

RECEIVED

JAN 11 2013

Department of Water Resources
Eastern Region

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

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

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☒ Ownership change

1. APPLICANT(S) James Harvat or Larry and Cynthia Harvat Phone (914)924-0047

2. MAILING ADDRESS 6822 Griffin Blvd City Fort Myers

State FL Zip 33908 Email harvat@hotmail.com

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

3. LIST WATER RIGHT NUMBER(S) 75-10693

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov Water Right Transfers, Step 1, or by contacting any Department office.4. TOTAL AMOUNT OF WATER transferred is 1.63 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag #
23N	22E	29			SW	SW	Lemhi	Spring Creek	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Not a condition of my water right at this time. However, I will be repairing/replacing existing head gate.

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

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

We have an excellent working relationship. Improving the head gate & irrigation will benefit both parties.

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

Yes No

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

If yes, describe _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idvr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

JAMES M. HARVAT
Print name and title if applicable

1-7-13
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$580.00 Date 1-2-2013
\$25.00 1-14-2013

Received by Km
Km

Receipt # E038295
E038318

Preliminary review completed by Km

Date 1-2-2013

RECEIVED

JAN 11 2013

Department of Water Resources
Eastern Region

To : Kerri Mathews
Idaho Water Resources

PLEASE accept this letter as amendment to
James Harvat's request for change in
point of diversion and change of ownership.

This document should read :
James Harvat OR Larry Harvat and Cynthia
Harvat.

Respectfully,

Larry Harvat	<u>Larry Harvat</u>	1/7/13
Cynthia Harvat	<u>Cynthia Harvat</u>	1/7/13

321 Lakeview Terrace Blvd.
WACONIA MN 55387

g. mail : CHARVAT52@gmail.com
phone : 952-442-1501

8377

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Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

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☐ Change diversion point(s)☒ Add diversion point(s)☒ Ownership change

1. APPLICANT(S) JAMES M. HARVAT Phone 914-924-0047
 2. MAILING ADDRESS 6822 GRIFFIN BLVD City FORT MYERS
 State FL Zip 33908 Email HARVAT@HOTMAIL.COM

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).

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4. TOTAL AMOUNT OF WATER transferred is 1,630 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

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Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
23N	22E	29		SW	NW		LEMMING	SPRING CREEK	
23N	22E	29		SW	SW		LEMMING	SPRING CREEK	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

NOT A CONDITION OF MY WATER RIGHTS AT THIS TIME.
HOWEVER, I WILL BE REPAIRING/REPLACING EXISTING HEAD GATE

- b. Who owns the property at the point(s) of diversion? UNIVERSITY OF IDAHO
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

WE HAVE AN EXCELLENT WORKING RELATIONSHIP. IMPROVING THE
HEADGATE AND IRRIGATION WILL BENEFIT BOTH PROPERTIES, NO PROBLEM

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
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8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

J. M. Harvat
Signature of applicant or authorized agent

JAMES M. HARVAT
Print name and title if applicable

12-28-12
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

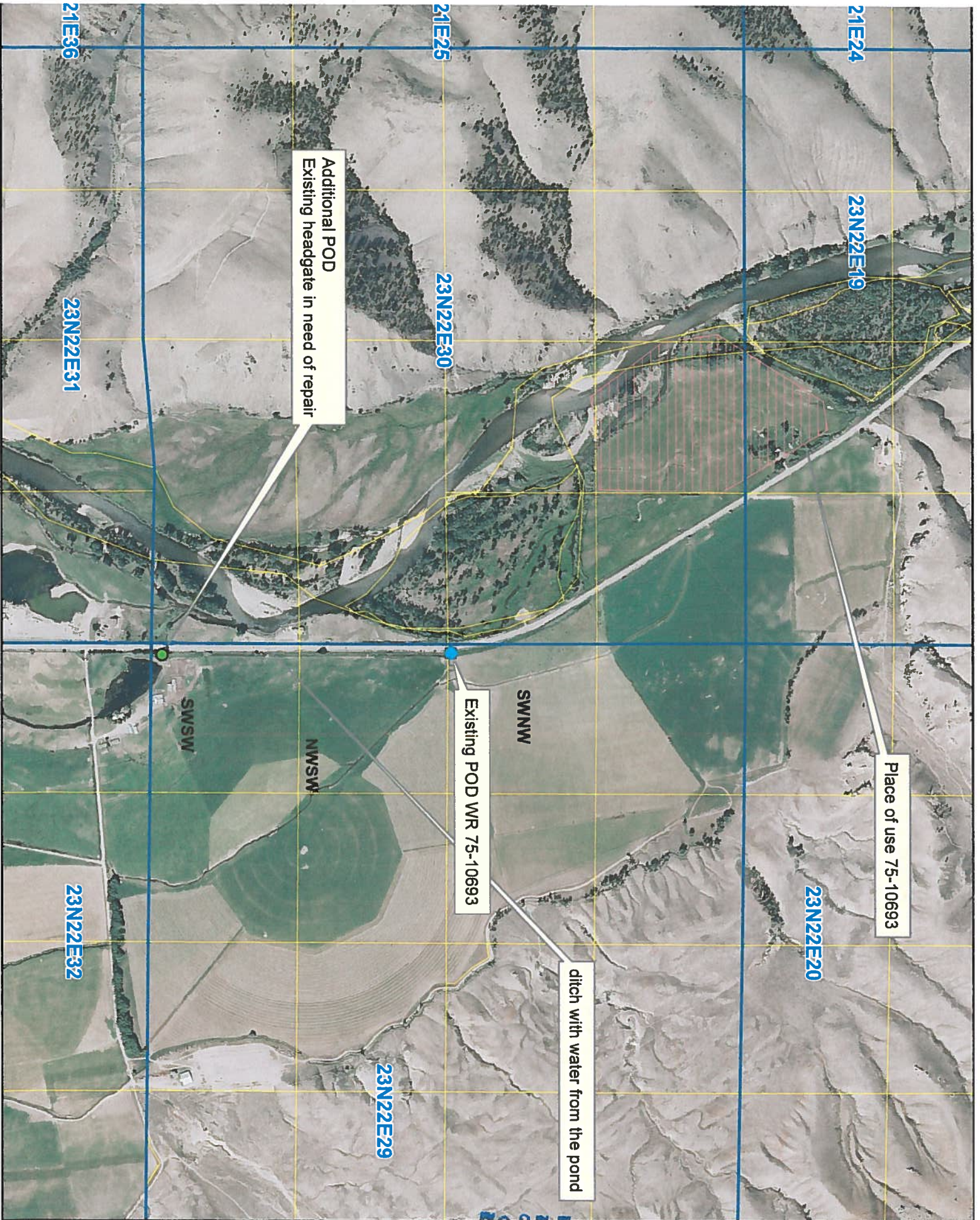
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FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$580. Date 1-2-2013 Received by Km Receipt # E038295

Preliminary review completed by _____ Date _____



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

KNEELAND, KORB, COLLIER & LEGG, PLLC
Post Office Box 249
Ketchum, ID 83340
KKCL File No. 8927

Instrument # 285346 # Pages: 4
LEMHI COUNTY, Idaho
Mar 10, 2011 12:06:55 pm Fee: \$ 19.00
For: KNEELAND, KORB, COLLIER & LEGG
TERRI J. MORTON, Recorder
ECARDIN, Deputy

(Space above line for Recorder's Use)

CORRECTION DEED

This Correction Deed is made on the 21st day of February, 2011, by RONALD J. WEHRLI, as Trustee of the RONALD J. WEHRLI TRUST, UTD 03/06/96, as Grantor, as to an undivided one-quarter interest unto JAMES HARVAT, a married man as his sole and separate property, and as to an undivided one-quarter interest unto LARRY HARVAT and CYNTHIA HARVAT, husband and wife, as tenants in common, whose current address is 6822 Griffin Blvd., Ft. Myers, FL 33908, as Grantees, of the real property described below.

RECITALS

A. Grantor conveyed to Grantees by Grant Deed, real property described in the Grant Deed, which Grant Deed was dated December 17, 2010, and recorded January 12, 2011, as Instrument No. 284956, records of Lemhi County, Idaho. A copy of the Grant Deed is attached hereto and made a part of this Correction Deed as fully and to the same effect as if set forth in this Correction Deed in its entirety;

B. In the Grant Deed incorporated in this Correction Deed, by mistake of the parties, an incorrect legal description was incorporated of the property conveyed, which was not intended by the parties and which would not adequately express the agreement between them. The correct legal description is reflected in the Correction of Conveyance below;

C. The address of the Grantee of the Grant Deed, was incorrectly stated as 6822 Griffin Blvd., Ft. Meyer, FL 33908. The correct address of Grantee is 6822 Griffin Blvd., Ft. Myers, FL 33908.

D. To prevent difficulties hereafter, and to permit recordation of a Grant Deed that reflects the true agreement and conveyance of the parties in every respect, the parties desire to correct the described errors.

CORRECTION OF CONVEYANCE

GRANTOR, RONALD J. WEHRLI, as Trustee of the RONALD J. WEHRLI TRUST, UTD 03/06/96, as owner of an undivided one-half tenants-in-common interest, for a good and valuable

consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey in fee simple an undivided one-quarter interest unto JAMES HARVAT, a married man as his sole and separate property, and an undivided one-quarter interest unto LARRY HARVAT and CYNTHIA HARVAT, husband and wife, as tenants in common, whose current address is 6822 Griffin Blvd., Ft. Meyer, FL 33508, as GRANTEES, and to Grantees' heirs and assigns forever, in the following described real estate, situated in County of Lemhi, State of Idaho, to wit:

A parcel of land located in U.S. Government Lots 1 and 6, Section 30, and U.S. Government Lot 11, Section 19, T. 23 N., R. 22 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the Northwest Corner of said Section 30, a distance of 3,952.34 feet on a bearing of N. 89°57'54" E. along the section line to the northeast corner of said Lot 11; thence S. 00°00'03" E. 84.40 feet to a Bureau of Public Roads monument in the westerly right of way of U.S. Highway No. 93 and being the REAL POINT OF BEGINNING.

Thence S. 00°17'07" W., 1,714.89 feet to a point on the east bank of the Salmon River;

Thence the following courses and distances along said bank;

Thence N. 56°24'39" W., 50.88 feet;
Thence N. 73°30'58" W., 303.19 feet;
Thence N. 60°22'20" W., 523.84 feet;
Thence N. 66°37'39" W., 374.92 feet;
Thence N. 21°20'33" W., 296.26 feet;
Thence N. 47°41'13" E., 61.34 feet;
Thence N. 26°00'18" W., 531.41 feet;
Thence N. 28°40'04" W., 148.58 feet;
Thence N. 29°26'54" E., 957.73 feet;
Thence N. 33°55'22" E., 261.55 feet;
Thence N. 47°08'54" E., 209.66 feet;

Thence N. 01°47'50" W., 288.36 feet to a point on the westerly right of way of U.S. Highway No. 93.

Thence the following courses and distances along said highway:

Thence a distance of 376.12 feet along a curve concave to the southwest having a radial of S. 52°47'33" W., 3,786.81 feet and a central angel of 05°41'27".
Thence S. 58°29'00" W., 17.00 feet;
Thence S. 31°31'00" E., 1049.64 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land located in the U.S. Government Lot 6, Section 30, Township 23 N., Range 22 E., B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the Northwest Corner of said Section 30, a distance of 3,952.34 feet, on a

bearing of N. 89°57'54" E., along the section line to the northeast corner of Lot 11; thence S. 00°00'03" E., 84.40 feet to a Bureau of Public Roads Monument on the westerly right of way of U.S. Highway No. 93; thence S. 00°17'07" W., 1,235.07 feet to the REAL POINT OF BEGINNING.

Thence S. 00°17'07" W., 479.82 feet;
Thence N. 56°24'39" W., 50.88 feet;
Thence N. 73°30'58" W., 303.19 feet;
Thence N. 60°22'20" W., 523.84 feet;
Thence N. 66°37'39" W., 259.85 feet to a point on the boundary of Lot 6;
Thence N. 89°48'01" E., 1,029.39 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH all improvements located thereon or appurtenant thereto and all water rights appurtenant thereto;

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant thereto.

Tax Parcel: #RP23N223301200A

TOGETHER, with all tenements, hereditaments and appurtenances thereunto belonging.

BEING the same lands and premises that Grantor did grant and convey unto Grantees by Grant Deed dated December 17, 2010, under Lemhi County Instrument No. 284956 in the office of the County Recorder of Lemhi County, State of Idaho.

GRANTOR warrants to the Grantees, and Grantees' successors in title, that Grantor has not created or permitted to be created any lien, charge of encumbrance against said real estate which is not shown herein, and Grantor covenants that Grantor will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

In witness whereof, Grantor has hereunto caused this Correction Deed to be executed this 21 day of February, 2011.

RONALD J. WEHRLI TRUST, UTD 03-06-96

By Ronald J. Wehrli
Ronald J. Wehrli, Trustee

MAKE CHECK PAYABLE TO:
LEMHI COUNTY-MARY ANN HEISER
206 COURTHOUSE DR
SALMON, ID 83467
208-756-2815 EXT. 231

2012 TAX BILL/RECEIPT

BILL# 9683
CODE AREA 21-0000

PARCEL NUMBER
RP23N22E301200A
LAND
IMPROVEMENT

66,574
9,033

1ST HALF DUE		2ND HALF DUE	
TAX	206.90	TAX	206.90
LATE		LATE	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE
TAX 413.80
LATE
INT
COST
TOT

TOT MKT 75,607

TOT ACRES 55.100

HARVAT JAMES
& HARVAT LARRY
& HARVAT CYNTHIA
6822 GRIFFIN BLVD
FT MYERS FL 33908

*PAID # 880
11-27-12*

T-3370 LESS T-3371
19 & 30 23 22
JAMES 3/4 INTEREST
LARRY AND CYNTHIA 1/4 INTEREST
AS TENTANTS IN COMMON

HWY 93 N

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

YOU CAN NOW PAY TAXES ONLINE
WWW.LEMHICOUNTYIDAHO.ORG

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

AVOID LATE FEES & INTEREST--MAIL EARLY.
** \$20 WILL BE ADDED FOR CHECKS
RETURNED BY BANK.

TAXING DISTRICT	RATE	
STATE	.000000000	
LEMHI COUNTY	.003851611	291.20
SCHOOL DIST 291		
SCHL 291 M&O		
SCHL 291 TORT	.000088178	6.66
SCHL 291 BOND		
SCHL 291 PLANT		
SCHL 291 SPLMT	.000677715	51.24
LEMHI RURALFIRE	.000620860	46.94
LEMHI LIBRARY	.000234978	17.76
AMOUNT DUE	.005473342	413.80

78377

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-10693

WATER RIGHT NUMBER: 75-10693

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CYNTHIA L MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Current Owner	RONALD J WEHRLI 6822 GRIFFIN BLVD FORT MYERS, FL 33908
Original Owner	JOHN R MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Current Owner	JAMES M HARVAT 6822 GRIFFIN BLVD FORT MYERS, FL 33908

Priority Date: 10/23/1933

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.590 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	1.630 CFS	

Location of Point(s) of Diversion

SPRING CREEK	SW1/4NW1/4	Sec. 29, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	19															20.0		20.0
																	L 11		
23N	22E	30			30.0														30.0
					L 1														

Total Acres: 50

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-10693

1. N14 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 11/17/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

75-10693
Back file

State of Idaho)
) ss.
County of Lemhi)

ALIEN C. MERRITT, being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands owned by Walter D. Miller and the water rights supplying the water for irrigation for said lands; said lands being described as follows, to-wit:

Lots 5 and 11, of Section 19, and Lot 1, of Section 30, all in Township 23 North of Range 22 East of the Boise Meridian.

That all of the water supplying this land is by private ditch, in which no one else has any interest.

That the ditch from the Salmon River is approximately one-half mile in length, and is about 3 feet wide on the bottom and 5 feet at the top, the depth of the ditch varies from one foot to 3 feet, and will carry enough water to irrigate the entire ranch every year, and there is an inexhaustible supply of water from the Salmon River, at all times.

In addition to the Salmon River Ditch, there is a ditch from Spring Creek, point of diversion being on the lands of J. G. Bloomsburg directly south of this ranch. This ditch is approximately three-fourths mile long and is about 3 feet wide on the bottom and about 5 feet at the top, the depth of the ditch varying from one foot 4 feet and will safely convey over 300 miners inches. This ditch is used merely for convenience, as the Salmon River Ditch will at all times convey all of the water needed for the ranch, but cost of keeping up the Salmon River Ditch being much heavier than the Spring Creek Ditch, makes it desirable to use the Spring Creek waters, as said waters are below all other lands on the Salmon River, and not available for any other lands.

None of this water has been decreed to this ranch, for the reason that the waters are not available for any other lands, said ranch being at or near the mouth of the canyon, and no lands lying below it. Said waters of Spring Creek, has more water alone, than can be used on the said lands, and there is an inexhaustible supply of water also, from the Salmon River. If needed, the two said ditches could supply 700 miners inches at all times of the year, whereas less than 200 miners inches are needed at any time of the year. These waters have been used continuously on the said lands, for more than 30 years.

Subscribed and sworn to before me a
Notary Public, this 23rd day of
October, 1933.

NOTARY PUBLIC FOR STATE OF IDAHO

MICROFILMED

DEC 15 1992