208)935-4773 |
| Directors Report Owner | JEUNE K ELLSWORTH                                                                 |
| Directors Report Owner | P BLAIR ELLSWORTH<br>18407 CONESTOGA DR<br>SUN CITY, AZ 85373<br>(602)977-6313    |
| Original Owner         | VERDA E HENRY                                                                     |
| Original Owner         | W H HENRY<br>4792 WHITAKER<br>POCATELLO, ID 83202<br>(208)237-6770                |

Priority Date: 06/16/1986

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| DOMESTIC              | 1/01        | 12/31     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.04 CFS              |               |

80393

## Location of Point(s) of Diversion:

GROUND WATER|NENE Lt 1|Sec. 24|Township 13N|Range 42E|FREMONT County

## Place(s) of use:

Place of Use Legal Description: DOMESTIC FREMONT County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 13N      | 42E   | 24      | 1   | NENE  |       |     |       |       |     |       |       |     |       |       |

## Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 7027 PROPERTY ALSO KNOWN AS LOT 6, BLOCK 29, COWEN'S SHOTGUN SUMMER HOMESITES

## Dates:

Licensed Date:

Decreed Date: 08/02/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

## Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

80393

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:

[illegible]

**FOR DEPARTMENT USE ONLY**

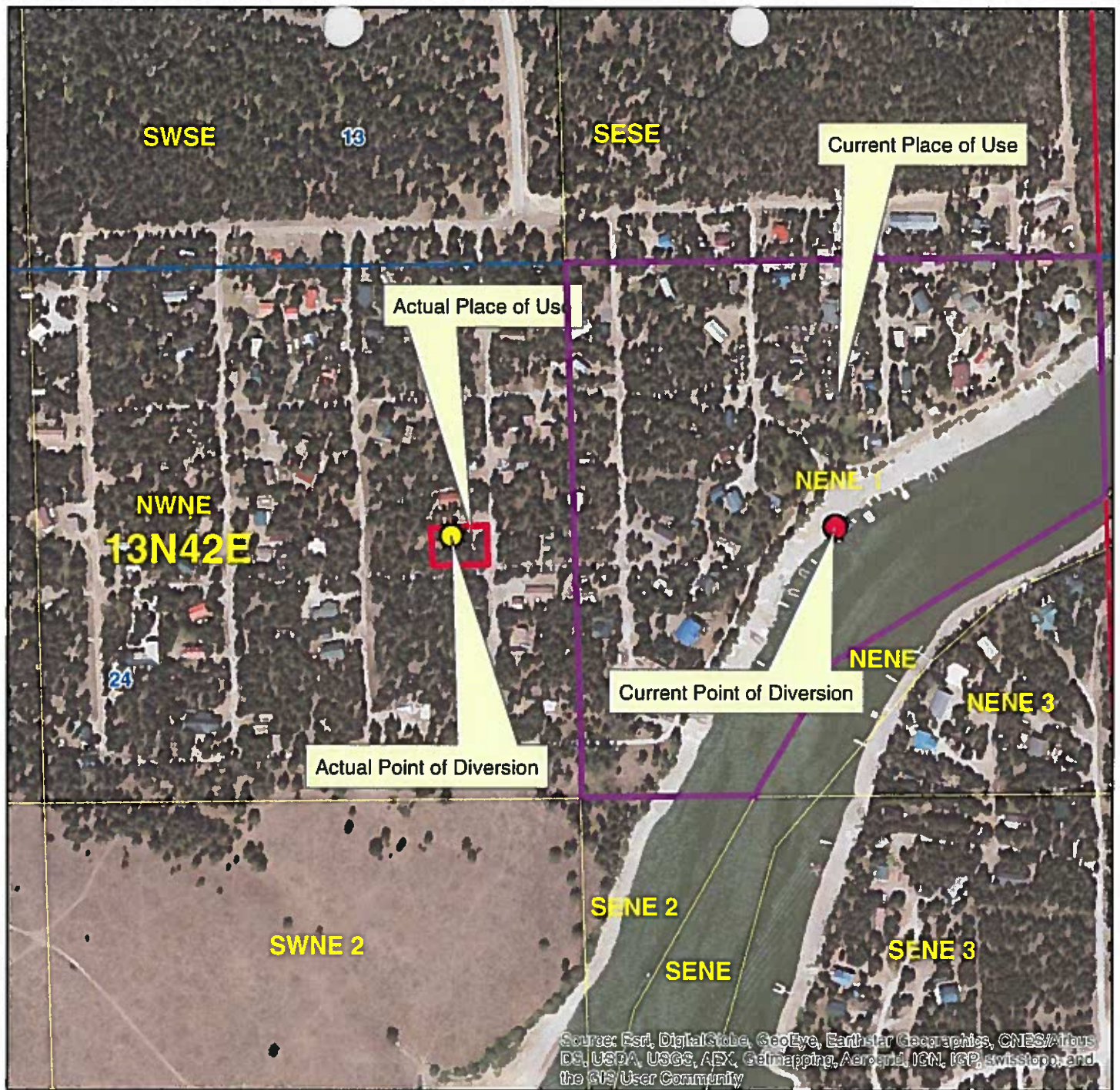
**Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 200- Date 9/14/15 Received by SC Receipt # ED41442

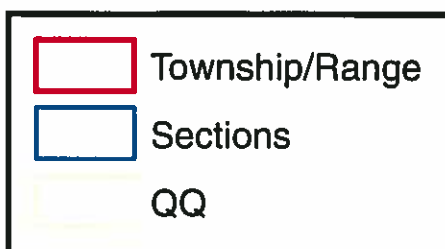
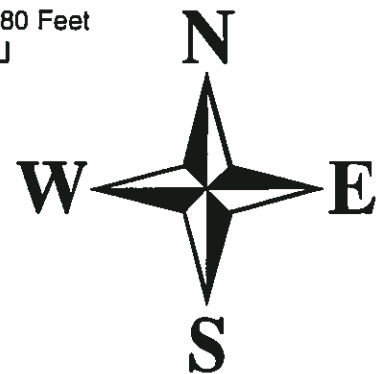
Add'l fee paid 25.<sup>00</sup> Date 9-22-2015 Received by u Receipt # E041466

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



0 220 440 880 Feet

1 inch = 365 feet



Mail Property Tax Notice To:

KSBP Living Trust  
18407 N. Conestoga Dr  
Sun City, Arizona 85373

## QUITCLAIM DEED

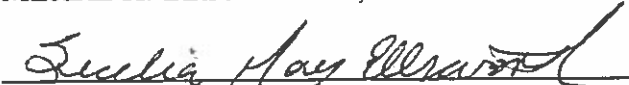
M S ELLSWORTH TRUST. Grantor. for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto KSBP LIVING TRUST, Grantee, whose mailing address is 18407 N. Conestoga Dr., Sun City, Arizona 85373 and to Grantee's heirs and assigns forever the following described real property located in Fremont County, Idaho:

Water Right #21-10375

Together with any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights however evidenced in anywise appertaining to the property herein described.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 7<sup>th</sup> day of August, 2015.

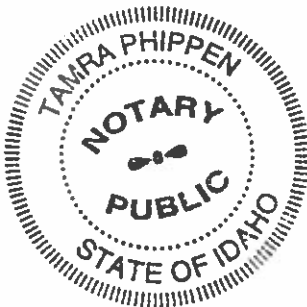
  
MEHRL K. ELLSWORTH, Grantor

  
SECELIA ELLSWORTH, Grantor

STATE OF IDAHO                     )  
                                                      ) ss.  
County of Bonneville             )

On this 7<sup>th</sup> day of August, 2015, before me the undersigned, a Notary Public for Idaho, personally appeared MEHRLK. ELLSWORTH and SECELIA ELLSWORTH, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



  
Notary Public for Idaho  
Residing at: Idaho Falls, ID  
My Commission Expires: 4-29-2017

Microfilm No. 001010  
Day Sept 20 15  
At 2:27 O'clock P M  
ABBE MACE  
FREMONT CO RECORDER (e)  
Fee \$ 10 SC Deputy  
Recorded at Request of  
Kayla Peters

## QUITCLAIM DEED

THIS INDENTURE, made this 28 day of August, 2015, between Kayla Bowen nka Kayla Peters, hereinafter referred to as "GRANTOR," and Kayla Peters and Theodore David Peters, Trustees, or their successors in interest, of the KSBP Living Trust dated September 30, 2013, and any amendments thereto, whose mailing address is: 18407 Conestoga Dr., Sun City, Arizona, 85373, hereinafter referred to as "GRANTEE."

WITNESSETH, that GRANTOR, for and in consideration of good and valuable consideration to Grantor by the Grantee, does by these presents remise, release, and forever QUITCLAIM, unto GRANTEE, and to his heirs and assigns, forever, all right, title, and interest now owned or hereinafter acquired by the Grantor in all of the following described real estate, situated in County of Fremont, State of Idaho, to-wit:

**Lot 5, Block 29, Cowan Shotgun summer home site, Fremont County, Idaho, further described as follows:**

Beginning at A Point 760 Feet South and 180 Feet West of the Northwest corner of Lot 1, in section 24, Township 13 North, Range 42 East, Boise Meridian, Fremont County, Idaho, and running Thence South 100 Feet; Thence West 150 feet; Thence North 100 feet; Thence East 150 feet To the point of beginning.

Parcel Address:  
3883 E. St., Island Park, Idaho 83429

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainder, any remainders, and rents, issues, and profits thereof, TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto GRANTEE and his heirs and assigns forever.

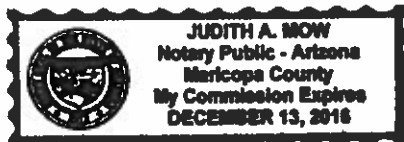
In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.  
IN WITNESS WHEREOF, GRANTOR has hereunto set her hand the day and year first above written.

Kayla Peters  
Kayla Bowen nka Kayla Peters, Grantor

STATE OF ARIZONA     )  
                                  :SS.  
County of Maricopa     )

On this 28 day of AUGUST, 2015, before me, the undersigned, a Notary Public for the State of Arizona, personally appeared KAYLA PETERS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that s/he executed the same.

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



Judith A. Mow  
Notary Public for the State of Arizona  
Residing at SUN CITY, AZ  
My Commission Expires: 12/13/2016