

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79465**RECEIVED****JUL 24 2014**Department of Water Resources
Eastern Region

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 <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | * Means the item is <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at:
http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☒ | ☐ | * 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 #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> 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 transfer 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). |
| ☐ | ☒ | #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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. |
| ☐ | ☒ | #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.) |
| ☐ | ☒ | #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 Other. Please describe: _____ |

79465

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79465APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Rex Thompson Phone 208-604-1573Mailing address P.O. Box 324 Grace ID 83241 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 RepresentativeName of Representative _____ Phone RECEIVEDMailing address _____ Email JUL 24 2014Department of Water Resources
Eastern Region

- ☐ 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.

Rex Hoyt Thompson Rex Hoyt Thompson 7/24/14
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. Change the point of diversion and place of use for water right 29-7207. The point of diversion and place of use was licensed incorrectly and placed on another persons property. The point of diversion is located in the SWNE of section 24, 09S, 37E. The correct place of use is located in the SWNE and SENE of section 24, 09S, 37E.**

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 ☒ ☐	29-7207	.04	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	29-7207	.04	Domestic	01/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .04 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .04 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	NE	24	09S	37E	Bannock	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	
09S	37E	24			D	D													
					0.2	0.1												0.3	

Total Acres (for irrigation use) 0.3

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: Submersible pump to house and sprinklers

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. 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: N/A

- 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: _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/25/2014

WATER RIGHT NO. 29-7207

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY P MULLER PO BOX 214 LAVA HOT SPRINGS, ID 83246 (208)766-4522
Original Owner	ARTHUR H MULLER PO BOX 214 LAVA HOT SPRINGS, ID 83246

Priority Date: 07/08/1974

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.04 CFS	1 AFA
DOMESTIC	01/01	12/31	0.04 CFS	0.6 AFA
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENWSE|Sec. 24|Township 09S|Range 37E|BANNOCK County

Place(s) of use:

79 465

Place of Use Legal Description: IRRIGATION BANNOCK 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>
09S	37E	24		NWSE	0.3									

Place of Use Legal Description: DOMESTIC BANNOCK 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>
09S	37E	24		NWSE										

Total Acres: 0.3

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 0.30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date: 8/1/1984

Permit Proof Made Date: 7/9/1984

Permit Approved Date: 8/19/1974

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 07/08/1974

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

79 465

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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.

☐ If you propose to change the nature of use or period of use of all or part of the rights(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**.

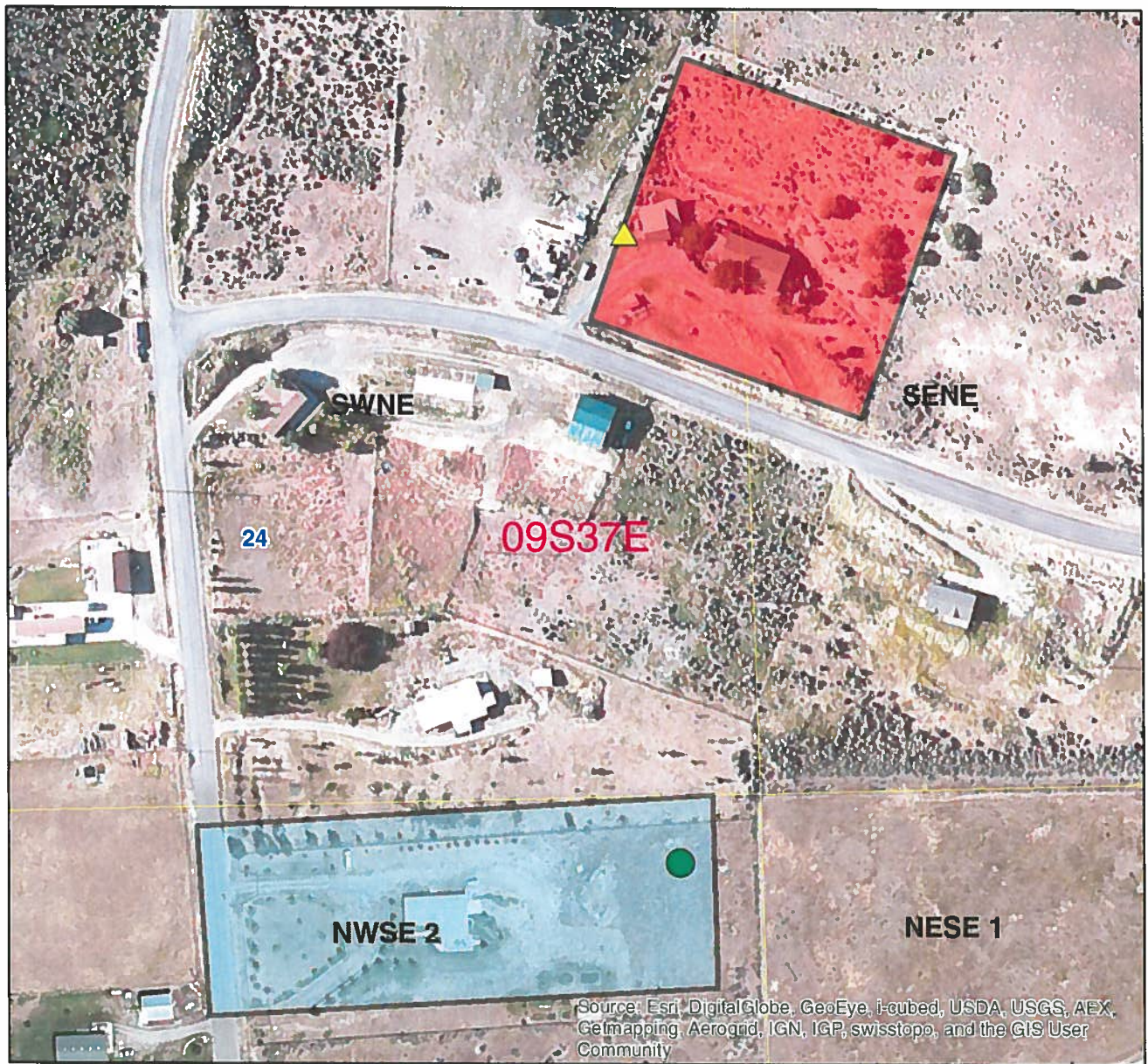
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. 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.:

\$200.- for this app

Receipt #

79 46 5



0 105 210 420 Feet

1 inch = 174 feet

- Current_Point_of_Diversion
- ▲ Correct Point of Diversion
- Current_Place_of_Use
- Correct_Place_of_Use
- Township/Range
- Sections
- QQ

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.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
29-7207	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Mary Muller
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

Rex Hoyt Thompson
Name of each new owner as listed on the conveyance document

physical address 7708 East Rex Dr, Lava Hot Springs Id.
New owner continued Name connector ☐ and ☐ or ☐ and/or

P.O. Box 324
Mailing address

Grace
City

208) 604-1573
Telephone

Id. 83241
State ZIP

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: _____

6. 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.

7. Signature: Rex Hoyt Thompson 7/24/14
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 JB Date 7/25/2014 Receipt No. E040089 Receipt Amt. \$225.-

Approved by _____ Processed by _____ Date _____ \$25. for this app

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:227950

FOR VALUE RECEIVED

Cynthia Irick, Guardian and Conservator of the estate of Mary P. Muller, an incapacitated person

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

R.H.T. Rex Hoyt Thompson an unmarried person

whose current address is

**7708 East Rex Drive
Lava Hot Springs, ID 83246**

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

Parcel 1:

**BEGINNING at a point that is North, 396.93 feet and West, 1223.76 feet from the East ¼ corner, Section 24, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho and running;
Thence North 23°24'16" East 290.40 feet;
Thence North 66°35'44" West 300 feet;
Thence South 23°24'16" West 290.40 feet;
Thence South 66°35'44" East 300.00 feet to the TRUE POINT OF BEGINNING.**

Parcel 2:

Together with the right of ingress and egress along the following described right of way:

**BEGINNING at a point that is North 396.93 feet and West 1223.76 feet from the East ¼ corner, Section 24, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho and running;
Thence North 66°35'44" West 300.00 feet to a curve with a radius of 420.00 feet and a delta of 26°32'36";
Thence left along said curve 194.54 feet;
Thence South 86°51'40" West 259.75 feet;
Thence South 3°08'20" East 973.63 feet to the Old Oregon Trail Highway right of way line;
Thence North 86°51'40" East 50.00 feet along said right of way line;
Thence North 3°08'20" West 923.63 feet;
Thence North 86°51'40" East 209.75 feet to a curve with a radius of 370.00 feet and a delta of 26°32'36";**

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:227950

FOR VALUE RECEIVED

Cynthia Irick, Guardian and Conservator of the estate of Mary P. Muller, an incapacitated person

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

R.H.T. Rex Hoyt Thompson an unmarried person

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Thence North 66°35'44" West 300 feet;

Thence South 23°24'16" West 290.40 feet;

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Thence North 66°35'44" West 300.00 feet to a curve with a radius of 420.00 feet and a delta of 26°32'36";

Thence left along said curve 194.54 feet;

Thence South 86°51'40" West 259.75 feet;

Thence South 3°08'20" East 973.63 feet to the Old Oregon Trail Highway right of way line;

Thence North 86°51'40" East 50.00 feet along said right of way line;

Thence North 3°08'20" West 923.63 feet;

Thence North 86°51'40" East 209.75 feet to a curve with a radius of 370.00 feet and a delta of 26°32'36";

Thence right along said curve 171.40 feet;
Thence South 66°35'44" East 300.00 feet;
Thence North 23°24'16" East 50.00 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 2014

Estate of Mary P. Muller, an incapacitated person

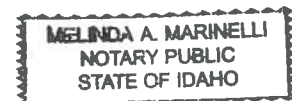
Cynthia Irick
Cynthia Irick, Guardian and Conservator

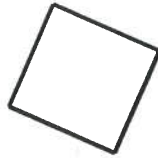
State of ID} ss.
County of Bannock}

On this 3rd day of May, in the year 2014, before me, Melinda A. Marinelli a Notary Public in and for said state, personally appeared Cynthia Irick known or identified to me to be the person whose name is subscribed to the foregoing instrument as Guardian and Conservator of the estate of Mary P. Muller, an incapacitated person and acknowledged to me that she executed the same as Personal Representative.

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

Melinda A. Marinelli
Notary Public for the State of ID
Residing at: Pocatello, ID
Commission Expires: 3/3/17





7/25/2014

Scale: 1 inch= 500 feet

File:

Tract 1: 2.0000 Acres (87120 Sq. Feet), Closure: s66.3552e 0.02 ft. (1/52416), Perimeter=1181 ft.

01 /ne,se,24,9s,34e

02 /n00e 396.93

03 /n90w 1223.76

04 n23.24e 290.40

05 n66.3544w 300

06 s23.2416w 290.40

07 s66.3544e 300

79 465