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Rev. 06/09

FEB 28 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77781**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.
- ☐ ☒ #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/water/rights/>.
- ☐ ☐ #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: _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 77781

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

Name of Applicant(s) Brian & Sandy Pittock, Scott & Holly Giltner, Luke & Tani McCoy Phone _____

Mailing address 248 East 200 North Jerome, Idaho 83338 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 Greg Sullivan of Brockway Engineering Phone 208-736-8543

Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.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.

Scott Pittock

Signature of Applicant or Authorized Representative

Scott Giltner

Print Name and Title if applicable

2/27/12

Date

Holly Giltner

Signature of Applicant or Authorized Representative

Holly Giltner Member

Print Name and Title if applicable

02/27/12

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**. Current well is not adequately producing sufficient irrigation water. New well will utilized to fulfill demands of water right 36-2146. Existing well is in ESPA cell 77041 and proposed well is in cell 77040. No ESPA mode analysis is required because current and proposed wells are in adjacent model cells.

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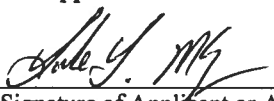
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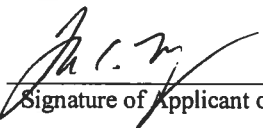
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Signature of Applicant or Authorized Representative

LUKE MCCOY MEMBER
Print Name and Title if applicable

2-27-12
Date


Signature of Applicant or Authorized Representative

Tani C. McCoy member
Print Name and Title if applicable

2-27-12
Date

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SOUTHERN REGIONSTATE OF IDAHO
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Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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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 ☒ ☐	36-2146	3.4/796	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.4 cfs and/or 796 ac-ft

2. Total amount of water proposed to be transferred or changed 3.4 cubic feet per second and/or 796 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 #
		NE	SE	SW	17	10S	21E	Jerome	Ground Water	Old Well
X		SW	SW	SW	17	10S	21E	Jerome	Ground Water	New Well

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	

Total Acres (for irrigation use) _____

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

Current Water Right No.: 36-2146

Current Owner: HOLLY GILTNER
BRIAN PITTOCK
LUKE MCCOY
SANDY PITTOCK
TANI MCCOY
SCOTT GILTNER

Priority Date: 8/28/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

3.4 CFS

3.4 CFS

Annual Volume

796 AF

796 AF

Location of Point(s) of Diversion

GROUND WATER

JEROME County

NE1/4SE1/4SW1/4

Sec. 17, Twp 10S, Rge 21E B.M.

Place of Use

IRRIGATION Within JEROME County

T10S R21E S17	NWSW	2.00	T10S R21E S17	SWSW	40.00
T10S R21E S17	SESW	40.00	T10S R21E S17	SWSE	40.00
T10S R21E S17	SESE	37.00	T10S R21E S18	SESE	40.00

Total Acres: 199

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Decreed Date: 12/3/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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SOUTHERN REGION

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: Existing well, pump, main lines, pivots

- b. Who owns the property at the point(s) of diversion? Brian and Sandy Pittock
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
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: Idaho Ag Credit

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 to the current irrigation practices

- 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: N/A

- 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: _____

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SOUTHERN REGION

Total Acres (for irrigation use)

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

☒ 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.

☐ 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**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

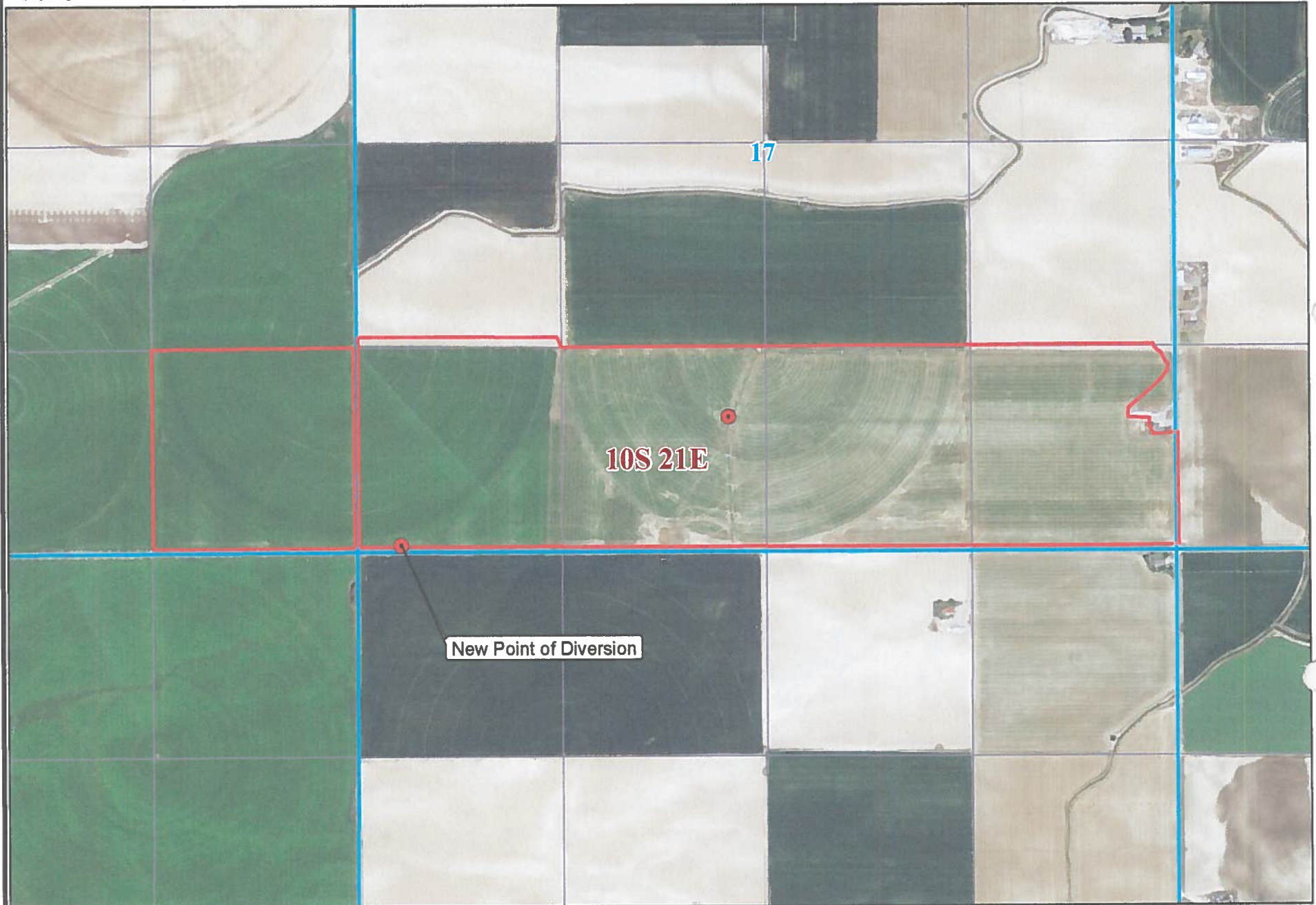
1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary 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.:

Transfer contains 9 pages and 3 attachments.

Received by _____ Date _____ Prelim. Check by ~~HA~~ Date 2-28-2017

Fee Paid \$740- Date 2-28-2017 Received by ~~HA~~ Receipt # S032378

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



0 380 760 1,520 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - FEB. 17, 2012

WATER RIGHT 36-2146, NEW POD NAIP 2011 AERIAL

Legend

- WR_POD_36-2146
- WR_POU_36-2146
- Sections
- twshp
- QQ Lines



February 17, 2012

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

To Whom It May Concern:

Idaho AgCredit, FLCA holds a security interest in Water Right #36-2146, as evidenced by a Mortgage dated December 18, 2007, and recorded on January 4, 2008 as instrument #2080074 in the records of Jerome County, Idaho. It is our understanding that the owners would like to add a Point of Diversion for this water right south and west approximately ½ mile. We agree to the proposed changes.

If you have any questions, or would like to discuss this further, please feel free to call.

Sincerely,
Idaho AgCredit, FLCA



Adam C. Jensen
Assistant Vice President

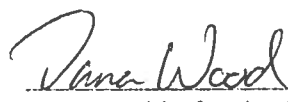
NOTARY PUBLIC FOR THE STATE OF IDAHO
My Commission Expires: 12/20/14

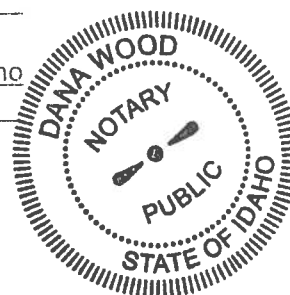
STATE OF IDAHO)
)ss.
County of Power)

On this 17th day of February, 2012, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Adam C. Jensen, known to me to be the Assistant Vice President, of the corporation that executed the instrument, or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

NOTARY PUBLIC FOR THE STATE OF IDAHO
My Commission Expires: 12/20/14


Notary Public for the State of Idaho
Residing at Bozelle 16, Idaho
My Commission Expires: 12/20/14



Re-Record to correct name of Grantor

Instrument # 2076057

JEROME COUNTY, JEROME, IDAHO
2007-10-03 02:16:59 No. of Pages: 2
Recorded for: LAND TITLE & ESCROW
MICHELLE EMERSON Fee: 6.00
Ex-Officio Recorder Deputy *CBench*

J-37038

WARRANTY DEED

Instrument # 2076105

RE RECORD

JEROME COUNTY, JEROME, IDAHO
2007-10-05 11:18:47 No. of Pages: 2
Recorded for: LAND TITLE & ESCROW
MICHELLE EMERSON Fee: 6.00
Ex-Officio Recorder Deputy *CBench*

FOR VALUE RECEIVED.

7

~~SEVEN~~ B.S.'s, LLC, an Idaho limited company, the "Grantor", does hereby grant, bargain, sell and convey unto **BRIAN PITTOCK and SANDY PITTOCK**, husband and wife, **SCOTT GILTNER and HOLLY GILTNER**, husband and wife; and **LUKE McCOY and TANI McCOY**, husband and wife. Tenants-in-common as to an undivided one-third (1/3) interest each, or their assigns, whose address is 248 E 200 N, Jerome, ID 83338, the "Grantees", the following described premises located in Jerome County, Idaho, to wit:

TOWNSHIP 10 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 17: S $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; EXCEPTING THEREFROM the following described parcel of land:

BEGINNING at the Southeast section corner of said Section 17, said corner marked by $\frac{1}{2}$ " rebar: Thence North 00°18'12" West along the East section line for a distance of 692.33 feet to the POINT OF BEGINNING;
Thence South 89°59'10" West for a distance of 22.55 feet to a $\frac{1}{2}$ " rebar;
Thence South 89°59'10" West for a distance of 292.08 feet to a $\frac{1}{2}$ " rebar;
Thence North 00°18'12" West for a distance of 254.66 feet to a $\frac{1}{2}$ " rebar;
Thence North 89°59'10" East for a distance of 288.43 feet to a $\frac{1}{2}$ " rebar;
Thence North 89°59'10" East for a distance of 26.20 feet to the East section line;
Thence South 00°18'12" East along said line for a distance of 254.66 feet to the POINT OF BEGINNING.

TOWNSHIP 10 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Together with all water rights appurtenant thereto, including, but not limited to Water Right No. 36-2146.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantees, that it is the owner of said premises; that it will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. Taxes for 2007 and subsequent years, a lien, but not yet due or payable.

WARRANTY DEED - I

\\Server\share\data\Giltner Bob & M & P\Seven B Ss\Seven B Ss WD mm.doc

2. Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.
3. Power Line Easement given by Kirshiro Joo and Aiko Joo, husband and wife, to Idaho Power Company, a corporation, dated March 22, 1954, recorded February 23, 1955 in Book 2 Orders Page 121 as Instrument Number 124972, Jerome County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 10 South, Range 21, East Boise Meridian.
4. Reservations contained in United States Patent given by The United States of America, to Carl L. Nelson dated October 30, 1956, recorded January 22, 1957 in Book 159 Page 507 as Instrument Number 131126, Jerome County records, reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use any part or all of that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17, lying within 50 feet of the center line of the transmission line right of way of the Great Shoshone & Twin Falls Water & Power Company.

DATED THIS 2nd day of October, 2007.

"SELLER"

SEVEN B.S.'s LLC

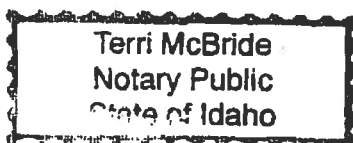
Marty Smith
MARTY SMITH, Member

STATE OF IDAHO)

County of Cassia)
ss:

On this 2nd day of October, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARTY SMITH, member of Seven B.S.'s, LLC, known to me to be such member and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same on behalf of said company.

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



Terri McBride
NOTARY PUBLIC for Idaho
Residing at: Rupert
Commission Expires: 2-5-08