

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78630

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

JUL 03 2013

Name of Applicant Inkom Cemetery District c/o Iris BernierPhone Department (208) 775-3712Mailing Address 480 E Jackson Creek Road, Inkom, ID 83145Email Eastern Region

- ☐ 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 Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kmoore@rockymountainenvironmental.com☐ 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**:

The Cemetery District is splitting off a 2.4 acre portion of 29-7909 that is appurtenant to a parcel of land owned by the cemetery district, add a new point and existing point of diversion for the portion of 29-7909 and add the new point of diversion to the district's existing water right (29-7602). This transfer also proposes to create a permissible place of use for both water rights (29-7909 & 29-7602) by reconfiguring the acres currently identified as the POU to represent that which is actually being irrigated.

AMENDED

78630

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) 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					
☐ ☒	29-7909	0.034 cfs	Irrigation	04/15 to 10/15	Ground Water
☒ ☐	29-7602	0.060 cfs	Irrigation	03/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total Authorized under rights 0.094 cfs and/or _____ ac-ft

2. Total amount of water being transferred or changed 0.094 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. No ESPA Model Grid identified at these coordinates

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes		SE	SE	SE	15	7S	36E	Bannock	Ground Water	
No		NE	NW	NE	22	7S	36E	Bannock	Ground Water	29-95-E-065-200

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	36E	15															0.8	3.2	4.0
		22	0.8	0.6															1.4

Total Acres (for irrigation use): 5.4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

Part 1.B DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES.

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: Two wells with pumps to mainlines with sprinklers. Gate valves in the mainline or the electrical panel(s) can be used as a lockable controlling device .

b. Who owns the property at the point(s) of diversion? Applicants

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? No ☒
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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The total acres to be irrigated will not increase, and combined the irrigated acres will be 5.4 ac (2.4 ac from 29-7909 & 3.0 ac from 29-7602).

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) of use:

No other Water Rights.

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 29-7602

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INKOM CEMETERY DISTRICT
	C/O IRIS BERNIER
	480 E JACKSON CREEK RD, INKOM, ID 83245

Priority Date: 06/15/1981

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	03/15	11/15	0.06 CFS	10.5 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE	Sec. 22	Township 07S	Range 36E	BANNOCK County
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Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SWSE	0.8		SESE	1.1						
		22		NENE	0.5		NWNE	0.6						

Total Acres: 3

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:

Decreed Date: 03/22/2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

WATER RIGHT NO. 29-7909

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOB R TANNER or RAYLENE, PO BOX 360, INKOM, ID 83245

Priority Date: 03/26/1990

Basis: License

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	4/15	10/15	0.21 CFS	52.5 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 15	Township 07S	Range 36E	BANNOCK County
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Licensed Diversion Capacity: 0.21

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SWSE	1		SESE	14						

Place of Use Legal Description: DOMESTIC BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SESE										

Total Acres: 15

Conditions of Approval:

1.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2.	R30	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
3.		Domestic use is for 1 home.
4.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

Right Number: 29-7909

- [illegible]

[illegible]

Total Acres (for irrigation use)	2.4
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7 8 6 3 0

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

☒ 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.

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

☐ 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 supplemental, 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 are no margins, text, or other markings on the paper.

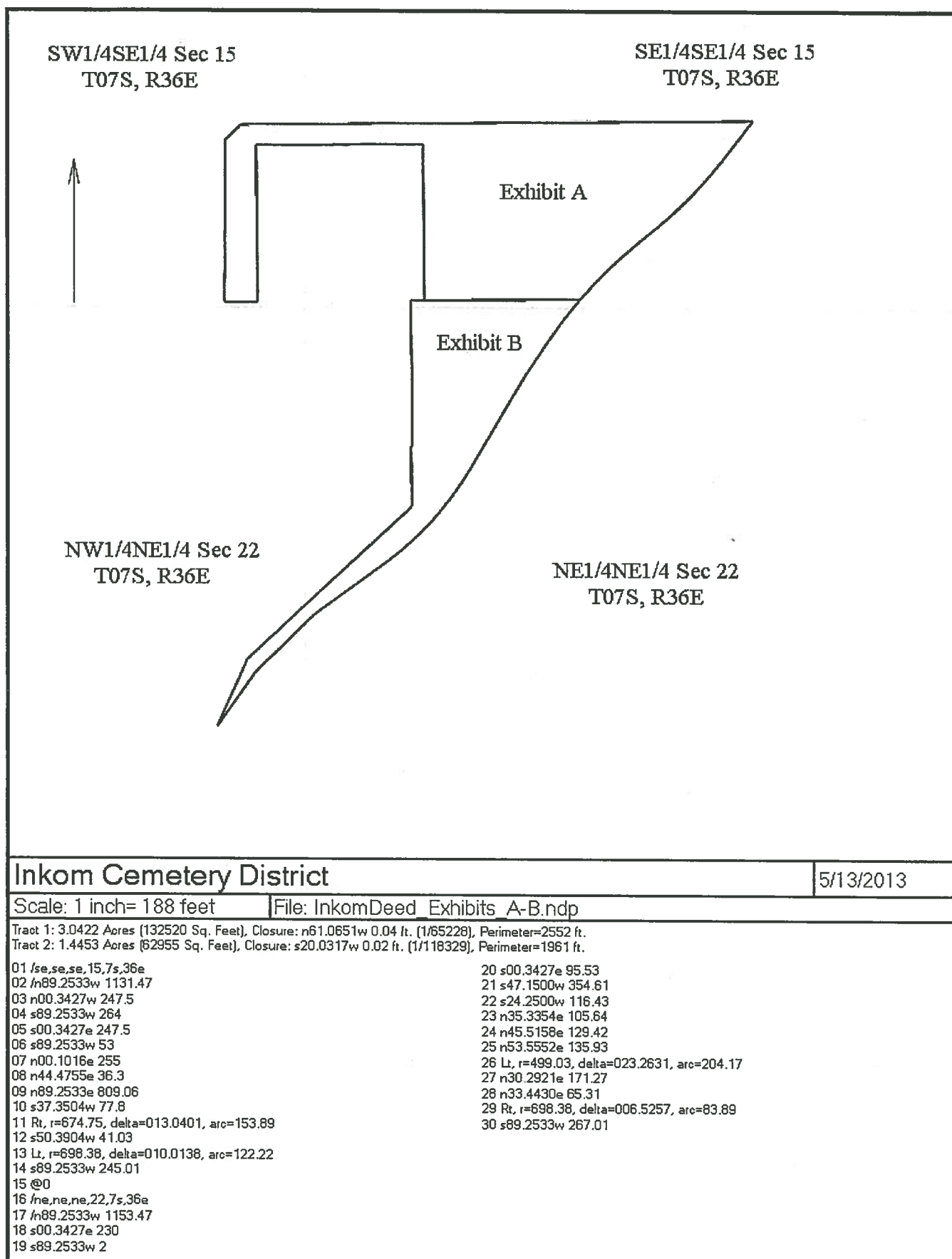
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

7 8 6 3 0



00326

4123287

FURNISHED BY First American Title Company, Inc.

WARRANTY DEED

97022229

For Value Received BOB TANNER AND RAYLENE TANNER, husband and wife,

the grantor^s do hereby grant, bargain, sell, and convey unto

INKOM CEMETERY DISTRICT

the grantee whose current address is 480 E. Jackson Cr. Rd.
Incom, Id. 83245

the following described premises, to-wit:

"SEE ATTACHED EXHIBIT A" & B"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee, that the y the owner^s in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 26, 1997



BOB TANNER



RAYLENE TANNER

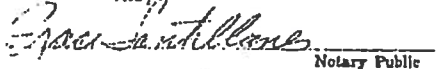
97022229

STATE OF IDAHO, COUNTY OF Bannock
On this 26th day of December, 1997,
before me, a notary public in and for said State, personally
appeared

Bob Tanner and Raylene Tanner

NOTARY SEAL

known to me to be the person^s whose name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.



Notary Public

Residing at Pocatello, Idaho
Comm. Expires 5/5/2003

FIRST AMERICAN TITLE

Date: 97 DEC 26 PM 4 12
Official Notary Public

Bannock County Recorder
For: 9.8 Depu: 

INSTRUMENT NO.

78630

00327



"EXHIBIT A"

97022229

3-2

LEGAL DESCRIPTION
ORDER NO. 23287

N 89° 25' 33" E
A tract of land in the S½SE¼ of Section 15, Township 7 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, described as follows: Beginning at a point on the South line of said Section 15, from which the SE corner of said Section bears North 89° 25' 33" East 1131.47 feet. Said point being also the SE corner of that part of the Inkam Cemetery described in Instrument No. 93843; thence North 0° 34' 27" West along the East line of said Cemetery 247.50 feet to the NE corner thereof; thence South 89° 25' 33" West along the North line of said Cemetery 264.00 feet to the NW corner thereof; thence South 0° 34' 27" East along the West line of said Cemetery 247.50 feet to the South line of said Section 15; thence South 89° 25' 33" West along said South line 53.00 feet to the SE corner of that parcel of land described in Instrument No. 692439; thence North 0° 10' 16" East along the East line of said parcel 255.00 feet to the NE corner of said parcel; thence North 44° 47' 55" East 36.30 feet; thence North 89° 25' 33" East 809.06 feet, to the Westerly right-of-way of Rapid Creek Road; thence South 37° 35' 04" West along said right-of-way 77.80 feet; thence continuing along said right-of-way, along a curve to the right having a radius of 674.75 feet, through a central angle of 13° 04' 01" for an arc length of 153.89 feet; thence South 50° 39' 05" West along said right-of-way 41.03 feet; thence continuing along said right-of-way along a curve to the left having a radius of 698.38 feet through a central angle of 10° 01' 38" for an arc length of 122.22 feet, to the South line of said Section 15; thence South 89° 25' 33" West along said South line 245.01 feet to the POINT OF BEGINNING. Reserving therefrom the West 20.00 feet of the above described tract of land for ingress and egress. Also an easement for ingress and egress, in Section 22, Township 7 South, Range 36 E.B.M., 20.00 feet in width and described as the West 20.00 feet of the South portion of the Inkam Cemetery, said Cemetery being described in Instrument No. 482477 in the Bannock County Recorder's Office.

78630

00328

SNAKE RIVER SURVEYING, INC.
P. O. Box 164
American Falls, Idaho 83211

97022229

EXHIBIT B

96026A
Bob Tanner
1.445 Acres

33

A Tract of Land in the NE $\frac{1}{4}$ of Section 22, Township 7 South, Range 36 East, of the Boise Meridian described as follows:

Beginning at a Point on the North line of said Section 22. From which the NE corner of said section bears N 89° 25' 33" E, 1153.47 feet, said point being also the NE corner of that part of the Inkam Cemetery described in Instrument No. 482477;

Thence S 0° 34' 27" E, along the East line of said Cemetery, 230.00 feet to the SE corner thereof;

Thence S 89° 25' 33" W, along the South line of said Cemetery, 2.00 feet, to the East side of a 20' wide access, described in the above mentioned instrument;

Thence S 0° 34' 27" E, along the E'ly side of said access, 95.53 feet;

Thence, continuing along said E'ly side, S 47° 15' 00" W, 354.61 feet;

Thence, continuing along said E'ly side, S 24° 25' 00" W, 116.43 feet to the NW'ly right-of-way of Rapid Creek Road;

Thence N 35° 33' 54" E, along said right-of-way, 105.64 feet;

Thence N 45° 51' 58" E, along said right-of-way, 129.42 feet,

Thence N 53° 55' 52" E, along said right-of-way, 135.93 feet;

Thence, along said right-of-way, along a curve to the left, having a radius of 499.03 feet, through a central angle of 23° 26' 31", for an arc length of 204.17 feet;

Thence N 30° 29' 21" E, along said right-of-way, 171.27 feet;

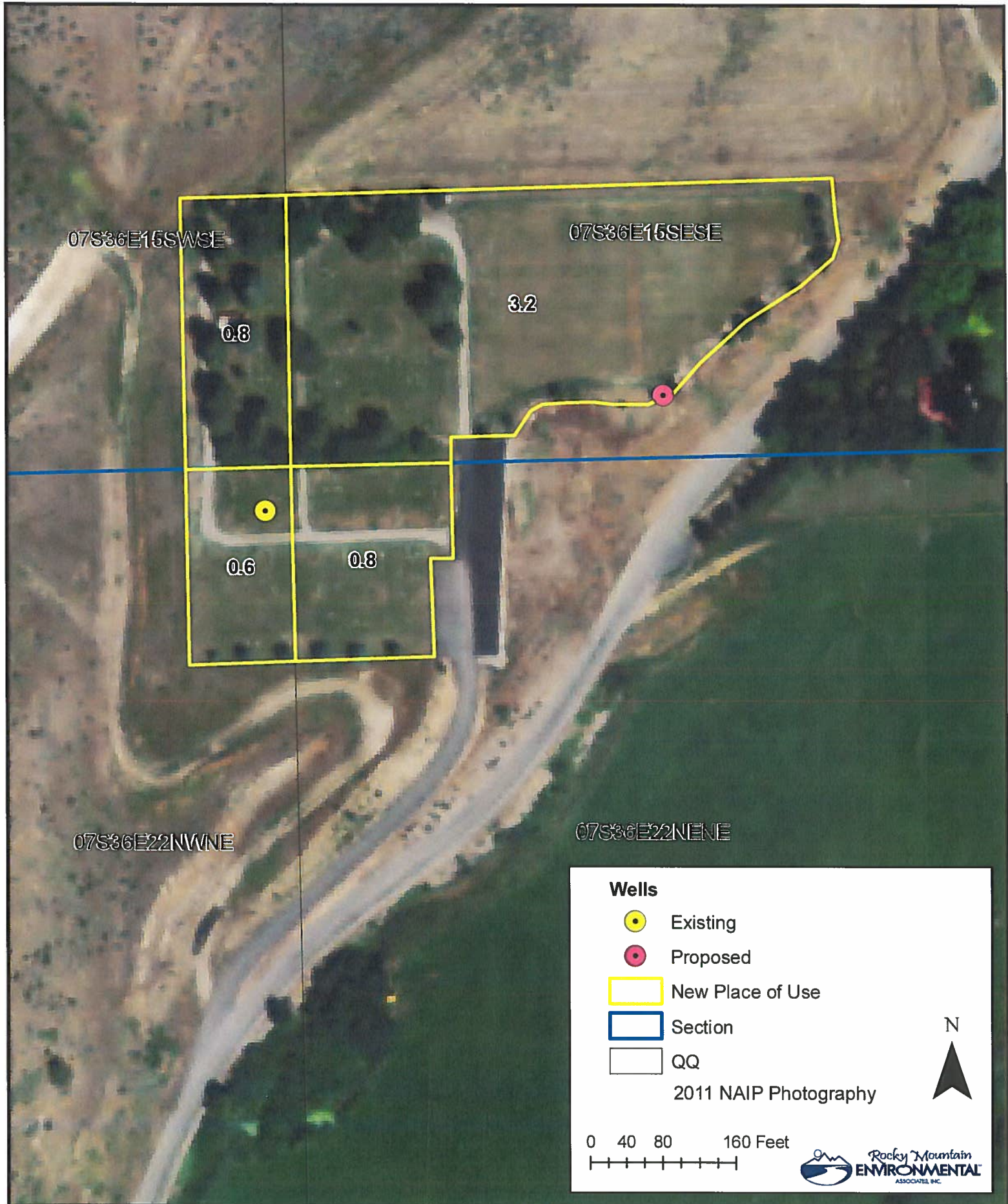
Thence N 33° 44' 30" E, along said-right-way, 65.31 feet;

Thence continuing along said right-of-way, along a curve to the right, having a radius of 698.38 feet through a central angle of 6° 52' 57", for an arc length of 83.89 feet, to the North line of said section 22;

Thence S 89° 25' 33" W, along said South line, 267.01 feet to the Point of Beginning and containing 1.445 Acres more or less.

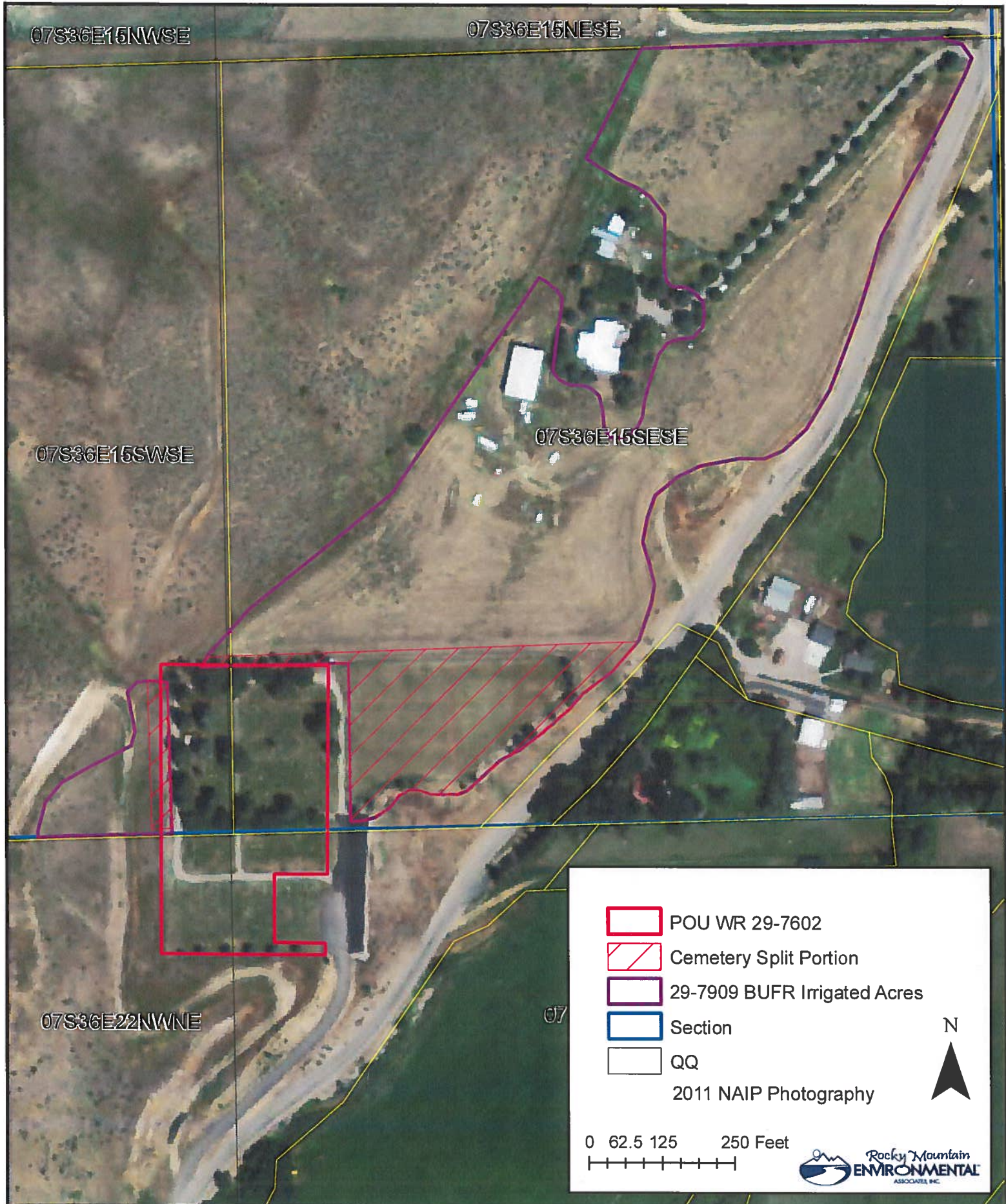
Application for Transfer Inkom Cemetery District

Attachment #7a



Application for Transfer Inkom Cemetery District

Attachment #7b



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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 29 2013

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINTS OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change Point of Diversion ☒ Add diversion point(s) ☒ Ownership change

1. **APPLICANT(S)** Inkom Cemetery District c/o Iris Bernier Phone (208) 775-37122. **MAILING ADDRESS** 480 E Jackson Creek Road City InkomState Idaho Zip 83145 Email _____c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.comRocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax (208) 524-1795

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional Fee(s) required for water right ownership changes; see fee Schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST OF WATER RIGHT NUMBER(S)** 29-7602 and 29-7909

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.09 cubic feet per second and/or _____ acre-feet per annum
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*. N/A

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local Name or tag #
7S	36E	15		SE	SE	SE	Bannock	Ground Water	New
7S	36E	22		NE	NW	NE	Bannock	Ground Water	Existing

6. 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 pump mainline to laterals with sprinklers. Measuring device could be included in the mainline and a gate valve or the electrical panel could be used as the lockable controlling works.

- 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. 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: _____

7. **MAP** – ☒ Attach a map of the diversion, measurement, control, and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.
8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Albert W. Tworth
Signature of applicant or authorized agent

ALBERT W. TWORTH
Print Name and Title if applicable

Charles Person
5-20-13
Date

Signature of applicant or authorized agent

Print Name and Title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages of attachments. Received by _____ Date _____
Fee Paid \$300.00 Date 5/29/13 Received by KM Receipt # E038783
Preliminary review completed by _____ Date _____

WARRANTY DEED

97022229

For Value Received BOB TANNER AND RAYLENE TANNER, husband and wife,

the grantor^s do hereby grant, bargain, sell, and convey unto

INKOM CEMETERY DISTRICT

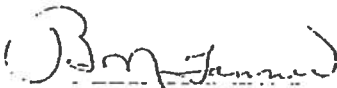
the grantee, whose current address is 480 E. Jackson Cr. Rd.
Inkom, Id. 83245

the following described premises, to-wit:

"SEE ATTACHED EXHIBIT A" & B"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee, that the y the owner^s in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that the y will warrant and defend the same from all lawful claims whatsoever.

Dated: DECEMBER 26, 1997



BOB TANNER



RAYLENE TANNER

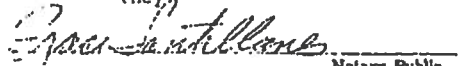
97022229

STATE OF IDAHO, COUNTY OF Bannock
On this 26th day of December, 1997,
before me, a notary public in and for said State, personally
appeared

Bob Tanner and Raylene Tanner

NOTARY SEAL

known to me to be the person^s who so name^s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.



Notary Public

Residing at Pocatello, Idaho
Comm. Expires 5/5/2003

FIRST AMERICAN TITLE

Date: 97 DEC 26 PM 4 12
Official Record No.

Bannock County Recorder
FEE: 9.00 DEPOSIT: 10.00

00327



"EXHIBIT A"

97022229

3.2

LEGAL DESCRIPTION
ORDER NO. 23287

N 89° 25' 33" E A tract of land in the SW/4 of Section 15, Township 7 South, Range 36 E.B.M., BANNOCK COUNTY, IDAHO, described as follows: Beginning at a point on the South line of said Section 15, from which the SE corner of said Section bears North 89° 25' 33" East 1131.47 feet. Said point being also the SE corner of that part of the Inkom Cemetery described in Instrument No. 93843; thence North 0° 34' 27" West along the East line of said Cemetery 247.50 feet to the NE corner thereof; thence South 89° 25' 33" West along the North line of said Cemetery 264.00 feet to the NW corner thereof; thence South 0° 34' 27" East along the West line of said Cemetery 247.50 feet to the South line of said Section 15; thence South 89° 25' 33" West along said South line 53.00 feet to the SE corner of that parcel of land described in Instrument No. 692439; thence North 0° 10' 16" East along the East line of said parcel 255.00 feet to the NE corner of said parcel; thence North 44° 47' 55" East 36.30 feet; thence North 89° 25' 33" East 809.06 feet, to the Westerly right-of-way of Rapid Creek Road; thence South 37° 35' 04" West along said right-of-way 77.80 feet; thence continuing along said right-of-way, along a curve to the right having a radius of 674.75 feet, through a central angle of 13° 04' 01" for an arc length of 153.89 feet; thence South 50° 39' 05" West along said right-of-way 41.03 feet; thence continuing along said right-of-way along a curve to the left having a radius of 698.38 feet through a central angle of 10° 01' 38" for an arc length of 122.22 feet, to the South line of said Section 15; thence South 89° 25' 33" West along said South line 245.01 feet to the POINT OF BEGINNING. Reserving and egress. Also an easement for ingress and egress, in Section 22, Township 7 South, Range 36 E.B.M., 20.00 feet in width and described as the West 20.00 feet of the South portion of the Inkom Cemetery, said Cemetery being described in Instrument No. 482477 in the Bannock County Recorder's Office.

Approximate 2.4 acres of water right 29-7909

EXHIBIT B

3-3

96026A
Bob Tanner
1.445 Acres

A Tract of Land in the NE $\frac{1}{4}$ of Section 22, Township 7 South, Range 36 East, of the Boise Meridian described as follows:

Beginning at a Point on the North line of said Section 22. From which the NE corner of said section bears N 89° 25' 33" E, 1153.47 feet, said point being also the NE corner of that part of the Inkom Cemetery described in Instrument No. 482477;

Thence S 0° 34' 27" E, along the East line of said Cemetery, 230.00 feet to the SE corner thereof;

Thence S 89° 25' 33" W, along the South line of said Cemetery, 2.00 feet, to the East side of a 20' wide access, described in the above mentioned instrument;

Thence S 0° 34' 27" E, along the E'ly side of said access, 95.53 feet;

Thence, continuing along said E'ly side, S 47° 15' 00" W, 354.61 feet;

Thence, continuing along said E'ly side, S 24° 25' 00" W, 116.43 feet to the NW'ly right-of-way of Rapid Creek Road;

Thence N 35° 33' 54" E, along said right-of-way, 105.64 feet;

Thence N 45° 51' 58" E, along said right-of-way, 129.42 feet,

Thence N 53° 55' 52" E, along said right-of-way, 135.93 feet;

Thence, along said right-of-way, along a curve to the left, having a radius of 499.03 feet, through a central angle of 23° 26' 31", for an arc length of 204.17 feet;

Thence N 30° 29' 21" E, along said right-of-way, 171.27 feet;

Thence N 33° 44' 30" E, along said-right-way, 65.31 feet;

Thence continuing along said right-of-way, along a curve to the right, having a radius of 698.38 feet through a central angle of 6° 52' 57", for an arc length of 83.89 feet, to the North line of said section 22;

Thence S 89° 25' 33" W, along said South line, 267.01 feet to the Point of Beginning and containing 1.445 Acres more or less.

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INKOM CEMETERY DISTRICT
	C/O IRIS BERNIER
	480 E JACKSON CREEK RD, INKOM, ID 83245

Priority Date: 06/15/1981

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	03/15	11/15	0.06 CFS	10.5 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE	Sec. 22	Township 07S	Range 36E	BANNOCK County
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Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SWSE	0.8		SESE	1.1						
		22		NENE	0.5		NWNE	0.6						

Total Acres: 3

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: 03/22/2004

Permit Proof Due Date: 9/1/1982

Permit Proof Made Date: 11/16/1981

Permit Approved Date: 8/26/1981

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOB R TANNER or RAYLENE
	PO BOX 360
	INKOM, ID 83245

Priority Date: 03/26/1990

Basis: License

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	4/15	10/15	0.21 CFS	52.5 AFA
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
Total Diversion			0.21 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 15	Township 07S	Range 36E	BANNOCK County
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Licensed Diversion Capacity: 0.21

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SWSE	1		SESE	14						

Place of Use Legal Description: DOMESTIC BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	36E	15		SESE										

Total Acres: 15

Conditions of Approval:

1.	048	The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2.	R30	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
3.		Domestic use is for 1 home.
4.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Licensed Date: 03/25/1997

WR 29-7909
Water Right Split for Cemetery

Attachment #3



Application for Transfer-POD Inkom Cemetery District



WR 29-7909

1996 Beneficial Use Field Report

Attachment #1

