

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79080**RECEIVED****JAN 29 2014**Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) W Gary and/or Pamela Rogers Phone (208) 588-4504Mailing address 3771 N Hwy 93 Moore ID 83255 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.

W. Gary Rogers
Signature of Applicant or Authorized Representative

W. Gary Rogers owner
Print Name and Title if applicable

1-29-14
Date

Pamela Rogers
Signature of Applicant or Authorized Representative

Pamela ROGERS
Print Name and Title if applicable

1-29-14
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**. Applicant is purchasing water rights 34-13738, 34-14373, 34-13734 and 34-13735 and proposing to move the point of diversion and place of use to overlap with existing water right, 34-14394. The circle is currently irrigating 90 acres, and will be increased to 109 acres if approved. Existing place of use will be dried up.

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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					
☒ ☐	34-14394	1.8 cfs	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	34-13738	.08 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	34-14373	.03 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	34-14374	.03 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	34-14375	.07 cfs	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.01 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .21 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 #
	3	SW	NW	SW	30	06N	26E	Custer	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	
06N	26E	30									31.5	27.3	22.7	27.5					109

Total Acres (for irrigation use) 109

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**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: _____

Well to pump to a mainline to a pivot.

- 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 will be dried up and moved to the new place of use.

- 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:

Water right 34-14394 is currently irrigating the proposed point of diversion, with the addition of water rights 34-13738, 34-14373, 34-14374 and 34-14375 we will be able to irrigate 109 acres total.

Once the transfer is approved a water right warranty deed and ownership change will be processed.

- 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,

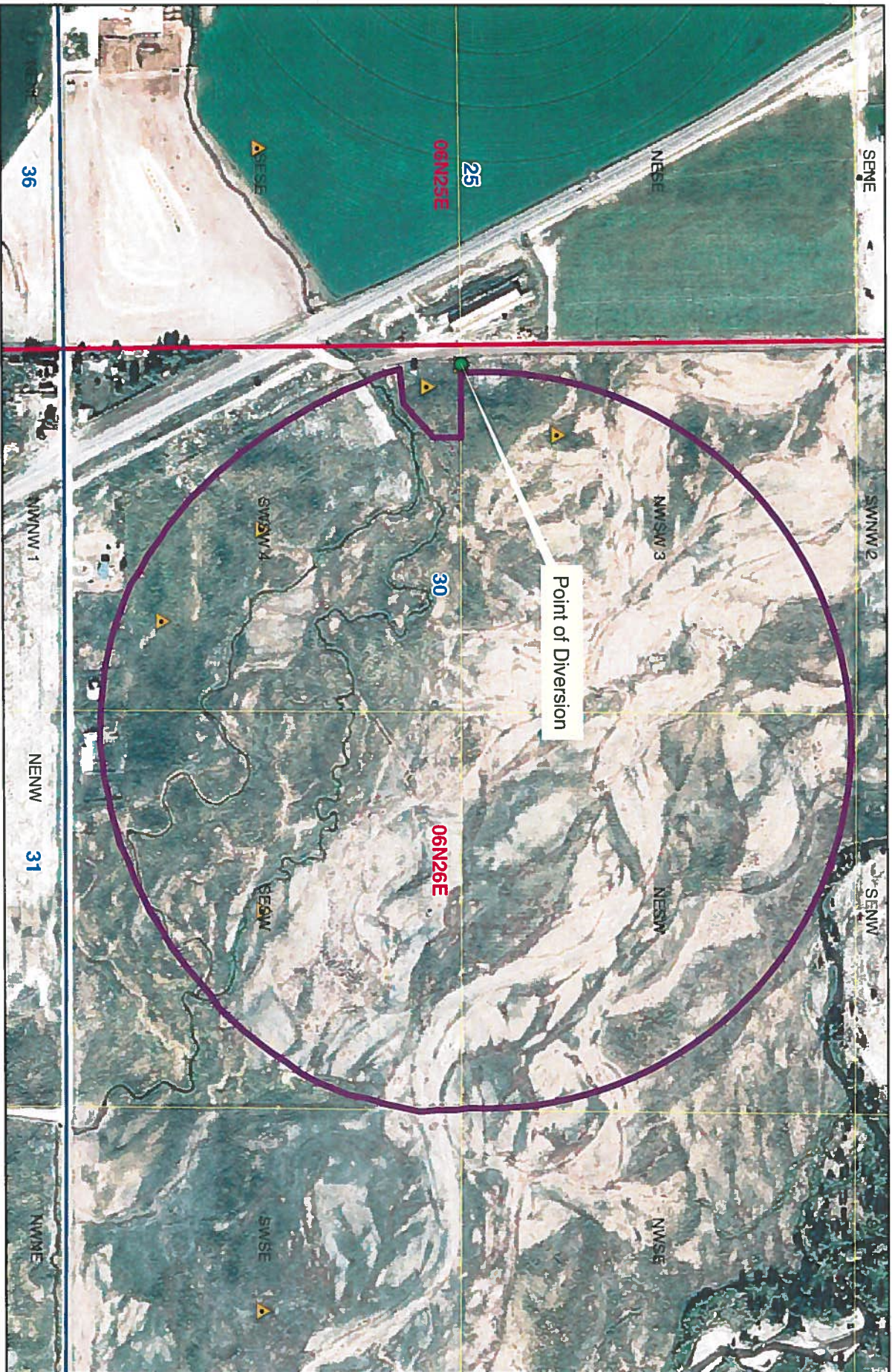
☐
☒

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: _____



W Gary Rogers

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





W Gary Rogers

34-13738

34-14373

34-14374

34-14375

Township/Range

Sections

QQ



BUY - SELL AGREEMENT

We agree to sell the 1 acre parcel of ground listed on the Butte County records as belonging to Thelma Sayer (deceased) at RP06N26E306420A to Gary Rogers for \$1000.

Roger Sayer - 1-29-14

Signed: Roger C Sayer (executor)

To whom it may concern,

I William Forbush and my wife Kimberly Forbush, state that we used/watered our property, 7 acres, with our water rights in the year of 2012.

Water Right NO. 34-13738

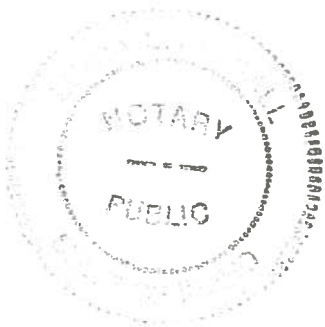
Date 1-17-2014

William Forbush 1-17-14
William Forbush

Kimberly Forbush 1-17-14
Kimberly Forbush

State of Idaho)
 ss
County of Custer)

On this 17th day of January, in the year of 2014, before me Linda L. Kimball a notary public, personally appeared William Forbush and Kimberly Forbush, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Linda L. Kimball
Notary Public

My Commission Expires on January 31, 2017

Affidavit to Establish Beneficial Use

I Henry L. Adema attest to the following regarding the watering of my individual property (Tax Roll Acres: 4.9 ac) identified by Custer County as RP06N26E189200, also known as 3512 W 3900 N, and property owned jointly with James S. & Evelyn V. Ippolito, identified by Custer County as RP06N26E189100, also known as 3518 W 3900 N (Tax Roll Acre: 4.8 ac)

In concert with the water right 34-14107 of the property that for the past two years including this year I have watered all areas of my property and property owned jointly with James S. & Evelyn V. Ippolito for the purpose of fire prevention, weed prevention, tree crop irrigation and pasture grass irrigation.

James S. & Evelyn V. Ippolito attest to the following regarding the watering of their individual property (Tax Roll Acres: 9.863 acres) identified by Custer County as RP06N26E189300, also known as 3514 W 3900 N, and property (owned jointly with Henry L. Adema, identified by Custer County as RE06N26E189100, also known as 3518 W 3900 N (Tax Roll Acre: 4.8 ac).

In concert with the water right 34-14107 of the property that for the past two years including this year we have watered all areas of our property and property owned jointly with Henry L. Adema, for the purpose of fire prevention, weed prevention, tree crop irrigation and pasture grass irrigation.

John G. Mariac
Exp 8-29-2012

RECEIVED
CUSTER COUNTY
CLERK
AUG 10 2012

James S. & Evelyn V. Ippolito
Henry L. Adema

William and Kimberly Forbush
3536 w 3900 N Moore (lester) ID 83255

we agree to sell our water rights to
Gary ~~Rob~~ Rogers for \$1000 - per acre

NO- 34-13738

wjg

1-14-14

Dan Rogers

1-17-14
James and Evelyn Ippolito
§ 3514 W 3900 N
Leslie (moore mailing), Id. 83255
208-588-2688 (home)
208-589-2668 (cell)

We Agree to sell our water rights
to Gary Rogers for \$1000. per Acre

Water rights No. : 34-14375^{DT}
Shared water right No: 34-14373
Ippolito and Henry Adema

Hank Adema § 3512 W 3900 N, Leslie, ID 83255

I, Hank Adema agree to sell my
water rights to Gary Rogers. for \$1000. per Acre

Water right No: 34-14374
Shared water right No: 34-14373

Evelyn Ippolito
Jan Apple
Henry Adema
Gary Rogers

1-2-14