

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78870

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) E & M Trust Phone (208) 852-2375

Mailing address 2414 South 1600 East, Preston, ID 83263 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

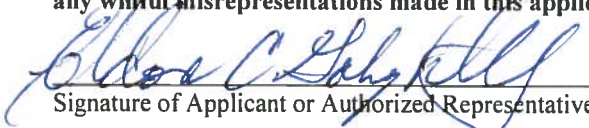
Name of Representative _____ Phone _____

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**.

RECEIVED
SEP 13 2013
Department of Water Resources
Eastern Region

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

Trustee
Print Name and Title if applicable

9-15-13
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 Update ownership on 13-62
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**.

This transfer proposes to rearrange water rights 13-62 and 13-7792 to reflect current irrigation practices. Applicant owner of the water rights pursuant to deeds with Wheatley. Rights were withheld in sale of property and are now moved to applicant's land.

78870

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 ☒ ☐	13-62	0.20 / 36	Irrigation	4/01 to 7/01	Spring Creek
☒ ☐	13-7792	0.90 / 182	Irrigation	4/01 to 11/01	Spring Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.10 cfs and/or 218 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.14 cubic feet per second and/or 27 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 #

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	
16S	39E	12	8.2			20.3													28.5
16S	40E	7						2.0	26.5										28.5
Total Acres (for irrigation use)																			57.0

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:
Water from spring creek is diverted through a ditch to Applicant's property. Water will be pumped out of irrigation regulation reservoirs to sprinklers.
- b. Who owns the property at the point(s) of diversion? Robert Cole
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing ditch - prescriptive easement. No change in POD.
- 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: Water is not being moved off of property.
- 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:
Water rights will continue to only irrigate 57 acres. Wheatley's portion of old right 13-216 is also good for 57 acres of irrigation.
- 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:
Cub River Irrigation Co. water is also used in the area, but not on the same ground. Applicant is working with Cub River to facilitate the delivery of canal water to neighboring property.
- 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

9/12/2013

Water Right 13-62

Owner Type **Name and Address**
 Current Owner DONALD D GOLIGHTLY
 RT 1
 PRESTON, ID 83263

Current Owner NONA GOLIGHTLY
 RT 1
 PRESTON, ID 83263

Priority Date: 5/15/1902

Basis: Decreed

Status: Active

Source
 SPRING CREEK

Tributary
 CUB RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	7/01	0.200 CFS	36.0 AF
	<u>Total Diversion</u>		0.200 CFS	36.0 AF

Source and Point(s) of Diversion

SPRING CREEK L4(NWNW) Sec. 6, Twp 16S, Rge 40E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN 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	
16S	39E	12	6.0			19.0									40.0			24.0	89.0
16S	40E	7						2.0	23.0										25.0
								L1	L2										

POU Total Acres: 114.0

Conditions of Approval:

- THIS DECREEED RT. WAS MODIFIED BY THE FINAL WORM CREEK DECREE.
 THIS RT. WHEN COMBINED WITH RTS. 13-0216 & 13-0217 SHALL NOT EXCEED
 400.0 AF/YR.

9/13/2013

212949 1-2

Recorded at the request of

Jay R. McKenzie

11:15
am. APR 13 2001

CORRECTING WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Ruth K. Rawlins Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

PATRICIA VAUGHAN and JAMES TOWNSEND, Trustees of The E & M Trust,
dated April 25, 2000,

the grantors, do hereby grant, bargain, sell and convey unto

SETH WHEATLEY and BERT WHEATLEY, JR.,

whose current address is: c/o Seth Wheatley
1598 East 3200 South
Preston, Idaho 83263

the grantees, the following described premises, in Franklin County, Idaho, to-wit:

Beginning 80 rods West of the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 7, Township 16 South, Range 40 East of the Boise Meridian; thence South 160 rods; thence West 80 rods; thence North 160 rods; thence East 78 rods; thence South 33 feet; thence East 33 feet; thence North 33 feet to the point of beginning.

TOGETHER with one-half interest of decreed Water Right No. 13-00216, with priority date of August 31, 1903, for irrigation;

ALSO, a non-exclusive right-of-way and easement to use and maintain an existing ditch for transport of the above-described water right, which ditch runs along the East side of grantor's property, which lies North and East of the above-described property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

This Correcting Warranty Deed is made to correct Warranty Deed dated May 3, 2000, and recorded May 26, 2000, as Instrument No. 209956, records of Franklin County, Idaho, as to the RANGE NUMBER and spelling of the name of grantee, BERT WHEATLEY, JR.

DATED this 12th day of April, 2001.

Patricia Vaughan
PATRICIA VAUGHAN, Trustee of
The E & M Trust

209766 1-4

Recorded at the request of

JAY R. McKenzie

a.m. MAY 5 2000 1:15 p.m.

GIFT WARRANTY DEED

FOR VALUE RECEIVED

V. ELLIOTT LARSEN, RECORDER
By Shauna Giddes Deputy
FRANKLIN COUNTY, IDAHO

DONALD D. GOLIGHTLY and NONA C. GOLIGHTLY, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

PATRICIA VAUGHAN and JAMES TOWNSEND, Co-Trustees, and their
successors, in trust, of the E & M Trust, dated May 2, 2000

whose current address is: 2414 South 1600 East
Preston, ID 83263

the grantees, the following described premises, in Franklin County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE

The surviving trustee and successor trustees have full rights to sell or encumber the property
herein set forth.

The transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a
Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing
trustee, filed of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises; that they are free from
all encumbrances and that they will warrant and defend the same from all lawful claims
whatsoever.

DATED this 3rd day of May, 2000.

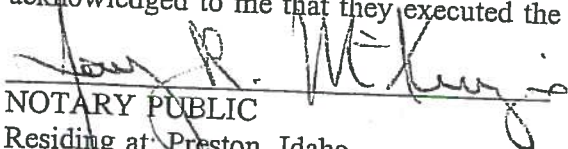
Donald D. Golightly
DONALD D. GOLIGHTLY

Nona C. Golightly
NONA C. GOLIGHTLY

209766 2-4

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 3rd day of May, 2000, before me, a Notary Public in and for said State, personally appeared DONALD D. GOLIGHTLY and NONA C. GOLIGHTLY, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-16-2003

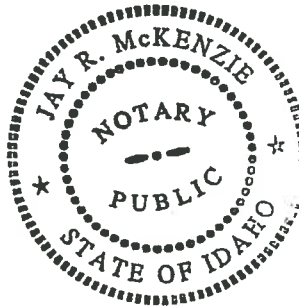


EXHIBIT "A"

PARCEL 1:

TOWNSHIP 16 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 12:

COMMENCING AT A POINT 48 RODS SOUTH AND 40 RODS WEST FROM THE NORTHEAST CORNER OF SECTION 12, AND RUNNING THENCE EAST 613 FEET; THENCE SOUTH 11 RODS 6-1/2 FEET; THENCE EAST 12 RODS; THENCE NORTH 45° EAST 7 RODS 2-1/2 FEET TO THE CENTER OF THE HIGHWAY; THENCE SOUTHEASTERLY ALONG THE CENTER OF SAID HIGHWAY TO A POINT 15 RODS 3-1/2 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN; THENCE RUNNING SOUTH 15 RODS 3-1/2 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE RUNNING WEST 80 RODS; THENCE SOUTH 160 RODS; THENCE WEST 80 RODS; THENCE NORTH 160 RODS; THENCE EAST 40 RODS; THENCE NORTH 112 RODS TO THE PLACE OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS APPURTENANT THERETO: DECREED WATER RIGHT NO. 13-00062, WITH PRIORITY DATE OF MAY 15, 1902; DECREED WATER RIGHT NO. 13-00216, WITH PRIORITY DATE OF AUGUST 31, 1903, FOR IRRIGATION; TWO AND ONE HALF SHARES IN THE LEWISTON CANAL COMPANY.

TOGETHER WITH THE RIGHT TO USE A COMMON EASEMENT FOR ACCESS OF THE PROPERTY IMMEDIATELY ADJOINING TO THE NORTH OF THE BELOW DESCRIBED PARCEL 2.

TOGETHER WITH A ONE-HALF (1/2) INTEREST IN WATER WELL LOCATED IN SOUTH CENTER OF BELOW PARCEL 2. TOGETHER WITH RIGHT OF INGRESS AND EGRESS TO WELL AND TO CONVEY WATER FROM SAID WELL. ALSO, AN EASEMENT FOR CULINARY WATER PIPELINE ACROSS SOUTH SIDE OF BELOW PARCEL 2 FOR CONVEYING WHITNEY-NASHVILLE WATER. ALSO, AN EASEMENT ALONG EAST AND SOUTH SIDE OF SAID EXCEPTED PARCEL FOR CONVEYING PRESTON-WHITNEY IRRIGATION WATER.

EXCEPTING THEREFROM HOWEVER: PARCEL 2 BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, AND RUNNING THENCE NORTH 15 RODS 3 1/2 FEET TO THE CENTER OF THE HIGHWAY, THENCE NORTHWESTERLY ALONG THE CENTER OF HIGHWAY 1700 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 53° WEST 180 FEET; THENCE NORTH 39° WEST 125 FEET; THENCE NORTH 53° EAST 180 FEET; THENCE SOUTH 37° EAST 125 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM . PARCEL 3

TOWNSHIP 16 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN:

SECTION 7: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, THENCE NORTH 15 RODS 3 1/2 FEET TO THE CENTER OF THE HIGHWAY, THENCE NORTHWESTERLY ALONG THE CENTER OF THE HIGHWAY 1500 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 53° WEST 240 FEET, THENCE NORTH 42° WEST 200 FEET, THENCE NORTH 53° EAST 240 FEET, THENCE SOUTH 37° EAST 200 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL 4:

TOWNSHIP 16 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN:

SECTION 7: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, THENCE NORTH 15 RODS 3 1/2 FEET TO THE CENTER OF THE HIGHWAY; THENCE NORTH WESTERLY ALONG CENTER OF HIGHWAY 1360 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 53° WEST 150 FEET; THENCE NORTH 37° WEST 140 FEET; THENCE NORTH 53° EAST 150 FEET; THENCE SOUTH 37° EAST 140 FEET TO THE POINT OF BEGINNING.

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ALSO EXCEPTING THEREFROM THE FOLLOWING PARCEL 5:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, TOWNSHIP 16 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN; AND RUNNING THENCE NORTH 15 RODS 3 ½ FEET TO THE CENTER OF THE HIGHWAY; THENCE NORTHWESTERLY ALONG THE CENTER OF HIGHWAY 1200 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 53° WEST 220 FEET; THENCE NORTH 37° WEST 150 FEET; THENCE NORTH 53° EAST 220 FEET; THENCE SOUTH 37° EAST 150 FEET TO THE POINT OF BEGINNING.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78870

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 www.idwr.idaho.gov.

Name of Applicant(s) E & M Trust

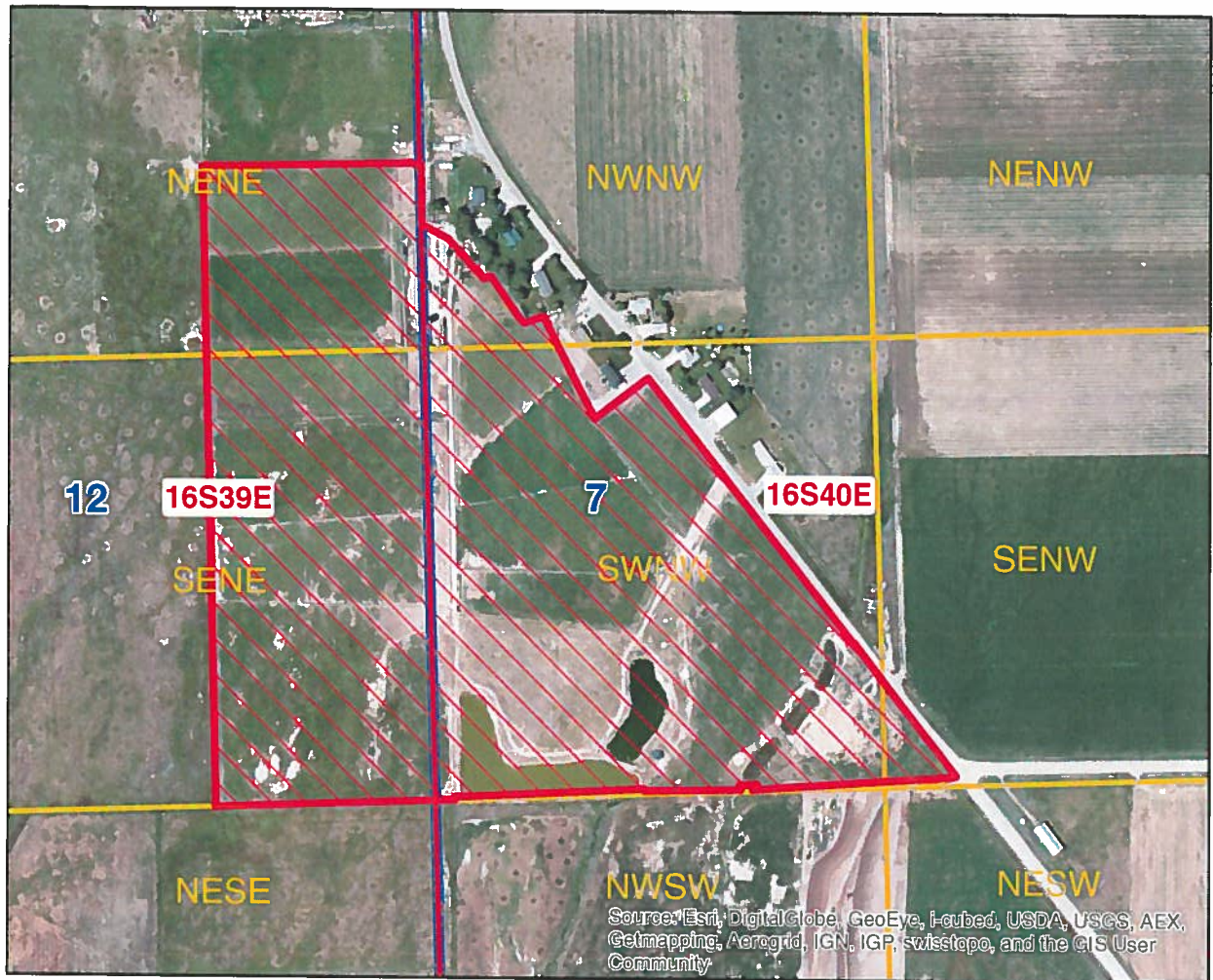
Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | 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 <u>Part 2A</u> report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer <u>Part 2B</u> for each water right for which <u>only a portion</u> 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. (<u>Fee schedule</u> 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 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). **
** 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 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 <u>fee schedule</u> . |
| ☐ | ☒ | #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: _____ |

Golightly Transfer - Proposed POU



2010 Aerial Photography

