

RECEIVED
MAY 01 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 77881

Receipt No. 5032529

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information GUS, LLC
ROBERT KORB
PO BOX 249
KETCHUM ID 83340
(208) 726-9311

Will this transfer result in an ownership change? x Yes No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-12938	WR/Beneficial Use	0.04				GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-12938	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

The transfer proposes to correct the location of the point of diversion and place of use that were accidentally located in an adjacent 40 acre tract. It will also update the ownership to the current property owner.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

NA

B. Describe the effects on other water uses resulting from the proposed change

NA

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-12938	0.04 cfs			
TOTAL	0.04 cfs			

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

GUS, LLC

by: Robert Korb
(Signature of Applicant)

Member

(Title or Office)

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Receipt No. _____

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

Current Water Right No. 37-12938

Priority Date: July 20, 1964

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>
DOMESTIC	1/01 12/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GROUND WATER NESE Sec. 15 Twp 05N Rge 17E BLAINE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	15													X				

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 QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. 001450030030A

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Deed of Trust dated March 1, 2010 with US Bank

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer proposes to correct point of diversion and place of use, and update ownership.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 77881

Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 37-12938

Priority Date: July 20, 1964

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.04 CFS		
	Total Diversion	0.04 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWSW Sec. 14 Twp 05N Rge 17E BLAINE County

Describe the proposed diversion systemPLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	17E	14										X							

State of Idaho
Department of Water Resources

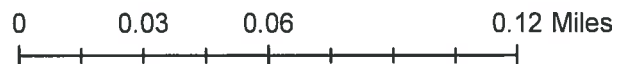
Attachment To Transfer Of Water Right

Transfer No. 77881

Rights: 37-12938

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R17E



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



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

Instrument # 565353

HAILEY, BLAINE, IDAHO

3-4-2009 01:00:30 No. of Pages: 1

Recorded for : KNEELAND KORB COLLIER & LEGG

JOLYNN DRAGE

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYRC/GRP DEED

JP

(Space above line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, ROBERT KORB, a single man, as Grantor, does hereby convey, release, remise and forever quitclaim unto GUS, LLC, an Idaho limited liability company, as Grantee, whose current address is Post Office Box 249, Ketchum, ID 83340, and to Grantee's successors and assigns forever, the premises hereinafter identified as follows:

Lot 3 and 4, Block 3, of EAGLE CREEK MEADOWS SUBDIVISION, BLAINE COUNTY, IDAHO, according to the official plat thereof, on file in the office of the County Recorder, recorded in Book 1 of Plats, Page 8, Instrument No. 114779, records of Blaine County, Idaho.

Together with all appurtenances.

DATED this 3rd day of March, 2009.

Robert Korb

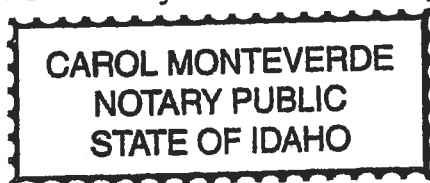
Robert Korb

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of March, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT KORB, and known to me to be the person whose name is subscribed to the within instrument as Grantor and acknowledged to me that he executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)



Carol Monteverde
Notary Public for Idaho
Residing at Hailey Idaho
Commission Expires 08-31-2013

F:\WPDATA\RK\quitclaim deed korb-gus llc.wpd

QUITCLAIM DEED

Page 1 of 1

No. W 72615	Due no later than Mar 31, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed.		ROBERT KORB 128 SADDLE ROAD STE 103 KETCHUM ID 83340			
	GUS, LLC ROBERT KORB PO BOX 249 KETCHUM ID 83340		3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MEMBER	Name ROBERT KORB	Street or PO Address PO BOX 249	City KETCHUM	State ID	Country USA	Postal Code 83340-0249
5. Organized Under the Laws of: ID W 72615		6. Annual Report must be signed.* Signature: Robert Korb Name (type or print): Robert Korb Date: 01/09/2012 Title: Trustee				
Processed 01/09/2012		* Electronically provided signatures are accepted as original signatures.				

Erickson, Nathan

From: Spencer, Steven M -FS [sspencer@fs.fed.us]
Sent: Wednesday, June 13, 2012 9:50 AM
To: Erickson, Nathan
Subject: RE: Transfer #77881

Nathan,

Thank you for letting me see this information. I've reviewed the documents and it looks like the problem is resolved as well as including additional descriptors that clarify and are more specific as to the location of the POD and POU if there are questions in the future. I see no reason not to approve the transfer. Again, I appreciate being included. Thank you.

Steve Spencer
USDA Forest Service
1805 Hwy 16 Rm 5
Emmett, ID 83617

Phone: 208-365-7055
Email: sspencer@fs.fed.us

From: Erickson, Nathan [<mailto:Nathan.Erickson@idwr.idaho.gov>]
Sent: Tuesday, June 12, 2012 10:11 AM
To: Spencer, Steven M -FS
Subject: Transfer #77881

Steve,

Currently IDWR has a pending transfer(#77881) seeking to correct the location of a domestic water right(37-12938). The current location of the water right appears to be on land owned by the Forest Service, however the water right indicates that the location should be attached to a property under private ownership. I have attached a copy of the transfer application, draft transfer approval, and map showing the current location and proposed transfer location. The following conditions have been attached to the water right to help clarify the location:

Point of diversion is located within Lot 3, Blk. 3, Eagle Creek Meadows Subdivision within HES 129.

Place of use is located within Lot 3, Blk. 3, Eagle Creek Meadows Subdivision within HES 129.

Please review and respond accordingly. Thank you for your time.

Nathan

<<Transfer Application.pdf>> <<DraftTransferApproval.pdf>> <<Current vs Proposed location.pdf>>

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law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

MEMORANDUM

Date: May 30, 2012
To: Transfer 77881 File
From: Nathan Erickson
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to correct the location of the point of diversion and place of use of a domestic water right(37-12938) located approximately 6 miles northwest of Ketchum in the Eagle Creek Meadows Subdivision. The water right was incorrectly located in an adjacent 40 acre tract which in ArcMap showed that it was on US Forest Service Property. The Forest Service was contacted and responded with no objections to the transfer. Water right conditions identify the parcel number for the right as NO. 001450030030A, this transfer moves the water right to that parcel. The ownership of the property will be updated.

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

- **Authority to File:**
The owner has provided legal documentation showing that he owns the property and through the transfer is requesting an ownership change.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in January of 2001. Aerial photography appears to support the use described on the right. Possible forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

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.