

DEC 17 2013

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

78998

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Darlene Williams HibbertPhone (208) 684-4081Mailing address 1443 W 200 S Pingree, ID 83262Email dukub@juno.com

- ☐ 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 Brenda CorbridgePhone (801) 362-6180Mailing address 1028 E 140 N Lindon, UT84042

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

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**.

Applicant is planning on selling the farm and wants to transfer 1 acre of water rights to be used from his domestic well to water trees on his remaining property. Applicant requests 5 years to complete the project. Land currently irrigated will not change. Point of diversion is proposed to be change for 1 acre of land.

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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 ☐ ☒	35-7045	.019cfs/4a.f.	Irrigation	3/01 to 11/30	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .019 cfs and/or 4 acre-feet.

2. Total amount of water proposed to be transferred or changed .019 cubic feet per second and/or 4 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 #
N			NW	NE	15	03S	33E	Bingham	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	
Total Acres (for irrigation use)																			

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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:

A larger pump will be added to the domestic well with sprinklers for watering the trees.

- 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: There will be no effect. Trees will continue to be water through the domestic well.

- 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 rights 35-11427 and 35-11428 are domestic water rights that are out of the proposed point of diversion

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/5/2013

Water Right 35-7045

Owner Type **Name and Address**
Current Owner DARLENE WILLIAMS HIBBERT
1443 W 200 S
PINGREE, ID 83262
(208)684-4081

Priority Date: 9/4/1968

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/01	11/30	2.900 CFS	624.0 AF
	Total Diversion		2.900 CFS	624.0 AF

Source and Point(s) of Diversion
GROUND WATER NWSENW Sec. 15, Twp 03S, Rge 33E, BINGHAM County

Place Of Use
IRRIGATION within BINGHAM County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	33E	15		37.0	40.0		39.0			40.0									156.0

POU Total Acres: 156.0

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. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.

Comments:

1. AJU10-EC 11/19/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C12 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/5/2013

Water District Number: 120
Mitigation Plan: False

Combined Use Limits
N/A

Verification Log

SubCase:
SubCaseNumber: 35-7045
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:
N/A

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 200- Date 12/19/13 Received by SC Receipt # E039379

Add'l fee paid 125 Date _____ Received by _____ Receipt # _____

→ Drilling permit upgrade fee. Page 6

7b

Hibbert Transfer



Legend

- 35-7045
- Township/Range
- Sections
- QQ

78998

1 inch = 500 feet



Law Offices of

ESPLIN & PACKER

DaLon Esplin

Thomas W. Packer

186 East Judicial

P.O. Box 1022

Blackfoot, ID 83221

Telephone (208) 785-5600

Facsimile (208) 785-5400

E-Mail esplin@srv.net

tpacker@srv.net

November 16, 2007

Arlon Dick Hibbert
1443 West 200 South
Pingree, Idaho 83262

Peggy Williams
677 East 900 North
Logan, UT 84321

Brenda Williams Corbridge
1028 East 140 North
Lindon, UT 84042

Lisa Hibbert Nelson
1159 South 1560 East
Spanish Fork, UT 81660

Mark Edmund Williams
2146 River Ave.
American Falls, ID 83211

Re: Estate of Darlene Hibbert:

Dear Arlon, Brenda, Mark, Peggy and Lisa:

As you know, I am representing Brenda Corbridge in her work as personal representative of the Estate of Darlene Hibbert. I am required by law to notify each of you of her appointment as personal representative. I enclose the following court documents and letters for your records:

Application for Informal Probate of Will and Appointment of Personal Representative
together with handwritten Will attached

Informal Probate of Will and Appointment of Personal Representative

Notice to Heirs and Devisees

First Inventory

Notice of Service of First Inventory

Letter to Grandchildren dated November 16, 2007

Brenda and Arlon have informed me that you have met and counseled together and determined to distribute \$6,000.00 to each of the grandchildren whose parents are deceased. According to Brenda, you have each already received various amounts from accounts, annuities, or insurance policies that were specifically designated for you by Darlene Hibbert. Those

amounts are not included in the inventory of the estate, since they passed to you outside of the estate.

I understand the family wants to keep court and lawyer involvement to a minimum. You have decided not to have me publish notice to potential creditors, because according to Arlon, Darlene had no significant creditors that have not been paid.

Brenda informs me that after paying the grandchildren, she will be distributing most of the cash to the four surviving children, as directed by the Will. She will be holding back enough to maintain the real estate, pay the property taxes, etc. The farm will continue to be rented and Arlon will remain living in the house.

I will not do any more work on this estate until the family needs me to do so. As personal representative, Brenda has the authority manage the estate assets, make periodic distributions, and rent or sell the real property when the time comes.

If any of you have any questions, please feel free to contact me or Brenda Corbridge.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DaLon Esplin', with a long horizontal flourish extending to the right.

DaLon Esplin
DE
enclosures

DALON ESPLIN #2282
ESPLIN & PACKER, LLP
186 East Judicial
P.O. Box 1022
Blackfoot, Idaho 83221
Telephone: (208) 785-5600
Fax: (208) 785-5400

STATE OF IDAHO } SS
COUNTY OF BINGHAM }
I hereby certify that the foregoing instrument is a full,
true and correct copy of the original on file in the
office of the undersigned Clerk of the Magistrate's
Division, District Court of the Seventh Judicial District
of Idaho, for Bingham County. 10-17-07
Date
By SAHA J. STAUB
Clerk, Dist. Court Magistrate Div.
Deputy Clerk

Counsel for Personal Representative

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF)

Case No. CV-2007- 2612

MELBA DARLENE HIBBERT,)

DECEASED.)

INFORMAL PROBATE OF WILL,
AND APPOINTMENT OF
PERSONAL REPRESENTATIVE

Upon consideration of the Application for Informal Probate of Will and Informal Appointment of Personal Representative filed by Brenda W. Corbridge, the court, acting as registrar finds as follows:

1. The Application is complete and the applicant has made an oath or affirmation that the statements contained in the Application are true to the best of her knowledge or belief. From the Application it appears that the applicant is an interested person as defined by the Idaho Uniform Probate code. On the basis of the statements in the Application, venue in Bingham County is proper.

2. The original, and apparently unrevoked handwritten Will of Melba Darlene Hibbert accompanies the application and is now in the court's possession.

3. On the basis of the statements in the Application, the Will is not part of a known series of testamentary instruments, the latest of which does not expressly revoke the former.

4. On the basis of the statements in the Application, no personal representative has

INFORMAL PROBATE OF WILL,
AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

been appointed in this state or elsewhere, and neither the Will accompanying the Application, nor any other Will of the decedent has been the subject of previous probate orders in this state. The Application does not indicate the existence of possible unrevoked testamentary instruments which may relate to properties subject to the laws of the state, and which are not filed for probate in this court.

5. The time limits for informal probate and appointment have not expired. Any required notices have been given or waived.

6. The time period within which no action can be taken on the Application for informal probate and appointment has elapsed.

THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The handwritten Will of the decedent, Melba Darlene Hibbert, consisting of three documents entirely in the handwriting of the decedent, dated January 22, 2007, February 12, 2007, and "after February 14, 2007," which were found together in a packet, which was sealed and signed by decedent, is hereby informally found to be the Holographic Will of the decedent pursuant to *Idaho Code* Section 15-2-503 and is hereby informally probated.
- B. The Estate of Melba Darlene Hibbert shall be administered informally.
- C. Brenda W. Corbridge is hereby appointed Personal Representative of the decedent to act without bond.
- D. Letters Testamentary shall be issued to Brenda W. Corbridge, Personal Representative, upon qualification and acceptance.

DATED this 17 day of October, 2007.

RYAN W. BOYER

RYAN BOYER, MAGISTRATE

INFORMAL PROBATE OF WILL,
AND APPOINTMENT
OF PERSONAL REPRESENTATIVE

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