

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 06 2014

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Magee Family Trust Phone (208) 588-2422

Mailing address P.O. Box 55 Mackay, Idaho 83251 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 Greg Sullivan Brockway Engineering, PLLC Phone 208-736-8543

Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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

FIRAN MAGEE TRUSTEE

Print Name and Title if applicable

7-21-14

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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.
Transfer 34-2294 from its existing POD and POU to a new location and existing POD owned by Magee Family Trust.

79549

79549

RECEIVED

OCT 03 2014

Department of Water Resources
Eastern Region

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDE!

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.

[illegible]

Total authorized under rights 0.12 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**.

[illegible]

4. Place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ 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	
7N	24E	35														2.0	3.8		5.8
Total Acres (for irrigation use)																			5.8

Total Acres (for irrigation use)

5.8

Corrected 10-3-14
2/1/14

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 ☒ ☐	34-2294	0.12/	Irrigation	4/01 to 110/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.12 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 #
			SW	SE	35	7N	24E	Custer County	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	
7N	24E	35															2.0	3.8	5.8
Total Acres (for irrigation use)																			5.8

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:

Existing POD and delivery system

- b. Who owns the property at the point(s) of diversion? Magee Family Trust

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: N/A

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:

The land now covered by 34-2294 will no longer be irrigated.

- 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:

34-241, 34-533, 34-10461, 34-2324 and 34-12356

- 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:

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-2294

Current Owner: DAWN BROWN
RON BROWN

Priority Date: 6/23/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	
	<u>Total Diversion</u>	0.12 CFS	

Location of Point(s) of Diversion

GROUND WATER
CUSTER County

SE1/4SE1/4 Sec. 28, Twp 07N, Rge 24E B.M.

Place of Use

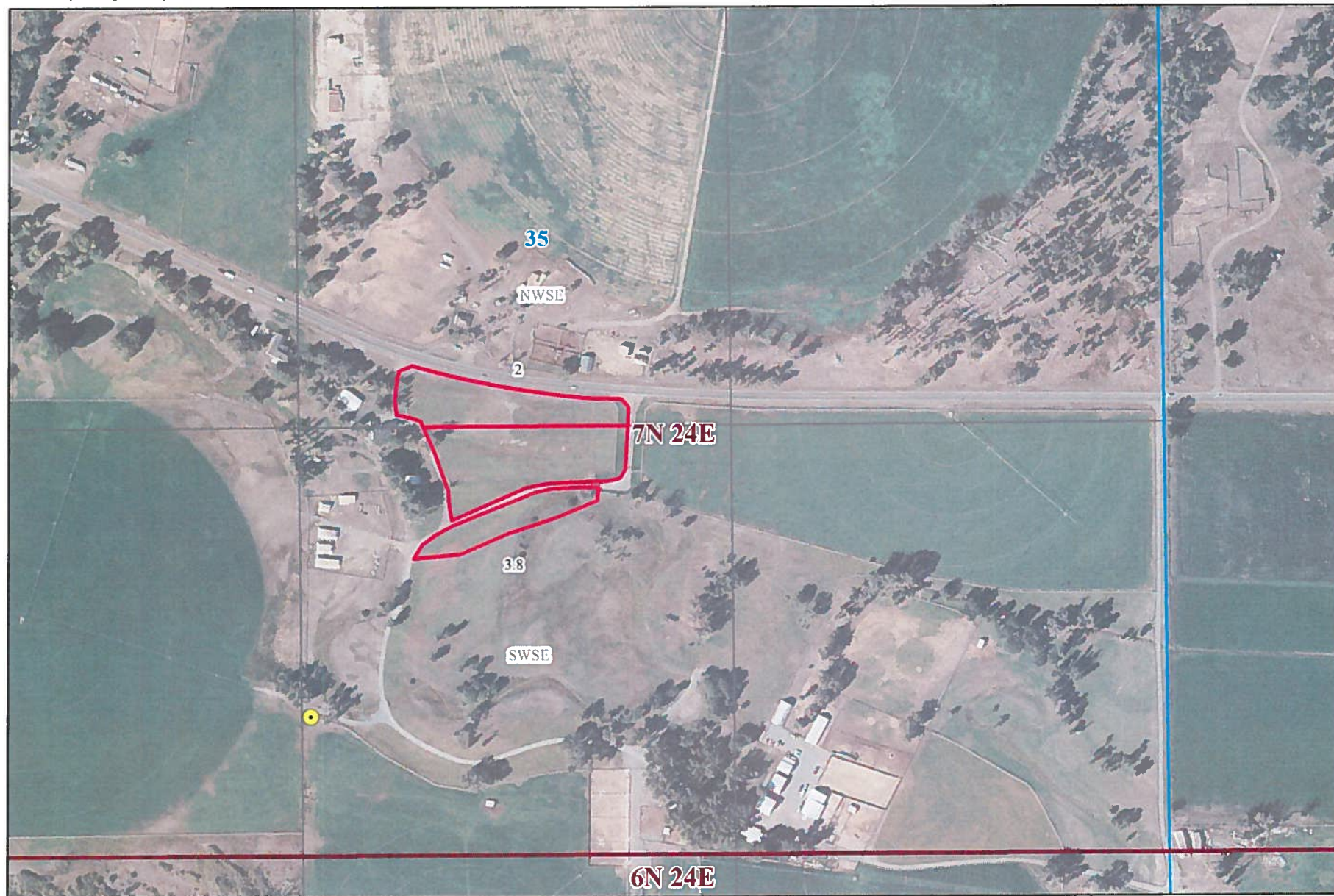
IRRIGATION Within CUSTER County

T07N R24E S27	SWSW	0.50	T07N R24E S28	SESE	5.30
Total Acres: 5.8					

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.

Decreed Date: 4/18/2008



0 150 300 600 Feet

FRAN MAGEE
TRANSFER MAP 2014, 5.8 AC
NAIP 2013 AERIA

Legend

- Point of Diversion
- Place of Use
- ▭ twnshp
- ▭ Sections
- ▭ lades



0 150 300 600 Feet

FRAN MAGEE
TRANSFER MAP 2014, 5.8 AC
NAIP 2013 AERIA

Legend

- Point of Diversion
- twnshp
- Sections
- lades



29549

State of Idaho
Department of Water Resources

Water Right

34-2294

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

24E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.0325 0.065 0.13 Miles



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:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid \$ 200- Date 8/6/14 Received by SC Receipt # E040134
 Add'l fee paid \$ 2500 Date 8/6/14 Received by SC Receipt # E040134

QUITCLAIM DEED

For value received, Ron Brown, as grantor hereby quitclaims unto the Magee Family Trust, the grantee whose current address is P.O. Box 55 Mackay, Idaho 83251, all of the grantor's right, title, and interest in and to the following described water right situated in Custer County, Idaho.

All portions of water right 34-2294, priority date 6/24/1950, for 0.12 cfs and irrigation of 5.8 acres.

See Exhibit A for details of the current place of use of the 5.8 acres located in Township 7 North Range 24 East Section 27 SWSW and Section 28 SESE in Custer County, Idaho.

Grantor has caused this quitclaim deed to be executed this 23 day of

July, 2014.

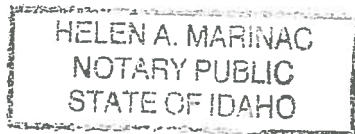
By:

Ron Brown
Ron Brown

State of Idaho)
County of Custer) S.S.

On this 23 day of July, in the year of 2014, before me, a Notary Public, personally appeared Ron Brown, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Helen A. Marinac
Notary Public

In and for said State and County

9-27-2014

My Commission Expires on

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED MARCELLA M. MAC LERRAN,
a single person _____, the Grantor,
 does hereby grant, bargain, sell and convey unto RONALD H. BROWN and
DAWN M. BROWN, Husband and Wife _____, the Grantee,
 whose current address is P.O. Box 42, Atomic City, ID 83215 _____,
 the following described real estate situated in CUSTER _____ County,
 State of Idaho, to-wit:

See Attached EXHIBIT A

SUBJECT TO: all easements, rights of way, covenants, restrictions,
 patent reservations, applicable building and zoning ordinances, and
 use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances
 thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant
 to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and
 defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the
 masculine, the feminine and neuter.

DATED: 9-24-01

Marcella M. MacLerran
 Marcella M. MacLerran

STATE OF IDAHO, County of BUTTE
 On this 24th day of September 2001
 before me, Lyle B. Boyer, a
 Notary Public in and for the said State personally
 appeared Marcella M. MacLerran

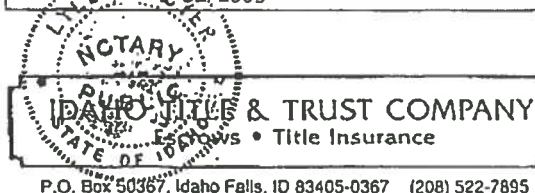
Known to me to be the person(s) whose name(s) is
 subscribed to the within instrument, and acknowl-
 edges to me that she executed the same.

Lyle B. Boyer
 Notary Public
 Idaho
 Residing at _____
 Comm. Expires: 6-30-2003

THIS SPACE FOR COUNTY RECORD'S USE ONLY.

0223558

County Clerk of
Idaho Title
 2:00 PM Dec 9/25/01
James L. Boyer
 Notary



P.O. Box 50367, Idaho Falls, ID 83405-0367 (208) 522-7895

EXHIBIT A

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 27 AND 28, T. 7 N., R. 24 E., COUNTY OF CUSTER, STATE OF IDAHO, BOUNDED AND PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS NORTH 1037.5 FEET FROM THE CORNER COMMON TO SECTIONS 27, 28, 33, 34, T. 7 N., R. 24 E., B.M., CORNER NO. 1 OF THIS DESCRIPTION; THENCE NORTH 52.5 FEET TO THE NORTHERN SIDE OF THE SWAUGER DITCH; THENCE EASTERLY 286 FEET ALONG THE NORTH SIDE OF THE SWAUGER DITCH TO THE STATE HIGHWAY RIGHT-OF-WAY; THENCE NORTH 44° 30' WEST 318 FEET ALONG THE WEST SIDE OF SAID HIGHWAY; THENCE WEST 1082.1 FEET; THENCE SOUTH 44° 30' EAST 410.4 FEET; THENCE EAST 719.4 FEET TO THE PLACE OF BEGINNING.

QUITCLAIM DEED

For Value Received

RONALD H. BROWN & Dawn M Brown ^B_B

do hereby convey, release, remise and forever quit claim unto

Ronald H. Brown

the following described premises, to-wit:

4317 US N Hwy 93

in the county of Custer, STATE OF IDAHO

TRACT: 998 SEC 28 T7N R24E

CUSTER Co. Rpt# 07N24E289010A

together with their appurtenances.

Dated: MARCH 16th 2013

Dawn Brown
Dawn Brown

Ron Brown

STATE OF IDAHO, COUNTY OF MAY
On this 16th day of March, 2013,
before me, a notary public in and for said State, personally
appeared Dawn Brown AND RONALD BROWN

known to me to be the person who name
subscribed to the within instrument, and acknowledged to
me that executed the same.

Kara Leiminger Kara Leiminger
Notary Public
Residing at Twin Falls, Idaho
Comm. Expires 9/21/17

RECORDING DATA:

247550

Custer County Reg. of

Ronald H. Brown

Time 11:58 A M Date 7-8 2013

Barbara C. Tierney, Clerk

Barbara C. Tierney 10.00
Deputy

KARA LEIMINGER
Notary Public
State of Idaho

KARA LEIMINGER
Notary Public
State of Idaho

79549

246340

Lemhi Title & Abstract Co.

Time 10:11 AM Date 10/4/2012
Barbara C. Tierney, Clerk
County Fee \$13.00
Deputy

Warranty Deed

For Value Received

Lois DeLone McKnight, a/k/a DeLone McKnight, a widow
the grantors, do hereby grant, bargain, sell and convey unto

Magee Family Trust

Whose current address is:

PO Box 55
Mackay, ID 83251

the following described property located in Lemhi County, Idaho to-wit:

See attached Exhibit A

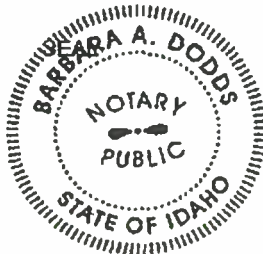
Date: October 3, 2012

Lois DeLone McKnight
Lois DeLone McKnight

STATE OF Idaho
COUNTY OF Lemhi

On this 3rd day of October, in the year 2012, before me Barbara A. Dodds,
personally appeared Lois DeLone McKnight also known of record as DeLone McKnight, known or identified to
me, to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed
the same.

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



Barbara A. Dodds
NOTARY PUBLIC
Residing at: Salmon, Idaho
Commission Expires: January 14, 2017

246346

EXHIBIT A

Legal Description

A PARCEL OF LAND LOCATED IN THE S 1/4, SECTION 39, T. 7 N. R. 24 E. BOISE MERIDIAN,
BUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SECTION 39, FROM WHICH THE SE CORNER
OF SAID SECTION BEARS N 89° 40' 48" E, A DISTANCE OF 2664.48 FT. THE BASIS OF BEARING OF
THIS DESCRIPTION RUN THENCE N 00° 17' 57" W, A DISTANCE OF 1203.20 FT. TO THE POINT OF
BEGINNING.

THENCE N 89° 53' 23" E, A DISTANCE OF 35.85 FT.

THENCE N 07° 12' 50" E, A DISTANCE OF 412.95 FT. TO A POINT ON THE SOUTHERLY
RIGHT-OF-WAY OF US HIGHWAY 93.

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID RIGHT-OF-WAY: S 65°
03' 42" E 11.64 FT.; S 62° 38' FT. ALONG A CURVE TO THE LEFT HAVING A DELTA OF 21° 15' 07" AND
A RADIUS OF 2925.00 FT.

THENCE S 01° 04' 27" W, A DISTANCE OF 235.09 FT. ALONG AN EXISTING FENCE.

THENCE S 85° 37' 49" W, A DISTANCE OF 858.94 FT. ALONG AN EXISTING FENCE.

THENCE N 69° 12' 09" W, A DISTANCE OF 18.20 FT.

THENCE N 20° 56' 44" W, A DISTANCE OF 109.45 FT. TO THE POINT OF BEGINNING.

PARCEL CONTAINS 7.10 ACRES