

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79695**

This is to certify that: **JANICE MILLS AND
LLOYD RICHARD GORDON
1223 COUNTY RD 70
WEISER, ID 83672**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
67-11048	WR/DECREE	8/29/1956	0.06 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

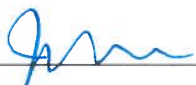
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
67-11048	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
67-11048	67-11048	0.06 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.06 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 10th day of April, 2015.


JEFF PEPPERSACK
Interim Western Region Manager

WATER RIGHT NO. 67-11048**As Modified by Transfer No. 79695**

In accordance with the approval of Transfer No. 79695, Water Right No. 67-11048 is now described as follows:

Right Holder: LLOYD RICHARD GORDON
JANICE MILLS
1223 COUNTY RD 70
WEISER, ID 83672

Priority Date: 8/29/1956

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
STOCKWATER

From

1/01
1/01

to 12/31
to 12/31

To**Diversion Rate**

0.04 cfs
0.02 cfs
0.06 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SWNW) Sec 31 Twp 11N Rge 05W WASHINGTON County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	31							X										
									L4										0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	31							X										
									L4										0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 67-11048
As Modified by Transfer No. 79695

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The quantity of water decreed for this water right is not a determination of historical beneficial use.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 13, 2015

LLOYD RICHARD GORDON
JANICE MILLS
1223 COUNTY RD 70
WEISER ID 83672

RE: Transfer No. 79695
Water Right No. 67-11048

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

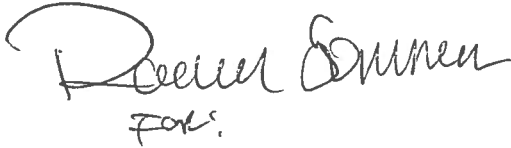
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Peppersack". Below the signature, the word "For:" is written in a smaller, less legible script.

Jeff Peppersack
Interim Manager, Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79695
Water Right No. 67-11048**

**LLOYD RICHARD GORDON
1223 COUNTY RD 70
WEISER ID 83672**

**JANICE MILLS
1223 COUNTY RD 70
WEISER ID 83672**



**Rachel Sommer
Water Resource Agent**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

NOV 24 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79695MINIMUM 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) LLOYD RICHARD GORDON & JANICE MILLSCheck 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 #1-10.

- ☐ ☒ #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 fee(s) 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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 24 2014

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) LLOYD RICHARD GORDON & JANICE MILLS Phone 208 870 4657
Mailing address 1223 COUNTRY RD 70 WENNER, ID 83672 Email JANMILLSGORDON@HOTMAIL.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.

Lloyd R. Gordon
Signature of Applicant or Authorized Representative

LLOYD RICHARD GORDON
Print Name and Title if applicable

11-21-14
Date

Janice J. Mills
Signature of Applicant or Authorized Representative

JANICE MILLS
Print Name and Title if applicable

11-21-14
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other CORRECT ERROR
- 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**.

BENEFICIAL USE OF GROUNDWATER. APPLICATION FILED TO CORRECT
ERROR IN ORIGINAL DECREED WATER RIGHT. POU & POD DECREED IN
T11N, R5W4M, SEC 31; NE1/4NW1/4. SHOULD BE T11N, R5W4M, SEC 21; SW1/4NW1/4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	67-11048	.06	STOCKWATER	01-01 to 12-31	GROUNDWATER
☐ ☐			DOMESTIC	01-01 to 12-31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .06 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 #
		SW	NW		31	11N	5W	WASHINGTON	GROUNDWATER	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	5W	31							✓										2
Total Acres (for irrigation use)																			2

ACRES N/A to Right →
-82 3/6/2015

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:

2 Wells

- 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:

- 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:

- 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:

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:

APPLYING FOR CHANGE OF WATER RIGHT TO CORRECT
ERROR IN ORIGINAL APPLICATION & DECREASE, SEE ATTACHED

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by J. Stange Date 11-24-2014 Preliminary check by SC Date 1/10/15

Fee paid \$200.00 Date 11-24-2014 Received by J. Stange Receipt # W042655

Add'l fee paid \$25 Date 3/5/2015 Received by CJ Receipt # W042887

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

own. change

67-11048

☐ Taxlots

KRAHN DIANE

Location: 2,261,355.470 1,454,007.143 Met

Field Value

ID 202312

UPDATED 9/1/2010

PIN RP11N05W313620

OWNER KRAHN DIANE

ADDRESS1 1223 COUNTY RD 70

ADDRESS2

CITY WEISER

STATE ID

ZIPCODE 83672

P_ADDRESS 1223 COUNTY RD 70

P_ZIPCODE 83672

SUB_NAME

LEGAL1 TN-5 S31T11R5 2.16 ACRES

LEGAL2

LEGAL3

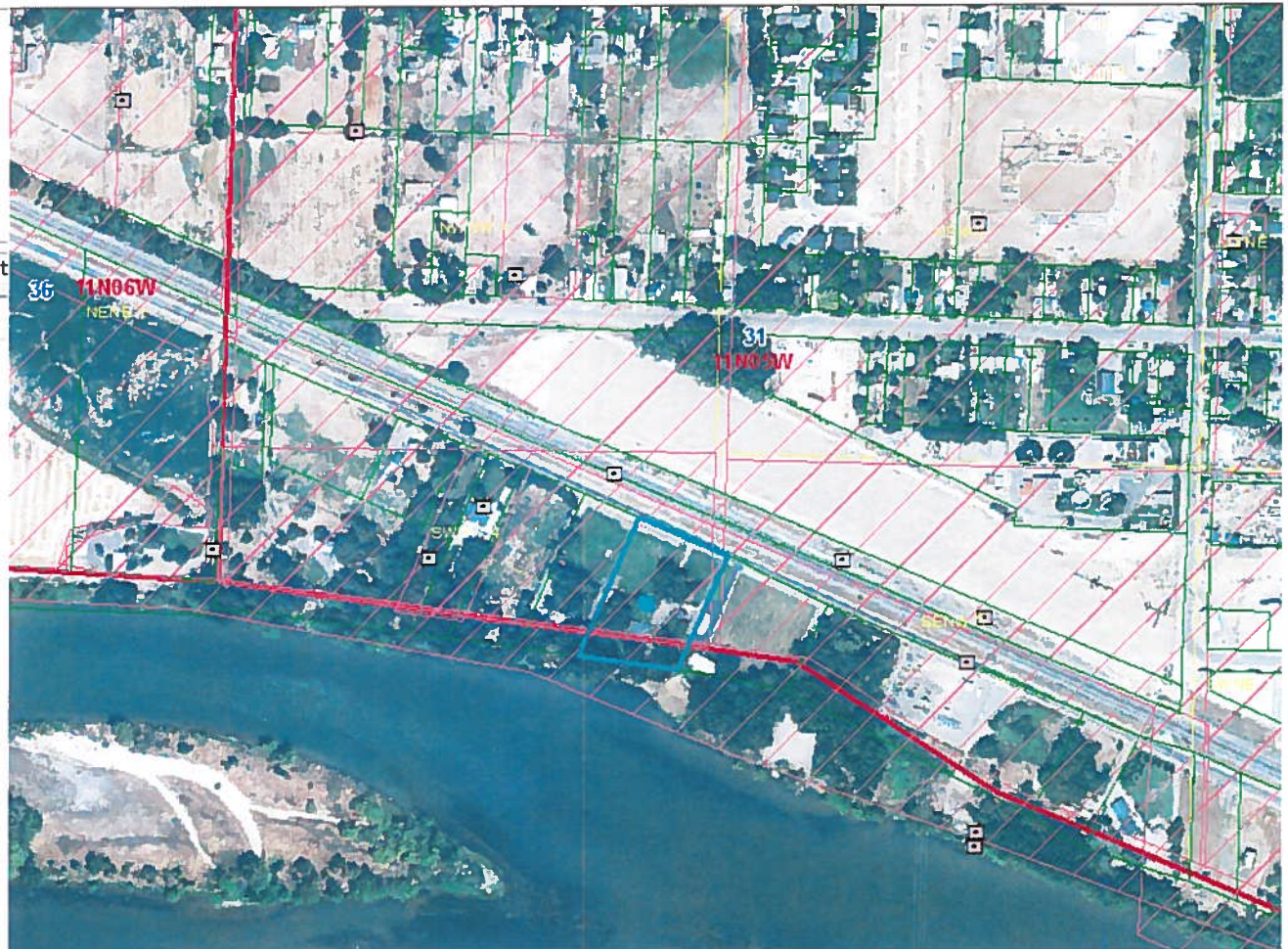
LEGAL4

LEGAL5

LEGAL6 <null>

ACRES 2.2

COUNTY Washington



RECEIVED

SEP 08 2014

WARRANTY DEED

WATER RESOURCES
WESTERN REGION Order No.: 10061AM

FOR VALUE RECEIVED

Diane Krahn, a widow

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Lloyd Richard Gordon and Janice Mills, husband and wife

whose current address is:
1223 County Road 70
Weiser, ID 83672

the grantee(s), the following described premises, in Washington County, Idaho, TO
WIT:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the
said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant
to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said
premises; that they are free from all encumbrances Except: Current Year Taxes,
conditions, covenants, restrictions, reservations, easements, rights and rights of way,
apparent or of record.
And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: June 2, 2014

Diane Krahn
Diane Krahn

State of Idaho) ss
County of Washington)

On this 2nd day of June, 2014, before me, Nancy I. Lazaro, a Notary Public in and for
said state, personally appeared Diane Krahn, known or identified to me to be the
person(s) whose name(s) is/are subscribed to the within Instrument and
acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Nancy I. Lazaro
Nancy I. Lazaro
Notary Public for the State of Idaho
Residing at: Weiser
Commission Expires: 10/09/2019

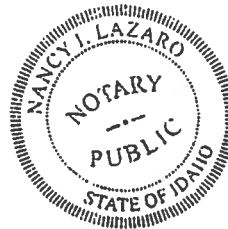


EXHIBIT A

Beginning at the Northeast corner of the NW¼ of Section 31, Township 11 North, Range 5 West of the Boise Meridian, Washington County, Idaho;
thence South 2322 feet to a point about 80 feet North of the North bank of the Snake River;
thence N 69°28' W 410 feet;
thence N 26°00' E 277 feet to a point on the South line of the Oregon Short Line Railroad right-of-way;
thence N 69°30' W along the South line of said right-of-way 1067.73 feet to the INITIAL POINT AND PLACE OF BEGINNING;

thence N 68°30' W along the South line of said right-of-way 259.07 feet;
thence S 21°30' W 455.45 feet to the North bank of the Snake River;
thence in an Easterly direction along the bank of said River 267.20 feet, more or less, to a point S 21°30' W of the initial place of beginning;
thence N 21°30' E 389 feet to the INITIAL POINT AND PLACE OF BEGINNING.

SUBJECT to County Road right-of-way along the North boundary.

R 34

 $\square F$

THIS SKETCH IS FURNISHED
TO ASSIST IN PROPERTY
LOCATION AND THE COMPANY
DOES NOT GUARANTY
ITS ACCURACY.

CITY LIMIT LINE

COUNTY 38120

3780

3760

3770

3720

3680

3660

3640

3620

4520

SNAKE

AUMENTUM *Washington*

PIN: RP11N05W313620	TAG: TAG 043-0000	Current owner: KRAHN DIANE
AIN:	TIF:	Ownership type: Fee Simple Ownership
Status: Active	County: 44-Washington	Situs address: 1223 COUNTY RD 70
Geocode:	Case:	Description: TN-5 S31T11R5 2.16 ACRES
Rev acct: 2342	Pmt pin:	Class: 512 Res Rural Tract Vacant
Tax sale:	ACH pin:	Roll type: Real Property

Year/Bill	2013-111934-A	*Tax Notice*	Print Bill Detail	Total Due	3/12/2014	☐
Bill type:	Original Actual	Owner of record:		Bill 2013-111934-A	\$0.00	
Bill dates:	November 01, 2013	KRAHN DIANE		Inst 2-June 20	\$0.00	
Amount:	\$205.10	1223 COUNTY RD 70		Total Current	\$0.00	
		WEISER ID 83672		Delinquent	\$0.00	
Paid date:				Adv/Surplus	\$0.00	
Thursday, December 05, 2013				Discount	\$0.00	
Receipt:	U13.3713			Total Due	\$0.00	
Sequence no:	1					
Paid by:	KRAHN DIANE			Values/Exemptions		
Decal no:				Land Assessed	71,345	-
Description:	TN-5 S31T11R5 2.16 ACRES			USD		
				Imp Assessed	106,788	
				USD		
				Total Acres	2.1600	
				Acres		
Charge Summary				Detail		
Gross Tax	Credits	Net Tax	Tax Savings	Total Credits/Savings	Total Value	178,133
1,045.12	-840.02	205.10	0.00	840.02	USD	
					Total Exemptions	81,000
					USD	-

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 67-11048

NAME AND ADDRESS: DIANE KRAHN
 ROGER G KRAHN
 1223 COUNTY HWY 70
 WEISER, ID 83672

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 08/29/1956

POINT OF DIVERSION: T11N R05W S31 ~~NESW~~ Within Washington County

*SHOULD BE
SW⁴ NW⁴*

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS

PLACE OF USE:	Stockwater		Within Washington County
	T11N R05W S31	~~NESW~~	
	Domestic		Within Washington County
	T11N R05W S31	~~NESW~~	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/9/2014

Water Right 67-11048

Owner Type **Name and Address**
Current Owner ROGER G KRAHN
1223 COUNTY HWY 70
WEISER, ID 83672
(208)549-3618

Current Owner DIANE KRAHN
1223 COUNTY HWY 70
WEISER, ID 83672
(208)549-3618

Priority Date: 8/29/1956

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.020 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	
<u>Total Diversion</u>			0.060 CFS	

Source and Point(s) of Diversion

GROUND WATER NESW Sec. 31, Twp 11N, Rge 05W, WASHINGTON County

Place Of Use

DOMESTIC within WASHINGTON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	31							X		X								

STOCKWATER within WASHINGTON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	05W	31							X		X								

Should be SW⁴ NW⁴

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.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/9/2014

4. DETERMINATION OF HISTORICAL BENEFICIAL USE.
PARCEL NO. RP 11N05W313620 STOCKWATER, 4 RANGE CATTLE

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

February 23, 2015

JANICE MILLS & LLOYD RICHARD GORDON
1223 COUNTY RD 70
WEISER ID 83672

Re: Application for Transfer No. 79695, Water Right No. 67-11048

Dear Applicants:

The Idaho Department of Water Resources (IDWR) sent you an email on January 22, 2015, regarding an additional \$25 needed for the ownership change portion of the updates to the above referenced water right. The email stated the transfer application could not be approved without the additional payment.

Unfortunately, the \$25 you originally paid in this regard was refunded to you in late 2014 due to some confusion in this matter (Receipt #W042390).

Please submit the requested payment for application processing to continue. You may seek additional time to pay this if needed. Your written response must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The \$200 transfer application fee cannot be refunded for a rejected application (Receipt #W042655). A rejected application may be re-filed when adequate information can be provided.

I hope we can avoid rejecting the application. I look forward to approving the transfer for you as soon as possible. Please contact me at 208-334-2190 if you have any questions or need more information. Thank you for your attention to this matter.

Sincerely,

Steve Lester
Interim Western Region Manager

✓ paid 3/5/2015
\$25 W042867
-SL

Curtis, Sharla

From: Curtis, Sharla
Sent: Thursday, January 22, 2015 11:33 AM
To: 'janmillsgordon@hotmail.com'
Subject: Transfer of Water Right

Lloyd & Janice –

The application for transfer you submitted in November has been reviewed. There is no need for us to advertise the application so it is ready to be forwarded for approval.

The only item to wrap up is the ownership change fee. I apologize for any confusion this causes. You originally filed a Notice of Change of Ownership and a \$25 filing fee. Since you needed to file a transfer application to correct the legal descriptions of the point of diversion and place of use, the ownership change fee was returned to you. However, to process the transfer application, ownership has to be changed and the additional \$25 fee is required.

Again I apologize for any confusion and inconvenience this may have caused. Once we receive the \$25 ownership change fee, I will send the transfer in to the regional manager for final approval.

Sharla Curtis
Sr. Water Resource Agent
IDWR – Western Region

MEMORANDUM

TO: Transfer No. 79695
FROM: Sharla Curtis
DATE: January 22, 2015
RE: Evaluation of Application

The transfer proposes to correct the point of diversion and place of use from what was previously decreed. Ownership change is being processed at same time.

Deviations from Transfer Policy Standards

This application is for a point of diversion and place of use change along with ownership change; it will not be advertised.

Summary of Information Submitted

Authority to File: Applicant has submitted the appropriate change of ownership documentation and is now authorized to file the transfer application.

Water Right Validity: Right presumed to be valid because domestic use (home) can be verified with 2011 and other ArcMap aerial photography (within the past five year period).

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement should occur; all parameters of the right stay the same with a simple correction of point of diversion and place of use.

Local Public Interest: Domestic use is considered in the local public interest throughout Idaho.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

It appears this application can be approved as reflected by the draft approval.

RECEIVED

NOV 24 2014

WATER RESOURCES
WESTERN REGION

LLOYD R GORDON
JAN MILLS
1223 COUNTY RD 70
WEISER, ID 83672

November 21, 2014

Rachel Sommer
Administrative Assistant I
Idaho Dept of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right Claim 67-11048

Dear Rachel,

Enclosed, please find the Application for Water Right Transfer along with supporting documents and a processing check in the amount of \$200.00. I hope this will meet all your requirements to complete the process of correcting an error in the original decree.

Please let us know if you need anything else.

Yours truly,

Jan Mills

Jan Mills
Lloyd R. Curley Gordon



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 14, 2014

LLOYD R GORDON
JAN MILLS
1223 COUNTRY RD 70
WEISER ID 83672

RE: Notice of Change in Water Right Ownership No. 67-11048

Dear Applicants:

The Department of Water Resources acknowledges receipt of your request for an ownership change on the water right mentioned above. However, after reviewing the request, it was determined an application for transfer needs be filed in order to complete this request.

As we discussed on October 8, 2014, it appears the legal descriptions of the right was claimed and decreed in error. The place of use (POU) and the point of diversion (POD) should be located within, Township 11N, Range 5W, Section 31, SW $\frac{1}{4}$ NW $\frac{1}{4}$. It was claimed as being located within Township 11N, Range 5W, Section 31, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and was decreed as being located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$. The only way to correct these errors is by filing an application for transfer of water right to change the POU and the POD to the correct location. This form is enclosed for your convenience.

Enclosed you will find your original notice of change in water right ownership and a map showing where the correct POU and POD should be located. There are also documents that have incorrect POU and POD locations. Please see the enclosed Adjudication claim, Partial Decree and the Water Right Proof Report.

Because your notice is being returned to you, I have requested a refund that will be sent to the payer under separate cover. Please contact me if you have any questions concerning the enclosed information or this letter.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office
208-334-2190

Enclosures