

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79742

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

DEC 23 2014

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) _____

Check 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 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: _____

This is the third of three transfers filed on right 13-2220, all submitted simultaneously.

The first two transfers served to fill gaps in supplemental coverage formerly provided by right 13-7476. In achieving that goal, those transfers moved 48.3 acres of right 13-2220's licensed POU.

This transfer proposes to change the POD for right 13-2220's remaining 30.7 acres. Therefore, the POU as presented in this transfer assumes that the two other transfers filed on 13-2220 have been approved.

The POD is proposed to be changed from the NESE of Section 27, T14S R38E, to the NENE of Section 27, T14S R38E.

Note: The PLSS grid is slightly offset in a Northwest-Southeast orient from the aerial photography in the attached map.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
DEC 23 2014
Department of Water Resources
Eastern Region

Name of Applicant(s) Hank Povey Phone 208 313 3529
Mailing address 398 E 200 South, Clifton, ID 83228 Email _____

- ☐ 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.

Hank Povey
Signature of Applicant or Authorized Representative

Hank Povey Owner
Print Name and Title if applicable

12-22-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Please see attachment

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 ☒ ☐	13-2220	0.13	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.13 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ 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 #
No			NE	NE	27	14S	38E	Franklin	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.)

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	
14S	38E	26								15.7	15.0								30.7
Total Acres (for irrigation use)																			30.7

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:

- 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:

[illegible]

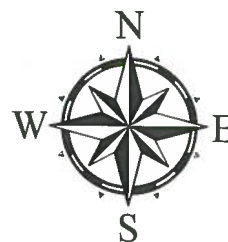
7 9 7 4 2

Povey 13-2220 POD Transfer



Legend

- Pre-Transfer POD
- Post-Transfer POD
- 13-2220 Remaining POU
- Township/Range
- Sections
- QQ



0 0.04 0.08 0.16 0.24 0.32 Miles

79742

12/19/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TED RICE CLIFTON, ID

Status: Active

Tributary

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
/	/	0.340 CFS
<u>Total Diversion</u>		0.340 CFS

Sec. 27, Twp 14S, Rge 38E, FRANKLIN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	38E	26								17.0	15.0	14.0	10.0			3.0			59.0
14S	38E	27													8.0			12.0	20.0

3. cfritz 12/16/2014 POD
Updated Shape

00012

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/19/2014

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 23 2014
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-2220	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Ted Rice
Name of current water right holder/claimant
3. New Owner(s) Claimant(s): Hank Povey
New owner(s) as listed on the conveyance document
- | | | | |
|---|--|---|---------------------|
| <u>398 E 200 South</u>
Mailing address
<u>208 313 3529</u>
Telephone | <u>Clifton</u>
City

<u>Email</u> | Name connector ☐ and ☐ or ☐ and/or
<u>ID</u>
State | <u>83228</u>
ZIP |
|---|--|---|---------------------|
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: 10/28/2014
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☒ Filing fee (see instructions for further explanation):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Hank Povey Owner 12-22-14
 Signature of new owner/claimant Title, if applicable Date

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 12/23/2014 Receipt No. E040521

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing

Name on W-9 _____ Approved by _____ Processed by _____

W-9 received? Yes ☐ No ☐

Date
\$25. for this app
Receipt Amt. \$625.-

8443

195789 1-2

recorded at the request of
STEVEN R. FULLER

a.m. APR 15 1996 3:40 p.m.

WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

TED RICE aka TED EDWARD RICE and HELEN RICE, husband and wife,
do hereby grant, bargain, sell and convey unto

RUSSELL E. ROBERTS and CHARLENE ROBERTS, husband and wife,
whose current address is: Box 557, Diamondville, WY 83116,

the Grantees, the following described premises in Franklin County, Idaho to wit:

See Exhibit "A" attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: April 15, 1996.

Ted Edward Rice
TED EDWARD RICE

Helen Rice
HELEN RICE

STATE OF IDAHO)

County of Franklin)

On this 15th day of April, 1996, before me, the undersigned a Notary Public in and for said State, personally appeared **TED EDWARD RICE and HELEN RICE**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, ID
Comm. Exp.: 2/19/99

79742

262531 1-3

OCT 31 2014

Water Right Agreement

SHAUNA T. GEDDES, RECORDER
By Shauna Geddes Deputy
Franklin County, Idaho

This Agreement is made and entered into this 28th day of October, 2014, by and between Russell E. Roberts and Charlene Roberts, husband and wife whose current address is 555 South Main Street, Clifton Idaho, 83228 referred to hereafter as "First Party" and Hank Povey and Melanie Povey husband and wife whose current address is 398 E. 200 S. Clifton Idaho, 83228 referred to hereafter as "Second Party".

That for and in consideration of monetary goods by Second Party to First Party, the mutual covenants and agreements herein contained, is hereby acknowledged by First Party, the parties hereto agree as follows:

1. First Party is the record title holder of the following described real property situate in the County of Franklin, State of Idaho, to wit

The Southeast Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 38 East, of the Boise Meridian, excepting that portion west of the center line of the county road and including the West one-quarter of the Southwest Quarter of the Southwest Quarter of Section 26, Township 14 South, Range 38 East of the Boise Meridian.

Also commencing at the Northeast corner of the Southeast Quarter of Section 27, Township 14 South, Range 38 East, of the Boise Meridian, and running thence West 809.82 feet to the center line of the county road; thence South 11° 11' East 469.92 feet; thence South 89° 05' East 3724.18 feet; thence North 2° 48' West 472.56 feet; thence North 89° 02' West 2982.33 feet to the place of beginning. Also commencing at a point South 89° 02' East 1340 feet from the Quarter Section corner of Section 26 and 27 of Township 14 South, Range 38 East of the Boise Meridian, and running thence South 89° 02' East 1461.33 feet; thence North 3° 20' West 553.682 feet; thence North 89° 30' West 1430.14 feet; thence South 0° 06' East 540.57 feet, more or less to the point of beginning.

2. Water Right License No. 13-2220 which is appurtenant of record to the above described real property of First Party.
3. The parties agree that all of Water Right No. 13-2220 belonging to First Party shall be specifically severed from the above described property of First Party. Further, the parties agree that Second Party shall have the right to apply to the Idaho Department of Water Resources for a transfer under the provisions of Idaho Code, Section 42-108 and 42-222, in order to change the point of diversion and the place of use of said right referenced herein, or any other aspect of said right, and agreement constitutes First

Party's formal consent thereto and agreement fully in every needed way to assist Second Party in accomplishing Second Party's objectives with respect thereto.

4. This agreement shall be binding upon the inure to the benefit of the parties to this agreement and their respective heirs, agents, representatives, successors in interest and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective hands and seals the day and year first above written.

First Party:

Russell E. Roberts

Russell E. Roberts

Charlene Roberts

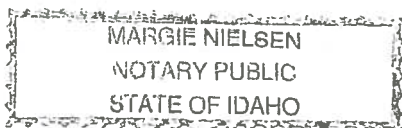
Charlene Roberts

State of Idaho

County of Franklin

On this 28 day of October 2014 before me a notary public in and for said State, personally appeared Russell E. Roberts and Charlene Roberts known or identified to me (or proved to me on the oath of Russell E. Roberts and Charlene Roberts) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the 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.



Margie Nielsen

Notary Public of Idaho

Residing at: Franklin County

My commission expires 6-14-2016

Second Party:

Hank Povey

Hank Povey

Melanie Povey

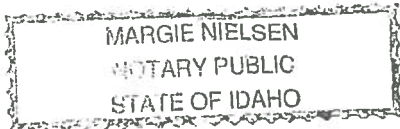
Melanie Povey

State of Idaho

County of Franklin

On this 28 day of October 2014 before me a notary public in and for said State, personally appeared Hank Povey and Melanie Povey known or identified to me (or proved to me on the oath of Hank Povey and Melanie Povey) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the 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.



Margie Nielsen
Notary Public of Idaho
Residing at: Franklin County
My commission expires 6.14.2016

195789 2.2

EXHIBIT "A"

Parcel 1:

The Southeast Quarter of the Southeast Quarter of Section 27, Township 14 South, Range 38 East of the Boise Meridian, **excepting** that portion West of the center line of the county road and including the West one-quarter of the Southwest Quarter of the Southwest Quarter of Section 26, Township 14 South, Range 38 East of the Boise Meridian.

Parcel 2:

Also commencing at the Northeast corner of the Southeast Quarter of Section 27, Township 14 South, Range 38 East of the Boise Meridian, and running thence West 809.82 feet to the center line of the county road; thence South 11°11' East 469.92 feet; thence South 89°05' East 3724.18 feet; thence North 2°48' West 472.56 feet; thence North 89°02' West 2982.33 feet to the place of beginning. Also commencing at a point South 89°02' East 1340 feet from the Quarter Section corner of Section 26 and 17 of Township 14 South, Range 38 East of the Boise Meridian, and running thence South 89°02' East 1461.33 feet; thence North 3°20' West 553.682 feet; thence North 89°30' West 1430.14 feet; thence South 0°06' East 540.57 feet, more or less to the place of beginning.

TOGETHER WITH 74 shares of the capital stock of twin Lakes Canal Company.

SUBJECT TO THE FOLLOWING RESTRICTION: This conveyance is made upon the condition that Grantees shall not construct more than one single family residence on parcel 1 described above, nor more than one single family residence on parcel 2 described above, during the lifetimes of Ted Edward Rice and Helen Rice. Upon the death of the survivor of Ted Edward Rice and Helen Rice, this restriction shall be void and of no further effect.

79742

Corrected

14S 38E 27

SE NW

Parcel 2

NE SW

12/2/2014

Scale: 1 inch= 800 feet

File:

Tract 1: 40.6381 Acres, Closure: s01.0714w 1.73 ft. (1/4881), Perimeter=8459 ft.

Tract 2: 18.1346 Acres, Closure: s89.1845e 0.21 ft. (1/18641), Perimeter=3986 ft.

01 /ne,se,27,14s,38e

02 n90w 809.82

03 s11.11e 469.92

04 s89.05e 3724.18

05 n2.48w 472.56

06 n89.02w 2982.33

07 @0

08 /ne,se,27,14s,38e

09 /s89.02e 1340

10 s89.02e 1461.33

11 n3.20w 553.682

12 n89.30w 1430.14

13 s0.06e 540.57

79742