

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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 always required 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 for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * 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 not 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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #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/resources.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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☐ #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: _____

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NOV 12 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78995APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Gary Mayberry Phone (707) 442-1119Mailing address 7429 Berta Road, Eureka, CA 95503 Email bmayberry@wildblue.net

- ☐ 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.

Gary Mayberry
Signature of Applicant or Authorized Representative

Gary Mayberry 10-31-13
Print Name and Title if applicable Date

Barbara Mayberry
Signature of Applicant or Authorized Representative

Barbara Mayberry 10-31-13
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**. The purpose is to increase water use efficiency by converting from flood irrigation to gravity fed sprinkler irrigation. Old diversions will be removed and a new point of diversion established with a fish screen.

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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 ☒ ☐	75-10668	1.52	Irrigation	4/1 to 11/01	Poison Creek trib. to Salmon
☒ ☐	78-10669	1.34	Irrigation	4/1 to 11/01	Poison Creek trib. to Salmon
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.86 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.86 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 #
			NE	NW	23	18N	21E	Lemhi	Poison 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	
18N	21E	15									14.6		17.6	21.6		5.0			58.8
18N	21E	22					.1	17.1	1.5	3.7	17.9	24.3	18.3						82.9
18N	21E	21																1.3	1.3
Total Acres (for irrigation use)																			143

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: _____

The new system will have lockable controllable head works and a fish screen.

- b. Who owns the property at the point(s) of diversion? Gary Mayberry (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:

transfer of place of use due to sprinkler design, purpose will remain irrigated agriculture, with same amount of irrigated acres

- 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: _____

Instrument No. 33522

WARRANTY DEED.

THIS INDENTURE, Made this 1st day of October, in the year of our Lord one thousand nine hundred and twenty-seven between DAVID EDSON and NIRA EDSON, husband and wife, of Lemhi County, Idaho, the parties of the first part, and COMMON SCHOOL DISTRICT NO. 23 of Lemhi County, Idaho, the party of the second part,

WHEREAS, Said School District has no legally selected site for school purposes, the proposition of selecting the site upon which the school house now stands having been twice rejected by the voters of said district, voted at two separate elections held for said purpose; and

WHEREAS, More than a majority of the qualified electors in said school district have petitioned the Board of Trustees of said District to submit to the qualified electors of said District the question of selecting the land hereinafter described as a school site for said District; and,

WHEREAS, The parties of the first part, above named, are willing to donate said land hereinafter described to said School District for school purposes,

NOW THEREFORE, WITNESSETH:

That the said parties of the first part, in consideration of the selection of the land hereinafter described as a school site for said School District and of the building thereon of a school house, as heretofore authorized by the electors of said District, and the use of the same for school purposes, do hereby grant and dedicate said lands for such purpose and do by these presents grant, bargain, sell and convey unto said party of the second part all of that certain piece or parcel of land situated in the County of Lemhi, State of Idaho and particularly described as follows, to-wit:

Being a part of Lot 7, Section 15, Township 18 North, Range Twenty-one East of the Boise Meridian, more particularly described as follows, to-wit:

Beginning at a point on the Easterly side of the State Highway from which point the West $\frac{1}{4}$ corner of said Section 15 bears N. 73° 26' West 2333.3 feet distant; thence North 54° East along the easterly side of said State Highway, 330 feet; thence South 36° East 132 feet; thence South 54° West 330 feet; thence North 36° West 132 feet to the place of beginning.

Together with the appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above granted and described premises with all its appurtenances unto the said party of the second part forever, subject only to the condition that if the use of said premises for school purposes shall at any time be abandoned then the title to said property shall revert to the parties of the first part, their heirs or assigns.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

David Edson
Nira Edson

STATE OF IDAHO,)
 : ss.
COUNTY OF LEMHI.)

On this 1st day of October in the year 1927, before me, L. E. Glennon, a Notary Public in and for the said County and State, personally appeared David Edson and Nira Edson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

-Seal-

L. E. Glennon
Notary Public for the State of
Idaho, Residing at Salmon, Idaho.

Recorded at the request of E. N. Kilpatrick, Oct. 1st, 1927, at 55 minutes past 11 o'clock A.M., in Book 28 of Deeds, page 634, Records of Lemhi County, Idaho.

Fee: 1.50

W. W. Simmonds
County Recorder.

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/17/2013

WATER RIGHT NO. 75-10668

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA MAYBERRY
Current Owner	GARY MAYBERRY
	7429 BERTA RD
	EUREKA, CA 95503
	(707)442-1119

Priority Date: 04/01/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
POISON CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.52 CFS	
Total Diversion			1.52 CFS	

Location of Point(s) of Diversion:

POISON CREEK	SENW Lt 3	Sec. 22	Township 18N	Range 21E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
18N	21E	15	7	NESW	10	10	SWSW	17		SESW	21			
			6	NWSE	13									
		22	1	NWNW	15									

Total Acres: 76

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.
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Dates:

Licensed Date:

Decreed Date: 11/17/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/14/2013

WATER RIGHT NO. 75-10669

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA MAYBERRY
Current Owner	GARY MAYBERRY
	7429 BERTA RD
	EUREKA, CA 95503
	(707)442-1119

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
POISON CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.34 CFS	
Total Diversion			1.34 CFS	

Location of Point(s) of Diversion:

POISON CREEK	NWNE	Sec. 22	Township 18N	Range 21E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
18N	21E	21	3	SESE	1									
		22	3	SENW	5									
				NESW	20	4	NWSW	24	5	SWSW	17			

Total Acres: 67

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.
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Dates:

Licensed Date:

Decreed Date: 11/17/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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Poison Creek Irrigation/Fish Passa Project **Point-of-Diversion Transfer** **Proposed Place-of-Use for New Sprinkler Irrigation**

