

APR 17 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78531

DEPT. OF WATER RESOURCES
SOUTHERN REGION
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) DAVID A SIMON

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: _____

APR 17 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant DAVID A SIMON Phone (208)764-2345
Mailing Address PO BOX 545 , FAIRFIELD ID 83327 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____
Mailing Address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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.

David A Simon DAVID A. Simon 4/17/2013
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
	37-2543	No	No	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**

Moving irrigated acres to new location for two pivots on farm.

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
37-2543	3.100 cfs	1000.0 af	N/A	291.0		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

3.100 cfs	1,000.0 af	291.0	291.0	N/A	N/A	N/A	N/A
-----------	------------	-------	-------	-----	-----	-----	-----

2. Total amount of water proposed to be transferred or changed 3.1 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
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 37-2543

Current Water Right Owner
DAVID A SIMON
PO BOX 545
FAIRFIELD, ID 83327

Priority Date: 8/26/1953

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	3.100 CFS	1000.0 AFA	
Total Diversion			3.100 CFS	1000.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWSE Sec. 16 Twp 01S Rge 15E CAMAS County

Describe the proposed diversion system

Diesel pump will be installed on the existing well with a mainline and 3 wheel lines - each 1/4 mile long.

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	
01S	15E	16	0.0	3.0	23.0	7.3	36.6	28.1	27.6	36.6					36.3	36.5	28.1	27.9	291
POU Total Acres:			291.0																

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

Well head w/ mainline to pivots

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

DAVID A. SIMON

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 effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

dry land FARMED

- 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:

N/A

- 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. 37-2543

Current Water Right Owner **DAVID A SIMON**
PO BOX 545
FAIRFIELD, ID 83327

Priority Date: 8/26/1953

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/31	3.100 CFS	1000.0 AFA	
Total Diversion			3.100 CFS	1000.0 AFA	

Source and Point(s) of Diversion:
GROUND WATER

NWSE

Sec. 16 Twp 01S Rge 15E CAMAS County

Describe the proposed diversion system

Diesel pump will be installed on the existing well with a mainline and 3 wheel lines - each 1/4 mile long.

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	
01S	15E	16	38.0	38.0	29.0	28.0									39.0	40.0	40.0	39.0	291.0
POU Total Acres:																			

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. The remainder of this right was forfeited for non-use from 1978 to 2009.

 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**.

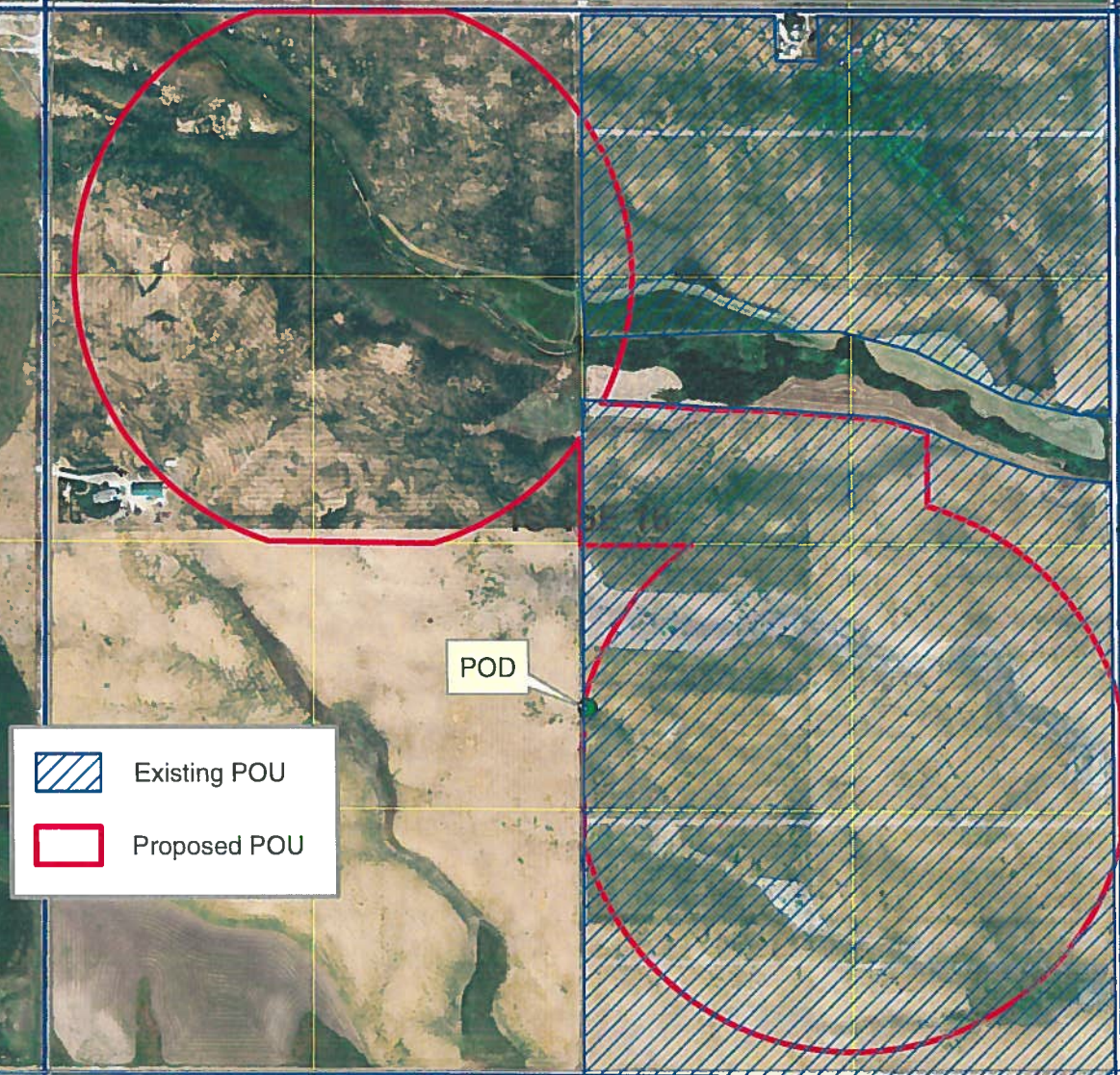
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

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.:_____

Blank lined paper for writing.

Received By N. ERICKSON Date 4/17/13 Prelim. Check By N. ERICKSON Date 4/17/13
 Fee Paid \$740.00 Date 4/17/13 Received By J. BITZENBURG Receipt # 5033185
 Add'l Fee Paid _____ Date _____ Received By _____ Receipt # _____

DAVID A SIMON
TRANSFER #78531 (WR 37-2543)
CHANGE OF POU



WARRANTY DEED

For Value Received

Doris Pearson, a widow

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Simon and Karen Simon
husband and wife

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho, to-wit:

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho.

Section 16: NW $\frac{1}{4}$
EXCEPT Highway Right of Way as described in Right of Way Deed dated January 10, 1931 executed by Ethel E. Redfield to the State of Idaho in Book 15 Deeds, page 58, as Recorder's Instrument No. 13937, records of Camas County, Idaho, AND ALSO EXCEPT Highway Right of Way as described in Right of Way Deed dated August 26, 1931 executed by Ethel E. Redfield to the State of Idaho in Book 15 Deeds, page 115, as Recorder's Instrument No. 14229, records of Camas County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 22, 1995


Doris Pearson

Instrument No.

STATE OF IDAHO, COUNTY OF

On this 24th day of May 19 95
before me, a notary public in and for said State, per-
sonally appeared

Arvis Pearson

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

Notary Public

Residing at Trinidad Idaho.

comm. expires 5/22/01

STATE OF IDAHO, COUNTY OF CAMAS

I hereby certify that this instrument was filed for record
at the request of CAMAS ABSTRACT
at 15 minutes past 2 o'clock P m.,
this 25 day of MAY
1995, in my office, and duly recorded in Book 29
of Deeds at page 476

Ex-Officio Recorder

By

Fees \$ 3⁰⁰

Mail to:

Deputy.

69206

CAMAS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE
3:46:08 pm 12-14-2009 #EC-462
2009-082714
NO. PAGES: 2 FEE: \$6.00
ROLLIE BENNETT
COUNTY CLERK
DEPUTY: BWALTON

WARRANTY DEED

Value Received

Carleen Egersdorf, Trustee of The Ralph Egersdorf and Carleen Egersdorf Living Trust, under Trust Document dated the 31st day of May 2006

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David A. Simon and Karen L. Simon, husband and wife as community property with rights of survivorship
Address: P.O. Box 545, Fairfield, ID 83327

Hereinafter called the Grantee, the following described premises situated in Camas County, Idaho, to-wit:

Township 1 South, Range 15 East, Boise Meridian in Camas County, Idaho.

0.5. X.D.

Section 16:E1/2

Except: Right of Way for Highway as shown in deed recorded in Book 15 Deeds, Page 95 as Recordors Instruments No. 14090 records of Camas County, Idaho.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Terms and Conditions contained in that certain Right of Way Deed, recorded June 25, 1931, as Instrument No. 14090, records of Camas County, Idaho.

Power Line Easement in favor of Idaho Power Company, recorded April 15, 1955, as Instrument No. 31639, records of Camas county, Idaho.

Easement in favor of Idaho Telephone Co., recorded October 23, 1963, as Instrument No. 36474, records of Camas County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **December 8, 2009**

Page 2 of Warranty Deed

the Ralph Egersdorf and Carleen Egersdorf Living Trust,
under Trust document dated the 31st day of May 2006

BY: *Carleen Egersdorf*
Carleen Egersdorf, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 9 day of December, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Carleen Egersdorf, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Ralph Egersdorf and Carleen Egersdorf Living Trust, under Trust document dated the 31st day of May 2006, and acknowledged to me that she executed the same as such Trustee.

Notary Public
State of Idaho

[Signature]
Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/10

MEMORANDUM

Date: April 18, 2013
To: Transfer 78531 File
From: Nathan Erickson
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to change the place of use for irrigation water right 37-2543, located approximately 5.5 miles east and 0.5 miles south of the city of Fairfield. The owner is installing two new pivots; the place of use will change to cover the new location of the pivots. The place of use is shifting to an adjacent Quarter within the same section and under the same ownership. The number of acres irrigated and the POD will not change.

Because of the nature of the changes proposed in this transfer application, it is recommended that this transfer not be advertised.

- **Authority to File:**
Applicant is listed as the current owner of water right 37-2543.
- **Water Right Validity:**
Water right 37-2543 was decreed in the SRBA on 9/4/2012. Recent aerial and satellite imagery indicate the property involved with this transfer appears irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Recommended no advertising is necessary.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.