

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 29 2013

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant F. GLENN ANDERSON

Phone 208-241-6552

Mailing Address 7474 W PORTNEUF RD, POCA TELLO ID 83204

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 LARRY KEMP

Phone 208-237-0224

Mailing Address 2600 STONE RIVER CIR, POCA TELLO ID 83204

Email L KEMP@cableone.net

- ☐ 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.

X F. Glenn Anderson X F. Glenn Anderson X 5/21/2013
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.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	29-13241	Yes	Yes	Yes	No	No	No

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Applicant proposes to move 0.06 cfs and 3 acres of water right 29-13241 to his nearby property. Point of diversion will move less than a quarter mile upstream on the Portneuf River.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT TO A SEPARATE SYSTEM, DESCRIBE PORTIONS TO BE CHANGED TO A SEPARATE SYSTEM AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
29-14065	0.060 cfs	12.0 af	N/A	3.0	29-13241	0.240 cfs	48.0 af	N/A	12.0

**COMBINED
TOTALS**

0.060 cfs 12.0 af N/A 3.0 N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
Partial Unchanged Portion After Requested Changes

Original Water Right No. 29-13241

Current Water Right Owner

LARRY J KEMP FAMILY
 LP
 2600 STONE RIVER CIR
 POCA TELLO, ID 83204

Priority Date: 2/26/1869

Origin: Water Right

Basis: Decreed

Status Active

Source: PORTNEUF RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.240 CFS	48.0 AFA	
Total Diversion			0.240 CFS	48.0 AFA	

Source and Point(s) of Diversion:

PORTNEUF RIVER SESENW Sec. 21 Twp 07S Rge 35E BANNOCK County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21								12.0									12

POU Total Acres: 12.0

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 29-14065

(Original Water Right No. 29-13241)

Current Water Right Owner

F GLENN ANDERSON
 7474 W PORTNEUF RD
 POCA TELLO, ID 83204

Priority Date: 2/26/1869

Origin: Water Right

Basis: Decreed

Status Active

Source: PORTNEUF RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.060 CFS	12.0 AFA	
Total Diversion			0.060 CFS	12.0 AFA	

Source and Point(s) of Diversion:

PORTNEUF RIVER NWSE Sec. 21 Twp 07S Rge 35E BANNOCK County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21														3.0			3.0

POU Total Acres: 3.0

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

New pump in Portneuf River to sprinkler system. Applicant will cooperate with the watermaster in the installation of whatever devices are deemed necessary for proper administration of the water right.

- 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?

No, ☒ If Yes NA

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: Lien holder does not oppose the transfer. NA

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:

Will be dry.

- e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Right nos. 29-13240, 29-13241, and 29-2462A are delivered through the existing point of diversion.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes

☐
☐
☐
☐

No

☒
☒
☒
☒

undergone a period of five or more consecutive years of non-use,
currently leased to the Water Supply Bank,
currently used in a mitigation plan limiting the use of water under the right, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No. 29-13241

Current Water Right Owner

LARRY J KEMP FAMILY
 LP
 2600 STONE RIVER CIR
 POCA TELLO, ID 83204

Priority Date: 2/26/1869

Origin: Water Right

Basis: Decreed

Status: Active

Source: PORTNEUF RIVER **Tributary:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.300 CFS	60.0 AFA	
Total Diversion			0.300 CFS	60.0 AFA	

Source and Point(s) of Diversion:

PORTNEUF RIVER SESENW Sec. 21 Twp 07S Rge 35E BANNOCK County

Place of Use: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21								15.0									15.0

POU Total Acres: 15.0

Conditions/Remarks:

1. 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. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SOURCE, MINK CREEK.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Total Acres (for irrigation use) 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**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Transfer Contains 9 pages and attachments.
 Received By MH Date 5/29/2013 Prelim. Check By MHOLLIDAY Date 5/29/2013
 Fee Paid \$300 Date 5/29/2013 Received By JB Receipt # E038728
 Add'l Fee Paid Date Received By Receipt #

21308547

QUITCLAIM DEED

FOR VALUE RECEIVED, LARRY J. KEMP FAM. LIM. PART. WITH LARRY J. KEMP
GENERAL PARTNER_ does hereby convey, release, remise and forever quit claim unto F. GLENN
ANDERSON_ whose current address is: 7474 W. PORTNEUF RD. POCATELLO, IDAHO 83204
the following described property:

1/5 (one fifth) of water right 29-13241 in the amount of 0.06 CFS for 3 acres

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: 1 May, 2013

Larry J. Kemp FLP
By: Larry J Kemp FLP
[Grantor's Name]

State of Idaho)
County of Bannock) S.S.

On this 31st day of May, in the year 2013 before me
Melinda Obrey, personally appeared Larry J Kemp proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within
instrument, and acknowledged that he(she)(they) executed the same.



Melinda Obrey
Notary Public

My Commission Expires on 2-15-2019

962
10
Larry Kemp

78561

State of Idaho
Department of Water Resources
After Transfer
Date: 4/30/2013



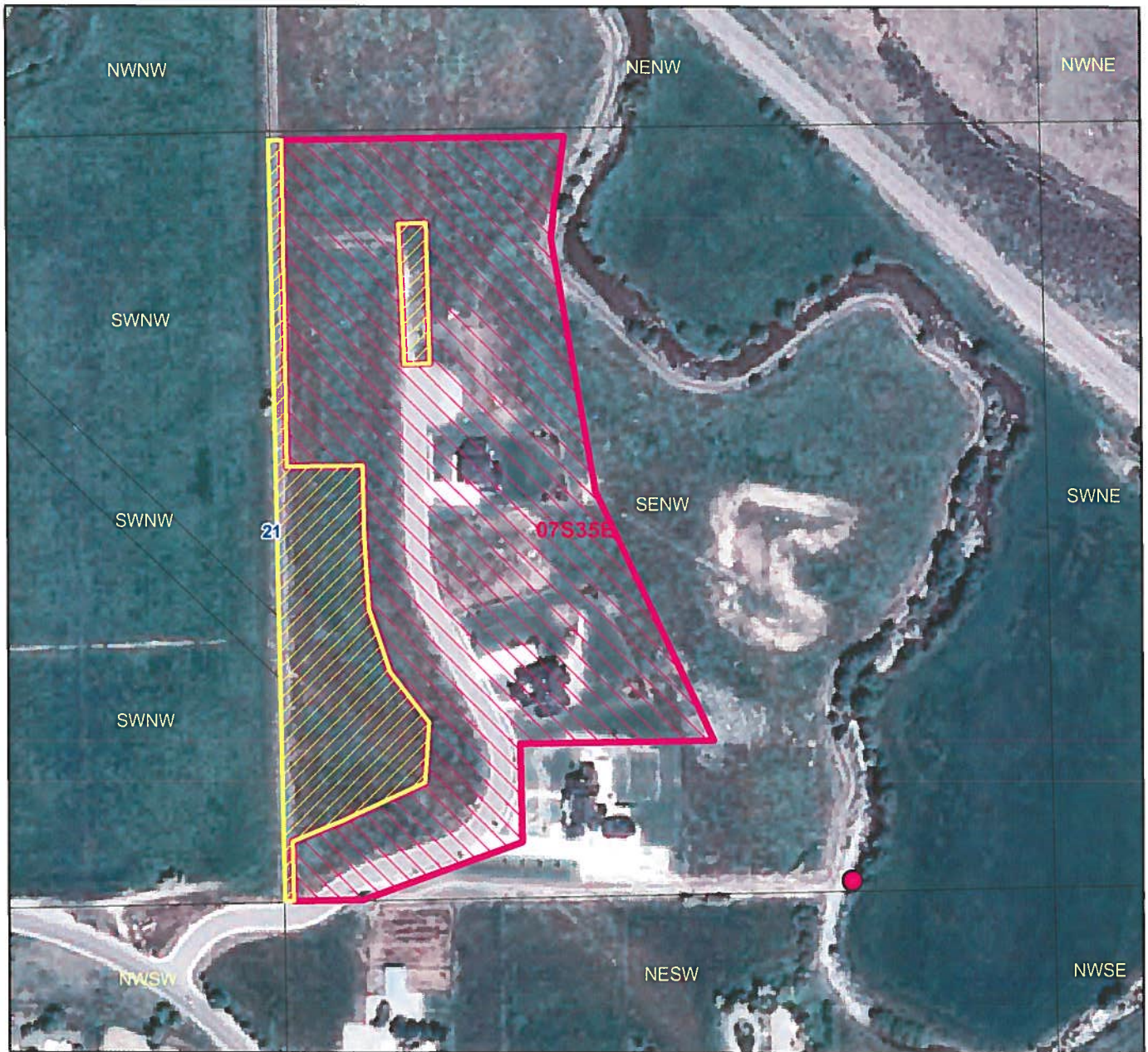
Legend

-  Transfer POD
-  Transfer POU
-  Sections
-  QQ

0 235 470 940 Feet



State of Idaho
Department of Water Resources
Before Transfer
Date: 4/30/2013



Legend

- Transfer POD
- ▨ acres to be changed
- ▨ unchanged acres
- Sections
- QQ

0 250 500 1,000 Feet



WATER TRANSFER APPROVAL

SYNDEE A. KEMP DIRECTS THE BANK OF IDAHO TRUST DEPT. TO APPROVE THE TRANSFER OF UP TO 3 ACRES OF WATER RIGHT #29-13241 FROM LAND CURRENTLY HELD IN THE SYNDEE A. KEMP RIRA. WATER RIGHT 29-13241 IS OWNED BY LARRY J. KEMP FAMILY LIMITED PARTNERSHIP OF WHICH SYNDEE A KEMP IS A GENERAL PARTNER. SYNDEE KEMP AS GENERAL PARTNER ALSO APPROVES THE TRANSFER.

Date: 1 May 2013

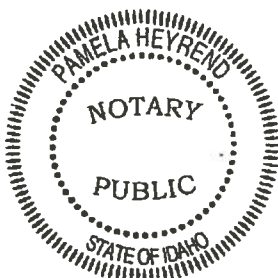
By: BANK OF IDAHO CUSTODIAN FOR SYNDEE A. KEMP RIRA

By: SYNDEE A. KEMP

By: LARRY J. KEMP FAM. LIM. PART.-SYNDEE A. KEMP GEN.
PARTNER

State of Idaho)
) S.S.
County of Bonner

On this 2nd day of May, in the year 2013, before me Hal R. Peterson,
V.P. & SR. Trust Officer, personally appeared and, proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to the within
instrument, and acknowledged that he/she/(they) executed the same. on behalf of Bank of Idaho.



James A. Loh
Notary Public

My Commission Expires on _____

MY COMMISSION EXPIRES
August 21, 2013

BONDED THRU NOTARY PUBLIC UNDERWRITERS

78561

Warranty Deed

94020366

For Value Received

JERRY BAILEY AND DEBBIE BAILEY, HUSBAND AND WIFE.

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

F. GLENN ANDERSON AND DONNA KAY ANDERSON, HUSBAND AND WIFE.

whose current address is

7474 W. PORTNEUF ROAD, POCA TELLO, ID 83204

the grantee^S, the following described premises, in

BANNOCK

County Idaho, to wit:

LOT 8, RIVER VIEW RANCHETTS, BANNOCK COUNTY, IDAHO AS THE SAME APPEARS ON THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF BANNOCK COUNTY, IDAHO.

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^S, their heirs and assigns forever. And the said Grantor^S do hereby covenant to and with the said Grantee^S, that they are the owner^S in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: November 4, 1994

JERRY BAILEY

DEBBIE BAILEY

STATE OF IDAHO, COUNTY OF BANNOCK
On this 4th day of NOVEMBER, 1994,
before me, a notary public in and for said State, personally appeared

JERRY BAILEY
DEBBIE BAILEY

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.

Libri S. Pence

POCA TELLO

Notary Public

Residing at 12/10/99
Comm. Expires

94020366

NO. 94020366
RECORDED AT REQUEST OF
AMERICAN LAND TITLE CO.

94 NOV -9 P2:12

OFFICE
E-1
L-1
FEE \$3.00

BOOK NO. 628
PAGE 100
RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78561

RECEIVED

MAY 29 2013

Department of Water Resources
Pocatello, Idaho

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/>.

Name of Applicant(s) F GLENN ANDERSON

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.
- ☐ ☐ #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/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.)
- ☐ ☒ #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: _____