

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79738

MINIMUM 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) Hank Povey

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: _____

Transfers 79170 and 79182, both filed on right 13-7476, created gaps in supplemental coverage in the NWSW, NESW, and NWSE of Section 23, T14S R38E. This is the first of two transfers filed on right 13-2220 that, through a two-step process, serve to fill in those supplemental coverage gaps in Section 23.

The first step will be to move right 13-2220 onto ground that transfers 79170 and 79182 covered with right 13-7476. Second, upon approval of the two transfers filed on right 13-2220, the applicant requests that transfers 79170 and 79182 be rescinded, thereby moving 13-7476 back to its original, licensed POU, filling in the gaps.

This transfer proposes to move a total of 38.6 acres of right 13-2220 from Sections 26 and 27 to Sections 21 and 22 of T14S R38E. It will therefore cover the same ground that Transfer 79170 covered with 13-7476.

This transfer also proposes to change the POD from the NESE of Section 27 to the SWNW of Section 22, both in T14S R38E.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 23 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Hank Povey Phone 208 313 3529

Mailing address 398 E 200 S 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	0.17	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.17 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.17 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 #
Yes			SW	NW	22	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	21				3.3													3.3
14S	38E	22							30.5				4.8						35.3
Total Acres (for irrigation use)																			38.6

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:

Canal shares at current POU. At proposed POU there are canal shares and supplemental right 13-7909, will be removed upon this transfer's approval and the rescinding of transfers 79170 and 79182.

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

Yes No

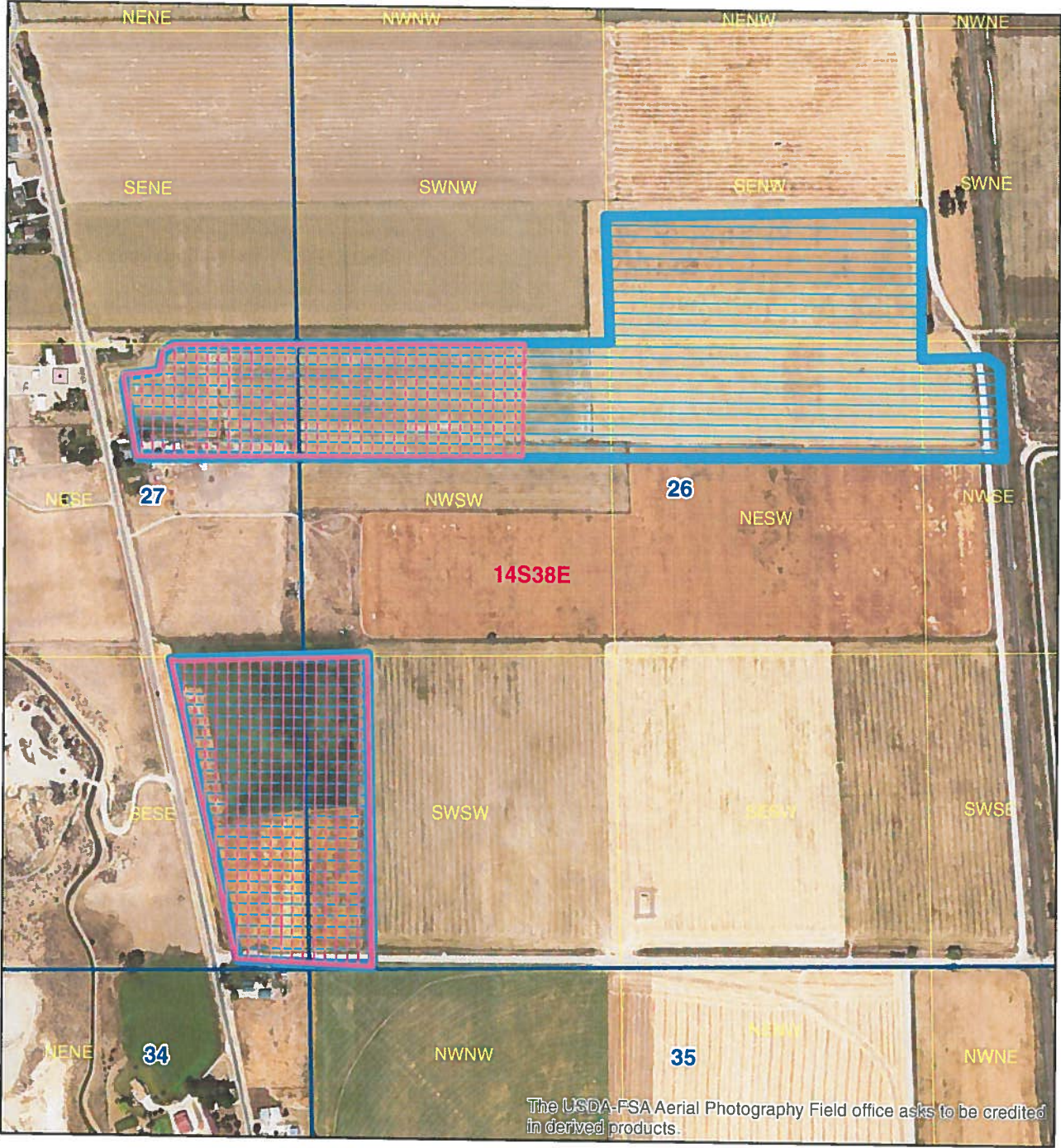
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

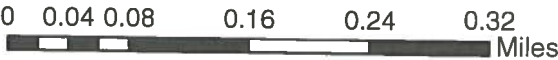
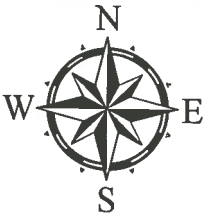
7 9 7 3 8

13-2220 Application for Transfer



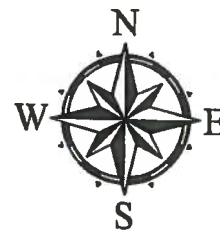
Legend

- 13-2220 POU as Licensed
- Acres for Transfer
- 13-2220 POD
- Township/Range
- Sections
- QQ



79738

13-2220 Application for Transfer



0 0.04 0.08 0.16 0.24 0.32 Miles

79738

12/15/2014

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

Status: Active

Tributary

Volume

0.340 CFS

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

IRRIGATION within 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

POU Total Acres: 79.0

Comments:

1. mciscell 6/10/2013 POD
Bulk Generate Shape From PLS

Mitigation Plan: False

N/A

SubCase:

N/A

RECEIVED
FEB 27 2014
Department of Water Resources
Eastern Region

Rev 0713

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Hank Povey Phone 208 747 3529
Mailing address 398 E 200 S 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 Hank Povey 2-27-14
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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.
Putting in a new well and moving supplemental groundwater to a different POU.

AMENDED

79170

79738

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	13-7476	0.43	Irrigation	4-15 to 10-15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.43 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.43 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 #
Yes			SW	NW	22	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	22							30.5			4.8							35.3
14S	38E	21				3.3													3.3
Total Acres (for irrigation use)																			38.6

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:

A new well, pump, and mainline connected to wheel lines and hand lines.

- 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: No

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:

It will continue to be watered with Twin Lakes Irrigation and Clifton Irrigation shares as well as supplemental right 13-2224.

- 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:

The existing POU has shares from Twin Lakes Irrigation and Clifton Irrigation, which combine to provide 90% of an inch/acre. 13-2224 is a supplemental right at the existing POU.

The proposed POU is served by Clifton Canal water, which provides ~0.50 inch/acre.

- 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:

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.

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:

At the existing place of use the supplemental right is used all irrigation season, from both Twin Lakes and Clifton canals. The availability and reliability of the primary rights depend on the year but are generally 0.02 cfs/acre. At the existing place of use, I have 0.90 shares/acre when the Clifton and Twin Lakes water is combined. 13-2224 is a supplemental right that waters all of the existing place of use.

The proposed POU has roughly 0.50 inch/acre from Clifton Irrigation.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

3/5/2014

7 9 7 3 8

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/5/2014

Proof of Beneficial Use Rcvd

Dates and Other Information

Licensed Date: 8/2/2002

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

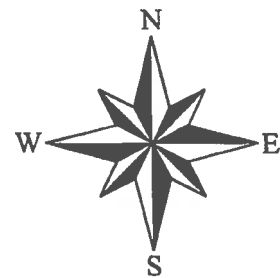
Water Supply Bank:

N/A



Legend

- ☐ Existing 13-7476 POD
- ☐ Proposed Point of Diversion
-  Existing 13-7476 POU
-  POU to be Transferred
-  Proposed Place of Use
-  Township/Range
-  Sections
-  QQ



0 0.125 0.25 0.5 Mile

79738 79170

DEC 23 2014

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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> | <u>Clifton</u> | Name connector | ☐ and ☐ or ☐ and/or |
| Mailing address | City | ID | <u>83228</u> |
| <u>208 313 3529</u> | | State | <u>ZIP</u> |
| Telephone | Email | | |
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: [Signature] 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 JS Date 12/23/2014 Receipt No. E040521 Receipt Amt. \$625.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by _____ Date _____

Date 25-10-2023 for this app
Receipt Amt. \$625.-

7 9 7 3 8

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

79738

262531 1-3

Recorded at the request of
Hank Povey
Time 12:12 Amount \$ 16.00

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

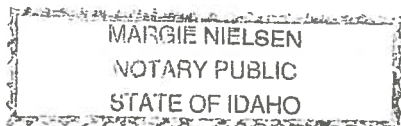
Charlene Roberts

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

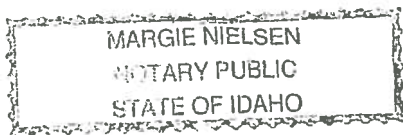
Melanie Povey

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.

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

79738