

RECEIVED

SEP 18 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

78147

Department of Water Resources
Eastern Region
APPLICATION FOR TRANSFER OF WATER RIGHT – POINTS 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 Point of Diversion ☐ Add diversion point(s) ☒ Ownership change

1. APPLICANT(S) James S. & Evelyn V. Ippolito Phone (208) 588-26882. MAILING ADDRESS 3514 W 3900 N City DarlingtonState ID Zip 83255 Email jippolito@atcnet.netc/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.comRocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax (208) 524-1795

- ☐ 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. **See attached Chain of Title**
- ☐ 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 OF WATER RIGHT NUMBER(S) 34-14327 (0.07 cfs/7 acre) 34-14375

- ☒ 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 0.07 cfs 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	¼	¼	¼	County	Source	Local Name or tag #
6N	26E	18			SE	SE	Custer	Ground Water	Address: 3514 W 3900 N

Place of Use is in Custer County and is also known as: 3514 W 3900 N, Darlington, ID 83255

78147

Transfer No. 78147

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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AUG 29 2012

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINTS OF DIVERSION

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Check all that apply:

- ☒ Change Point of Diversion ☐ Add diversion point(s) ☒ Ownership change

1. **APPLICANT(S)** James S. & Evelyn V. Ippolito Phone (208) 588-2688

2. **MAILING ADDRESS** 3514 W 3900 N City Darlington

State ID Zip 83255 Email jippolito@atcnet.net

c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email kwilson@rockymountainenvironmental.com



482 Constitution Way, Ste 303, Idaho Falls ID 83402 (208) 524-2353 Fax 208) 524-1795

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5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local Name or tag #
6N	25E	18			SE	SE	Custer	Ground Water	Address: 3514 W 3900 N

Place of Use is in Custer County and is also known as: 3514 W 3900 N, Darlington, ID 83255

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:

Well pump mainline to single domestic home and sprinkler irrigation system. Lock out irrigation system

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

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

- c. 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, See Attachment 6.c Affidavit of Beneficial 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:

7. MAP – ☒ Attach a map of the diversion, measurement, control, and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.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.

James S. Ippolito
Signature of applicant or authorized agent

James S. Ippolito
Print Name and Title if applicable

5-1-12
Date

Evelyn V. Ippolito
Signature of applicant or authorized agent

Evelyn V. Ippolito
Print Name and Title if applicable

5-1-12
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.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages of attachments. Received by _____ Date _____
Fee Paid \$900.00 3 TRANS Date 9-7-2012 Receipted by KM Receipt # E037986
Preliminary review completed by _____ Date _____



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

WESTERN FRONTIER, LTD. CO.

5395 OLD CHILLY RD
MACKAY, ID 83251

Type of Business:	LIMITED LIABILITY COMPANY
Status:	EXISTING, ANREPT SENT 03 Aug 2011
State of Origin:	IDAHO
Date of Origination/Authorization:	14 Oct 1994
Current Registered Agent:	TERRI L PRITCHETT 5395 OLD CHILLY RD MACKAY, ID 83251
File Number:	W572
Date of Last Annual Report:	16 Oct 2011

No. W 572 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Oct 31, 2011 Annual Report Form 1. Mailing Address: Correct in this box if needed. WESTERN FRONTIER, LTD. CO. TERRI L PRITCHETT 5395 OLD CHILLY RD MACKAY ID 83251 USA	2. Registered Agent and Address (NO PO BOX) TERRI L PRITCHETT 5395 OLD CHILLY RD MACKAY ID 83251 3. <u>New</u> Registered Agent Signature:*
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4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.							
Office Held	Name	Street or PO Address	City	State	Country	ID	Postal Code
MEMBER	TERRI L PRITCHETT	5395 OLD CHILLY RD	MACKAY	ID	USA		83251

5. Organized Under the Laws of: ID W 572 Processed 10/16/2011	6. Annual Report must be signed.* Signature: Terri L Pritchett Name (type or print): Terri L Pritchett Date: 10/16/2011 Title: Managing Member
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* Electronically provided signatures are accepted as original signatures.

PEDIGREE:

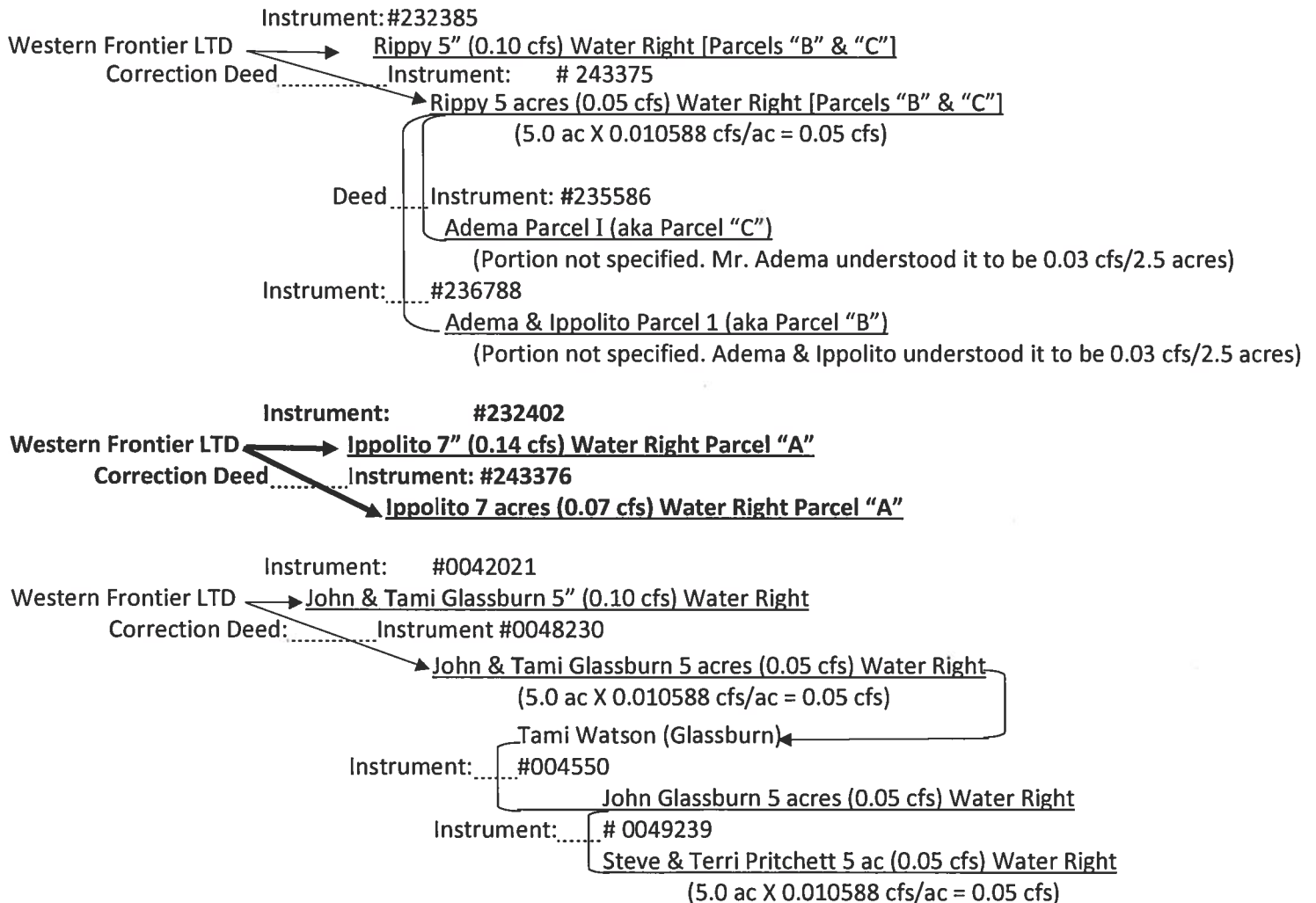
34-2437B Parent/Transfer

34-13737 /PARENT *WESTERN FRONTIER LTD*34-14107 /Parent-0.29 cfs/ 33ac *WESTERN FRONTIER LTD*34-14327 0.18 cfs/17.1 ac *WESTERN FRONTIER LTD*To 34-XXXXX **Ippolito's (3514 W 3900 N) FOR 0.07 cfs/7 ac**

34-XXXXX RIPPY to ADEMA (3512 W 3900 N) for 0.03 cfs/2.5 ac

34-XXXXX RIPPY to ADEMA & IPPOLITO's (3518 W 3900 N) for 0.03 cfs/2.5 ac

34-XXXXX Glassburn to Steve & Terri Pritchett (3917 N 3500 W, Butte County) for 0.05 cfs/5.1 ac

34-14328 0.11 cfs/10.8 ac *DAMIANA, RANDAL G. & SANDRA L.*34-14108 0.06 cfs/5.2 ac *STEIN, HAROLD & NANCY A (3506 W 3900N)*34-13738 0.08 cfs/7 ac *HANNI, CHARLES F. (3536 W 3900 N)*CHAIN OF TITLE:

243376

CORRECTION DEED TO INSTRUMENT # 232402

For value received, Western Frontier LTD Co., an Idaho Limited Liability Company.
GRANTOR(s). do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto James S.
Ippolito & Evelyn V. Ippolito, husband and wife GRANTEE(s) whose address is 3514
W. 3900 N. Darlington, Id 83255, the following described real property in Custer
County, Idaho to wit:
SEE ATTACHED EXHIBIT "A"

Together with 7 acres of irrigation water right from Water Right No. 34-14107
Subject To: Taxes, easements established or of record, restrictions and encumbrances of
record, rights reserved in federal patents, state or railroad deeds, building or use
restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does here by
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 encumbrances except as described above and that the
Grantor will warrant and defend the same from all lawful claims whatsoever.

DEED OF CORRECTION is given to correct the allocated water right in that certain
Deed dated September 13 2005, and recorded as Instrument No. 232402 in the official
record of Custer County, Idaho

IN WITNESS WHEREOF, The party of the first part has hereunto set his hand and seal
the day and year first above written.

243376
Custer County Reg. of
Terri L Pritchett
Time 4:43 P M Date 11-29, 2010
Barbara C. Tierney, Clerk
[Signature] \$ 16.00
Deputy

WESTERN FRONTIER LTD CO,
An Idaho Limited Liability Company

[Signature]
By: Terri L Pritchett, member
[Signature]
By: Steve L Pritchett, member

Correction Deed- Page 1 of 2

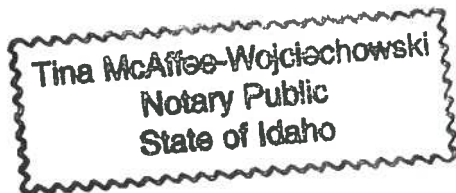
243376

STATE OF IDAHO,)

County of Custer)
SS.

On this 29th day of Nov, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Terri L Pritchett and Steve L Pritchett, known to me to be the person(s) whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tina McAfee-Wojciechowski
Notary Public for Idaho
Residing at: Mackay, ID
My Commission Expires: 5/2/2011

Correction Deed - Page 2 of 2

243376

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SE1/4SE1/4, SECTION 18, T. 6 N., R. 26 E., BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 18, FROM WHICH THE S1/4 CORNER OF SAID SECTION BEARS N. 87° 53' 37" W. A DISTANCE OF 2675.12 FT., THE BASIS OF BEARING OF THIS DESCRIPTION. RUN THENCE N. 87° 53' 37" W. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION A DISTANCE OF 783.56 FT.;

THENCE N. 00° 36' 05" W. A DISTANCE OF 553.00 FT. TO THE POINT OF BEGINNING;

THENCE N. 87° 53' 37" W. A DISTANCE OF 554.00 FT.;

THENCE N. 00° 36' 05" W. A DISTANCE OF 776.57 FT. TO THE NW CORNER OF SAID SE1/4SE1/4 OF SAID SECTION;

THENCE S. 87° 50' 58" E. ALONG THE NORTHERLY BOUNDARY OF SAID SE1/4SE1/4 A DISTANCE OF 554.02 FT.;

THENCE S. 00° 36' 05" E. A DISTANCE 776.14 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH: AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 18, FROM WHICH THE S1/4 CORNER OF SAID SECTION BEARS N. 87° 53' 37" W. A DISTANCE OF 2675.12 FT., THE BASIS OF BEARING OF THIS DESCRIPTION. RUN THENCE N. 87° 53' 37" W. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION A DISTANCE OF 733.56 FT. TO THE POINT OF BEGINNING;

THENCE CONTINUING N. 87° 53' 37" W. ALONG SAID SOUTHERLY BOUNDARY OF SAID SECTION A DISTANCE OF 50.00 FT.;

THENCE N. 00° 36' 05" W. A DISTANCE OF 878.94 FT.;

THENCE S. 87° 53' 37" E. A DISTANCE OF 50.00 FT.;

THENCE S. 00° 36' 05" E. A DISTANCE OF 878.94 FT. TO THE POINT OF BEGINNING.

Order No. 55981

WARRANTY DEED

FOR VALUE RECEIVED

WESTERN FRONTIER LTD CO., an Idaho limited liability company,

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

JAMES S. IPPOLITO and EVELYN V. IPPOLITO, husband and wife

GRANTEE(s) whose address is: 2 Deck Ct., Howell, NJ 07731

the following described real property in Custer County, Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH 7" OF PERTINENT WATER RIGHTS FROM GROUND WATER.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said 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 encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 13, 2005

WESTERN FRONTIER LTD CO.,
an Idaho limited liability company

Terril L. Pritchett
BY: TERRIL PRITCHETT, Member

Steve L. Pritchett
BY: STEVE L. PRITCHETT, Member

State of Idaho

County of Custer

On this 13th day of September in the year 2005, before me, the undersigned, personally appeared TERRIL L. PRITCHETT and STEVE L. PRITCHETT known or identified to me to be (the manager, the managers, a member, the members) of the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

WITNESS my hand and official seal.

Tina McAfee-Wojciechowski
Notary Public
Commission Expires: 5/2/2011

Tina McAfee-Wojciechowski
Notary Public
State of Idaho

232402
Custer County Req. of
N M E R I T I V E
Time *12:35 P M* Date *9/20/05*
Ethel M. Peck, Clerk
Ruth Brunka \$6.00
Deputy

EXHIBIT "A"

232402

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Water Right

Attachment Item #3 (Page 1 of 1)

WATER RIGHT NO. **34-14327**

Water Right Report

4/9/2012

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESTERN FRONTIER LTD
	C/O TERRI PRITCHETT
	5395 OLD CHILLY RD, MACKAY , ID 83251

Priority Date: 09/05/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.18 CFS	59.5 AFA
Total Diversion			0.18 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSESE	Sec. 18	Township 06N	Range 26E	CUSTER County
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IRRIGATION Use: Acre Limit: 17

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	26E	18		SESE	17									

Total Acres: 17 IRRIGATION Use: Acre Limit: 17

Conditions of Approval:

1.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2.	R63	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.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4.	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.
5.	T07	The right holder shall accomplish the change authorized by this transfer within one 1 year of the date of this approval.
6.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 07/10/2002

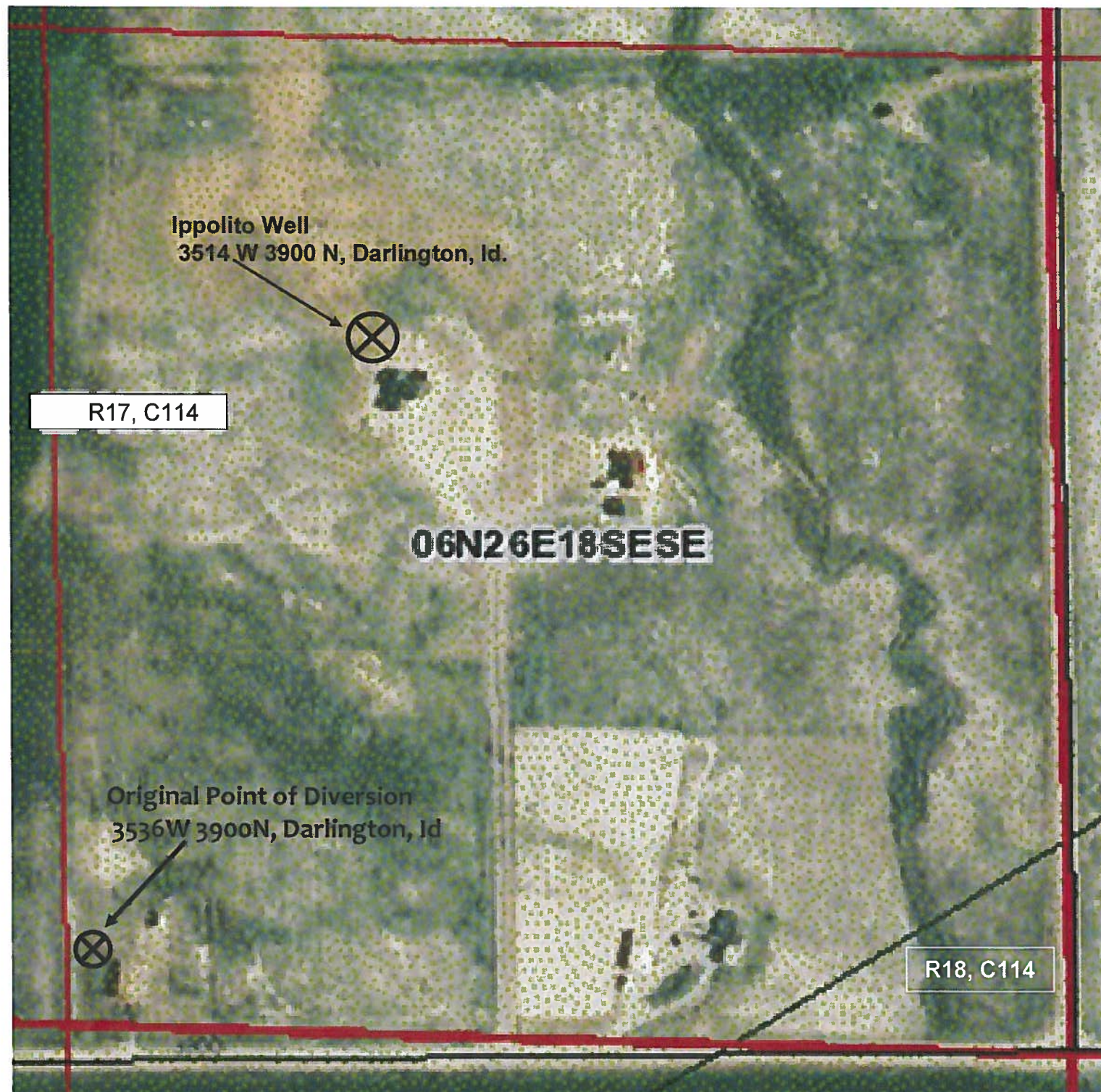
Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

ESPA Analysis

No ESPA Analysis is required as all Points of Diversion within the SESE Sec 18, T6N, R26E are either in the same ESPA Model Cell (R17, C114) or an adjacent ESPA Model Cell (R18, C114).



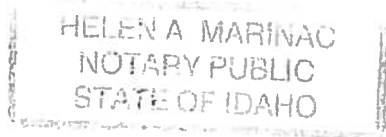
I Henry L. Adema attest to the following regarding the watering of my individual property (Tax Roll Acres: 4.9 ac) identified by Custer County as RP06N26E189200, also known as 3512 W 3900 N, and property owned jointly with James S. & Evelyn V. Ippolito, identified by Custer County as RP06N26E189100, also known as 3518 W 3900 N (Tax Roll Acre: 4.8 ac)

In concert with the water right 34-14107 of the property that for the past two years including this year I have watered all areas of my property and property owned jointly with James S. & Evelyn V. Ippolito for the purpose of fire prevention, weed prevention, tree crop irrigation and pasture grass irrigation.

James S. & Evelyn V. Ippolito attest to the following regarding the watering of their individual property (Tax Roll Acres: 9.863 acres) identified by Custer County as RP06N26E189300, also known as 3514 W 3900 N, and property (owned jointly with Henry L. Adema, identified by Custer County as RE06N26E189100, also known as 3518 W 3900 N (Tax Roll Acre: 4.8 ac).

In concert with the water right 34-14107 of the property that for the past two years including this year we have watered all areas of our property and property owned jointly with Henry L. Adema, for the purpose of fire prevention, weed prevention, tree crop irrigation and pasture grass irrigation.

Helen A. Marinac
Exp 8-29-2012

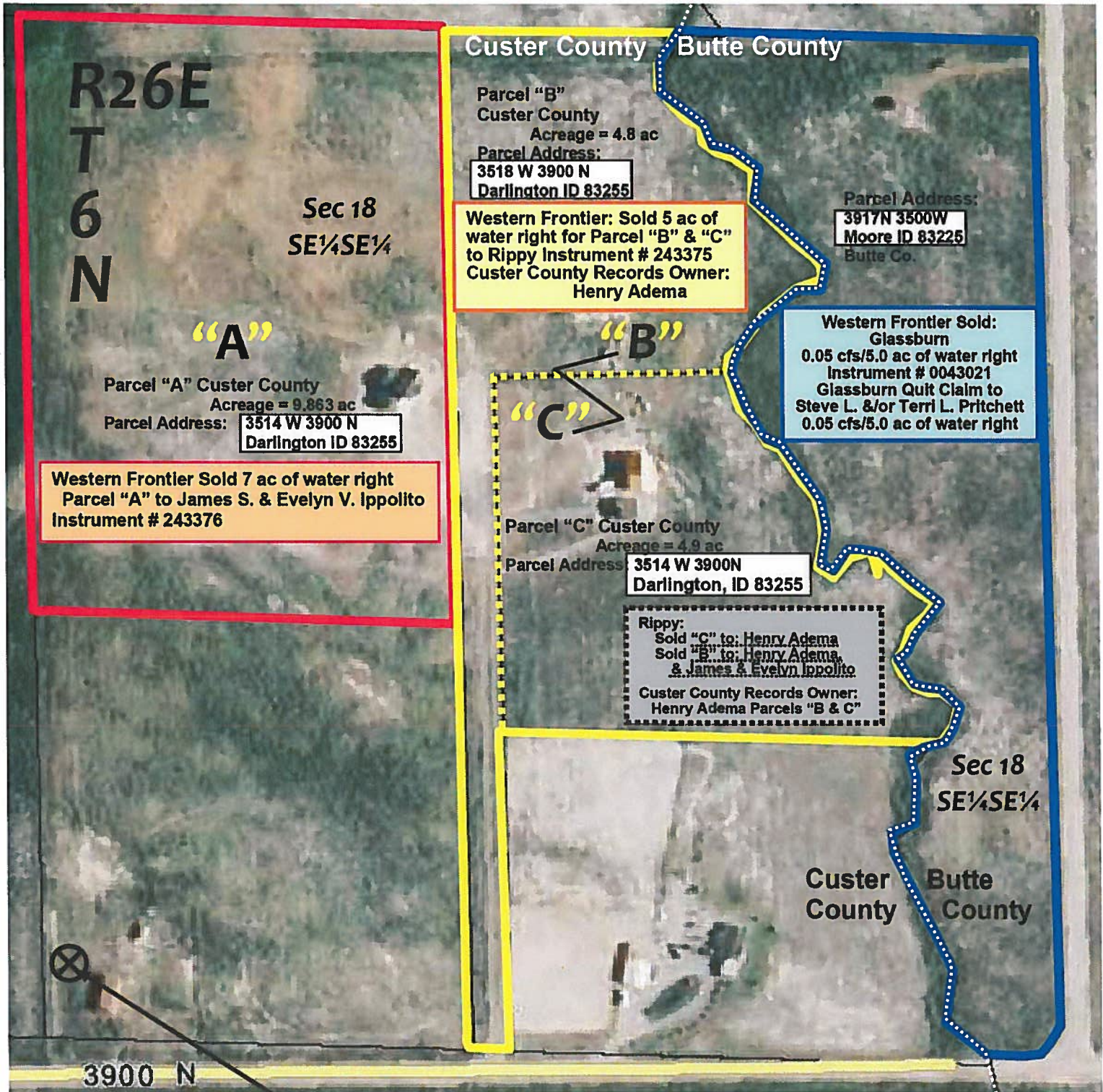


[Signature]

Evelyn Ippolito

Henry L. Adema

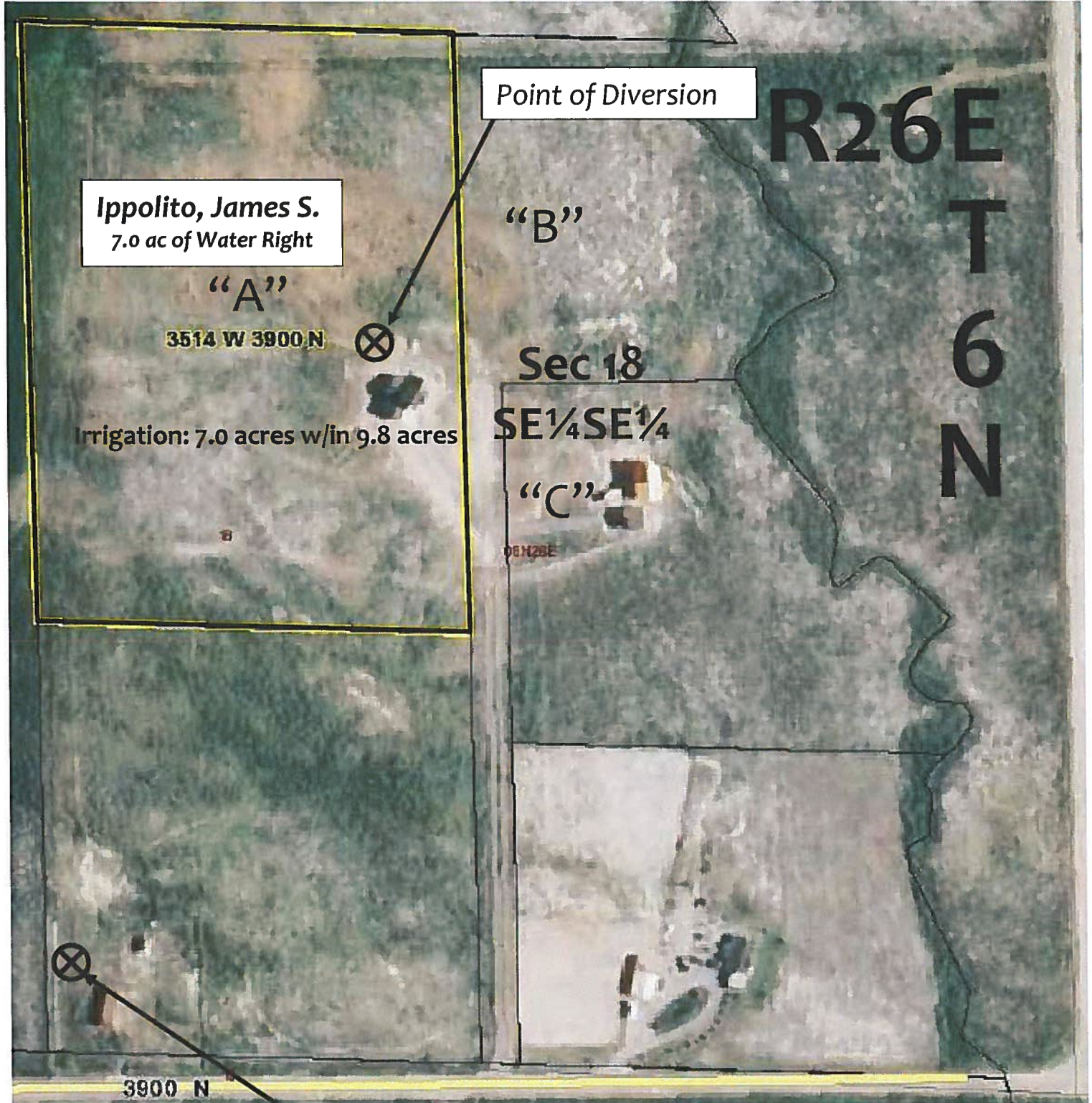
PLATS ORIGINAL PLACE OF USE – WATER RIGHT ACRES



Original Point of Diversion
3536W 3900N, Darlington, Id

CURRENT CUSTER COUNTY OWNERSHIP RECORDS:

- ☑ Pidn: RP06N26E189300 ☑ Name: IPPOLITO, JAMES S ☑ Malling: 3514 W 3900 N, DARLINGTON, ID 83255
- ☑ St Address: 3514 W 3900 N ☑ Legal: TRACT 06-52 SEC 18 T6N R26E
- ☑ Tax Roll Acreage: 9.863
- ☑ Tax Code Area: 9000



Original Point of Diversion
3536W 3900N, Darlington, Id

Affidavit to Establish Beneficial Use

I Henry L. Adema attest to the following regarding the watering of my individual property (Tax Roll Acres: 4.9 ac) identified by Custer County as RP06N26E189200, also known as 3512 W 3900 N, and property owned jointly with James S. & Evelyn V. Ippolito, identified by Custer County as RP06N26E189100, also known as 3518 W 3900 N (Tax Roll Acre: 4.8 ac)

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Helena G. Marinac
Exp 8-29-2012

HELENA MARINAC
NOTARY PUBLIC
STATE OF IDAHO

James S. & Evelyn V. Ippolito
Henry L. Adema

RECEIVED

FEB 17 2012

Department of Water Resources
Eastern Region
Tax Ref. Acres:

I John Glassburn attest to the following regarding the watering of my individual property (Tax Ref. Acres: 8.8 ac) identified by Butte County as RP 06 N 26 E 189000, Property Description : Township 6 North, Range 26 E of the Boise Meridian, Butte County, Idaho Sec. 18: That portion of the SE4SE4 lying in Butte County.

In concert with the water right 34-14107 of the property that for the past five years including this year I have watered all areas of my property for the purpose of fire prevention, weed prevention, tree crop irrigation and pasture grass irrigation.

John Glassburn
JOHN GLASSBURN

1/9/12
DATE

STATE OF (Michigan)
County of (Calhoun)^{ss}

On this 9th day of January, 2012, before me the undersigned Notary Public In and for said state, personally appeared John Glassburn known or identified to me to be the persons whose name is subscribed to the within and forgoing instrument and acknowledged to be that executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Daudia Tucker
Notary Public

My commission expires 9-13-2013