



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 1, 2014

LYNN WARIN
7203 TOP RIM WAY
STAR ID 83669

RE: Notice of Change of Water Right Ownership: 63-31916

Dear Interested Party:

On July 7, 2014, the Department of Water Resources received an Application for Transfer of Water Right from you. On August 7, 2014, a letter was sent requesting a Notice of Change in Water Right Ownership. It was determined this is the form you needed.

As of the date of this letter, no information has been received. I am returning your application unprocessed. You may file again in the future using the correct form.

Please feel free to contact me at (208) 287-4942 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
JUL 07 2014
DEPARTMENT OF
WATER RESOURCES

Name of Applicant(s) Lynn Warin Phone (817) 739-1387

Mailing address 7203 Top Rim Way, Star, ID., 83669 Email warin@sbcglobal.net

- ☐ 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.

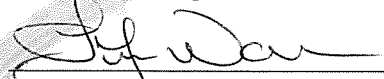
☒ No Representative

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.


Signature of Applicant or Authorized Representative

Lynn Warin
Print Name and Title if applicable

7/1/14
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**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary

All or Part

☒	☐	63-31916	0.12CFS	Irrigation	to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.12cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.12 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 #

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	
Total Acres (for irrigation use)																			

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? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

- 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:

- 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:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.12 CFS	24.21 AFA
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENW|Sec. 07|Township 05N|Range 02W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	02W	7		NENW	5.9									

Total Acres: 5.9

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. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31213.
3. T07 The right holder shall accomplish the change authorized by Transfer 71345 within one year of the date of the approval.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Property also known as Lot 21, Blk. 1, High Plains Estates Subdivision.
7. T08 Failure of the right holder to comply with the conditions of Transfer No. 71345 is cause for the Director to rescind approval of the transfer.
8. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early

or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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stewart title

01096-817280

WARRANTY DEED

For Value Received **Kevin Nelson, a married man, as his sole and separate property**, the Grantor, hereby grants bargains, sells, conveys and warrants unto **Lynn Warin, a single man**, the Grantee, whose current address is 7203 Top Rim Way, Star, ID 83669, the following described premises, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

Parcel Number: 37372010 0

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record and assessments, if any.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated this 27th day of June, 2014

X [Signature]
Kevin Nelson

State of ARIZONA

County of Maricopa

SS.

On this 27th day of June, 2014, before me the undersigned, a Notary Public, in and for said State, personally appeared Kevin Nelson, known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
Notary Public:

My commission expires: April 13, 2018



EXHIBIT "A"
LEGAL DESCRIPTION

A part of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 7, Township 5 North, Range 2 West of the Boise Meridian described as follows:

COMMENCING at a brass cap monument marking the Northwest corner of Section 7, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence
South 0°2'13" East 1318.74 feet; thence
North 89°36'04" East 1304.81 feet to the POINT OF BEGINNING; thence
North 0°06'52" West 659.97 feet; thence
North 89°34'30" East 634.38 feet to a point on a curve with a radius of 60.00 feet, a central angle of 39°59'54" and a chord that bears South 25°31'25" East 41.04 feet; thence to the left along said curve 41.89 feet; thence
South 0°09'10" East 623.10 feet; thence
South 89°36'04" West 652.40 feet to the POINT OF BEGINNING.

BEING Lot 21, High Plains Estates of Record of Survey, recorded April 21, 2004 as Instrument No. 200421334, Records of Canyon County, Idaho.

TOGETHER WITH:

A 60-foot wide right-of-way to be used for ingress-egress and utilities lying in the Southeast Quarter of Section 1, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, the South half of Section 6, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, and the North half of Section 7, Township 5 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, described as follows:

BEGINNING at a brass cap monument marking the Southeast 1/16 corner of Section 1, Township 5 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, and running thence
North 89°53'06" East 1316.24 feet to a brass cap monument marking the South 1/16 corner of said Section 1; thence
North 89°51'15" East 1286.78 feet to a brass cap monument marking the Southwest 1/16 corner of Section 6, Township 5 North, Range 2 West of the Boise Meridian; thence
North 89°41'07" East 1319.08 feet to a brass cap monument marking the center South 1/16 corner of said Section 6; said point being a point of curve with a radius of 60.00 feet, a central angle of 255°44'17" and a chord that bears South 37°35'11" West 95.05 feet; thence to the right along said curve 267.28 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'19" and a chord that bears North 52°33'13" West 24.49 feet; thence to the left along said curve 26.36 feet; thence
South 89°41'07" West 1,160.53 feet to a point of curve with a radius of 50.00 feet, a central angle of 90°24'59" and a chord that bears South 44°28'37" West 70.97 feet; thence to the left along said curve 78.90 feet; thence
South 0°43'52" East 1,101.47 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°43'13" and a chord that bears South 45°35'29" East 70.54 feet; thence to the left along said curve 78.30 feet; thence
North 89°32'55" East 1,176.32 feet to a point of curve with a radius of 20.00 feet, a central angle of 75°24'21" and a chord that bears North 51°50'44" East 24.46 feet; thence to the left along said curve 26.32 feet to a point of reverse curve with a radius of 60.00 feet, a central angle of 255°42'25" and a chord that bears South 20°41'37" East 79.94 feet; thence to the right along said curve 267.78 feet; thence
South 89°32'55" West 587.02 feet to a point of curve with a radius of 50.00 feet, a central angle of 101°35'06" and a chord that bears South 38°45'22" West 77.49 feet; thence to the left along said curve 88.65 feet; thence
South 12°02'11" East 194.45 feet; thence
South 2°50'01" East 185.61 feet; thence
South 10°07'32" East 211.90 feet to a point of curve with a radius of 60.00 feet, a central angle of 255°

31'21" and a chord that bears North 62°21'52" West 94.87 feet; thence to the right along said curve 267.59 feet to a point of reverse curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears North 27°38'08" East 24.49 feet; thence to the left along said curve 26.36 feet; thence North 10°07'32" West 138.27 feet; thence North 2°50'01" West 184.60 feet; thence North 12°02'11" West 222.42 feet to a point of curve with a radius of 50.00 feet, a central angle of 78°24'54" and a chord that bears North 51°14'38" West 63.21 feet; thence to the left along said curve 68.43 feet; thence South 89°32'55" West 1,746.07 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°35'08" and a chord that bears South 44°45'21" West 70.45 feet; thence to the left along said curve 78.18 feet; thence South 0°02'13" East 485.13 feet to a point of curve with a radius of 20.00 feet, a central angle of 75°31'21" and a chord that bears South 37°47'54" East 24.49 feet; thence to the left along said curve 26.36 feet to a point of reverse curve with a radius of 60.00 feet, a central angle of 255°31'21" and a chord that bears South 52°12'06" West 94.87 feet; thence to the right along said curve 267.58 feet; thence North 0°02'13" West 611.80 feet to a brass cap monument marking the Southwest corner of said Section 6; thence North 89°55'44" West 658.93 feet to a point of curve with a radius of 60.00 feet, a central angle of 243°01'42" and a chord that bears North 31°31'17" East 102.30 feet; thence to the right along said curve 254.50 feet to a point of reverse curve with a radius of 50.00 feet, a central angle of 63°19'20" and a chord that bears South 58°37'34" East 52.49 feet; thence to the left along said curve 55.26 feet; thence North 89°42'46" East 1,782.80 feet to a point of curve with a radius of 50.00 feet, a central angle of 90°26'39" and a chord that bears North 44°29'28" East 70.98 feet; thence to the left along said curve 78.93 feet; thence North 0°43'52" West 1,102.09 feet to a point of curve with a radius of 50.00 feet, a central angle of 89°24'52" and a chord that bears North 45°26'18" West 70.35 feet; thence to the left along said curve 78.03 feet; thence South 89°51'15" West 1,208.02 feet; thence South 89°53'06" West 1,316.30 feet; thence North 0°01'58" East 60.00 feet to the POINT OF BEGINNING.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/9/2014

WATER RIGHT NO. 63-31916

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HIGH PLAINS LLC C/O FRANK FICKEN 2724 LAVENDER DR WALNUT CREEK, CA 94596 (925)963-0895
Original Owner	C L SHAWVER
Original Owner	D J SHAWVER 2710 ESQUIRE DR BOISE, ID 83704 (208)375-2477
Original Owner	TRACY DOYLE PO BOX 61 MIDDLETON, ID 83644 (208)573-4952
Original Owner	CHRISTOPHER E DOYLE PO BOX 610 MIDDLETON, ID 83644 (208) 573-4952

\$25 -
Change 17.0
ownership

Priority Date: 04/26/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	