

RECEIVED

APR 30 2013

WATER RESOURCES
WESTERN REGIONAMENDED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78369

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: CHANGE OF OWNERSHIP FORM SIGNED BY APPLICANT & OTHER NEW WR OWNER

AMENDED
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 78369

RECEIVED

APR 30 2013

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Garry Marcus Phone (208)880-2114

Mailing address 3319 S. Kimball Ave. Caldwell, ID 83605 Email LuckyGarry@msn.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 _____

- ☐ 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.

Garry O. Marcus
Signature of Applicant or Authorized Representative

Garry O. Marcus
Print Name and Title if applicable

4/30/13
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 split rights/ownership change & create PPU
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**. Split WR 67-287 and 67-14692 by ownership (purchased T15N R3W 3 NWSE, SWSE, & SESE + 6.5 ac worth of WRs in Sec 10 NENE) plus transfer 6.5 acres worth of 67-287 + 67-14692 now owned by Marcus to Marcus property. Create PPU for irrigation of up to 22.5 acres within Marcus property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. 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					
☐ ☒	67-287	0.28	Irrigation	3/15 to 10/31	Rush Creek & Weiser River
☐ ☒	67-14692	0.17	Irrigation	3/15 to 10/31	Rush Creek & Weiser River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.45 cfs and/or _____ ac-ft2. Total amount of water proposed to be transferred or changed 0.45 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 #

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	
15N	3W	3														~~32~~ 20	~~35~~ 40	~~10~~ 20	~~77.0~~ 80.0

Total Acres (for irrigation use) 22.5 ac w/in PPU

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:

Rock structure in Rush Creek diverts water to control structure box. Headworks at control box delivers water to buried pipe with risers that can deliver water to new proposed PPU.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Control box is operated by deputy watermaster for Rush Creek when creek is in regulation, which is around July 15.

- 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:

6.5 acres currently authorized in T15N R3W Sec 10 NENE will be dried up and transferred to new PPU on Marcus property. See Quitclaim Deed.

- 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:

The proposed split and change in POU will provide for irrigation of 22.5 acres total within T15N R3W Sec 3 NWSE, SWSE, & SESE - Marcus property PPU.

- 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:

Page 4 of 8

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

Current Water Right No.: 67-287

Current Owner: BRETT NEWBOLD

Priority Date: 5/1/1895

Origin: Water Right

Status: Active

Basis: Decreed

Source

RUSH CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Diversion Rate

0.38 CFS

Annual VolumeTotal Diversion

0.38 CFS

Location of Point(s) of Diversion

RUSH CREEK

NW1/4SW1/4NE1/4

Sec. 3, Twp 15N, Rge 03W B.M.

WASHINGTON County

Place of UseIRRIGATION Within WASHINGTON County

T15N R03W S3

SWSE

9.30

T15N R03W S3

SESE

6.70

T15N R03W S10

NENE

14.00

Total Acres: 30

Conditions of Approval:

1. X35 Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 30 acres in a single irrigation season.
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.

Decreed Date: 10/20/2008

TRANSFER No. 78369

Page 5 of 8

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

Current Water Right No.: 67-14692

Current Owner: BRETT NEWBOLD

Priority Date: 5/10/1918

Origin: Water Right

Status: Active

Basis: Decreed

Source

RUSH CREEK

Tributary

WEISER RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 10/31

Diversion Rate

0.22 CFS

Annual Volume

Total Diversion

0.22 CFS

Location of Point(s) of Diversion

RUSH CREEK

NW1/4SW1/4NE1/4

Sec. 3, Twp 15N, Rge 03W B.M.

WASHINGTON County

Place of Use

IRRIGATION Within WASHINGTON County

T15N R03W S3

SWSE

9.30

T15N R03W S3

SESE

6.70

T15N R03W S10

NENE

14.00

Total Acres: 30

Conditions of Approval:

1. X35 Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 30 acres in a single irrigation season.
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.

Decreed Date: 10/20/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER NO. 7836'

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 67-287

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use) 22.5

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 78369

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

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

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

Right Number: 67-14692

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

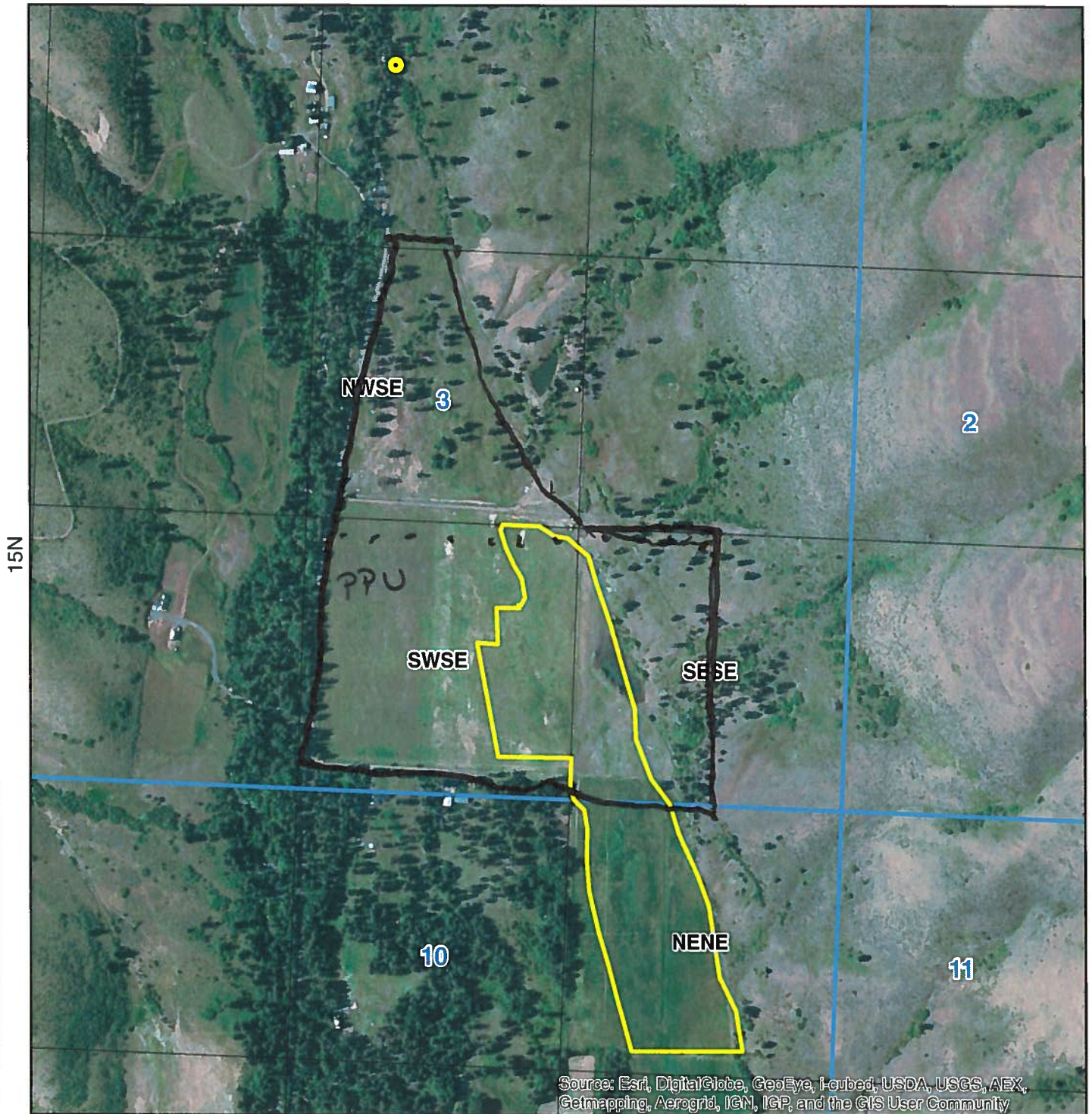
[illegible]

Total Acres (for irrigation use)	22.5
----------------------------------	------

ATTACHMENT 7a + 7b (1 PG)

Transfer No. 78369 Map

03W



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

0 0.075 0.15 0.3 Miles

- Point of Diversion
- Current POU 67-287 + 67-14692
- Townships
- PLS Sections
- Quarter Quarters



221181



IDWD
Order No. 0015601

Instrument # 221181

STATE OF IDAHO, COUNTY OF WASHINGTON
10-4-2012 01:10:00 No. of Pages: 2

Recorded for: AMERITITLE

BETTY J THOMAS

Ex-Officio Recorder Deputy

Index to: DEED

Fee: 13.00

WARRANTY DEED

For Value Received,

Brett Newbold and Christy Schill-Newbold, husband and wife

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Garry Marcus, a married man dealing with his sole and separate property and Charles Morris Marcus, an unmarried man

GRANTEE(s), whose address is: 3319 South Kimball, Caldwell, ID 83605

the following described real property, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

TO HAVE AND TO HOLD the premises with its 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 said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 3 day of October, 2012.

Brett Newbold

Christy Schill-Newbold

State of Idaho)
County of Ada ss)

On this 2nd day of October, 2012 before me a notary public in and for said State, personally appeared Brett Newbold known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

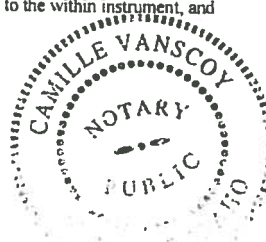
Notary Public

Residing at:

Commission Expires:

Residing at: Meridian, Idaho

Commission Expires: 9/13/2018



State of Idaho)
County of Ada ss)

On this 2nd day of October, 2012 before me a notary public in and for said State, personally appeared Christy Schill-Newbold known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

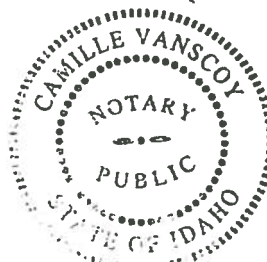
Notary Public

Residing at:

Commission Expires:

Residing at: Meridian, Idaho

Commission Expires: 9/13/2018



RECEIVED

OCT 31 2012

WATER RESOURCES
WESTERN REGION

ATTACHMENT #2a + #2b (5 PGS)

221181

EXHIBIT A

A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 3, Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 3, common to Sections 3 and 10, T. 15 N., R. 3 W., B.M., marked with a Brass Cap Monument on the Westerly Right-of-Way Line of Ward Road; thence along the West line of the Southeast Quarter of said Section 3 N.00°33'49"E. a distance of 1,288.63 feet to the C-S 1/16th Corner, said corner located N.88°09'47"W. a distance of 11.89 feet from a 5/8"x 30" long rebar with plastic cap Witness Corner; thence S.88°09'47"E. a distance of 55.73' to a 5/8"x 30" long rebar with plastic cap on the Westerly Right-of-Way of Ward Road, the Real Point of Beginning.

Thence across Ward Road and along a Fence Line S.88°09'47"E. a distance of 1,263.53 feet to a found 5/8" rebar with plastic cap located 27 feet East of the North-South Fence Line Intersection; thence N.00°20'21"E. a distance of 1,302.16 feet to a found 5/8" rebar with plastic cap; thence along an East-West Fence Line and across Ward Road N.88°23'06"W. a distance of 1,045.04 feet to a 5/8"x 30" long rebar with plastic cap on the Westerly Right-of-Way of Ward Road; thence along the Westerly Right-of-Way Line of Ward Road on the following bearings and distances:

S.11°02'55"W. a distance of 4.80 feet to a 5/8"x 30" long rebar with plastic cap;
 S. 3°10'27"E. a distance of 35.08 feet to a point;
 S.10°37'08"W. a distance of 397.42 feet to a point;
 S.10°10'51"W. a distance of 161.70 feet to a point;
 S. 7°38'17"W. a distance of 254.15 feet to a point;
 S.11°12'05"W. a distance of 268.54 feet to a point;
 S.12°09'11"W. a distance of 109.23 feet to a point;
 S.11°32'34"W. a distance of 81.11 feet
 to a 5/8"x 30" long rebar with plastic cap, The Real Point of Beginning.

AND

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 3, Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 3, common to Sections 3 and 10, T. 15 N., R. 3 W., B.M., marked with a Brass Cap Monument on the Westerly Right-of-Way Line of Ward Road, the Real Point of Beginning.

Thence along the South Section Line of said Section 3 S.88°24'33"E. a distance of 1,319.12 feet to the East 1/16th Corner, marked with a 5/8"x 30" long rebar with plastic cap located 10.25 feet South of the East-West Fence line and 10.88 feet East of the North-South Fence Line; thence N.00°33'54"E. a distance of 1,282.96 feet to a found 5/8" rebar with plastic cap in the East-West Fence Line at 27 feet East of the North-South Fence Line Intersection; thence along an East-West Fence Line and across Ward Road N.88°09'47"W. a distance of 1,319.26 feet to a point, the C-S 1/16th Corner, said point being N.88°09'47"W. a distance of 11.89 feet from a 5/8"x 30" long rebar with plastic cap Witness Corner; thence along the West Line of the Southeast Quarter of said Section 3 S.00°33'49"W. a distance of 1,288.63 feet to a Brass Cap Monument, The Real Point of Beginning.



WARRANTY DEED

For Value Received,

Brett Newbold, a married man dealing with his sole and separate property

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

**Garry Owen Marcus, a married man dealing with his sole and separate property
and Charles Morris Marcus, an unmarried man**

GRANTEE(s), whose address is: **3319 South Kimball, Caldwell, ID 83605**

the following described real property, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the premises with its 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 said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 8 day of May, 2013.

Brett Newbold
Brett Newbold

State of Idaho)

ss

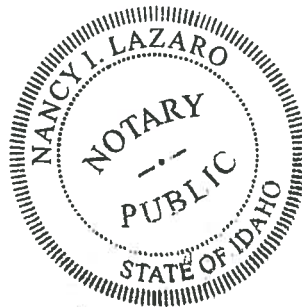
County of Washington)

On this 8 day of MAY, 2013 before me a notary public in and for said State, personally appeared Brett Newbold known or identified to me to be the persons whose name IS subscribed to the within instrument, and acknowledged to me that he executed the same.

Nancy I. Lazaro
Notary Public

Residing at: Weiser, Id

Commission Expires: 10/03/13



B. M.
CM

EXHIBIT A

In Washington County, Idaho;

In Township 15 North, Range 3 West, Boise Meridian, Washington County, Idaho;

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

bn

E. M.
CM

TRANSFER No. 78369
222948

Instrument # 222948
STATE OF IDAHO, COUNTY OF WASHINGTON
5-8-2013 01:53:04 No. of Pages: 2
Recorded for : GARY MARCUS
BETTY J THOMAS Fee: 18.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: DEED

QUITCLAIM DEED

For Value Received,

Christy Schill-Newbold, a married woman
Brett Newbold, her husband

hereby conveys, releases, remises and forever quit claims unto

Gary Marcus whose address is :

the following premises, to wit:

Legal description of property *see exhibit A*
6.5 acres water rights from
Newbold property NENE To be transferred to Marcus
TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise *prop*
appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to
its heirs and assigns forever.

Dated: 5/8/13

Christy Schill-Newbold
Christy Schill-Newbold

Brett Newbold
Brett Newbold

State of Idaho)

County of ^{SS} Washington)

On this 8 day of May, 2013 before me a notary public in and for said State, personally appeared
Brett Newbold ~~Christy Schill-Newbold~~ known or identified to me to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

Nancy J. Lazaro
Notary Public
Residing at: Wesley, Id
Commission Expires: _____



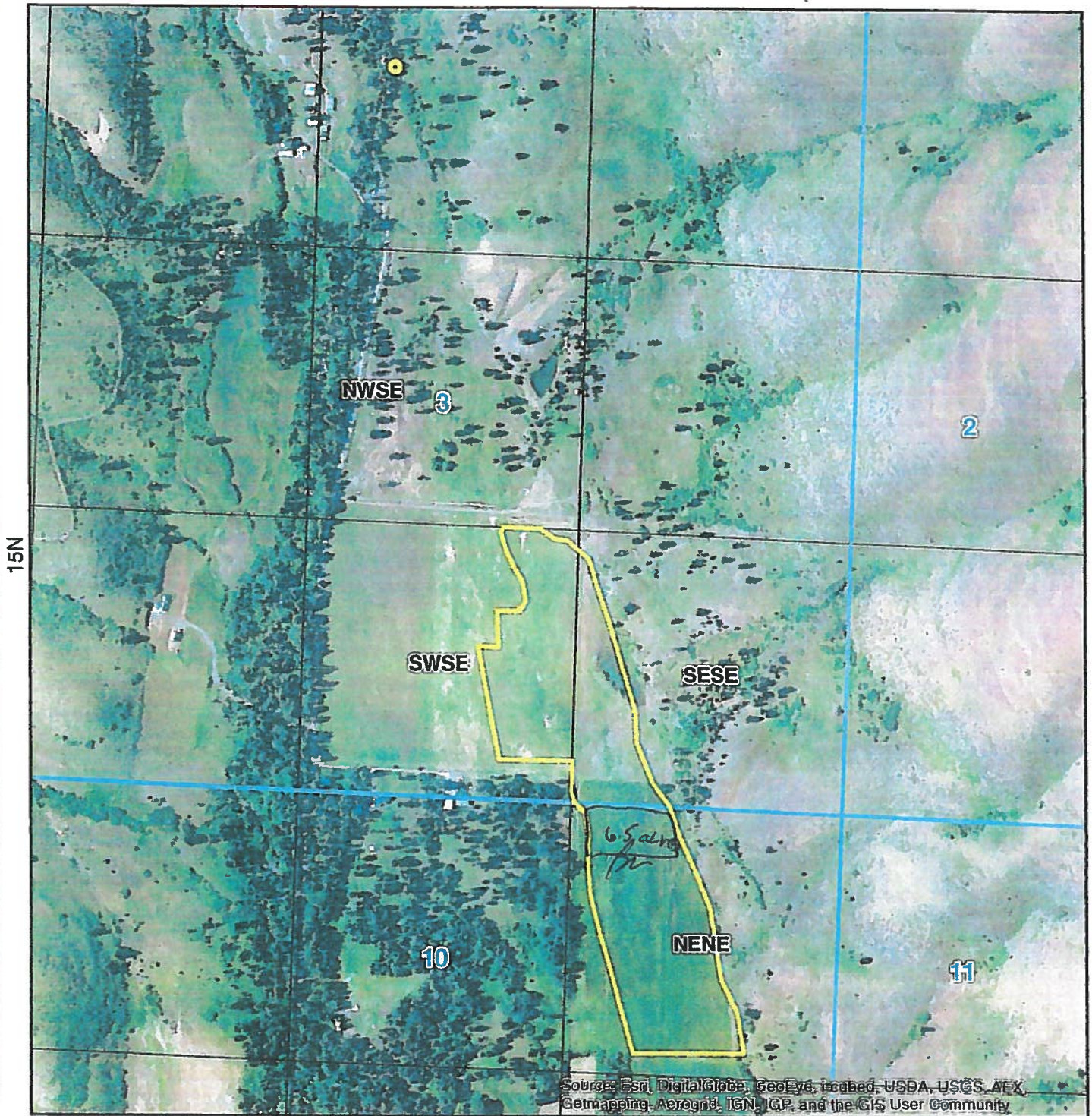
2a+2b4

exhibit A

Transfer No. 78369 Map

222948

03W



Sources: Esri, DigitalGlobe, GeoEye, IGN, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

Water rights from

~~NENE~~ Section 10, Township 15, Range 3

0 0.075 0.15 0.3 Miles

● Point of Diversion

Current POU 67-287 + 67-14692

Townships

PLS Sections

Quarter Quarters

6.5 acres water rights
To be Transferred From
NENE TO NWSE, SWSE, SESE

Ryan Newbold
5/8/13



2a+2b5

TRANSFER No. 78369

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 23 2012

Notice of Change in Water Right Ownership

WATER RESOURCES
WESTERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
67-287 - 30 acres	Yes ☒		Yes ☐		Yes ☐
67-14692 - 30 acres	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Brett Newbold
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Garry Marcus
Name of each new owner as listed on the conveyance document
CHARLES MARCUS
New owner continued Name connector ☒ and ☐ or ☐ and/or
3319 So Kimball Ave.
Mailing address
CALDWELL Id. 83605
City State ZIP
(208) 454-0940 luckygarry@msn.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 10/2/2012

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - o \$25 per undivided water right.
 - ☒ \$100 per split water right.
 - o No fee is required for pending adjudication claims.

7. Signature: Garry A. Marcus Title, if applicable _____ Date 10/21/2012
Signature of new owner/claimant
- Signature: Charles J. Marcus Title, if applicable _____ Date 10/21/2012
Signature of new owner/claimant

For IDWR Office Use Only:

Received by RS Date 10-23-12 Receipt No. W44009 Receipt Amt. 200-
Approved by _____ Processed by _____ Date _____

ATTACHMENT #9 (1 pg)

TRANSFER No. 78369

5/22/13

RECEIVED

MAY 23 2013

To IDWR

WATER RESOURCES
WESTERN REGION

I Charles Morris Marcus give permission to my son Garry Owen Marcus to conduct business with IDWR on my behalf concerning water rights on our properties in Washington co. Idaho.

Charles Morris Marcus
Garry Owen Marcus

ATTACHMENT #3 (1PG)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78369
RECEIVED

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

DEC 21 2012

WATER RESOURCES
WESTERN REGION

**AMENDED
1/4/2013**

Name of Applicant(s) Garry Marcus Phone (208) 880-2114
Mailing address 3319 S. Kimball Ave. Caldwell, ID. 83605 Email LuckyGerry@gmail.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 Garry O. Marcus

Name of Representative Hal A. Anderson Phone 208-454-0940

Mailing address 2918 N. Elk Ranch Pl., Boise ID. 83704 Phone 208-830-5525
3319 S. Kimball Cell 208-880-2114 Email hal@idahowaterengineering.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~~.

N/A

☒ 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]
Signature of Applicant or Authorized Representative

Hal A. Anderson
Print Name and Title if applicable

12/17/12
Date

Garry O. Marcus
Signature of Applicant or Authorized Representative

Garry O. Marcus
Print Name and Title if applicable

1/4/13
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 Water Right Split
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**. SPLIT WR # 67-287 and 67-14692, TRANSFER 5.7 acws
authorized in TWP 15 N R 03 W Sec. 3 SE SE to TWP 15 N R 03 W Sec. 3 NW
Change POV for 67-287 and 67-14692 split, 15 acws total, to include
TWP 15 N R 03 W Sec. 3 NW SE and SW SE. (See Exhibit C)

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 ☐ ☒	67-287	.186 cfs	Irrigation	03/15 to 10/31	Rush Cr. & Weiser R.
☐ ☒	67-14692	.114 cfs	Irrigation	03/15 to 10/31	Rush Cr. & Weiser R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .3 cfs and/or _____ ac-ft (after split)

2. Total amount of water proposed to be transferred or changed .3 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 #

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	
15N	03W	3														X		X	5.7
15N	03W	3															X	X	9.3

Total Acres (for irrigation use) 15

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: Rock structure in Rush Cr. diverts water to control structure box. Headworks at control box delivers water to buried pipe with risers that can deliver water to new proposed P.O.U.

b. Who owns the property at the point(s) of diversion? unknown
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: control box is operated by deputy watermaster for Rush Cr. when creek is in regulation which is around July 15.

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ 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: 5.7 acres currently authorized in 15N R03W Sec 3, SESE will be dried up and transferred to new POU, 15N R03W Sec. 3 NWSE 2- SWSE. See Quitclaim Deed

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: The proposed split and change in POU will provide for irrigation of 15 acres total within Twp 15N R03W Sec 3 NWSE and SWSE

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: _____

Total Acres (for irrigation use) 30
(see approval condition)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

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

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 67-14692

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

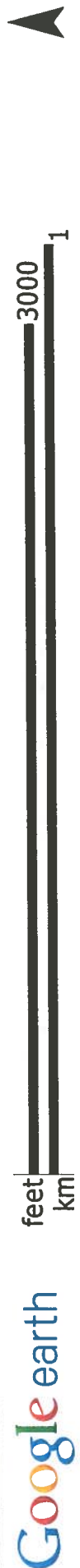
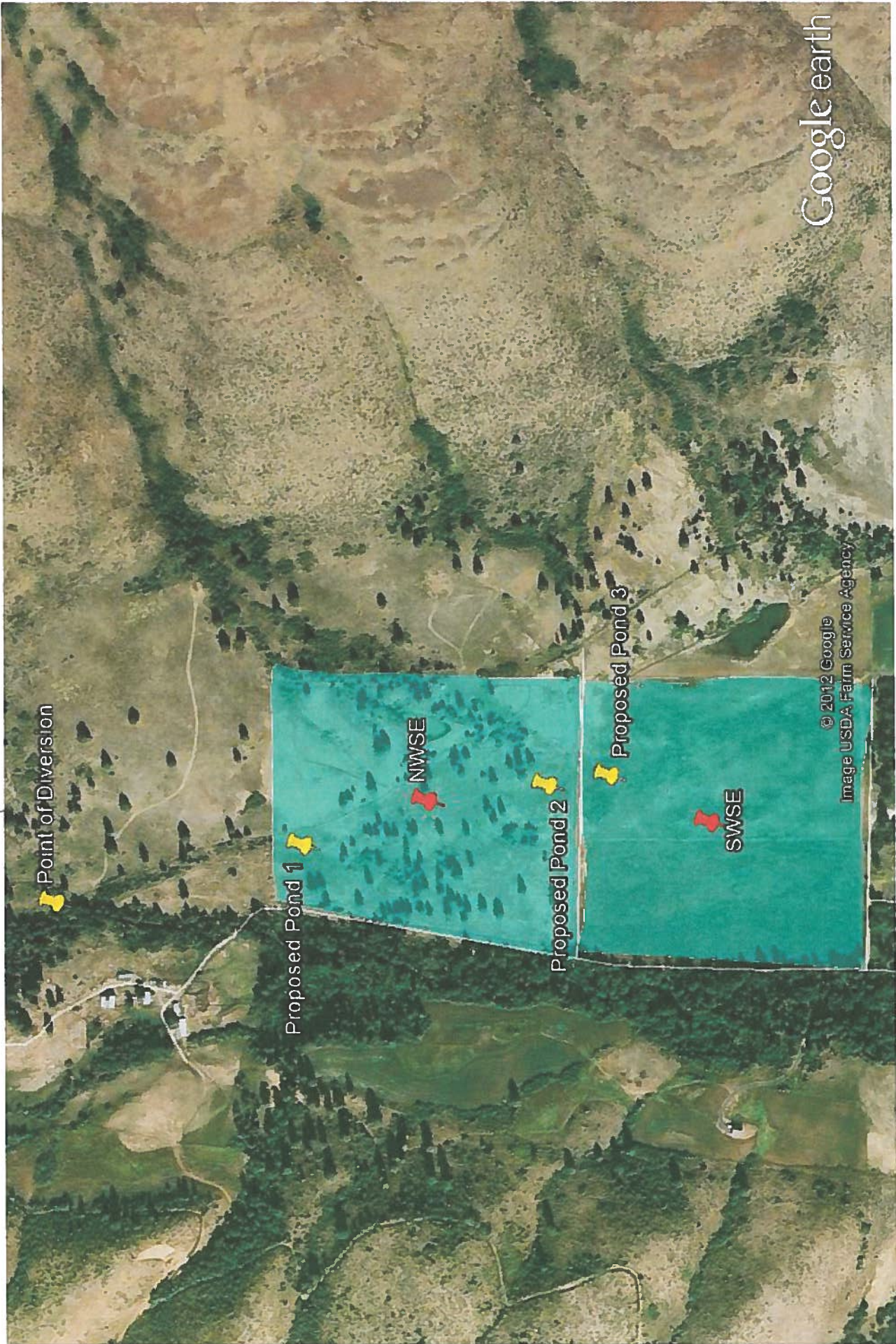
Total Acres (for irrigation use) 30
(see approval condition)

* NO fee paid 12/21/12

Exhibit C. : Garry Marcus Transfer

Decreed Water Rights No. 67-287 & 67-14692 authorize a total diversion of 0.38 and 0.22 cfs respectfully. They also conditioned for a total not to exceed amount irrigation of 30 acres. This transfer of POU also includes a split of both water rights resulting in a combined flow of .3 cfs and authorization for 15 acres of irrigation. To accommodate transfer of water rights to new place of use 5.7 acres will be dried up in TNP 15N R03W Sec. 3 SESE and moved to the new POU which includes property acquired by Mr. Marcus, TNP 15N R03W Sec 3 NWSE and SWSE, see attached map. A buried pipeline with risers is already in place and can deliver the irrigation water to the entire proposed POU.

Attachment # 7b Proposed new P.O.U.



[Close](#)

1 of 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/27/2012

WATER RIGHT NO. 67-287

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRETT NEWBOLD 3488 WARD RD CAMBRIDGE, ID 83610 (208)257-3866
Original Owner	GARY FARRENS
Original Owner	LORRAINE FARRENS 3360 COW CREEK RD CAMBRIDGE, ID 83610 (208)257-3412
Original Owner	JOANA R WIGGINS
Original Owner	KERMIT L WIGGINS PO BOX 86 CAMBRIDGE, ID 83610-0086 (208)257-3428

Priority Date: 05/01/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RUSH CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.38 CFS	
Total Diversion			0.38 CFS	

2 of 2

Location of Point(s) of Diversion:

RUSH CREEK	NWSWNE	Sec. 03	Township 15N	Range 03W	WASHINGTON County
------------	--------	---------	--------------	-----------	-------------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	03W	3		SWSE	9.3		SESE	6.7						
		10		NENE	14									

Total Acres: 30

Conditions of Approval:

1.	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.
2.	X35	Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 30 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 10/20/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 67

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

ATTACHMENT 8A MAP

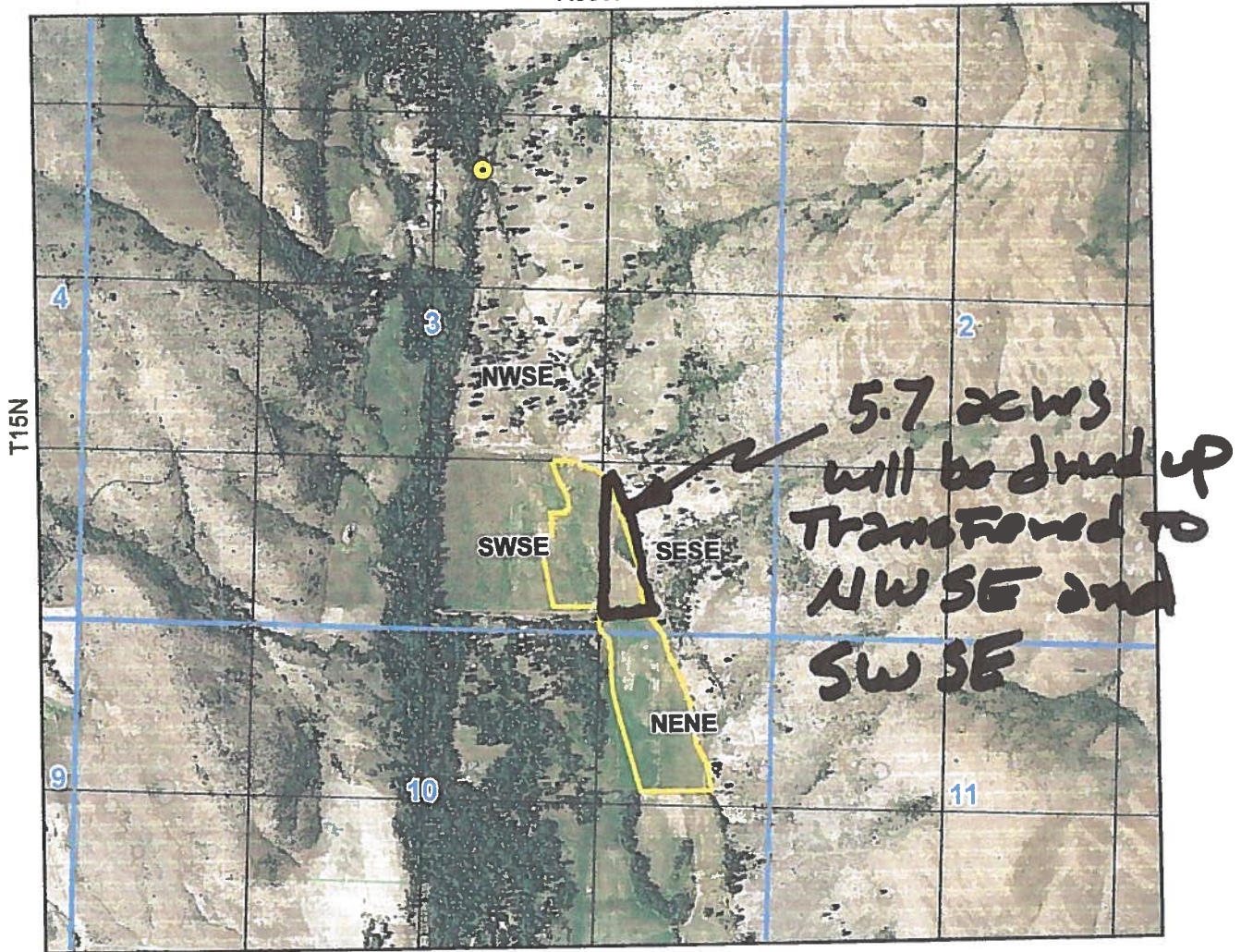
State of Idaho
Department of Water Resources

Water Right 67-287

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

R03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.15 0.3 0.6 Miles



1 of 2

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

9/27/2012

WATER RIGHT NO. 67-14692

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRETT NEWBOLD 3488 WARD RD CAMBRIDGE, ID 83610 (208)257-3866
Original Owner	GARY FARRENS
Original Owner	LORRAINE FARRENS 3360 COW CREEK RD CAMBRIDGE, ID 83610 (208)257-3412

Priority Date: 05/10/1918

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RUSH CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.22 CFS	
Total Diversion			0.22 CFS	

Location of Point(s) of Diversion:

RUSH CREEK	NWSWNE	Sec. 03	Township 15N	Range 03W	WASHINGTON County
------------	--------	---------	--------------	-----------	-------------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION WASHINGTON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	03W	3		SWSE	9.3		SESE	6.7						
		10		NENE	14									

Total Acres: 30

Conditions of Approval:

1.	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.
2.	X35	Rights 67-287 and 67-14692 when combined shall not exceed the irrigation of 30 acres in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 10/20/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

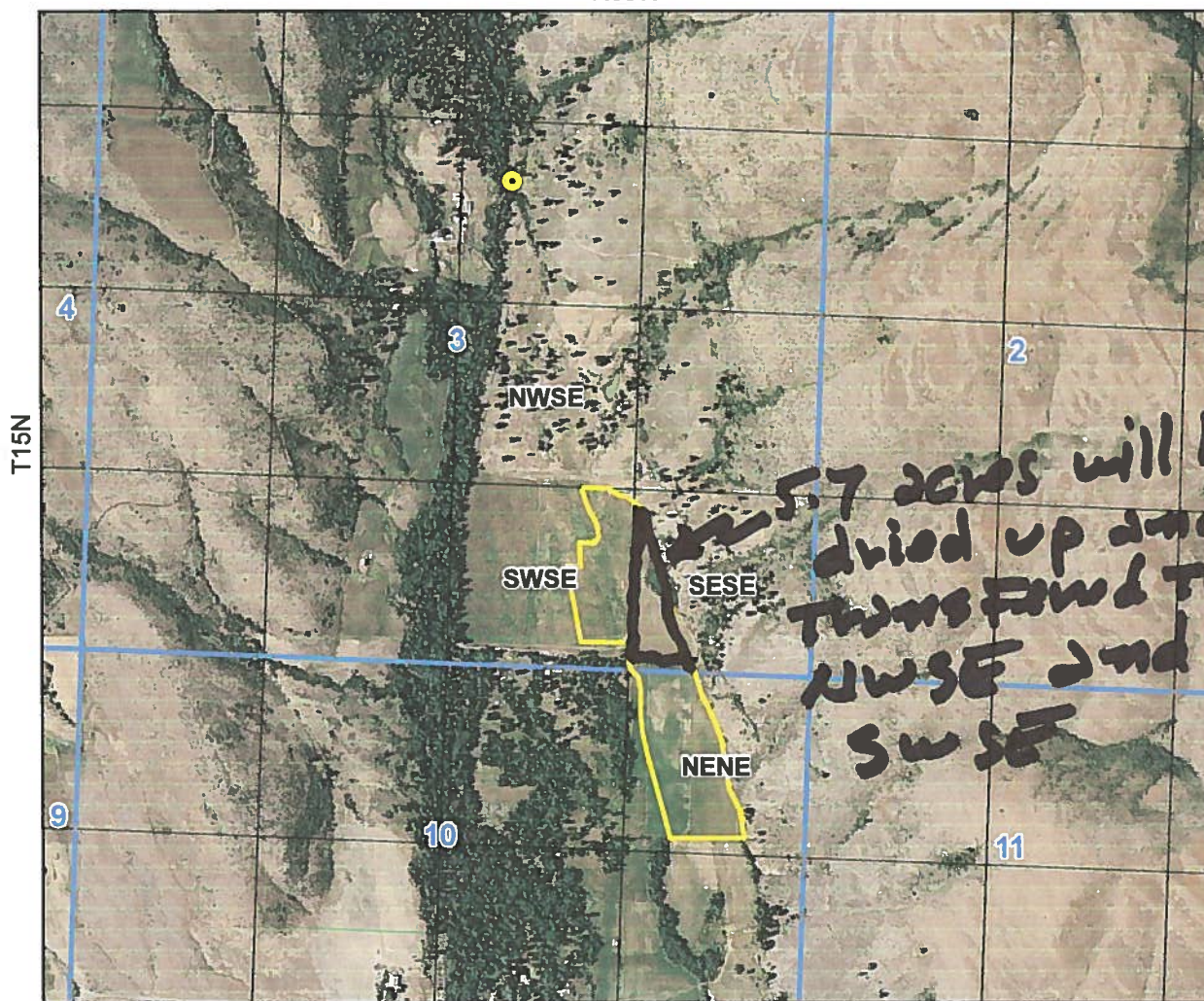
State of Idaho
Department of Water Resources

Water Right 67-14692

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

R03W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.15 0.3 0.6 Miles



copy

QUITCLAIM DEED

For Value Received,

BRETT NEWBOLD AND CHRISTY SCHILL-NEWBOLD
HUSBAND AND WIFE

hereby conveys, releases, remises and forever quit claims unto
GARRY MARCUS A MARRIED MAN DEALING WITH HIS
SOLE AND SEPARATE PROPERTY AND CHARLES MORRIS
MARCUS AN UNMARRIED MAN
whose address is:

3319 So. Kimball Ave. Caldwell, Id. 83605
the following premises, to wit:

5.7 ACRES WATER RIGHTS TO BE TRANSFERRED
FROM NEWBOLD PROPERTY TO MARCUS PROPERTY
See - Exhibit A Exhibit B

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to
its heirs and assigns forever.

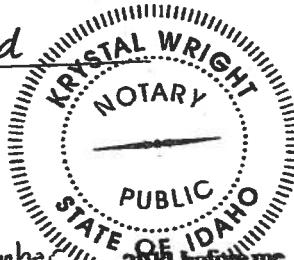
Dated: 12/11/12

Brett Newbold

Christy Schill-Newbold

State of)

County of)



On this 11 day of December 2012 before me Krystal Wright, a notary public in and for said State
personally appeared Brett Newbold and Christy Schill-Newbold known or identified to me
be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the
same.

Krystal Wright
Notary Public

Residing at: Ada County

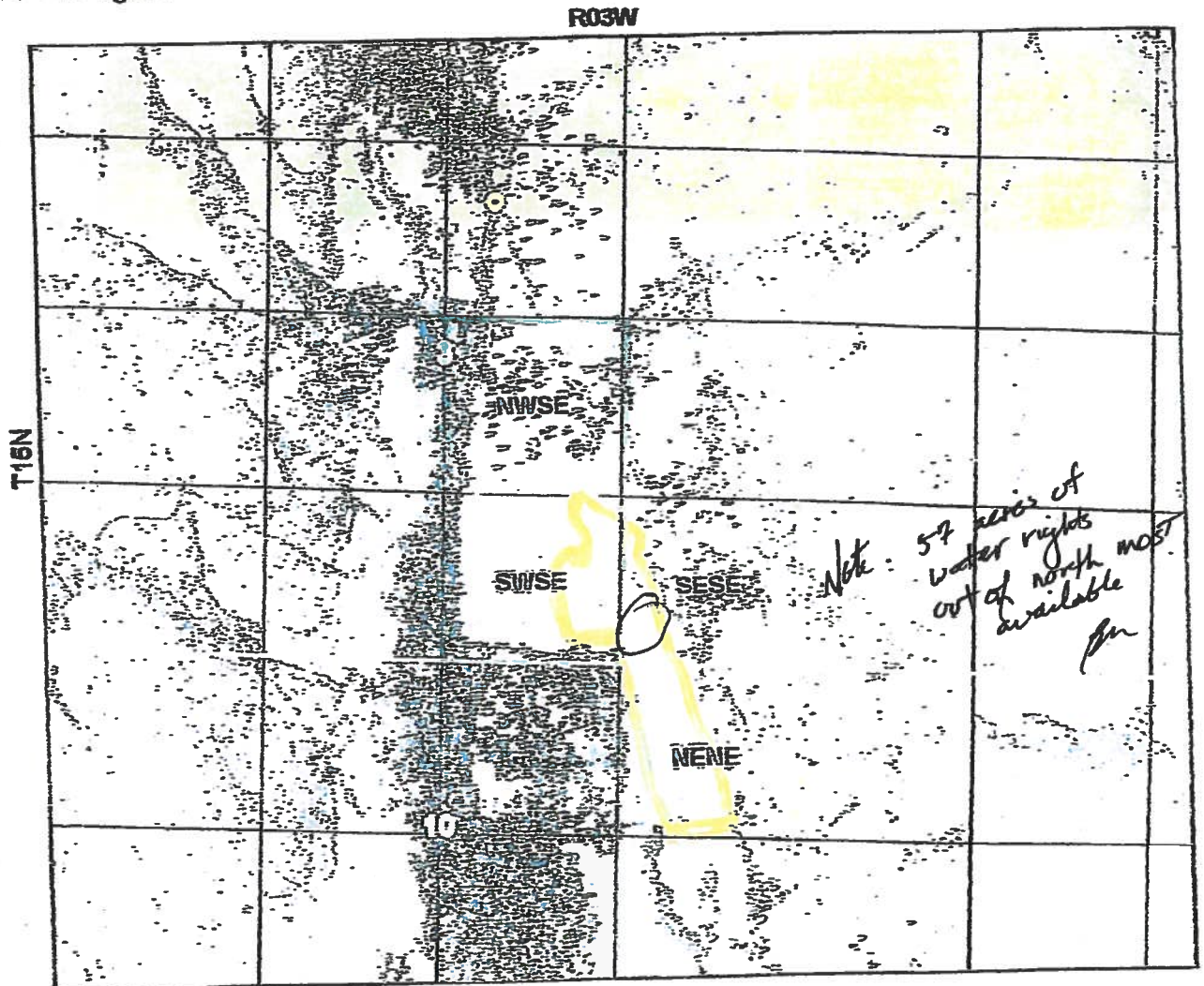
Commission Expires: 05/07/2013

EXHIBIT A
State of Idaho
Department of Water Resources
Water Right
67-287

Location of 5.7
 Acres of water rights
 To be TRANSFERRED
 From NEWBOLD Property
 to MARCUS Property

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- ⊙ Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.15 0.3 0.6 Miles

MARCUS PROPERTY

NEWBOLD PROPERTY

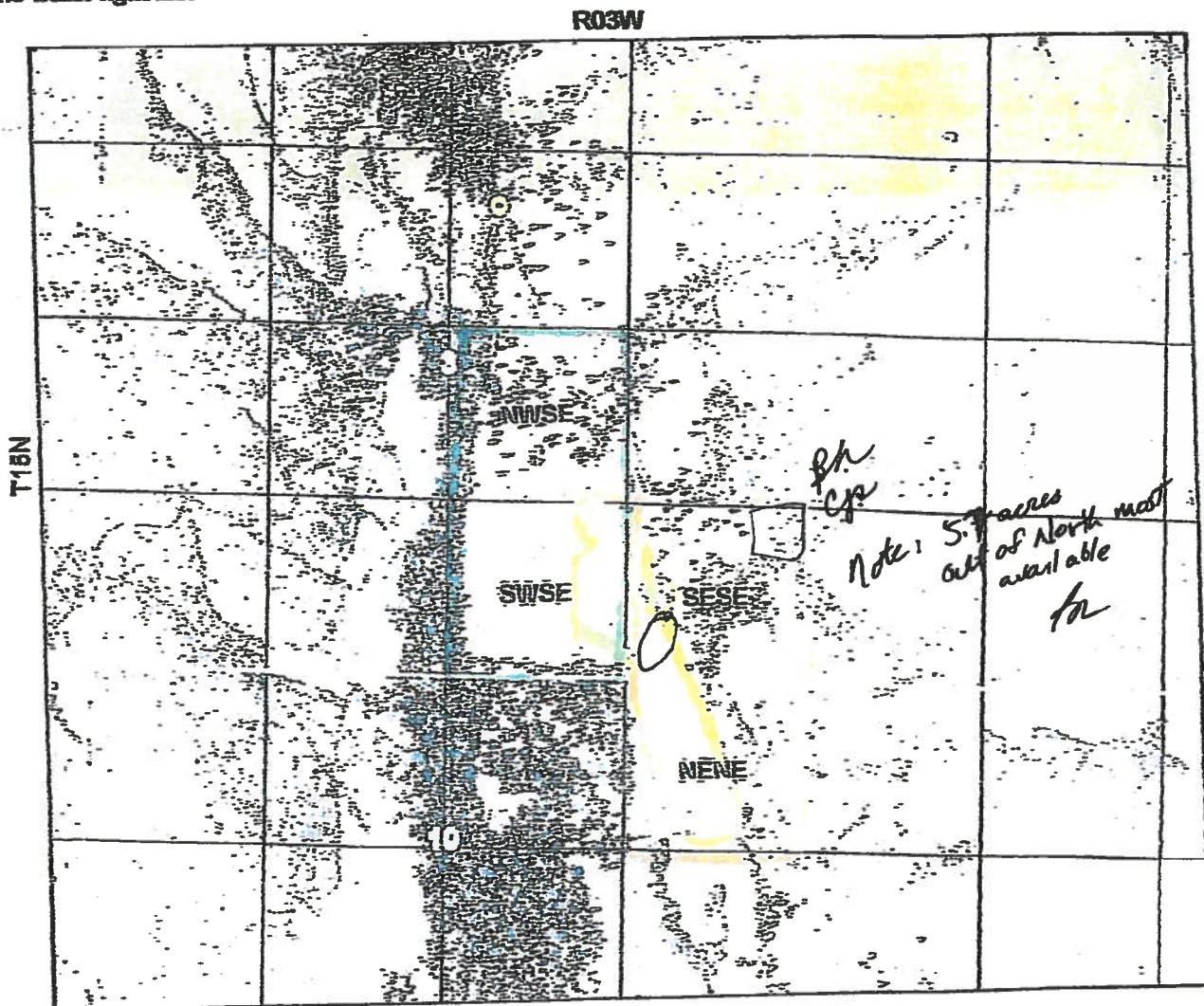


Exhibit B
State of Idaho
Department of Water Resources
Water Right
67-14692

IRRIGATION

Location of 5.7
ACRES of water right
to be transferred from
NEWBOLD PROPERTY +
MARCUS PROPERTY

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.15 0.3 0.6 Miles

MARCUS PROPERTY
NEWBOLD PROPERTY





RE-13 COUNTER OFFER # 1 {One} (1,2,3 etc.)

THIS COUNTER OFFER SUPERSEDES ALL PRIOR COUNTER OFFERS

THIS IS A LEGALLY BINDING CONTRACT, READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



1 This is a COUNTER OFFER to the Purchase and Sale Agreement Dated: August 27, 2012

2 ADDRESS: TBD Ward ID#: 27611569

3 BUYER: Garry Marcus

4 SELLER: Brett Newbold

5 The parties accept all of the terms and conditions in the above-designated Purchase and Sale Agreement with the following changes:
6 ☒ This is a SELLER counter offer. The SELLER reserves the right to withdraw this offer or accept any other offers prior to the receipt of a
7 true copy of signed acceptance of this Counter Offer within the time frame specified herein.

8 ☐ This is a BUYER counter offer. The undersigned BUYER reserves the right to withdraw this offer at any time prior to the receipt of a
9 true copy of signed acceptance of this Counter Offer within the time frame specified herein.

10 1.) Purchase price to be \$170,000 {One-Hundred-Seventy-Thousand}. Total property to be 77 +/- acres.

11 2.) Water rights said property are included in the all water rights for sellers 157 acres. Water Rights to be split evenly between
12 buyer and seller.

13 3.) Buyer to install fence on upper 40 +/- acres, fencing cost to be split with East neighbor. Should buyer and seller agree to
14 fence lower 40 +/- acres. Cost to be split 50/50.

15 4.) All other terms and conditions to remain the same.

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38 To the extent the terms of this Counter Offer modify or conflict with any provisions of the Purchase and Sale Agreement including all prior
39 Addendums, the terms in this Counter Offer shall control. All other terms of the Purchase and Sale Agreement including all prior
40 Addendums not modified by this Counter Offer shall remain the same. Buyer and Seller acknowledge the down payment and/or loan
41 amount on Page 1 of Purchase & Sale Agreement may change if purchase price is changed as part of this Counter Offer. Upon its
42 execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

43 If a signed acceptance is not delivered on or before (date): August 28, 2012 at 8:00 ☐ A.M. ☒ P.M.
44 this Counter Offer shall be deemed to have expired.

45 DELIVERY: Delivery shall be to the agent/broker working with the maker of the Counter Offer in person, by mail, facsimile or electronic
46 transmission of any signed original document, and retransmission of any signed original document. Retransmission of any signed facsimile
47 or electronic transmission shall be deemed to be the same as delivery of an original.

48 DocuSigned by:
49 SELLER Brett Newbold Date 8/28/2012 Time _____ ☐ A.M. ☐ P.M.

50 SELLER _____ Date _____ Time _____ ☐ A.M. ☐ P.M.

51 DocuSigned by:
52 BUYER Garry Marcus Date 8/28/2012 Time _____ ☐ A.M. ☐ P.M.

53 BUYER _____ Date _____ Time _____ ☐ A.M. ☐ P.M.

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JULY 2012 EDITION

RE-13 COUNTER OFFER

Page 1 of 1

Sommer, Rachel

From: Sommer, Rachel
Sent: Tuesday, June 04, 2013 12:36 PM
To: 'watermaster67@hotmail.com'
Subject: Application for Transfer
Attachments: Application for Tansfer 78369.pdf; Ameneded Application for Transfer 78369.pdf

June 4, 2013

BRANDI HORTON
WATER DISTRICT #6
2297 SNAPP LN
MIDVALE ID 83645

RE: Application for Permit No. 78369

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office within 30 days.

The protest deadline for any interested party is June 24, 2013. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

IDWR will assume you do not object to this application(s) if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, May 29, 2013 3:20 PM
To: 'REPORTER@CTCWEB.NET'
Subject: Legal Ad
Attachments: Washington Cover Letter.docx; Washington Legal Ad.docx

Good Afternoon Bonnie,

Please see the attached ad for publication on 6/6/2013 & 6/13/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

May 29, 2013

LEGAL NOTICE DEPARTMENT
UPPER COUNTRY NEWS REPORTER
PO BOX 9
CAMBRIDGE, ID 83601-0009

RE: Transfer No. 78369

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/24/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHT(S)

Garry Marcus of 3319 S. Kimball Ave. Caldwell, ID 83605 filed Application No. 78369 to transfer two water rights with an 1895 and 1918 priority dates from Rush Creek totaling 0.45 cfs. The transfer proposes to split the rights, create a permissible place of use on applicant's property, move 0.13 cfs of irrigation from current location to applicant's property on the west side of Ward Rd 0.5 miles north of Rush Creek Rd approximately 6.5 miles north of Cambridge. The unchanged portion of the rights will remain on land adjacent to the applicant's property.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/24/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/6/2013 and 6/13/2013