

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 20 2015

Department of Water Resources
Eastern Region

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)** Albert W or Eleanor Fullmer Jr. Phone (208) 588-3383

2. **MAILING ADDRESS** 3960 N 3650 W City Moore

State Idaho Zip 83155 Email _____

Assisted by Keith C Wilson, Rocky Mountain Environmental Associates, Inc., 482 Constitution Way, Idaho Falls, ID 83402 (208) 524-2353 / 524-1795 fax

☐ 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)** 34-2437A

☒ 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 1.57 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? Brett Williams 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 from Leon L. Williams

- 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.)

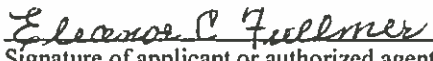
7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/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


Signature of applicant or authorized agent

Albert C. Fuller
Print name and title if applicable

7-11-15
Date


Signature of applicant or authorized agent

Eleanor C. Fuller
Print name and title if applicable

7-11-15
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  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. 34-2437A

Owner Type	Name and Address
Current Owner	ALBERT W or ELEANOR FULLMER
	3960 N 3650 W, MOORE, ID 83255

Priority Date: 09/05/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.57 CFS	518 AFA
Total Diversion			1.57 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 13	Township 06N	Range 25E	CUSTER County
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IRRIGATION Use: Acre Limit: 148

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	13		SWNE	37		SENE	38						
				NESE	40									
	26E	18	3	NWSW	38									

Total Acres: 153 IRRIGATION Use: Acre Limit: 148

Conditions of Approval:

1.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.76 CFS. COMBINED RIGHT NOS.: 34-00569D, 34-00608A AND 34-00609A.
2.		USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A IRRIGATION OF A COMBINED TOTAL OF 153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00569D, 34-00608A AND 34-00609A. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 148 ACRES WITHIN 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.		RIGHT NO. 34-02437B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 07/10/2002

Owner Name Connector: OR

Water District Number: 34

Combined Acres Limit: 153

Combined Rate Limit: 4.76

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).

USDA-FHA
Form FHA 427-12 Idaho
(Rev. 1-5-82)
(COMMUNITY)

Warranty Deed (IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

Albert W. Fullmer and Norma R. Fullmer, his wife,
of Leslie, of the County of Custer, State of Idaho,

parties of the first part, for and in consideration of the sum of

Ten and No/100 - - - - - Dollars (\$ 10.00),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by Albert W. Fullmer, Jr. and Eleanor C. Fullmer,

of Leslie, Custer County, Idaho,
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of Custer and Butte,
State of Idaho, to wit:

PARCEL 1 (Custer County, Idaho):

Township 6 N., R. 25 E.B.M.

Section 13: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, AND NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 6 N., R. 26 E.B.M.

Section 18: Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

PARCEL 1A (Custer County, Idaho):

Township 6 N., R. 26 E.B.M.

Section 18: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying and being in Custer
County, Idaho.

PARCEL 2 (Custer County, Idaho):

An undivided one-half interest in and to a parcel of land described as beginning at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Twp. 6 N., R. 25 E.B.M. situated 30 feet South from a point 3481 feet West from the $\frac{1}{4}$ Sec. monument between Section 13, Twp. 6 N., R. 25 E.B.M. and Section 18 Twp. 6 N., R. 26 E.B.M., 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, together with an undivided one-half interest in the ditch easement therefrom running easterly across said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 13, all as granted to Wm. Ross Fullmer and Albert W. Fullmer by the instrument recorded October 9, 1961 in Book 34 of Deeds at Page 226, records of Custer County, Idaho.

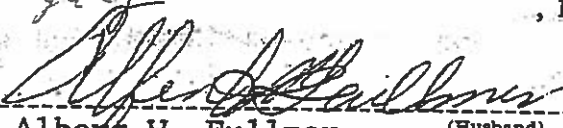
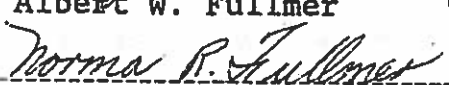
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves
and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 21st day of July, 1970.

WITNESSES:


Albert W. Fullmer (Husband) [SEAL]

Norma R. Fullmer (Wife) [SEAL]

ACKNOWLEDGMENT

STATE OF

Nebraska
~~Idaho~~

COUNTY OF

Thurston
~~Custer~~

} ss:

On this

21st

day of

July

, 1970

, before me, a Notary Public in

and for said County and State, personally appeared

Albert W. Fullmer

and

Norma R. Fullmer

, his wife, to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 21st day of July, 1970.

Albert W. Fullmer [SEAL]
Albert W. Fullmer (Husband)

WITNESSES:

Norma R. Fullmer [SEAL]
Norma R. Fullmer (Wife)

ACKNOWLEDGMENT

STATE OF *Idaho*

COUNTY OF *Blaine*

ss:

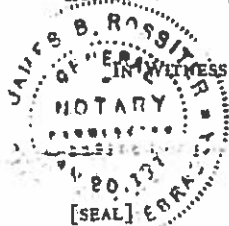
On this 21st day of July, 1970, before me, a Notary Public in

and for said County and State, personally appeared Albert W. Fullmer

and Norma R. Fullmer, his wife, to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

James B. Rossiter
Notary Public in and for the State of Idaho
Residing at *Walla Walla, Washington*
My commission expires: *1-20-72*

Rec. No. 129012

Recorded in *Crater*

County, Idaho, on *August 4, 1970*

in Book

at Page

Eva Mann
Crater County Recorder

090 815-080

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 $\frac{1}{2}$ SW $\frac{1}{4}$ 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 $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of the NE $\frac{1}{4}$ 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 mortgaged premises, especially such water under Permit No. G33112, approved by the Idaho State Reclamation Engineer on August 23, 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 Murky Reservoir and decreed waters of the Big Lost River as follows: 30 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, 1896; and 90 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.

Let it be remembered that the above is the portion of the deed which is being recorded

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 thereafter.

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. Lesslie Shorn

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 43 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.

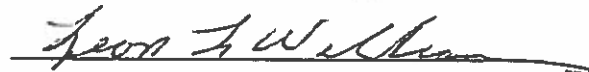
Hazel Johnson
Ex-Officio Recorder

By: Judith R. Nohla
Deputy

Fees: \$1.80

Authorization to Drill a Well

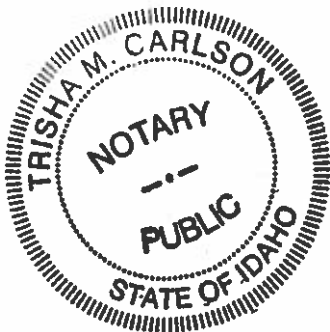
I Leon L. Williams authorize a well to be drilled on my property for Brett T Williams owner of rights 34-2436 & 31-10621, and Albert W. Fullmer Jr. owner of right 34-2437A. All costs associated with drilling of the well be the responsibility of Brett T. Williams.

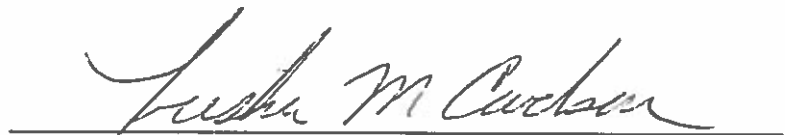

Leon L. Williams

State of Idaho)

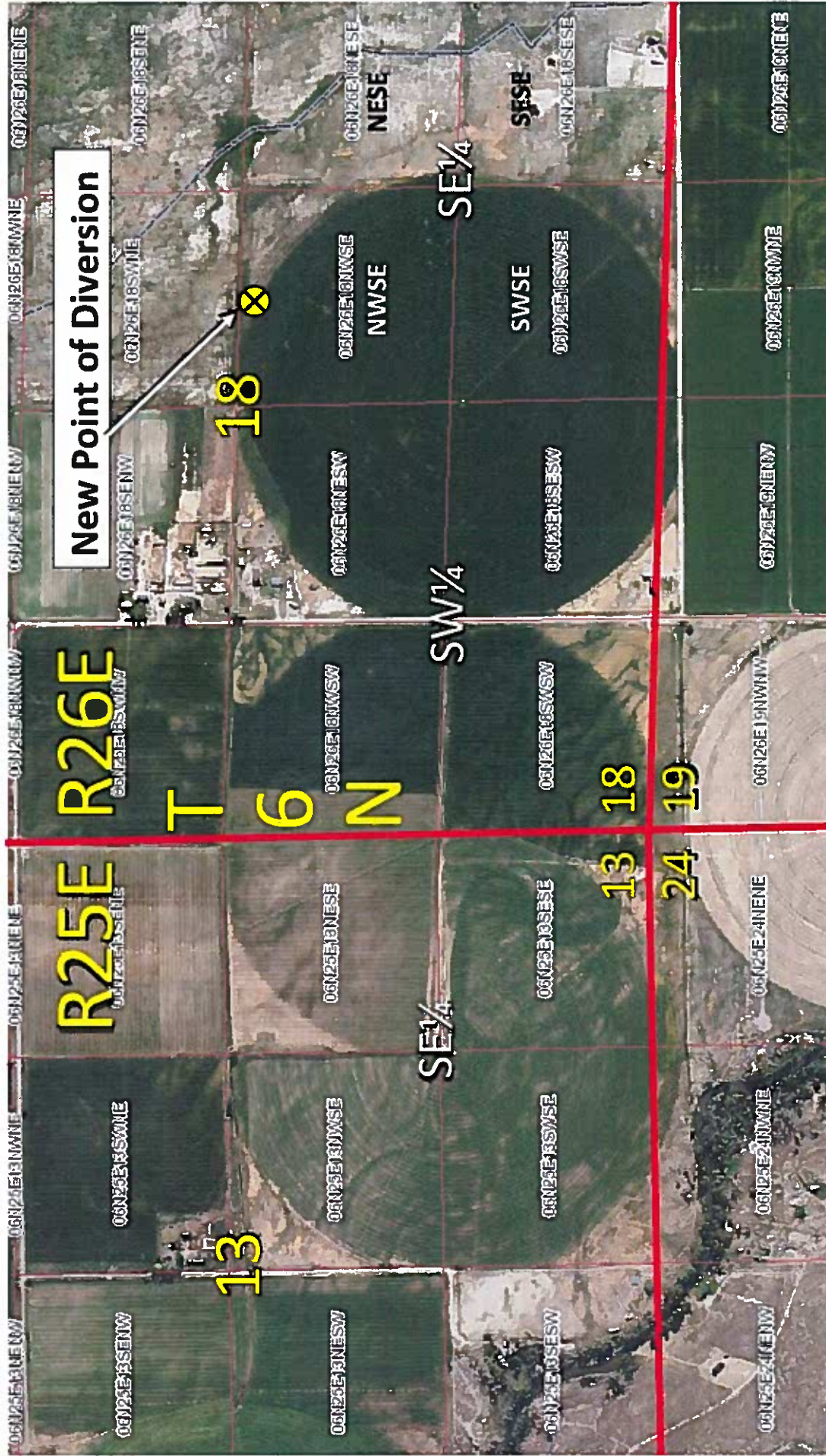
County of Custer) S.S.

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.




Notary Public

My Commission Expires on: 4/4/2020



80351



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,

A handwritten signature in blue ink that reads "Keith C. Wilson". The signature is written over a horizontal line.

Keith C. Wilson
Senior Water Rights Analyst

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