

RECEIVED**FEB 07 2013**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 78392

**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) POLLY CARNEY AND PAUL CARNEY AND LLOYD RICHINS AND DEANN RICHINS AND MARK WILLIAMS AND SUSAN WILLIAMS

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: _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 07 2013

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant POLLY CARNEY Phone (208)438-2400

Mailing Address 291 S 2800 E, PAUL ID 83347 Email _____

Name of Applicant PAUL CARNEY Phone (208)438-2400

Mailing Address 291 S 2800 E, PAUL ID 83347 Email _____

Name of Applicant LLOYD RICHINS Phone _____

Mailing Address 2809 E 550 S, PAUL ID 83347 Email _____

Name of Applicant DEANN RICHINS Phone _____

Mailing Address 2809 E 550 S, PAUL ID 83347 Email _____

Name of Applicant MARK WILLIAMS Phone _____

Mailing Address 622 S 45 LANE W, RUPERT ID 83350 Email _____

Name of Applicant SUSAN WILLIAMS Phone _____

Mailing Address 622 S 45 LANE W, RUPERT ID 83350 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 _____

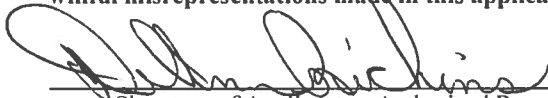
Mailing Address _____ Email _____

- ☐ 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**.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

DeAnn Richins
Print Name and Title if applicable

2-3-13
Date


Signature of Applicant or Authorized Representative

Lloyd Richins
Print Name and Title if applicable

2-2-13
Date

A. PURPOSE OF TRANSFER

1. Right Split POD POU Add POD Period of Use Nature of Use
37-2578 No No No Yes 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 is seeking to add an additional point of diversion (new well) as current wells aren't producing the full 2.740 cfs allowed under water right 37-2578. New point of diversion will be located in the SENW 1/4 of Twp 01N Rge 22E Sec 11. Applicant requests a five year period to develop new point of diversion proposed by this transfer application.

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
37-2578	2.740 cfs	850.5 af	N/A	243.0		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	2.74 cfs	850.5 af	N/A	243		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2.74 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.

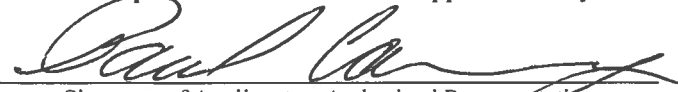
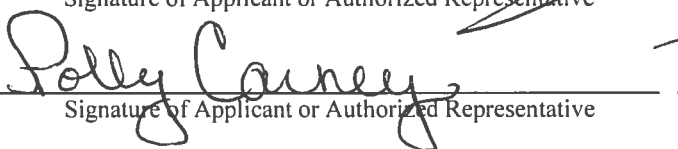
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Signature of Applicant or Authorized Representative	Paul Carney Print Name and Title if applicable	2/2/13 Date
 Signature of Applicant or Authorized Representative	Polly Carney Print Name and Title if applicable	2/2/13 Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-2578	No	No	No	Yes	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 is seeking to add an additional point of diversion (new well) as current wells aren't producing the full 2.740 cfs allowed under water right 37-2578. New point of diversion will be located in the SENW1/4 of Twp 01N Rge 22E Sec 11. Applicant requests a five year period to develop new point of diversion proposed by this transfer application.

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.

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37-2578	2.740 cfs	850.5 af	N/A	243.0		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	2.74 cfs	850.5 af	N/A	243		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2.74 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 I.
- ☐ 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Signature of Applicant or Authorized Representative	<u>Susan Williams</u> Print Name and Title if applicable	<u>2-2-13</u> Date
 Signature of Applicant or Authorized Representative	<u>Mark D. Williams</u> Print Name and Title if applicable	<u>2-2-13</u> Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	37-2578	No	No	No	Yes	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 is seeking to add an additional point of diversion (new well) as current wells aren't producing the full 2.740 cfs allowed under water right 37-2578. New point of diversion will be located in the SENW1/4 of Twp 01N Rge 22E Sec 4. Applicant requests a five year period to develop new point of diversion proposed by this transfer application.

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
37-2578	2.740 cfs	850.5 af	N/A	243.0		N/A	N/A	N/A	N/A
COMBINED TOTALS									
	2.74 cfs	850.5 af	N/A	243		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 2.74 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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

- ☐ 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. 37-2578

Current Water Right Owner

BARBARA J CARNEY
225 N 1250 W
PAUL, ID 83347

GARY CARNEY
225 N 1250 W
PAUL, ID 83347

POLLY CARNEY
291 S 2800 E
PAUL, ID 83347

PAUL CARNEY
291 S 2800 E
PAUL, ID 83347

Priority Date: 8/30/1955

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	2.740 CFS	850.5 AFA	
Total Diversion			2.740 CFS	850.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESE	Sec. 2 Twp 01N Rge 22E BLAINE County
GROUND WATER	SWSW	Sec. 1 Twp 01N Rge 22E BLAINE County
GROUND WATER	SENE	Sec. 11 Twp 01N Rge 22E BLAINE 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	
01N	22E	1											13.0						13.0
01N	22E	2															24.0	40.0	64.0
01N	22E	11	32.0	40.0			26.0			38.0	17.0								153.0
01N	22E	12						13.0											13.0

POU Total Acres: 243.0

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, pump, hand and wheel lines. Either measuring device(s) will be installed on main lines as required
or a variance will be requested as needed.
- b. Who owns the property at the point(s) of diversion
Applicants
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A
- 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: N/A
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:
No Change
- 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:
Water rights 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163 are surface water rights used to irrigate within the same pou and adjacent acres.
- 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: No
N/A
N/A
N/A
N/A

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

Current Water Right No. 37-2578

Current Water Right Owner

BARBARA J CARNEY
225 N I250 W
PAUL, ID 83347

GARY CARNEY
225 N I250 W
PAUL, ID 83347

POLLY CARNEY
291 S 2800 E
PAUL, ID 83347

PAUL CARNEY
291 S 2800 E
PAUL, ID 83347

Priority Date: 8/30/1955

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	2.740 CFS	850.5 AFA	
Total Diversion			2.740 CFS	850.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SESE

Sec. 2 Twp 01N Rge 22E BLAINE County

GROUND WATER

SWSW

Sec. 1 Twp 01N Rge 22E BLAINE 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	
01N	22E	1											13.0						13.0
01N	22E	2															24.0	40.0	64.0
01N	22E	11	32.0	40.0			26.0			38.0	17.0								153.0
01N	22E	12						13.0											13.0

POU Total Acres: 243.0

Conditions/Remarks:

1. Rights 37-758, 37-760, 37-761A, 37-763, 37-764, 37-1163, and 37-2578 when combined shall not exceed the irrigation of 270 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. Prior to the diversion and use of water under Transfer approval 77954, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

 IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

6. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

- ☐ 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.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ 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.:

This ground water right is supplemental to the surface water rights listed in item #1e above. Use of the surface water rights are maximized prior to any diversion of ground water.

FOR DEPARTMENT USE ONLY

Transfer Contains 9 pages and attachments.
Received By DM Date 2/7/2013 Prelim. Check By Date
Fee Paid \$685- Date 2-7-13 Received By HA Receipt # S033036
Add'l Fee Paid Date Received By Receipt #

GIFT DEED

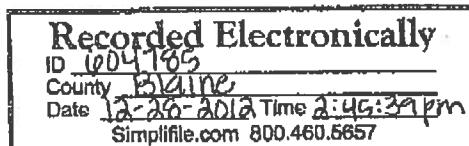
No #

For Love and Affection

Gary Carney and Barbara Carney, husband and wife

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

Mark Williams and Susan Williams, husband and wife

Address: 622 South 45 Lane West
Rupert, Idaho 83350

An undivided one-third interest in and to the real property and water rights described on attached Exhibit "A"

SUBJECT TO:

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

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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.

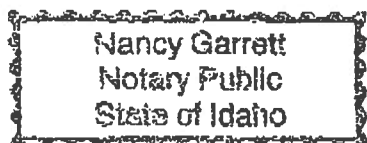
Dated: December 28, 2012

Gary Carney
Gary Carney

Barbara Carney
Barbara Carney

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 28th day of December, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Gary Carney and Barbara Carney, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Nancy Garrett
Notary Public
Residing at: Burley, ID
My Commission expires: 2-5-2014

TRANSFER 78392

GIFT DEED

No #

For Love and Affection

Gary Carney and Barbara Carney, husband and wife

Instrument # 604785

HAILEY, BLAINE, IDAHO
12-28-2012 2:45:39 PM No. of Pages: 2
Recorded for: LAND TITLE AND ESCROW - BURLEY
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

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

Mark Williams and Susan Williams, husband and wife

Address: 622 South 45 Lane West
Rupert, Idaho 83350

An undivided one-third interest in and to the real property and water rights described on attached Exhibit "A"

SUBJECT TO:

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

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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.

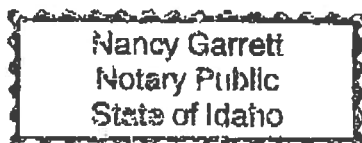
Dated: December 28, 2012

Gary Carney
Gary Carney

Barbara Carney
Barbara Carney

STATE OF IDAHO)
COUNTY OF Cassia) ss.

On this 28th day of December, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Gary Carney and Barbara Carney, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Nancy Garrett
Notary Public
Residing at: Burley, ID
My Commission expires: 2-5-2014

TRANSFER 78392

EXHIBIT "A"

TOWNSHIP 1 NORTH, RANGE 22 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 1: SW1/4SW1/4

SECTION 2: SE1/4SE1/4, E1/2SW1/4, W1/2SE1/4

SECTION 12: NW1/4NW1/4

SECTION 11: N1/2NE1/4, E1/2NW1/4, AND A FRACTION OF THE NE1/4SW1/4 KNOWN AS TAX LOT 7735 described as follows:

A portion of that real property conveyed to Carney by the Warranty Deed recorded August 31, 2000 as Instrument No. 442717, Blaine County Records, T1N, R22E, Section 11, B.M., BLAINE COUNTY, IDAHO a portion of the Northeast quarter of the Southwest quarter more particularly described as follows:

Beginning at the Northwest corner of said Northeast quarter of the Southwest quarter and running thence Southerly along the West line thereof 62 feet to the intersection thereof with the Northeastern line of that certain 20 acre parcel of land excepted from that real property conveyed by the Warranty Deed from Stella Hurst to C.W. Drago, et ux., recorded November 6, 1951, in Book 162 of Deeds at Page 308, Blaine County, Records;

Thence along said Northeastern line as follows:

S. 51°24'E. 272 feet;
S. 29°01'E. 336 feet;
N. 56°33'E. 204 feet;
S. 87°57'E. 191 feet;
S. 36°15'E. 468 feet;
S. 31°00' W. 192 feet;
S. 33°04'E. 138 feet;
S. 28°16'W. 199 feet;

S. 72°32'W. 243 feet, more or less to a point on the South line of the aforesaid Northeast quarter of the Southwest quarter of said Section 11 which bears Easterly 656 feet from the Southwest corner thereof; thence

Leaving said Northeastern line and running Easterly along the South line of said Northeast quarter of the Southwest quarter 664 feet, more or less, to the Southeast corner thereof; thence

Westerly along the North line of said Northeast quarter of the Southwest quarter 1,320 feet, more or less, to the POINT OF BEGINNING.

Fish Creek Water Rights:

1. Decreed right A37-00758, Priority 6/1/1884, on 160 acres for 2.0 CFS from the East Fork of Fish Creek
2. Decreed right A37-00760, Priority 6/1/1885, on 80 acres for .80 CFS from Fish Creek.
3. Decreed right A37-00761A, Priority 6/1/1885, on 40 acres for .25 CFS from the East Fork of Fish Creek.
4. Decreed right A37-00763, Priority 6/1/1887, on 80 acres for .80 CFS from Fish Creek.
5. Decreed right A37-00764, Priority 6/1/1890, on 60 acres for .60 CFS from the East Fork of Fish Creek.
6. Decreed right A37-01163, Priority 5/1/1923, on 240 acres for 1.56 CFS from Fish Creek.

Well Water Right:

7. License A37-02578, Priority 8/30/1955, on 290 acres for 2.74 CFS from a well.

(End of Exhibit "A")

GIFT DEED

No #

For Love and Affection

Gary Carney and Barbara Carney, husband and wife



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

Lloyd Richins and DeAnn Richins, husband and wife

Address: 2809 East 550 South
Paul, Idaho 83347

An undivided one-third interest in and to the real property and water rights described on attached Exhibit "A"

SUBJECT TO:

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

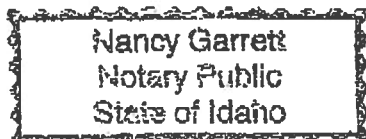
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Dated: December 28, 2012

Gary Carney
Barbara CarneySTATE OF IDAHO)
COUNTY OF Cassia) ss.

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Notary Public
Residing at: Burley, ID
My Commission expires: 2-5-2014

Hand delivered 12/28/12

TRANSFER 78392

GIFT DEED**Instrument # 604784**

No #

HAILEY, BLAINE, IDAHO
12-28-2012 2:45:39 PM No. of Pages: 2
Recorded for: LAND TITLE AND ESCROW - BURLEY
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy, JB
Electronically Recorded by Simplifile

For Love and Affection

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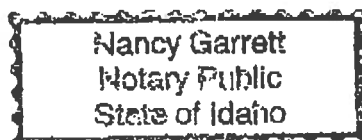
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Nancy Garrett
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TRANSFER 78392

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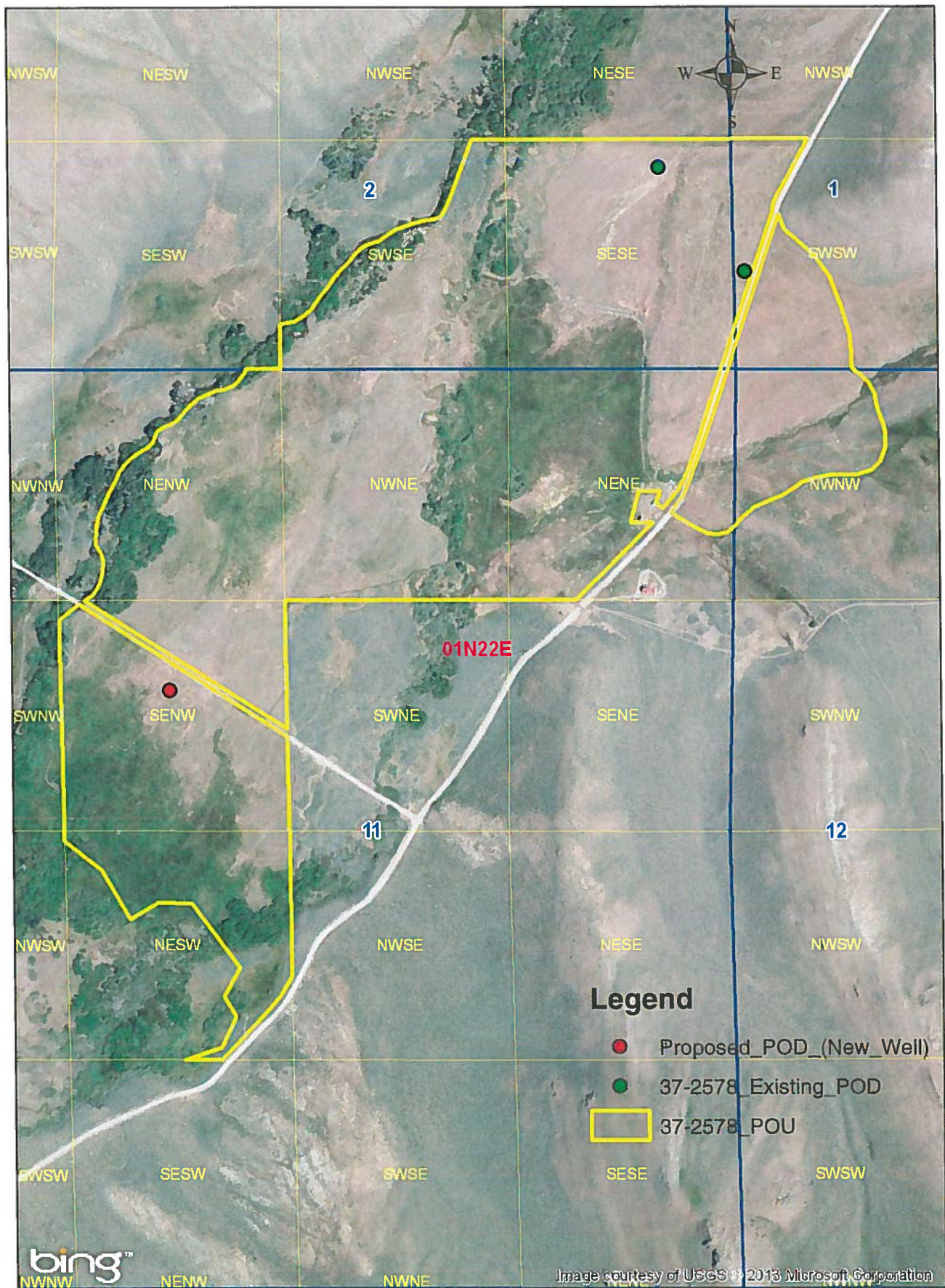
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7. License A37-02578, Priority 8/30/1955, on 290 acres for 2.74 CFS from a well.

(End of Exhibit "A")



TRANSFER 78392



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 28, 2013

PAUL CARNEY
POLLY CARNEY
291 S 2800 E
PAUL, ID 83347

LLOYD RICHINS
DEANN RICHINS
2809 E 550 S
PAUL, ID 83347

MARK WILLIAMS
SUSAN WILLIAMS
622 S 45 LANE W
RUPERT, ID 83350

RE: Transfer No. 78392
Water Right No(s). 37-2578

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS on 3/6/2013 and 3/13/2013**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**March 25, 2013**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 28, 2013 11:43 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICES
Attachments: Idaho Mtn Express Cover Letter.docx; Lower Valley IWRB Recharge 01-10609.docx; Idaho Mtn Express Ad.docx

Attached please find **(2) legal notices** being submitted for publication on March 6th & 13th, 2013. Please contact me if you have any questions, or if you are not able to run the ads on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

February 28, 2013

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Application For Permit No.(s): 1-10609 (Original number 01-7143)
Application For Permit No. (s): 37-22814

RE: Transfer No. 78392
Water Right No(s): 37-2578

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 March 25, 2013. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22814

COOPER FAMILY GIFT TRUST

26 DROMARA DR

ST LOUIS, MO 63124

Point of Diversion SWNW S29 T04N R18E BLAINE County Source GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.13 CFS

Use: HEATING 01/01 to 12/31 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 2/25/2013

Place Of Use: HEATING AND COOLING

T04N R18E S29 SWNW

T04N R18E S30 SENE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78392

LLOYD and DEANN RICHINS, 2809 E 550 S, PAUL, ID 83347; MARK and SUSAN WILLIAMS, 622 S 45 LANE W, RUPERT, ID 83350; and PAUL and POLLY CARNEY, 291 S 2800 E, PAUL, ID 83347 have filed Application No. 78392 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2578. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes adding a third point of diversion (proposed well) to supplement a 2.74 cfs irrigation ground water right. The new point of diversion and place of use are located approximately 8.7 to 9.8 miles north and 7.0 to 7.9 miles east of the intersection of Hwy 20 and Hwy 93 in Carey.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 25, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 6th & 13th, 2013

MEMORANDUM

Date: February 22, 2013
To: Transfer 78392 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes adding a third point of diversion (new well) to a 2.74 cfs ground water right, 37-2578 located approximately 9.2 miles north and 6.9 miles east of the intersection of Hwy 20 and Hwy 93 in Carey. Owners have filed two previous transfers, 73406 in 2007 and 77954 in 2012. Transfer 73406 moved the POD for this water right to a new location (proposed well) and abandoned the original POD (old well). New well didn't produce the 2.74 cfs allowed under water right 37-2578, so the owners then filed transfer no. 77954 in 2012 to add the original pod back onto the water right. Owner is now seeking to drill a third well, as applicant claims that both wells combined aren't producing the 2.74 cfs allowed under the water right. Applicants indicated they will abandon one or both of the older wells should the new well produce the desired flow rate of 2.74 cfs.

- **Authority to File:** Applicants are listed as the current owners of water right 37-2578 and have provided a deed for lands involved in the transfer.
- **Water Right Validity:** Water rights 36-2578 was decreed in the SRBA on 5/11/2009. 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. The application will be subject to public notice and protest.
- **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