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APR 05 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77861

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/>.

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. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #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.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #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: Letter from HOA Board of Directors

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77861

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Nathan D. Bachman and Lynda A. Bachman Phone 208-726-7515

Mailing address P.O. Box 2388, Sun Valley, ID 83353 Email ndbachman@aol.com

- ☐ 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 James P. Speck Phone 208-726-4421

Mailing address Speck & Aanestad, P.O. Box 987, Ketchum, ID 83340 Email jim@speckandaanestad.com

☒ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


Signature of Applicant or Authorized Representative

James P. Speck, attorney-in-fact
Print Name and Title if applicable

4-3-12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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**. The locations of the existing POD & POU in the partial decree are incorrect. This Application will correct them. The existing POD is a well that serves a subdivision water system. This Application will also add another well located on the Applicants' subdivision lot as an additional, alternate point of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	37-13039	0.04 cfs	domestic	Jan. 1 to Dec. 31	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.04 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.04 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5.**

	New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
#1	no		NE	NE	NE	26	5N	17E	Blaine	ground water	Stonegate Sub well
#2	yes		SE	SW	SW	24	5N	17E	Blaine	ground water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	17E	24										D							

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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: _____

The well at the new POD will not accommodate a measuring device. The subdivision well has or will have a proper measuring device.

- b. Who owns the property at the point(s) of diversion? #1: Stonegate Subdivision HOA; and #2: Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached letter from HOA

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **N/A**
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None. The physical place of use is not changed, only the legal description which is being corrected.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
37-8557 uses the existing well on Applicants' Lot 9, Stonegate Subdivision, which is the well Applicants seek to add as an additional point of diversion for 37-13039 by this Application.

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

Yes No

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

If yes, describe: _____

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

Current Water Right No.: 37-13039

Current Owner: LYNDA A BACHMAN
NATHAN D BACHMAN

Priority Date: 7/1/1981

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	0.04 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4NW1/4 Sec. 25, Twp 05N, Rge 17E B.M.
BLAINE County

Place of Use

DOMESTIC Within BLAINE County

T05N R17E S25 NWNW

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP005500000090T
4. 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.

Decreed Date: 1/12/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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**.

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.:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DB Date 4.5.2012 Prelim. Check by _____ Date _____

Fee Paid \$700.00 Date 4/5/2012 Received by P. SKINNER Receipt # 5032462

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Nathan D. & Lynda A. Bachman
Application for Transfer
Attachment #4

SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)

NATHAN D. BACHMAN and LYNDA A. BACHMAN ("Grantors") designate and appoint JAMES P. SPECK, of Ketchum, Idaho, as Grantors' attorney in fact and agent (subsequently called "Agent") to act in Grantors' names and for Grantors' benefit for the specific purposes stated herein only. Grantors grant to their Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as Grantors might or could do if personally present and fully competent, hereby ratifying and confirming all that Grantors' Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. Grantors' Agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that Grantors now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of claims, applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or Grantors' Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to Grantors' Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to Grantors' Agent shall incur any liability to Grantors as a result of permitting the Agent to exercise any power.

5. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

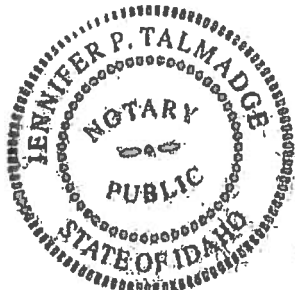
6. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

IN WITNESS WHEREOF, Grantors have executed this Special Power of Attorney this 28 day of March, 2012.

NATHAN D. BACHMAN

LYNDA A. BACHMAN

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

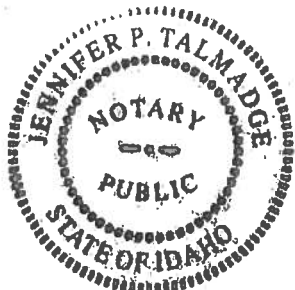


Jennifer D. Zalmadge
Notary Public for Idaho
Residing at: Ketchum, ID
Comm. Expires: 2.9.15

[illegible]

On this 27 day of March, 2012, before me, the undersigned, a notary public in and for said state, personally appeared LYND A. BACHMAN, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



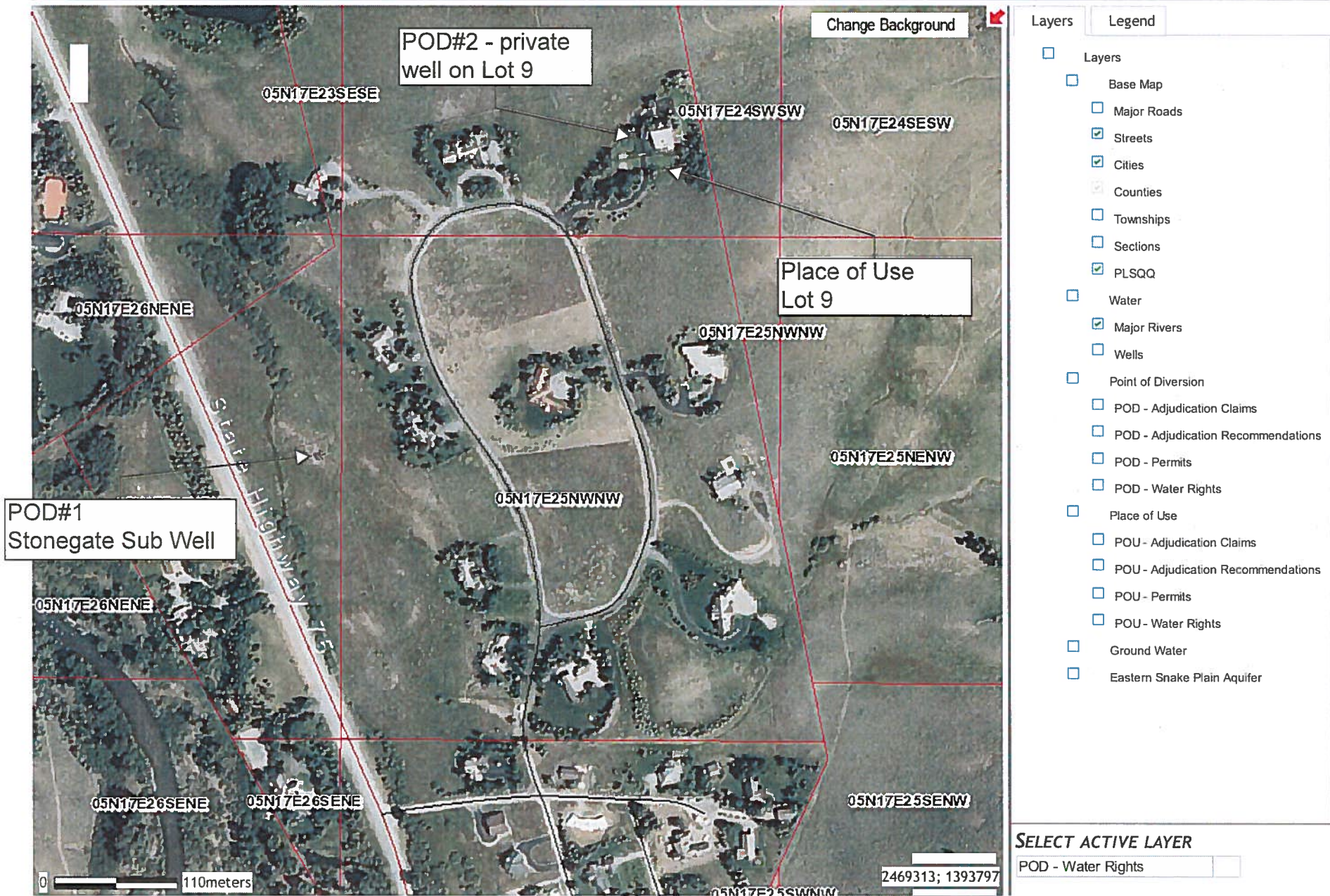
Jennifer D. Zalmagor
Notary Public for Idaho
Residing at: Ketchum, ID
Comm. Expires: 2.9.15

Nathan D. & Lynda A. Bachman

Application for Transfer

Attachment #7a - p.1

[Home](#)
[Contact Us](#)



Nathan D. & Lynda A. Bachman

Application for Transfer

Attachment #7a - p.2

<http://maps.co.blaine.id.us/ParcelInfo/>

Parcel Information

County Web Page

Blaine County GIS Map Services

Print Results

Find Owner

Find Parcel

Find Address

Find Legal

1:9,495

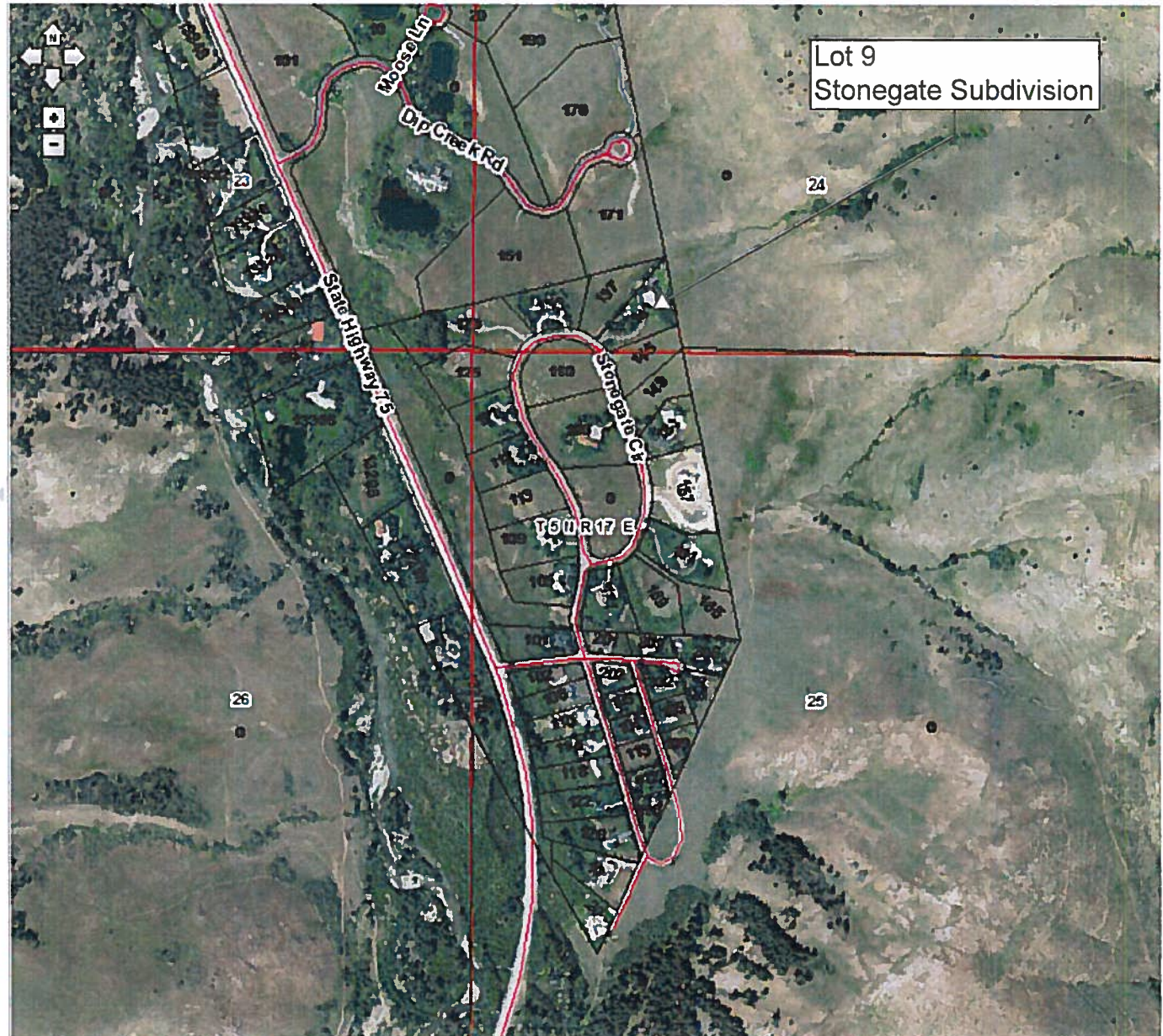
Go



Results

Map Contents

- ☒ Parcel Information
 - ☐ Mileposts
 - ☒ Main Roads
 - ☒ Roads
 - ☐ House Number
 - ☐ Plats
 - ☒ Parcels
 - ☐ Mines
 - ☐ Water Bodies
 - ☐ Water Areas
 - ☐ Water Lines



Nathan D. & Lynda A. Bachman
Application for Transfer
Attachment #9

February 22, 2012

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

The Stonegate Homeowners Association owns, operates and maintains a well from which it currently supplies water to twelve homes in the Stonegate Subdivision in Blaine County. Domestic water rights for seven of those homes are held by the Stonegate Homeowners Association under Water Right No. 37-20863 with a priority date of 01/24/2003. Owners of the other five homes hold individual domestic water rights with priority dates ranging from 1966 to 1988.

In 37-20863 (priority date 2003) the POD is given as NE/NE/NE, Sec. 26, Township 05N, Range 17E. In the individual water rights, each with an earlier priority date, the POD is given as SW/NW/NW, Sec. 25, Township 05N, Range 17E.

This is to advise you that these two different POD locations represent one well owned, operated and maintained by the Stonegate Homeowners Association.

Specifically, this note applies to the Bachman Water Right No. 37-13039 of priority date 7/1/1981. The Board of Directors of the Stonegate Homeowners Association do not object to changing the POD location as specified in 37-13039 from SW/NW/NW, Sec. 25, Township 05N, Range 17E to its more recently recorded location, NE/NE/NE, Sec. 26, Township 05N, Range 17E.

Furthermore, the Board of Directors of the Stonegate Homeowners Association do not object to including in Water Right No. 37-13039, as a second POD, a private well on Bachman's Lot 9 of the Stonegate Subdivision. Presumably the location of that second POD is SE/SW/SW, Sec. 24, Township 05N, Range 17E. It should be understood, however, that the Stonegate Homeowners Association neither owns that well nor is it responsible for its operation and maintenance.

Board of Directors of the Stonegate Homeowners Association


Phillip Smith


Mary Ahern


David Mickelson