

RECEIVED

Rev. 07/11

Page _____ of _____

MAY 1 2014

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79198

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

AMENDED

Name of Applicant(s) Marvin W and Ethlene S RockPhone (208) 251-4535Mailing address 4615 W Old Highway 91 Inkom ID 83245

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.

Marvin W Rock
Signature of Applicant or Authorized Representative

Marvin W Rock 4-29-14
Print Name and Title if applicable Date

Ethlene S Rock
Signature of Applicant or Authorized Representative

Ethlene S Rock 4/29/14
Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Update Ownership & Ownership Split
- 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**. The applicant has purchased three water rights, this transfer application will move these rights to a new place of use with a new point of diversion and overlap them with rights currently owned by the applicant.

79198

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					
☒ ☐	29-495A	.09 cfs	Irrigation	04/01 to 10/31	Blackrock Creek/Portneuf Rvr
☒ ☐	29-13393	.04 cfs	Irrigation	04/01 to 10/31	Blackrock Creek/Portneuf Rvr
☒ ☐	29-13394	.15 cfs	Irrigation	04/01 to 10/31	Blackrock Creek/Portneuf Rvr
☐ ☒	29-2409A	.06 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.25 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.25 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 #
Y			NW	NE	23	07S	35E	Bannock	Ground Water	
N			NW	NW	23	07S	35E	Bannock	Blackrock Creek	

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	
07S	35E	23		4.5			.5												5.0

Total Acres (for irrigation use) 5.0

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:

Surface water will be diverted with a pump from the creek, ground water will be pumped and combined to facilitate sprinkler irrigation of the property.

- 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:

The current place of use for 29-2409A & 29-13393 will no longer be irrigated. The current place of use for water right 29-13394 will no longer be irrigated with surface water.

- 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:

These four water rights will be overlapped and co-mingled with a POD and a POU closer to the creek. This move will create a more effective use of the water when available. Water right 29-13394 is currently overlapped with 29-2409B. Water right 29-2409B has historically been used as the primary right. The current owner cannot access water for 29-13394

- 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:

Blackrock creek is an intermittent channel and many years has no flow. Water right 29-13394 is a supplement to water right 29-2409B and is fully overlapped. The current owner has not had access to the surface water for some time.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 29-2409A

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	2.0
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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 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**.

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.:

Blackrock Creek is an intermittent channel and many years there is not enough flow to facilitate irrigation. Water right 29-13394 is currently overlapped with 29-2409B. Historically water right 29-2409B has been the primary water right because the current owners have limited access to the surface water due to property changes and the intermittent nature of Blackrock Creek.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.			
Received by _____	Date _____	Prelim. Check by _____	Date _____
Fee Paid \$200.00	Date 3-17-2014	Received by KM	Receipt # E039636
Add'l Fee Paid \$125.00	Date 3-23-2014	Received by KM	Receipt # E039663
\$325.00	3-1-2014	Km	E039789

Page _____ of _____

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

Current Water Right No.: 29-495A

Current Owner: MARVIN W ROCK
Priority Date: 6/17/1902
Origin: Water Right
Status: Active
Basis: Decreed

Source

BLACKROCK CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

STOCKWATER	04/01 to 10/31	
IRRIGATION	04/01 to 10/31	
	<u>Total Diversion</u>	

0.02 CFS
0.09 CFS
0.09 CFS

Location of Point(s) of Diversion

BLACKROCK CREEK
BANNOCK County

NW1/4NW1/4NE1/4 Sec. 23, Twp 07S, Rge 35E B.M.

Place of Use

STOCKWATER Within BANNOCK County

T07S R35E S23 NWNE

IRRIGATION Within BANNOCK County

T07S R35E S23 NWNE 3.00

Total Acres: 3

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. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-2409A

Current Owner: JOHN M DUDUNAKE

Priority Date: 4/16/1959

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	0.06 CFS	8 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
	<u>Total Diversion</u>	0.06 CFS	8.6 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4SE1/4

Sec. 23, Twp 07S, Rge 35E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S23 NWSE 2.00

Total Acres: 2

DOMESTIC Within BANNOCK County

T07S R35E S23 NWSE

Conditions of Approval:

1. E55 USE OF THIS RIGHT FOR WITH RIGHT NO. 29-13393 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2 ACRES 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.
3. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. E51 USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 29-13393 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.

Page _____ of _____

Decreed Date: 3/22/2004

Page _____ of _____

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

Current Water Right No.: 29-13393

Current Owner: JOHN M DUDUNAKE

Priority Date: 6/17/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

BLACKROCK CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.04 CFS

Annual Volume

Total Diversion

0.04 CFS

Location of Point(s) of Diversion

BLACKROCK CREEK

SW1/4NW1/4NE1/4

Sec. 23, Twp 07S, Rge 35E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S23

NWSE

2.00

Total Acres: 2

Conditions of Approval:

1. E51 USE OF THIS RIGHT FOR IRRIGATION PURPOSES WITH RIGHT NO. 29-02409A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.06 CFS.
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.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-02409A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2.0 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 3/22/2004

Page _____ of _____

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

Current Water Right No.: 29-13394

Current Owner: REBECCA A ROBINSON
LOGAN D ROBINSON

Priority Date: 6/17/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

BLACKROCK CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

0.15 CFS

Total Diversion

0.15 CFS

Location of Point(s) of Diversion

BLACKROCK CREEK

SW1/4NW1/4NE1/4

Sec. 23, Twp 07S, Rge 35E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S23

SWNE

7.60

Total Acres: 7.6

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. E51 USE OF THIS RIGHT WITH RIGHT NO. 29-024096B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.15 CFS.
3. 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.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 29-024098 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.6 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 3/22/2004



Idaho Department of Water Resources

Water Right
29-13394
(IRRIGATION)

● Point of Diversion



Place of Use



State Outline



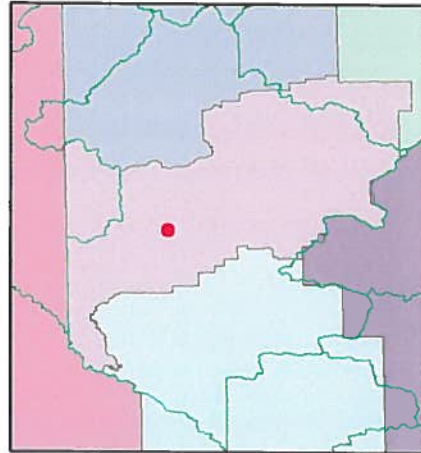
Townships



PLS Sections



Quarter Quarters

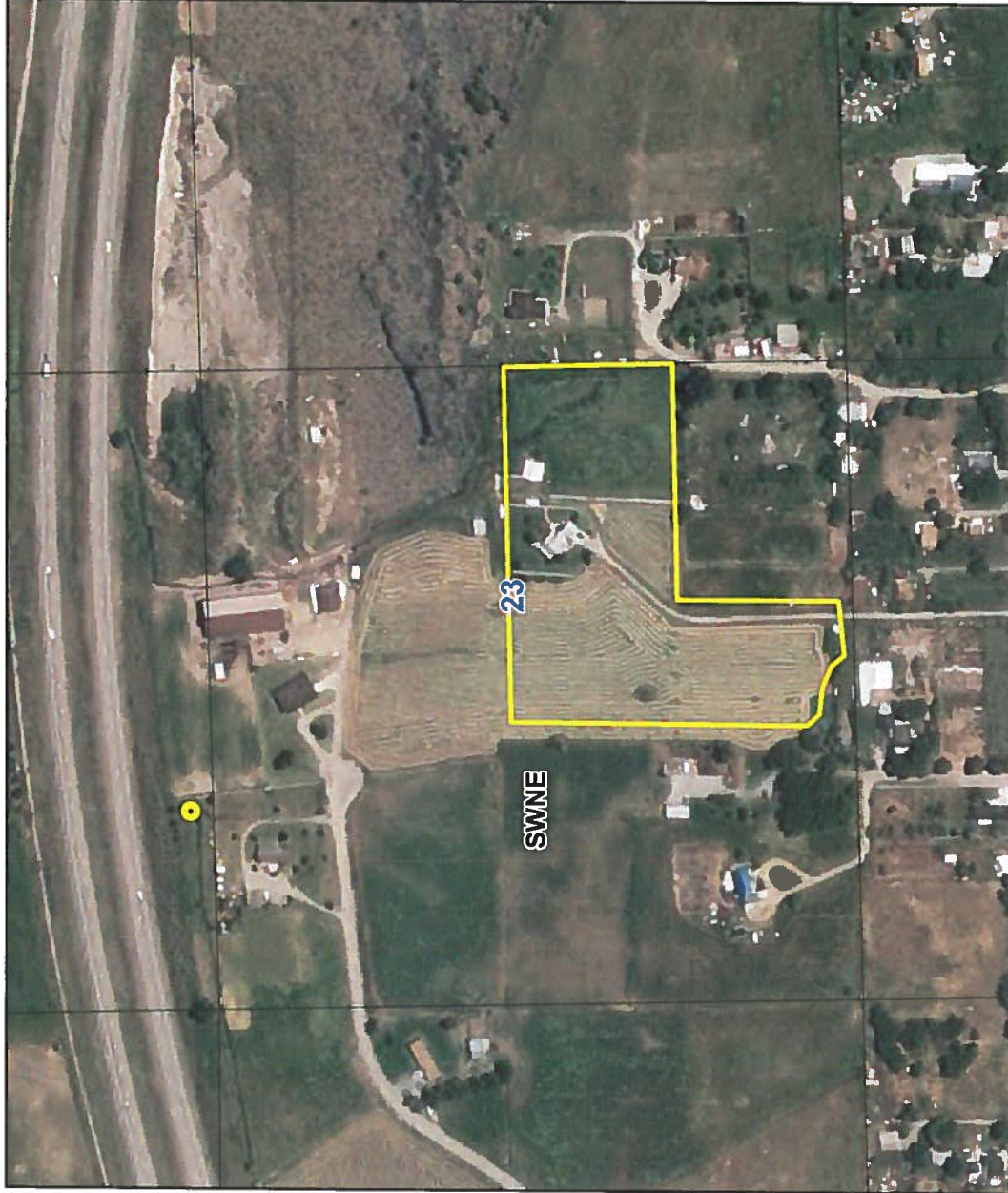


Bannock County
IDWR Basin 29

Prepared by Mathews, Kerrie

2009 Aerial Photography

35E



07S





Idaho Department of Water Resources

Water Right
29-13393
(IRRIGATION)

● Point of Diversion



Place of Use



State Outline



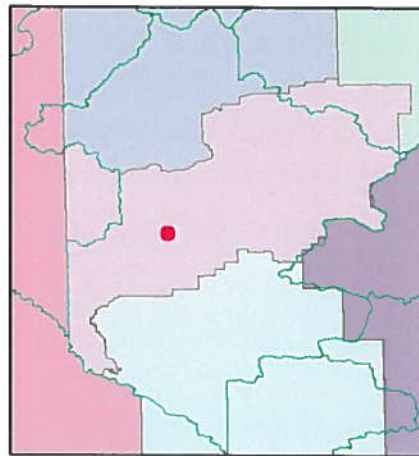
Townships



PLS Sections



Quarter Quarters

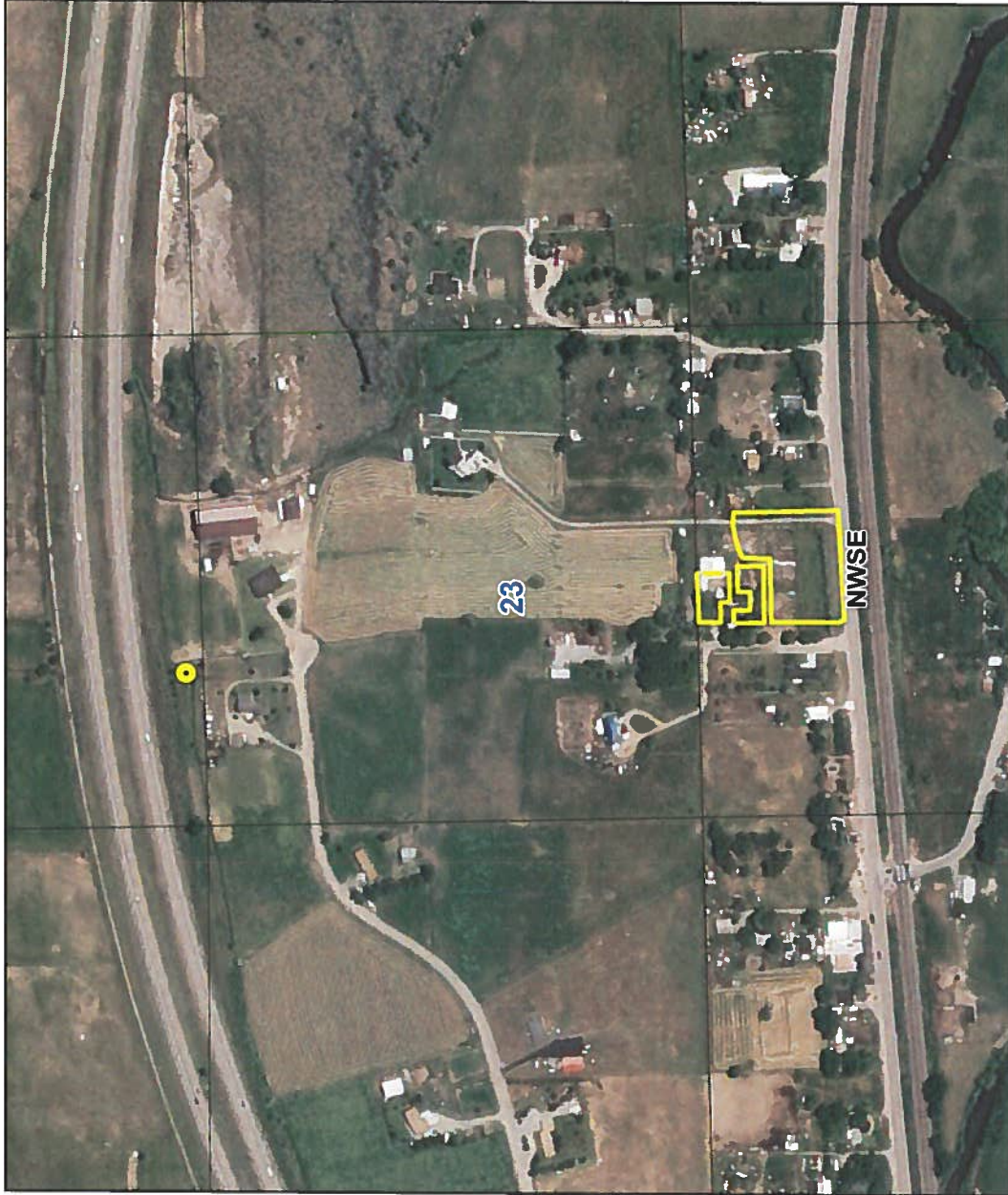


Bannock County
IDWR Basin 29

Prepared by Mathews, Kerrie

2009 Aerial Photography

35E



07S





Idaho Department of Water Resources

Water Right
29-2409A
(IRRIGATION)

Point of Diversion



Place of Use



State Outline



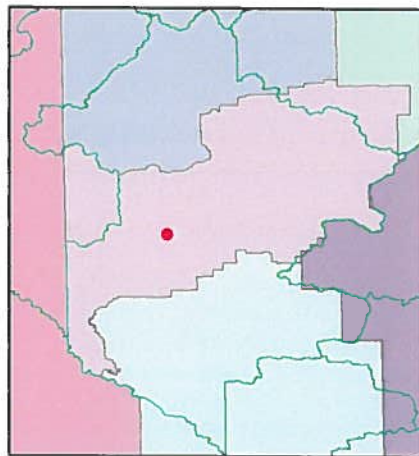
Townships



PLS Sections



Quarter Quarters



Bannock County
IDWR Basin 29

Prepared by Mathews, Kerrie

2009 Aerial Photography



35E



07S

23

NWSE





Marvin & Ethlene Rock

- Proposed Place of Use
- Township/Range
- Sections
- QQ



21207193

QUIT CLAIM DEED

FOR VALUE RECEIVED

REBECCA A ROBINSON AND LOGAN D ROBINSON

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

MARVIN W ROCK AND ETHLENE S ROCK

whose address is: 4615 WEST OLD HIGHWAY 91, INKOM, IDAHO 83245

the following, to-whit: WATER RIGHT NUMBER 29-13394

OFFICIAL RECORD BK 955
BANNOCK COUNTY IDAHORECORDED AT REQUEST OF
FEE 10 DEPUTY *mt**Marvin & Ethlene Rock*

21207193

2012 MAY -2 P 12:49

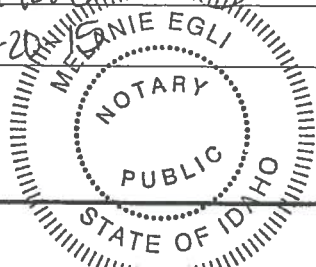
stated:

DATE: 9/8/11 *[Signature]*

LOGAN D ROBINSON

DATE: 8-31-2011 *Rebecca A Robinson*

REBECCA A ROBINSON

ACKNOWLEDGEMENT – Individual
STATE OF IDAHO, County of BANNOCK.On this date 8-31-11 \$ 9-8-11
Logan D Robinson and Rebecca A Robinson, personally
known to me, appeared before me, Melanie Egli,
a notary public in the State of Idaho, and executed signatures
on this document.Notary Public: *[Signature]*Residing at: PocatelloCommission Exp: 10-20-15

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for recording
at the request ofat _____ minutes past _____ o'clock _____ m.
this _____ day of April, 2011,
in my office and duly recorded in Book of Deeds
at page _____

Ex-Officio Recorder _____

By _____ Deputy

Fees \$ _____

QUITCLAIM DEED

21303073

3-1 504N
For Value Received, ~~JOHN~~ M DUDUNAKE, residing at 5406 West Old Hwy 91, Pocatello, Idaho, hereby convey, release, remise, and forever quit claim unto Marvin W. Rock and Ethlene S. Rock, husband, and wife, whose address is 4615 West Highway 91, Inkom, Idaho 83245

PROPERTY KNOWN AS:
DEEDED WATER RIGHT NUMBER 29-13393 AND
DEEDED WATER RIGHT NUMBER 29-2409A

Legal Attached

DATE: 2-21-13 John M. Dudunake JOHN M DUDUNAKE

ORIGINAL RECORD BKK 964
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE: 16 DEPUTY: BM

STATE OF IDAHO,
County of BANNOCK.

21303073

Ethlene Rock

2013 FEB 22 P 3:22

On this date, 2-21-2013 before me, a Notary Public in and for the said State, personally appeared JOHN M. DUDUNAKE, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public:

Charonne Hunter

Residing at:

2480 N. Blackrock Cyn. Rd.

Commission Expires:

5-23-2013

