

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78834

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Laura B Jorgenson Phone 303-748-7100

Mailing address PO BOX 4758 HAILEY, ID 83338 Email lbjorgenson@q.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 Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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SEP 18 2013

Department of Water Resources
Eastern Region

- ☐ 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.

Laura B Jorgenson
Signature of Applicant or Authorized Representative

Laura B Jorgenson
Print Name and Title if applicable

9/17/13
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 _____
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**. I do not have access to existing point of diversion described under my ground water rights and propose to change the point of diversion and drill a new well on my property. The Existing well and proposed well are within the same ESPA model cell. No ESPA analysis is required.

78834

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 ☒ ☐	34-2425D	0.208	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	34-13914	0.110	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.318 cfs and or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ 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 #
X			SW	SE	31	07N	25E	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	

Total Acres (for irrigation use) _____

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: Pump to sprinkler irrigation system.

- 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: N/A

- 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: None

- 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:

please see attached statement.

September 17, 2013

Response to question 5F

Dear Sirs:

There are a combination of reasons as to why my property's water rights were not used.

When I originally purchased the land in 1994, I was not made aware of any time restrictions on water right use; during the 19 years I owned it, I never received any correspondence in regards to this issue.

I bought the land with the intention of returning there to retire; in fact, I moved to Colorado in 1997 to work and raise my son. My son is a freshman in college, and now I am able to realize my dream & build a home and small horse property in Hackney.

I began construction on the property in June '13. During this time I received a letter from the IDWR, requiring water meters (this is the only water-related correspondence I ever received). I tried to comply with the meter requirements, and that is how I found out about these water right issues.

I do not have access to the existing well; it is surrounded by private land & there are no easements to it. Also, I have been in Colorado the past 16 years; I ~~was~~ not able or in the position to use the land.

Finally, as I already mentioned, I was never made aware of time limits on water use. If I had known, I certainly would have figured out a way to keep my water rights viable; that land means too much to me.

I hope you will grant me a point of diversion to the existing well. I'm a small homeowner, who returned to Hackney after 16 years, in order to retire (with my 3 horses), and keep the property green enough for some grazing, so as not

to negatively impact the land by degradation of the soils &
native grasses.

Thank you for your consideration.
Respectfully,

Lama Jigean

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

9/13/2013

WATER RIGHT NO. 34-13914

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAURA B JORGENSEN PO BOX 4758 HAILEY, ID 83338 (303) 748-7100

Priority Date: 12/17/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.11 CFS	19.4 AFA
Total Diversion			0.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 31	Township 07N	Range 25E	CUSTER County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	25E	31		NWSE	2.83		SWSE	2.7						

Total Acres: 5.53

Conditions of Approval:

1.	X36	Rights 34-13912, 34-13913, 34-2425B, 34-2425D, 34-2425F, 34-7090A, and 34-7090B are also diverted through the point of diversion described above.
2.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3.	M03	A totalizing measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

Dates:

Licensed Date:

Decreed Date: 08/14/2002

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:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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

Location of Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 31	Township 07N	Range 25E	CUSTER County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	25E	31		SWSE	10.4									

Total Acres: 10.4

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.	M03	A TOTALIZING MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3.		RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE. OTHER RIGHT NOS.: 34-02425B, 34-02425C, 34-02425D, 34-07090A AND 34-07090B.

Dates:

Licensed Date:

Decreed Date: 02/07/2001

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

78834

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 <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 Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs/09_WaterRight_TransferApp_Part2B.pdf . |
| ☒ | ☐ | * 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.

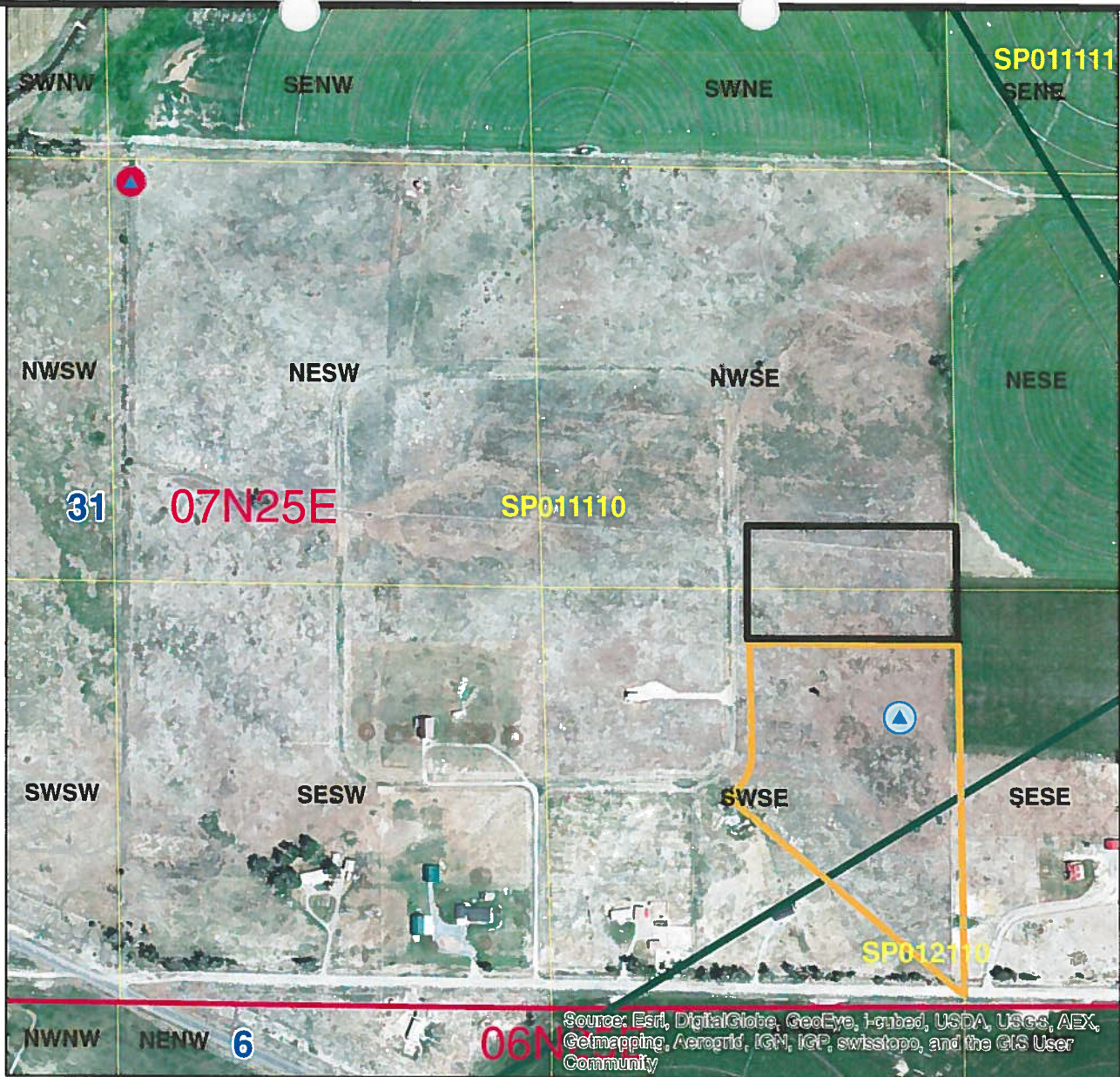
- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers 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 transfer 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). |
| ☐ | ☒ | #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/wrt_default.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.) |
| ☐ | ☒ | #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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Department of Water Resources
Eastern Region

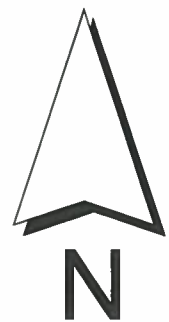
78834



0 300 600 1,200 Feet

1 inch = 535.39 feet

-  Proposed POD 34-2425D 34-13914
-  Current POD 34-2425D 34-13914
-  Place_of_Use_34-13914
-  Place_of_Use_34-2425D
-  modelgrid
-  Township/Range
-  Sections
-  QQ



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

247107
Custer County Reg. of
First American Title
Time **1:04 P** M Date **3/28, 2013**
Barbara C. Tierney, Clerk
Laura Borge \$ **13.00**
Deputy

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **457035-B (Id)**

Date: **March 22, 2013**

For Value Received, **Lyle J. Hansen and Kelee E. Hansen, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Laura B. Jorgenson, an unmarried person**, hereinafter called the Grantee, whose current address is **11408 West Radcliffe Drive, Littleton, CO 80127**, the following described premises, situated in **Custer County, Idaho**, to-wit:

Lot 15, Block 1, Crows Nest Estates, Custer County, Idaho, as shown on the plat recorded October 15, 1991, as Instrument No. 200401.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 03/22/2013

Warranty Deed
- continued

File No.: 457035-B (1d)

② Lyle J. Hansen
Lyle J. Hansen

② Kelee E. Hansen
Kelee E. Hansen

STATE OF Idaho)
COUNTY OF Custer)

On this 23rd day of March, 2013, before me, a Notary Public in and for said State, personally appeared **Lyle J. Hansen and Kelee E. Hansen**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.



Linda Mecham
Notary Public for the State of Idaho
Residing at: Jerome
My Commission Expires: 9-28-18

245576

Custer County Rec. of
Albion State & Crown
Time 1:20 PM Date 5/1/2012
Barbara C. Tiemey, Clerk
Barbara C. Tiemey
Deputy

WARRANTY DEED

ATEC Order No.: 140737

FOR VALUE RECEIVED

Laura B. Jorgenson, a single woman, as to an undivided 50% interest and Charles Schwartz a single man, as to an undivided 50% interest Laura B. Jorgenson, acquired title as a married woman, as her sole and separate property the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Laura B. Jorgenson, a single woman

whose current address is

3544 Christy Ridge Rd.
Sedalia, CO 80135

the grantee(s), the following described premises, in Custer County, Idaho, TO WIT:

Lots 16 and 17 in Block 1, Crows Nest Estates according to the official plat thereof, filed for record as instrument no. 200401, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 30, 2012

Laura B. Jorgenson

Charles Schwartz

State of Connecticut } ss Greenwich
County of Fairfield }

On this 3rd day of May, 2012, before me, William Ferri, a Notary Public in and for said state, personally appeared Charles D. Schwartz, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that

245575

Custer County Reg. of
Title & Es. & Co.
Time 11:00 AM Date 5-10-12
Barbara C. Tierney, Clerk
Deputy

WARRANTY DEED

ATEC Order No.:140737

FOR VALUE RECEIVED

Laura B. Jorgenson, a single woman, as to an undivided 50% interest and Charles Schwartz a single man, as to an undivided 50% interest Laura B. Jorgenson, acquired title as a married woman, as her sole and separate property the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Laura B. Jorgenson, a single woman

whose current address is

3544 Christy Ridge Rd.
Sedalla, CO 80135

the grantee(s), the following described premises, in Custer County, Idaho, TO WIT:

Lots 16 and 17 in Block 1, Crows Nest Estates according to the official plat thereof, filed for record as Instrument no. 200401, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 30, 2012

Laura B. Jorgenson
Laura B. Jorgenson

Charles Schwartz

State of Idaho) ss
County of Bozeman)

On this 3rd day of May, 2012, before me Megan Becker a Notary Public in and for said state, personally appeared Laura B. Jorgenson known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that