

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)** Suzanne B. Suddith Phone (307)751-0381

2. **MAILING ADDRESS** 4855 N 2000 W City Tetonla

State ID Zip 83452 Email suester@fiberpipe.net

☐ 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)** 22-2151F, 22-2161F

☒ 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 0.10 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 #
Y	4		NW	NW	3	5N	45E	Teton	Ground water	

6. GENERAL INFORMATION

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

- 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

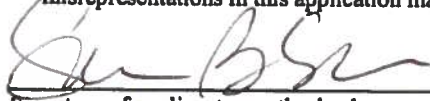
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

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 1/4 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

SUZANNE B. Sudduth

Print name and title if applicable

3/9/15
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 M HOLLIDAY

Date 3/17/2015

Fee paid \$400

Date 3/17/2015

Received by SC

Receipt # E040751; E040724

Preliminary review by SC

Date 3/17/15

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)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/10/2015

Water Right 22-2151F

Owner Type **Name**
Current Owner VICTORIA QUINN
Current Owner TIM QUINN
Priority Date: 5/2/1953
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.130 CFS	32.9 AF
	<u>Total Diversion</u>		0.130 CFS	32.9 AF

Source and Point(s) of Diversion
GROUND WATER L3(SWNWNW) Sec. 3, Twp 05N, Rge 45E, TETON County

Place Of Use
IRRIGATION within TETON County

T05N R45E S3 L4	NWNW	9.4
POU Total Acres:		9.4

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. E55 USE OF THIS RIGHT WITH RIGHT NO. 22-2161F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9.4 ACRES IN A SINGLE IRRIGATION SEASON.
3. F05 Right No. 22-2161F is also diverted through point of diversion described above.
4. E53 Right Nos. 22-2151F and 22-2161F are limited to a total combined annual diversion volume of 32.9 AF.

Dates and Other Information

Decreed Date: 11/24/2008
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
22-2161F ,22-2151F	32.9	9.4

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/10/2015

Water Right 22-2161F

Owner Type **Name**
Current Owner VICTORIA QUINN
Current Owner TIM QUINN
Priority Date: 6/6/1955
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/15	10/31	0.070 CFS	27.8 AF
	Total Diversion		0.070 CFS	27.8 AF

Source and Point(s) of Diversion
GROUND WATER L4(SWNWNW) Sec. 3, Twp 05N, Rge 45E, TETON County

Place Of Use
IRRIGATION within TETON County

T05N R45E S3 L4	NWNW	9.4
POU Total Acres:		9.4

Conditions of Approval:

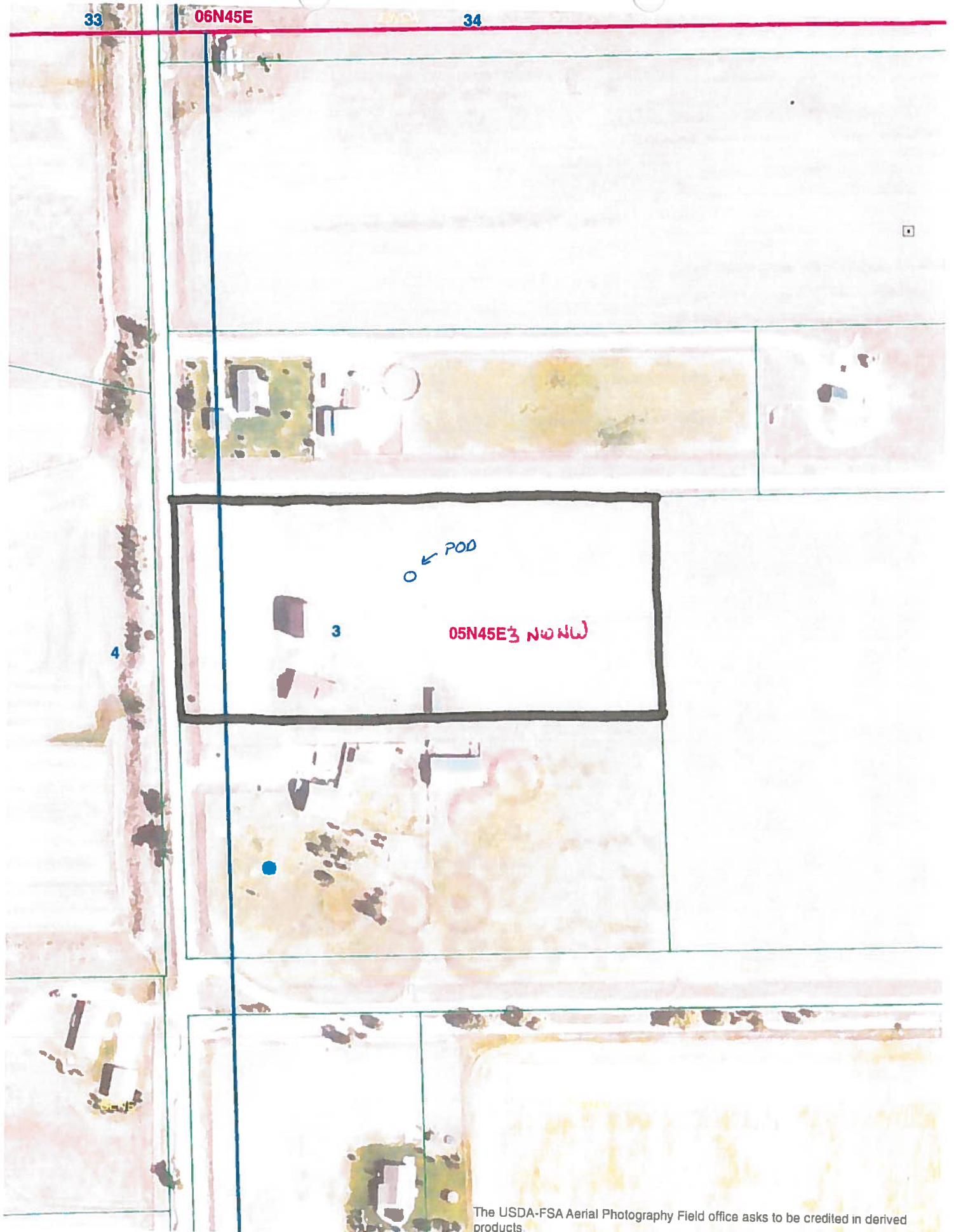
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 22-2151F IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9.4 ACRES IN A SINGLE IRRIGATION SEASON.
4. E53 Right Nos. 22-2151F and 22-2161F are limited to a total combined annual diversion volume of 32.9 AF.

Dates and Other Information

Decreed Date: 11/24/2008
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Mitigation Plan: False

Combined Use Limits

Rate	Volume	Acres
22-2161F ,22-2151F	32.9	9.4



Instrument # 223267

TETON COUNTY, IDAHO
 08-01-2012 13:20:66 No. of Pages: 2
 Recorded for: TITLE FINANCIAL SPECIALTY SERVICES
 MARY LOU HANSEN Fee: \$13.00
 Ex-Officio Recorder Deputy, Mary Lou Hansen
 Index to: DEED, TRUSTEE'S

Instrument # 223237

TETON COUNTY, IDAHO
 07-31-2012 09:01:10 No. of Pages: 2
 Recorded for: TITLE FINANCIAL SPECIALTY SERVICES
 MARY LOU HANSEN Fee: \$13.00
 Ex-Officio Recorder Deputy, Mary Lou Hansen
 Index to: DEED, TRUSTEE'S

TFSS | TITLE
 FINANCIAL
 SPECIALTY
 SERVICES

26-12 / 406569

TRUSTEE'S DEED

*** RE-RECORDING TO CLARIFY CONTINUITY OF TITLE ***

First American Title Company, Inc. (herein called Trustee) as Successor Trustee under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to **2010-1 RADC/CADC Property VII, LLC**, (herein called Grantee) 4601 College Boulevard, Suite 300, Leawood, Kansas, 66211 all of the real property situate in the County of Teton, State of Idaho, described as follows:

The N1/2W1/2S1/2, of Government Lot 4, Section3, Township 5 North, Range 45 East, Teton County, Idaho; being further described as:
 From the Northwest Section corner of said Section 3; S 0°17'15" East, 659.50 feet along the Section line to the point of beginning;
 Thence N 89°40'02" E, 661.12 feet to the Northeast corner of the S1/2 of Lot 4;
 Thence S 0°14'47" E, 328.92 to a point;
 Thence S 89°35'43" W, 660.88 to a point;
 Thence N 0°17'15" W, 329.75 feet to the point of beginning.

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust between, Timothy Quinn and Victoria W Quinn, husband and wife, as Grantor(s), First American Title, Trustee, and First Bank of Idaho fsb, dba First Bank of the Tetons, as Beneficiary, recorded July 06, 2007, as Instrument No. 189258, Modified by Modification of Deed of Trust recorded April 18, 2008, as Instrument No. 197001, and assigned to 2010-1 RADC/CADC Venture, LLC, by Assignment of Real Estate Deed of Trust, recorded on December 6, 2010 as Instrument No. 214625 records of Teton County, Idaho, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

(a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell said property pursuant to the terms of said Deed of Trust.

Notice of Default was recorded as Instrument No.221348 records of Teton County, Idaho, and in the Office of the Recorder of each other county which the property described in said Deed of Trust, or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.

(b) After recordation of said Notice of Default, Trustee gave notice of the time and place of sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said premises, and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in the affidavits recorded at least twenty (20) days prior to the date of sale as Instrument Nos. 222171, 222172 and 222173 records of Teton County, Idaho.

(c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred in paragraph (b) supra shall be and they are hereby incorporated herein for all purposes as though set forth herein at length.

(d) All requirements of law regarding the mailing, personal service, posting, publication, and recording of Notice of Default and Notice of Sale and of all other notices have been complied with.

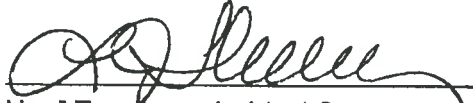
(e) Not less than 120 days elapsed between the giving of the Notice of Sale by registered or certified mail and the sale of said property.

(f) Trustee, at the time and place of sale fixed said notice, at public auction, in one parcel, struck off to Grantee, **2010-1 RADC/CADC Property VII, LLC**, being the highest bidder therefore, the property herein described for the sum of **\$199,000.00**, subject to, however, all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, the Trustee, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its Assistant Secretary, on this Thirtieth day of July, 2012.

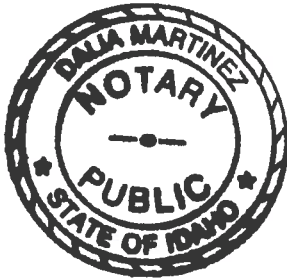
FIRST AMERICAN TITLE COMPANY, INC.

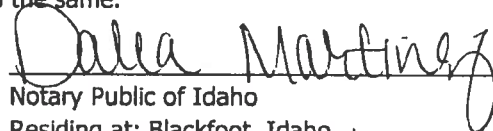
By:


Lisa J Tornabene, Assistant Secretary

STATE OF Idaho)
ss.
COUNTY OF Bingham)

On this July 30, 2012, before me, a Notary Public in and for said State, personally appeared Lisa J Tornabene, known or identified to me, to be the Assistant Secretary of First American Title Company, Inc., who is named as the Trustee in the above described Deed of Trust and executed the instrument on behalf of said Trustee, and acknowledged to me that said Trustee executed the same.




Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 2/18/2014

Instrument # 231130

TETON COUNTY, IDAHO
01-16-2014 14:19:10 No. of Pages: 3
Recorded for: ALLIANCE TITLE - DRIGGS OFFICE
MARY LOU HANSEN Fee: \$16.00
Ex-Officio Recorder Deputy, Mary Lou Hansen
Index to: DEED, SPECIAL WARRANTY

Alliance Title & Escrow Corp
78 N. Main Street
Driggs, ID 83422

2/11/14

SPECIAL WARRANTY DEED

This Special Warranty Deed is made effective as of January 14, 201~~3~~⁴ (the "*Effective Date*"), between 2010-1 RADC/CADC PROPERTY VII, LLC, a Delaware limited liability company ("*Grantor*"), and SUZANNE B. SUDDITH, an unmarried ~~person~~ woman ("*Grantee*").

4855 North 2000 West Tetonla, ID 83452
Grantor, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby sell and convey unto Grantee and its heirs and assigns, the following parcel of real property located in Teton County, Idaho, more particularly described as follows (the "*Property*");

The North Half West Half South Half, of Government Lot 4, Section 3, Township 5 North, Range 45 East, Teton County, Idaho; being further described as:
From the Northwest Section corner of said Section 3; South 0°17'15" East, 659.50 feet along the Section line to the point of beginning;
Thence North 89°40'02" East, 661.12 feet to the Northeast corner of the South Half of Lot 4;
Thence South 0°14'47" East, 328.92 to a point;
Thence South 89°35'43" West, 660.88 to a point;
Thence North 0°17'15" West, 329.75 feet to the point of beginning.

SUBJECT TO: (a) easements, restrictions, declarations, reservations, agreements, instruments and other matters of record; (b) any zoning law or ordinance affecting the Property; (c) taxes and assessments, general and special; (d) the rights of the public in and to parts thereof in streets, roads or alleys; and (e) the matters described on Schedule A;

TO HAVE AND TO HOLD the Property, with all rights, privileges, appurtenances, and immunities belonging thereto. Grantor will Warrant and Defend the title to the Property unto Grantee and its heirs and assigns forever, against the lawful claims of all persons claiming under Grantor (subject to all encumbrances, matters, items, rights and other exceptions described above), but against no other claims (including (i) claims by any other person or entity, (ii) any and all encumbrances shown of record as of the Effective Date, and (iii) general taxes for the calendar year 2013 and thereafter and any special taxes becoming a lien after the Effective Date).

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed to be effective as of the Effective Date.

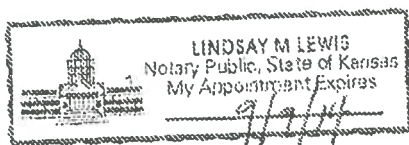
2010-1 RADC/CADC PROPERTY VII, LLC

By: *Terry Anderson*
 Name: Terry Anderson
 Title: Authorized Signer

State of Kansas)
)ss.
 County of Johnson)

On this 18 day of November, 2013, before me, a Notary Public in and for said state, personally appeared Terry Anderson, who is personally known to me, and in his capacity as Authorized Signer of 2010-1 RADC/CADC Property VII, LLC, acknowledged to me that pursuant to proper authority of such company, he executed the foregoing on behalf of such company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Lindsay M. Lewis
 Notary Public for the State of Kansas
 Residing at: KC, MO
 Commission Expires: 9/9/14

Customer Reference No.
File No. 211469

EXHIBIT A

1. Rights or claims of parties in possession not shown by the public records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
7. Taxes, including any assessments collected therewith, for the year 2013 which are a lien not yet due and payable.
8. Liens, levies and assessments of the Fall River Rural Electric Cooperative, Inc., an Idaho Rural Electric Cooperative, together with rights, powers and easements of said cooperative.
9. Right of the public in and to that portion of the premises lying within the right-of-way of public roads and highways
10. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Fall River Rural Electric Cooperative, Inc.
Purpose: Public Utilities
Recorded: May 26, 1993
Instrument No.: 112896
11. The provisions contained in Warranty Deed,
Recorded: April 18, 2001,
Instrument No.: 142081.
As follows: Restriction: The above parcel cannot be further split under the provisions of the Teton County Subdivision Ordinance, Article VII, Section 1-7-16: One time only split of one parcel of land, June 14, 1999.
12. Fence Line Agreement and the terms and conditions contained therein
Between: Glenna D. Johnson and Andres D. Johnson
And: Val R. Casper and Sheryl H. Casper
Recorded: October 17, 2001
Instrument No.: 144739
13. An easement for the purpose shown below and rights incidental thereto as set forth in Electric Line Right of Way Easement
Granted To: Fall River Rural Electric Cooperative, Inc.
Purpose: Public Utilities
Recorded: October 28, 2008
Instrument No.: 200917