

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 17 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Jeff Stewart Phone 335 2118

2. **MAILING ADDRESS** 764 Upper Rattlesnake, Arbon, ID 83212 City _____
State _____ Zip _____ Email jeffstewart335@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-10533

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.02 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	SE	NW	18	09S	35E	Power	Spring	Beginning Stream Fl
		NW	SE	NE	13	09S	34E	Power	Spring	End of Streamflow

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/18/2015

Water Right 29-10533

Owner Type **Name and Address**
Current Owner LOIS ANNE STEWART
764 UPPER RATTLESNAKE RD
ARBON, ID 83212
(208)232-2488

Current Owner GENE A STEWART
764 UPPER RATTLESNAKE RD
ARBON, ID 83212
(208)232-2488

Priority Date: 2/12/1919

Basis: Decreed

Status: Active

Source
SPRING

Tributary
MUDDY CREEK

<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	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion

SPRING	NWSENE	Sec. 13, Twp 09S, Rge 34E, POWER County(E)
SPRING	SESENE	Sec. 18, Twp 09S, Rge 35E, POWER County(B)

Place Of Use

STOCKWATER within POWER 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	
09S	34E	13				X													
09S	35E	18								X		X							

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NOS. D1865-00, D1948-00 STOCKWATER, 200 CATTLE & HORSES

Comments:

1. SMITH 7/22/1992 COPIED FROM REMARKS
SPRING IS FENCED AT THE SOURCE, AND THE CATTLE DRINK DIRECTLY FROM THE NATURAL FLOW IN THE STREAM CHANNEL.
2. AJU5-ECA 10/1/1997 AJU5 STOCK ONLY UPDATE

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/18/2015

USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION
CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK
CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.

Dates and Other Information

Decreed Date: 6/16/1998

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Spring

- 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. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

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

8. SIGNATURE – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Print name and title if applicable

Mar 17, 2015
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$225 Date _____ Received by _____ Receipt # E040755 & E040790

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

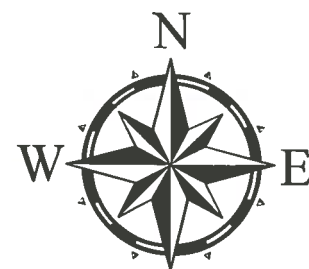
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

The image is an aerial photograph of a wetland area, overlaid with a grid. The grid is divided into sections labeled with compass directions (e.g., NENE, NWNW, SENE, SWNE) and numbers (e.g., 12, 7, 8, 13, 18, 17, 24, 19, 20). A red line runs vertically through the center. A green dot is located in the central area, and a purple dot is on the right side. The text '09S34E' and '09S35E' is visible in red.

Legend

-  Erronious POD
-  Actual POD -- Beginning of Streamflow
-  Current, Correct End of Spring Flow "POD"
-  Township/Range
-  Sections
-  QQ



Instrument # 207029

POWER COUNTY, IDAHO

2-6-2015 12:50:41 PM No. of Pages: 19

Recorded for: JEFF STEWART

SHAREE SPRAGUE

Fee: 64.00

Ex-Officio Recorder Deputy



**WARRANTY DEED
(GIFT)**

<u>Grantors</u>	<u>Grantees</u>
Gene A. Stewart and Lois Anne Stewart 5020 Chinook Pocatello, Idaho 83204	Jeffrey Dean Stewart, a married man 764 Upper Rattlesnake Arbon, Idaho 83212

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantors hereby sell and forever transfer the following described real property located in Power County, Idaho (the "Property") to the Grantee, including the Grantors' right, title and interest therein:

Township 9 South, Range 34 East, in Section 35 of the Boise Meridian, Power County, Idaho

Section 11:

The East $\frac{1}{2}$ of the West $\frac{1}{2}$; and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; and the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; and the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$; and the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$

Section 12:

The Northwest $\frac{1}{4}$; and the West $\frac{1}{2}$ of the East $\frac{1}{2}$; and the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$; and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$

Section 13:

The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; and the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; and the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$

Section 24:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$

Section 35:

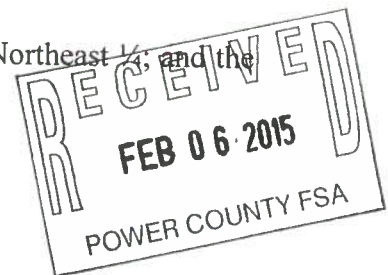
The Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; and the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$; and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$.

Excepting therefrom a tract of land BEGINNING 4 rods West of the Northeast corner of Lot 3, Section 2, Township 10 South, Range 34 East of the Boise Meridian and running North to the canal;

Thence East 4 rods more or less;

Thence South to the North boundary of said Lot 3;

Thence West to the POINT OF BEGINNING



Also Excepting therefrom a tract of land beginning at a point 440 feet West and 200 Feet North of the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, Township 9 South, Range 34 East of the Boise Meridian (Said point located on north edge of existing water canal);

thence West 120 feet;

thence North 245 feet;

thence East 115 feet;

thence South 230 feet to the POINT OF BEGINNING

Township 9 South, Range 35 East of the Boise Meridian, Power County, Idaho

Section 18:

Government Lot 1, and Government Lot 3, and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$; and all that part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ lying South and West of the County Road

Township 10 South, Range 34 East of the Boise Meridian, Power County, Idaho

Section 2:

Government Lot 3, and Government Lot 4

Except from Lot 3 a tract of land COMMENCING at the Northeast corner of Lot 3;

Thence West 290 Feet more or less;

thence South 660 feet;

thence East 290 feet;

thence North 660 feet to the PLACE OF BEGINNING

TOGETHER WITH all existing and future water rights, however evidenced to the use of water for irrigation, livestock and domestic purposes including irrigation and watering equipment and systems, ditches, laterals, conducts and rights of way used to convey such water or to drain the above described property, all of which are hereby made appurtenant to the property. The water rights include but are not limited to the following:

See attached Exhibit A

TOGETHER WITH all oil, gas and mineral leases, permits and rights with the Property.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the Property; save and except the following:

10,000 bushel metal Butler grain bin

Two 5700 bushel metal circle grain bin

5300 bushel metal Sioux grain bin

Two wood calving barns (12x14, 16x20)

Three wood grain bins (12x13, 11x9, 8x10)

Wood Shop (3600 square foot)

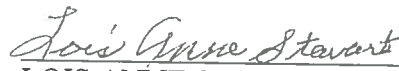
TO HAVE AND TO HOLD the foregoing real property unto the Grantee and his successors and assigns forever.

Grantors do hereby covenant with and warrant the Grantee the Grantors are lawfully seized in fee simple of the Property, have good right and lawful authority to sell and convey the Property, and that Grantors fully warrant the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantors.

IN WITNESS WHEREOF, the Grantors hereunto sets their hands this 15 of February, 2015.



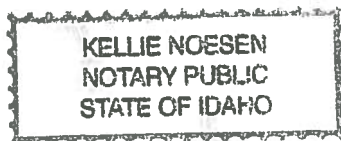
GENE A STEWART



LOIS ANNE STEWART

STATE OF IDAHO)
 :SS
County of Bannock)

On the 15 day of February, 2015, before me a Notary Public, personally appeared Gene A Stewart and Lois Anne Stewart, known or identified to me to be the persons who executed the Warranty Deed (Gift), and duly acknowledged to me that they executed the same.





NOTARY PUBLIC FOR IDAHO
Residing at: Foratello
My Commission Expires: 2/20/16