

SEP 02 2015

SEP 02 2015

Rev. 10-13

WATER RESOURCES
WESTERN REGIONWATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

Transfer No. 79305

AMENDED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) TERRIE E. AND WALTER L. TRAILCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fees required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b 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.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Attachment 9 1. POU con't. Attachment 9 2 Commitment for Title Insurance.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Second
AMENDED

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

Name of Applicant(s) TERRIE E. AND WALTER L. TRAILPhone 208-366-7762Mailing address 5308 E TRAIL RD., KING HILL, ID 83633Email cmchugh@mchughbromley.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 CANDICE M. MCHUGHPhone 208-287-0991Mailing address 380 S. 4TH ST., STE 103, BOISE, ID 83702Email cmchugh@mchughwaterlaw.com

- ☐ 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.

Terrie E. Trail
Signature of Applicant or Authorized Representative

TERRIE E. TRAIL

Print Name and Title if applicable

April 22, 2014
Date

Walter L. Trail
Signature of Applicant or Authorized Representative

WALTER L. TRAIL

Print Name and Title if applicable

April 22, 2014
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 _____
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 purpose of the transfer is to authorize the use of the 12 cfs and 600 acres under water right 2-4021 in a permissible place of use with the lands irrigated under water rights 2-2209B and 2-103, which are owned by Black Mesa Farms.

Second

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

8. 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.

	<u>Right Number</u>	<u>Amount</u> in Dollars and Cents	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
Water Right	3-4021	12 cfs	Irrigation	3/15 to 11/15	Snake River, Columbia River
Priority					
Beneficial Use					
Comments					
Owner					
Applicant					
Project					
Location					
County					
State					
Section					
Township					
Range					
Latitude					
Longitude					
Altitude					
Area					
Volume					
Flow					
Speed					
Direction					
Depth					
Width					
Height					
Length					
Weight					
Temperature					
Humidity					
Pressure					
Wind					
Clouds					
Precipitation					
Soil					
Vegetation					
Wildlife					
Fish					
Recreation					

Total authorized under rights: 12 of and/or actions

2. Total amount of water proposed to be transferred or changed 12 cubic feet per second and/or acre-feet per annum

[illegible]

- Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 (Indicate in Attachment #5)

[illegible]

- ⁴ Place of use: (B) Irrigation, identify with number of acres irrigated per 1/4 section.

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			
5S	10E	35				38										40			39	117	
		36	17	37	10		38	17	40	32	11	40	35	12						289	
6S	10E	1 lot-4						41	40			39			10					120	
		2 lot-4	41				33	44								33				74	
		LI	CONTINUED ON ATTACHMENT 9 1													Total here				600	
			WJL 12/10/14													Total from 9 1				3948	
Total Acres (for irrigation use)																					4548

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

**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:
There is no proposed change in the diversion system. The diversion system includes 3, 600 HP pumps from the Snake River with buried mainline from the Snake River to the farm with buried lines from the mainline to each field. Each field is irrigated with portable mainline to sprinklers. Measuring devices and works are being installed pursuant to the August 26, 2013 Final Order requiring measuring devices in Water District 02.
- b. Who owns the property at the point(s) of diversion? Mr. Falcone and BLM
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
A Crossing Agreement dated January 26, 1965, a Right of Way Agreement dated August 23, 1965, A Right of Way dated March 3, 1983 and and Easement Agreement dated July 9, 1979 allows Claimant Access. See Attachment 9.2
- 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: This is not applicable since this water right will continue to be used on the land already authorized; the transfer is simply asking to add additional lands as a permissible place of use
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
There is no effect other than allowing the flexibility for this water right to be used on the land now irrigated or within a larger permissible place of use depending on the year
- e. 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:
Water rights 2-2209B and 2-103 owned by Black Mesa are also used on the lands described under those water rights. This transfer is simply asking to authorize the use of the 12 cfs and 600 acres under water right 2-4021 to also be used on the acres covered by Black Mesa's water right. There is no proposed change to water rights 2-2209B or 2-103
- f. To your knowledge, has 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:

N/A

Second

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 at www.state.wy.gov/dwr/water-right-transfers, 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 at www.dwr.state.co.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: _____

1. amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Second
AMENDED

**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.

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:

N/A

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments.

Received by AB Date 9/2/15 Preliminary check by AB Date 9/8/15

* Fee paid \$1380.00 Date 4/25/14 Received by C NUTE Receipt # W042053

Add'l fee paid — Date — Received by — Receipt # —

* FEE PAID WITH ORIGINAL FILING. - AB

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/24/2014

WATER RIGHT NO. 2-4021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TERRIE E TRAIL
Current Owner	WALTER L TRAIL
	5308 E TRAIL RD
	KING HILL, ID 83633
	(208)366-7762
Original Owner	ROBERT E GRIGG
	C/O CIGNA CORPORATION
	SOUTH BUILDING S-305
	900 COTTAGE GROVE RAD
	BLOOMFIELD, CT 06002

Priority Date: 05/10/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	12 CFS	
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|NWSW Lt 6|Sec. 09|Township 06S|Range 11E|ELMORE County

Attachment
2A

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	10E	35		SENE	38									
				NESE	40		SESE	39						
		36		NENE	17		NWNE	37		SWNE	10			
				NENW	38		NWNW	17		SWNW	40		SENE	32
				NESW	11		NWSW	40		SWSW	35		SESW	12
06S		1	4	NWNW	41		SWNW	40						
				NWSW	39									
		2	1	NENE	41		SENE	33						

Total Acres: 600

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 10/31/2012

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: AND

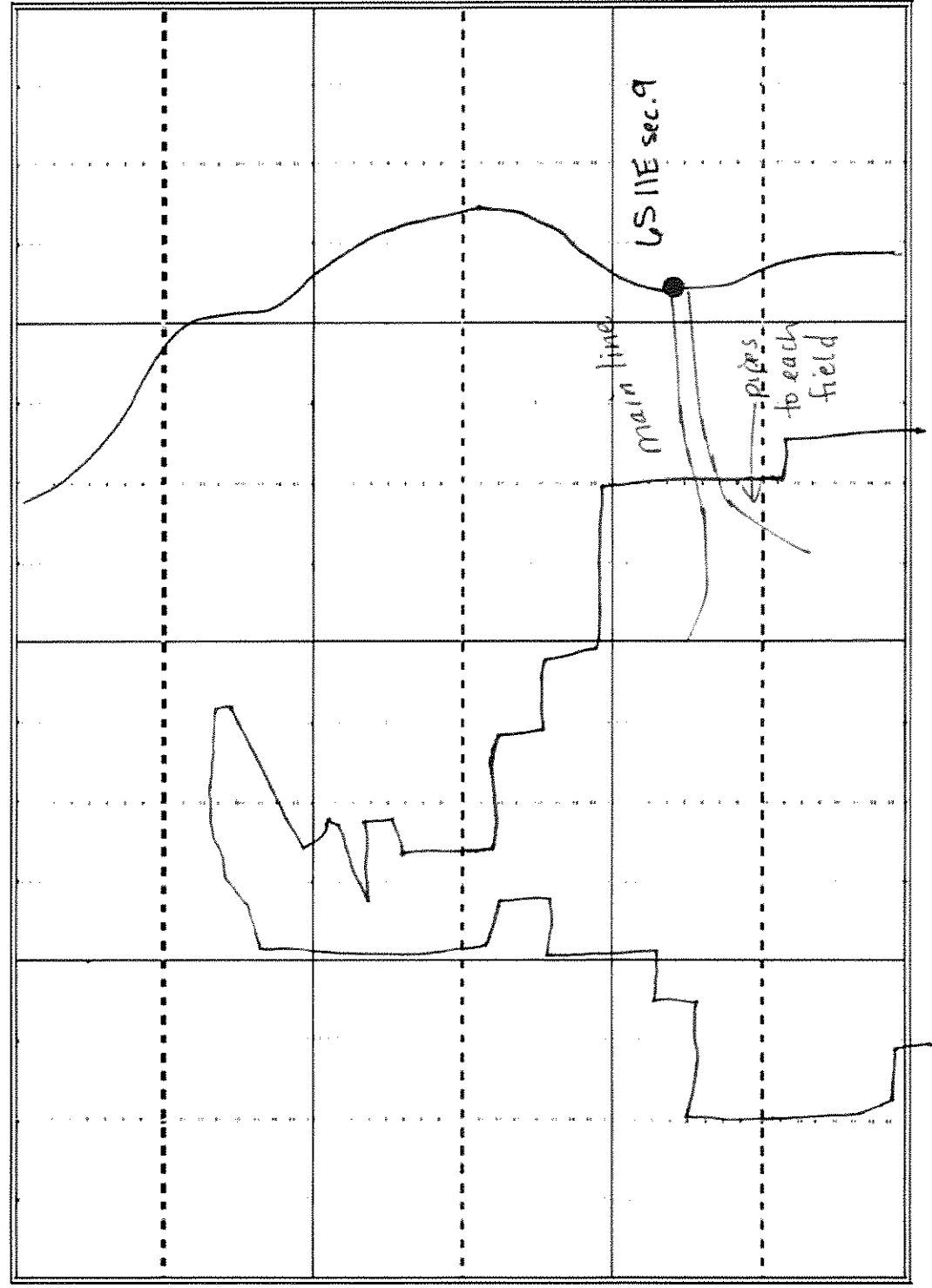
Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

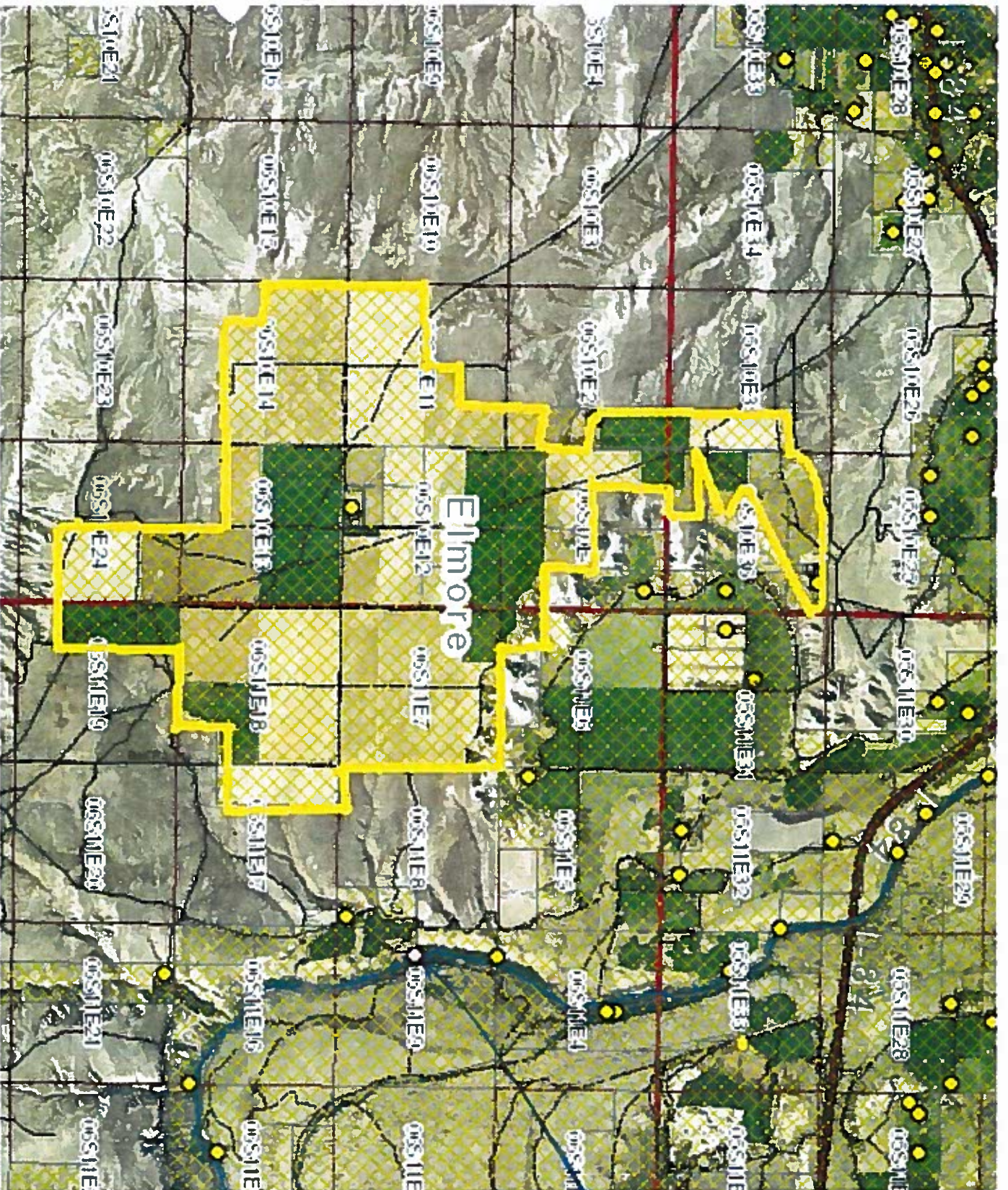
Civil Case Number:

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☐ see attached.



Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
- ☒ Aerial photo attached (required for irrigation of 10+ acres)
- ☐ Photo of diversion and system attached



Point of
diversion

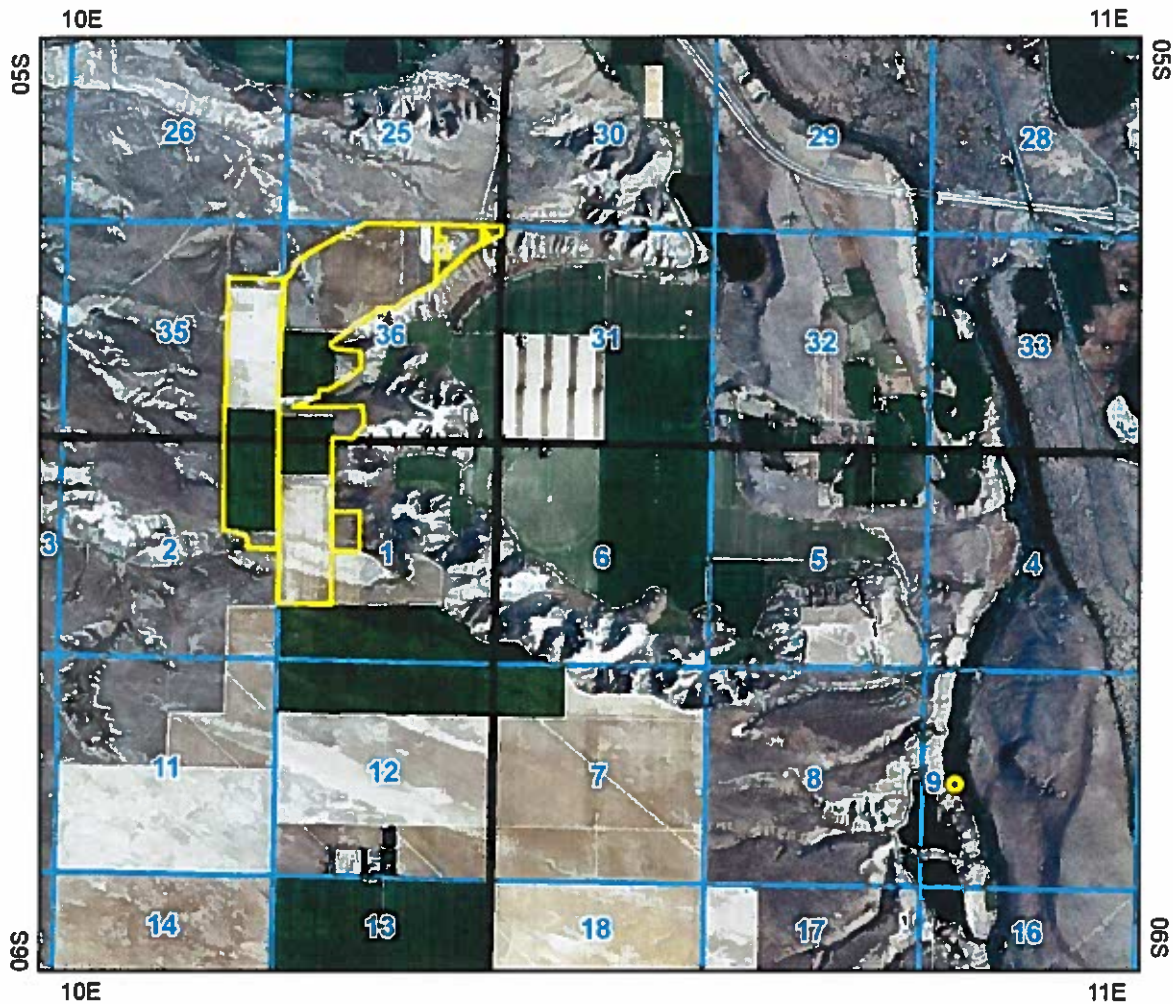
Attachment
Tb.1
Combines
Tb.2 & Tb.3

State of Idaho
Department of Water Resources

Water Right
2-4021

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.5 1 2 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



Map produced on August 28, 2015

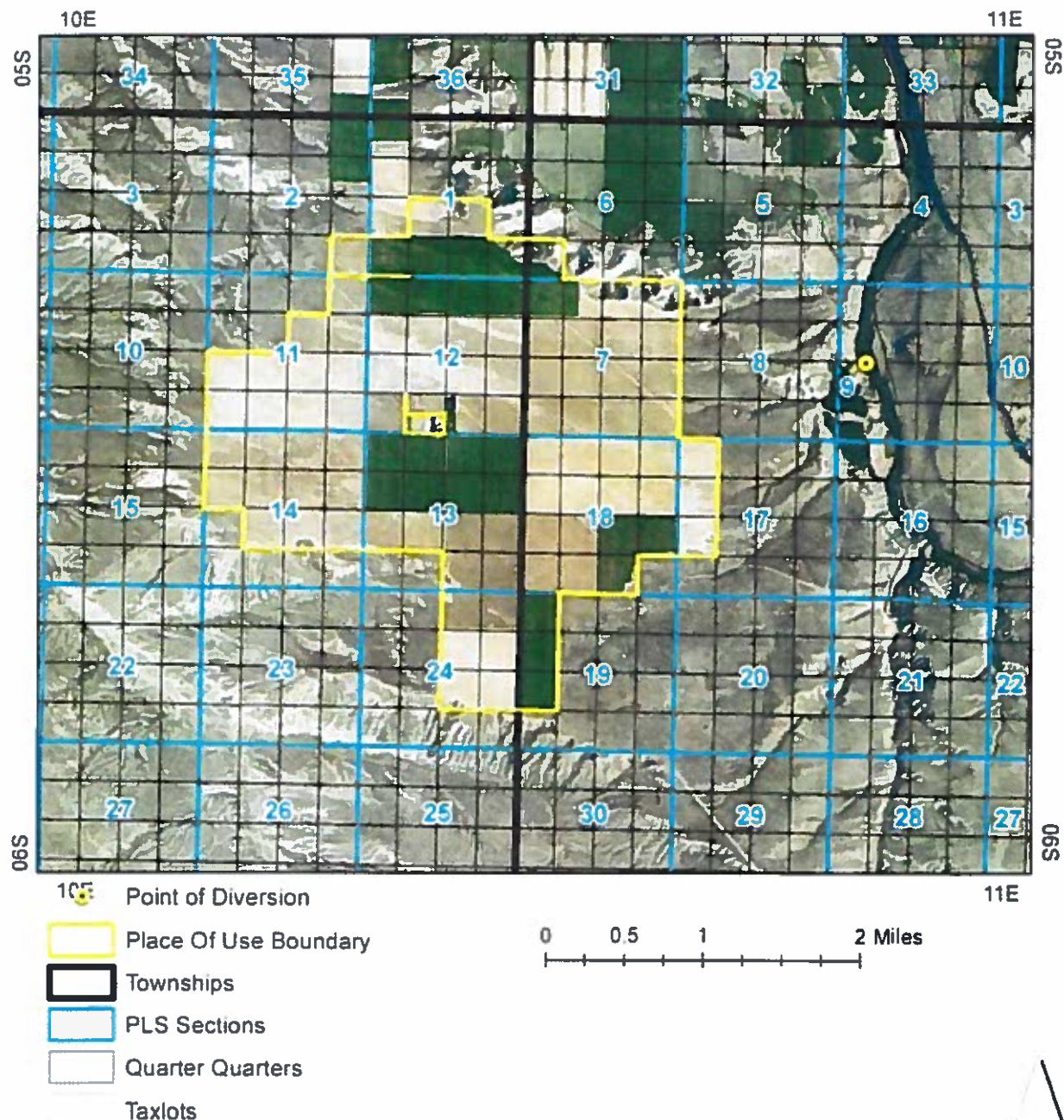
Amended Attachment 7b.2^N

State of Idaho
Department of Water Resources

Water Right 2-2209B

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Place(s) of use:

ATTACHMENT 9.1 - POU CONT

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06S	10E	1		NESW	35		SWSW	39		SESW	40			
				NWSE	30		SWSE	40		SESE	30			
		2		SESE	39									
		11		NENE	40		SWNE	40		SENE	39			
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	40
		12		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	39		SWNW	39		SENE	40
				NESW	40		NWSW	39		SWSW	38		SESW	21
				NESE	40		NWSE	40		SWSE	39		SESE	39
		13		NENE	39		NWNE	39		SWNE	40		SENE	40
				NENW	39		NWNW	39		SWNW	40		SENE	40
				NESW	40		NWSW	40						
				NESE	40		NWSE	40		SWSE	40		SESE	40
		14		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	39									
				NESE	39		NWSE	30						
		24		NENE	40		NWNE	39		SWNE	40		SENE	40
				NESE	40		NWSE	40						
11E	6	7		SWSW	10									
		7		NENE	25		NWNE	25		SWNE	40		SENE	40
				NENW	30	1	NWNW	37	2	SWNW	37		SENE	40
				NESW	40	3	NWSW	38	4	SWSW	37		SESE	39
				NESE	40		NWSE	40		SWSE	39		SESE	40
		17		NWNW	40		SWNW	40						
				NWSW	40									
		18		NENE	38		NWNE	39		SWNE	40		SENE	39
				NENW	39	1	NWNW	37	2	SWNW	38		SENE	40
				NESW	40	3	NWSW	38	4	SWSW	38		SESE	40
				NESE	40		NWSE	40		SWSE	40			
		19	1	NWNW	39	2	SWNW	39						
			3	NWSW	39									

Total Acres: 3948

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE _____

0194-90-199

File Number: _____

Commitment Number: _____

10. Power Line Easement dated October 7, 1964, granted by Grace Thompson and Ralph Thompson, wife and husband, and Ralph Lish and Rose E. Lish, husband and wife, to Idaho Power Company, a corporation, recorded February 8, 1965, in Book 43 of Miscellaneous Records at Page 185, records of Elmore County, Idaho. (Affects NW $\frac{1}{4}$ SW $\frac{1}{4}$ -9-6S-11E)

11. Crossing Agreement dated January 26, 1965, executed by and between King Hill Irrigation District and Cottonwood Mutual Canal Company, a corporation, recorded February 9, 1965, in Book 30 of Agreements at Page 41, records of Elmore County, Idaho. (Affects E $\frac{1}{2}$ SE $\frac{1}{4}$ -8-6S-11E)

12. Right of Way Agreement dated August 23, 1965, executed by William A. Anderson, et al, as Owners, and Cottonwood Mutual Canal Company, an Idaho corporation, as Company, recorded August 25, 1965, in Book 43 of Miscellaneous Records at Page 222, records of Elmore County, Idaho; wherein Owners grant to Company rights of way for operation and maintenance of an irrigation system and the Company grants unto the Owners the right to use and to occupy the various rights of way granted by the Owners to the Company and right to use and occupy all other rights of way but not limited to a right of way granted by Ralph Thompson and Iris M. Thompson, husband and wife, and Ralph Lish and Rose Lish, husband and wife, across the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 8, and across Lot 6, Section 9, T6S, R11E, B.M., and a right of way granted by a crossing agreement made the 26th day of January, 1965, between the Company and King Hill Irrigation District.

Said irrigation system mentioned above has the main pump station and point of diversion located in Lot 6, Section 9, T6S, R11E, B.M., as disclosed in Deed to William A. Anderson, et al, recorded August 25, 1965, in Book 43 of Miscellaneous Records at Page 224, records of Elmore County, Idaho.

13. Power Line Easement dated January 22, 1975, granted by Homer Randy Jackson and Barbara Fay Jackson, husband and wife, to Idaho Power Company, a corporation, recorded June 30, 1975, as Instrument No. 163968, records of Elmore County, Idaho. (Affects the East 400 feet of the South 100 feet of NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ -8-6S-11E)

14. Right of Way for irrigation pipeline along Cottonwood Mutual Canal Company system, as shown in instrument recorded March 3, 1983, as Instrument No. 213269, records of Elmore County, Idaho. (Affects Lot 6, Sec. 9; and Sec. 8, both T6S, R11E)

Page _____

CONTINUATION

Commitment
Register Form No. 11-119

AGENTS COPY

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE _____

0194-90-199

File Number: _____

Commitment Number: _____

15. Power Line Easement dated March 20, 1979, granted by Rondo Pilant and Cynthia Pilant, husband and wife, to Idaho Power Company, a corporation, recorded April 27, 1979, as Instrument No. 187662, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9-6S-11E)

16. Easement Agreement dated July 9, 1979, granted by Rondo Pilant and Cynthia Pilant, to King Hill Irrigation District, recorded July 11, 1979, as Instrument No. 189240, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9, and a portion of SE $\frac{1}{4}$, Sec. 8, both T6S, R11E)

17. Power Line Easement dated August 6, 1979, granted by Rondo Pilant and Cynthia Pilant, husband and wife, to Idaho Power Company, a corporation, recorded April 21, 1980, as Instrument No. 194767, records of Elmore County, Idaho. (Affects a portion of Lot 6, Sec. 9-6S-11E)

18. Any claim arising from the difference in the mean high water line of the Snake River and the meander line as shown by the Government survey.

19. Mortgage dated April 23, 1979, executed by C. Rondo Pilant and Cynthia Pilant, husband and wife, as Mortgagor; and The United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, as Mortgagee; secures the payment of \$118,000.00 together with interest and any other obligations secured thereby; recorded April 23, 1979 as Instrument No. 187546, records of Elmore County, Idaho.

20. Financing Statement executed by Dennis R. Laib and Marjorie J. Laib, as Debtors, to United States of America, acting through Farmers Home Administration, as Secured Party, recorded November 24, 1987, as Instrument No. 244776, records of Elmore County, Idaho.

21. Financing Statement executed by Dennis R. Laib and Marjorie J. Laib, as Debtors, to United States of America, acting through Farmers Home Administration, as Secured Party, recorded November 24, 1987, as Instrument No. 244777, records of Elmore County, Idaho.

22. Road and Ditch rights of way.

23. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

Page

CONTINUATION

Continuation
Record File No. 01119

AGENTS COPY

COMMITMENT FOR TITLE INSURANCE
CONTINUATION

SCHEDULE

0194-90-199

File Number:

Commitment Number:

NOTE: Whereas the policy when issued will exclude from coverage water rights or claims or title to water we call to your attention the pending Snake River surface waters adjudication case in The District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada under Civil No. 73804, as disclosed by Lis Pendens recorded February 27, 1981 as Instrument No. 200844, and Amended Lis Pendens recorded May 11, 1981 as Instrument No. 202064, and Second Amended Lis Pendens recorded February 19, 1982 as Instrument No. 207110, records of Elmore County, Idaho. The Policy when issued will not refer to this litigation.

REQUIREMENTS:

Because of the provisions of the Idaho Homestead Law (Chapter 10, Title 55, I.C.), the company will require:

(a) The personal execution and acknowledgment of any deed, deed of trust, mortgage or special power of attorney to convey or encumber the homestead by the vested owner and spouse, if any,

or in the alternative

(b) An Affidavit, signed by the vested owner and spouse which states (i) that the land described herein is not their principal residence; (ii) the land is not claimed as homestead property; and (iii) their principal residence is _____. (and if applicable, the vested owner is not married.)

NOTE: General taxes for the year 1989, under parcel no. 06S11E087210, are in the amount of \$259.40. (Affects Section 8)

NOTE: General taxes for the year 1989, under parcel no. 06S11E095510, are in the amount of \$55.80.

Page

CONTINUATION

Commitment

Applicable Form No. 11119

AGENTS COPY

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

cmchugh@mchughbromley.com
208-287-0991

380 S. 4th St., Ste. 103
Boise, ID 83702

August 28, 2015

Idaho Department of Water Resources
Nick Miller
Angie Grimm
Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

SEP 02 2015

**WATER RESOURCES
WESTERN REGION**

RE: Transfer by Walter and Terri Trail
Water Right No. 02-4021

Dear Nick:

Enclosed please find a SECOND AMENDED Application for Transfer for Water Right No. 02-4021 (Walter and Terri Trail). As we discussed, this amendment will not require additional advertising and is for the purpose of correcting the legal description for the POU.

I appreciate your attention to this matter; please call or email me with any questions.

Very Truly Yours,



Candice M. McHugh

Enclosures
cc: Trails