

RECEIVED

NOV 07 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79684MINIMUM 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) Raymond L. BackenCheck 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 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.
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Raymond L. Backen Phone 402-321-4628

Mailing address 260 Bobtail Meadows Rd, Ste 100, Libby, MT 59923 Email ray.backen@gmail.com

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

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

☐ No Representative

Name of Representative SPF Water Engineering, LLC Phone 208-383-4140

Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.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.


Signature of Applicant or Authorized Representative

FUR RAY BACKEN LANCE WARRIVICK
Print Name and Title if applicable

PRINCIPAL ENGINEER
Date

11/06/14


Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 split rights accordingly
- 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**.

1) Split water rights to reflect portion appurtenant to applicant's property; 2) change authorized point of diversion to applicant's private well.

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 ☐ ☒	63-32429	0.03 cfs	Irrigation	3/1 to 11/15	Ground Water
☐ ☒	63-32432	0.02 cfs	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.39 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .05 cubic feet per second and/or _____ acre-feet per annum.

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 #
Y	1		NW	SE	17	3N	3W	Canyon	Ground Water	

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

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

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	
3N	3W	17														2.1			2.1
																L1			
Total Acres (for irrigation use)																			2.1

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:

New well, pump and pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department's request.

- 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- 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:

Proposed well will also provide domestic water to an RV park as proposed on an accompanying application for permit.

- f. 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:

The partial decrees for water rights 63-32429 & 63-32432 were issued 4/29/2009.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-32429

Current Owner: BARRETT FARMS LTD

Priority Date: 11/4/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.8 CFS	
	<u>Total Diversion</u>	0.8 CFS	

Location of Point(s) of Diversion

GROUND WATER
CANYON County

NE1/4SW1/4 Sec. 17, Twp 03N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T03N R03W S17	SENW	14.00	T03N R03W S17	NESW	34.30
T03N R03W S17	Lot 1 NWSE	11.00			
Total Acres: 59.3					

Conditions of Approval:

1. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. F05 Right Nos. 63-32430, 63-32431, 63-32432, 63-32433 and 63-32434 are also diverted through point of diversion described above.
3. This right is a split from former right 63-2734A.
4. X35 Rights 63-32429 and 63-32432 when combined shall not exceed a total annual maximum diversion volume of 311.9 af at the field headgate, and the irrigation of 69.3 acres.
5. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
6. 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.

Decreed Date: 4/29/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-32432

Current Owner: BARRETT FARMS LTD
Priority Date: 2/27/1971
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/01	0.59 CFS	
	<u>Total Diversion</u>	0.59 CFS	

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4 Sec. 17, Twp 03N, Rge 03W B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

T03N R03W S17	SENW	13.00	T03N R03W S17	NESW	32.30
T03N R03W S17	SESW	10.00	T03N R03W S17	Lot 1 NWSE	10.00
Total Acres: 65.3					

Conditions of Approval:

1. S39 The use of water for irrigation under this right may continue as late as November 15, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. F05 Right Nos. 63-32429, 63-32430, 63-32431, 63-32433 and 63-32434 are also diverted through point of diversion described above.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. X35 Rights 63-32429 and 63-32432 when combined shall not exceed a total annual maximum diversion volume of 311.9 af at the field headgate, and the irrigation of 69.3 acres.
5. 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.
6. This right is a split from former right 63-7394A.

Page 7 of 10

Decreed Date: 4/29/2009

Total Acres (for irrigation use)	2.1
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**Canyon County
Recorder's Office
Document
Cover Sheet**



2014-037547

RECORDED

10/16/2014 12:14 PM



00132226201400375470040041

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=4 DWILSON

\$19.00

DEED

RAYMOND BACKEN

2014-037547

Attach 1

Attachment 2a

Quit Claim Deed

THE GRANTOR: Jeri Rutherford of Rutherford Properties LLC, in the City of Boise, County of Ada, State of Idaho, for the consideration of: Seventy five thousand dollars, (\$75,000) CONVEY and QUIT CLAIM to Raymond Lee Backen, 15302 NE 287 Circle, Battle Ground, WA 98604, of the City of Battle Ground, County of Clark, State of Washington, all interest in the following: Parcel 32936012 0, 15260 Riverside Rd, in the City of Caldwell, County of Canyon, State of Idaho, to wit: Dated this 14th day of July, 2014. *SEE ATTACHED LEGAL DESCRIPTION.*

Jeri Rutherford

Grantor's Signature, Jeri Rutherford of Rutherford Properties LLC

JERI RUTHERFORD

Type or Print Name

Raymond L Backen

Recipient Signature

RAYMOND L BACKEN

Type or Print Name

STATE of Idaho, COUNTY of ADA IN WITNESS

WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Pritchard H White

Signature of Witness

PRITCHARD H. WHITE

Print name of Witness

Print name of First Party

NADINE YORK

Signature of Witness

Signature of First Party, Grantor

STATE of Idaho, COUNTY of ADA On 14, October 2014

before me, Benny Johnson, Appeared

Jeri Rutherford and Raymond L Backen

personally known to me (or 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 to me that he/she/they executed the same in his/her/their

authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Affiant X Known Produced ID Type of ID

 MY COMMISSION EXPIRES ON JANUARY 18, 2017
(Seal):



A portion of the Northwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

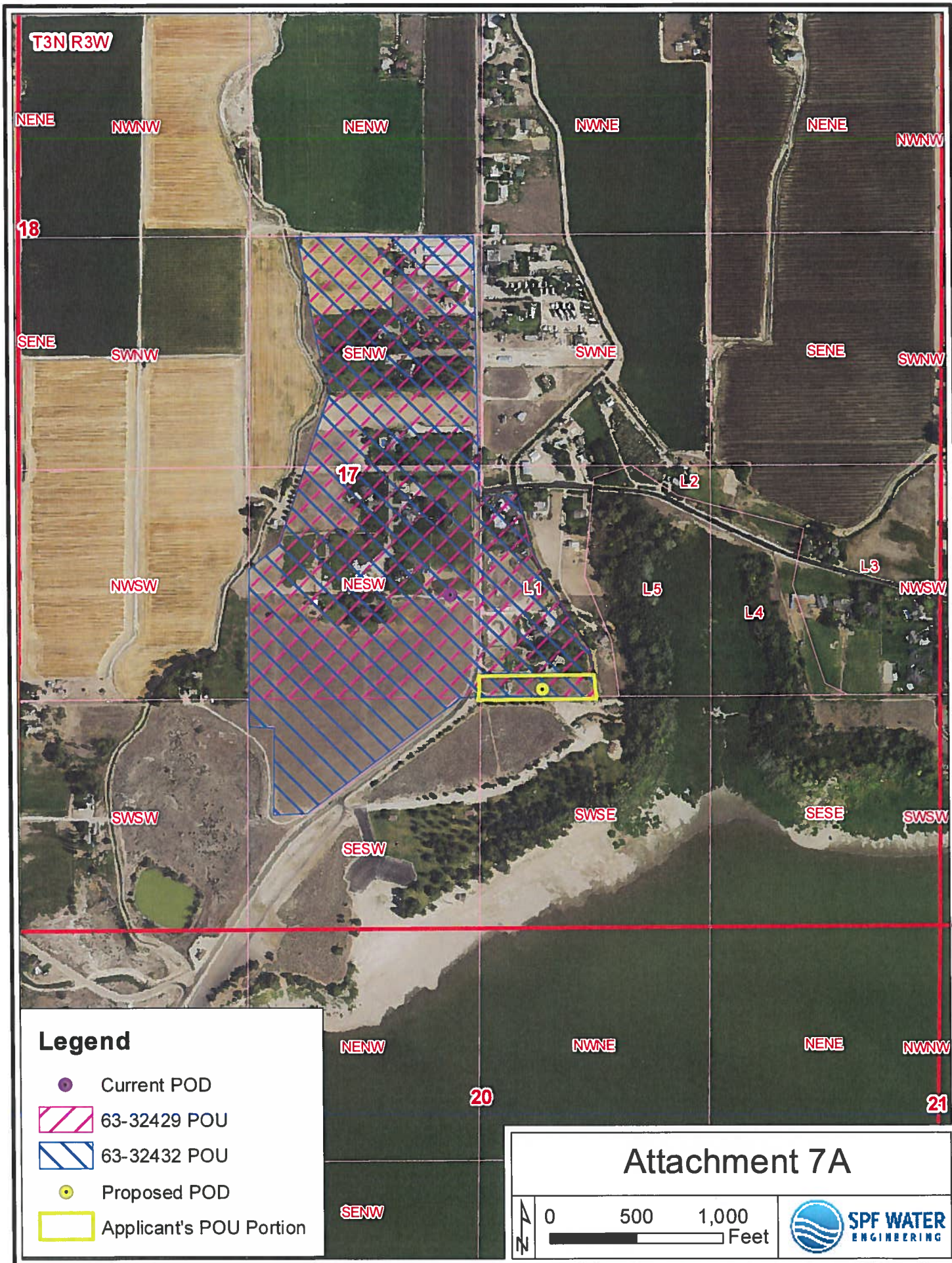
BEGINNING at the Southwest corner of said Northwest Quarter of the Southeast Quarter; thence

North $0^{\circ} 06' 17''$ West along the Westerly boundary of said Northwest Quarter of the Southeast Quarter a distance of 140 feet; thence

North $88^{\circ} 57' 44''$ East a distance of 658.37 feet to a point in the centerline of the Forest Canal; thence

South $8^{\circ} 17' 08''$ East along said centerline a distance of 141.11 feet to a point lying between LL149 and LL150 on the Northerly boundary of the Lake Lowell Reservoir as established by a survey filed as Record of Survey No. 992818; thence

South $88^{\circ} 57' 44''$ West along said boundary a distance of 678.45 feet to the POINT OF BEGINNING.



March 17, 2015

I, Raymond L Backen as the sole owner of the property located at 15260 Riverside Road Caldwell, ID do hereby authorized Lance Warnick of Aspen Engineers of Kuna, Idaho to act on my behalf and be the authorized representative for all engineering' zoning, and government regulatory matters necessary for the development of the Lake Lowell property located at 15260 Riverside Road Caldwell, ID



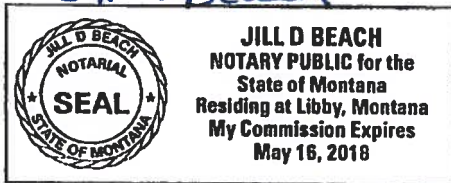
Raymond L Backen
Owner
260 Bobtail Meadows Road
Suite 100
Libby, MT 59923 USA
402 321 4628

Notary:



3/19/2015

Jill D Beach



Attach 3

2007004360

RECORDED

2007 JUN 18 PM 4 37

WILLIAM H. HURST
CANYON COUNTY RECORDER

William H. Hurst

REQUEST
TYPE *Deed*
DATE *6-00*



Order No: C0717533/TED *HTC*

CORPORATION WARRANTY DEED

For Value Received RIVERSIDE TRUST, TRUSTEE SERVICES CORPORATION, TRUSTEE

A Corporation duly organized and existing under the laws of the State of IDAHO hereby Grant, Bargain, Sell and Convey unto JERI RUTHERFORD, AN UNMARRIED PERSON,

Whose current address is: 7306 BRUNEAU HWY. MARSING, ID 83639

The following described real estate, to wit:

PARCEL 1

A portion of the Northwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of said Northwest Quarter of the Southeast Quarter; thence North 0° 06' 17" West along the Westerly boundary of said Northwest Quarter of the Southeast Quarter a distance of 140 feet; thence North 88° 57' 44" East a distance of 658.37 feet to a point in the centerline of the Forest Canal; thence South 8° 17' 08" East along said centerline a distance of 141.11 feet to a point lying between LL 140 and 141 on the Northerly boundary of the Lake Lowell Reservoir as established 2007-004360 as Record of Survey No. 992818; thence South 88° 57' 44" West along said boundary a distance of 678.45 feet to the POINT OF BEGINNING.

PARCEL 2

That portion of the South 140 feet of the Northeast Quarter of the Southwest Quarter of Section 17, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, lying East of the centerline of Riverside Road.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever.

The Grantor does hereby covenant to and with the said Grantees, that it is the owner in fee simple of said premises; that it is free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, including irrigation and utility assessments, (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. In

Attach 4

construing this Deed and where the context so requires, the singular includes the plural, and the masculine, includes the feminine and neuter.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed.

Dated: 01/18/07

RIVERSIDE TRUST by:


LANCE CHURCHILL, It's President

STATE OF IDAHO
COUNTY OF ADA

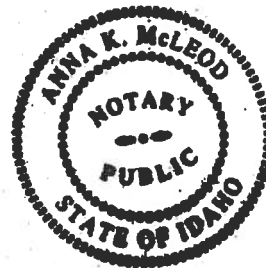
ON THIS 18th DAY OF JANUARY IN THE YEAR 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED LANCE CHURCHILL, KNOWN OR IDENTIFIED TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AS TRUSTEE OF RIVERSIDE FAMILY TRUST AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS TRUSTEE.


NOTARY PUBLIC

RESIDING AT:

MY COMMISSION EXPIRES:

Boise ID
12/06/10



2007-004360

Attach 4a