

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77689

DEC 28 2011

Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) ROBERT WHITWORTH C/O MAUREEN BETSCHER Phone 208.833.4221Mailing address HC 62 BOX 2290 MAY ID 83253 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Maureen Betscher
Signature of Applicant or Authorized Representative

R Whitworth Family LLC - Maureen Betscher
Print Name and Title if applicable

12-29-2011
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 applicant seeks to correct the location of an existing point of diversion and correctly describe the place of use after installation of three pivots.

AMENDED

77689

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.

I. <u>Right Number</u>		<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☒	☐	73-2A	6.80	IRRIGATION	04/01 to 10/31 Sulphur Crk/Pahsimeroi River
☒	☒	73-2A	.14	STOCKWATER	01/01 to 12/31 Sulphur Crk/Pahsimeroi River
☒	☐	73-190	3.00	IRRIGATION	04/01 to 10/31 Pahsimeroi River/Salmon Riv
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights 9.8 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 6.8 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 #
								(73-2A)		
YES		SE	SE	SW	13	14N	21E	CUSTER	SULPHUR CREEK	A0000787
								(73-190)		
NO		SW	NE	NW	17	14N	22E	CUSTER	PAHSIMEROI RIVER	

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	
14N	21E	12													26	39	40	27	132
14N	22E	7									32.1	34.2	40	40		14.1	35.6		196
14N	22E	18		8															8

Total Acres (for irrigation use) 336

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 existing works diverts Sulphur Creek (73-2A) through a bubbler screen and into an existing pipeline. A flow meter is installed in the pipeline just below the bubbler. According to Basin 73 water master (Ted O'Neal) on May 9, 2011 the existing system is sufficient to allow control and water measurement.
- b. Who owns the property at the point(s) of diversion? USDI-BLM
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The point of diversion was installed prior to the Federal Land Policy and Management Act of 1976 (FLPMA), and thus does not require a formal easement. USDI-BLM will provide a letter of permission, if required by IDWR.
- 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: n/a
- 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:
Correction to the place of use will cover acres that are currently under irrigation by circle pivots.
- 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:
Water right 73-190 will now have a combined place of use with 73-2a
- 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.: 73-2A

Current Owner: ROBERT WHITWORTH

Priority Date: 5/1/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source

SULPHUR CREEK

Tributary

PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
IRRIGATION	04/01 to 10/31	
STOCKWATER	01/01 to 12/31	
	<u>Total Diversion</u>	

<u>Diversion Rate</u>	<u>Annual Volume</u>
6.8 CFS	
0.14 CFS	
6.8 CFS	

Location of Point(s) of Diversion

SULPHUR CREEK	NE1/4NE1/4	Sec. 13,	Twp 14N,	Rge 21E B.M.
CUSTER County				
SULPHUR CREEK	SE1/4SE1/4	Sec. 12,	Twp 14N,	Rge 21E B.M.
CUSTER County				

Place of UseIRRIGATION Within CUSTER County

T14N R21E S12	NESE	35.00	T14N R21E S12	NWSE	40.00
T14N R21E S12	SWSE	40.00	T14N R21E S12	SESE	38.00
T14N R22E S7	NESW	8.00	T14N R22E S7	Lot 3 NWSW	36.00
T14N R22E S7	Lot 4 SWSW	38.00	T14N R22E S7	SESW	21.00

Total Acres: 256

STOCKWATER Within CUSTER County

T14N R21E S12	NESE	T14N R21E S12	NWSE
T14N R21E S12	SWSE	T14N R21E S12	SESE
T14N R22E S7	NESW	T14N R22E S7	Lot 3 NWSW
T14N R22E S7	Lot 4 SWSW	T14N R22E S7	SESW

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.
5. E55 Right Nos. 73-2A and 73-190 are limited to the irrigation of a combined total of 336 acres in a single irrigation season.

Decreed Date: 10/15/2008

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

Current Water Right No.: 73-190

Current Owner: ROBERT WHITWORTH

Priority Date: 5/1/1900

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAHSIMEROI RIVER

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

3 CFS

3 CFS

Annual Volume

Location of Point(s) of Diversion

PAHSIMEROI RIVER

SW1/4NE1/4NW1/4

Sec. 17,

Twp 14N,

Rge 22E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T14N R22E S7	NESW	22.00	T14N R22E S7	Lot 3	NWSW	33.00
T14N R22E S7	Lot 4	SWSW	9.00	T14N R22E S7	SESW	39.00
T14N R22E S7	SWSE	14.00	T14N R22E S18		NWNE	34.00

Total Acres: 151

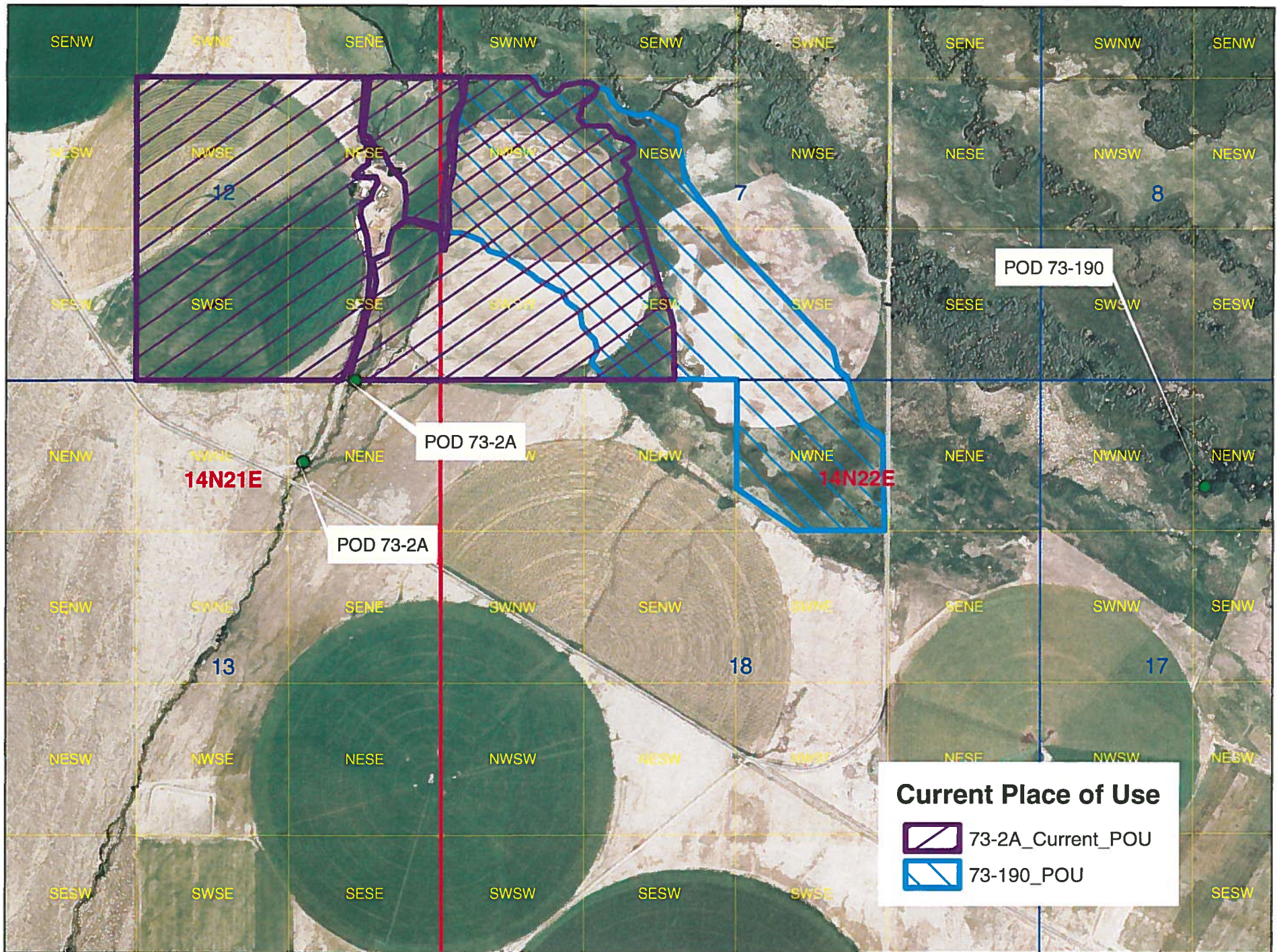
Conditions of Approval:

1. E55 Right Nos. 73-2A and 73-190 are limited to the irrigation of a combined total of 336 acres in a single irrigation season.
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: 10/15/2008

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

77 68 9



Whitworth Transfer

68922

Allan R. Bosch
CAPITOL LAW GROUP, PLLC
205 North 10th Street, Fourth Floor
P.O. Box 2598
Boise, ID 83701-2598
Telephone (208) 344-8990
Facsimile (208) 344-9140
ISB #2527
Attorneys for Personal Representative

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DEC 06 2011
Department of Water Resources
Eastern Region

2011 DEC -2 11:55

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

IN THE MATTER OF THE ESTATE OF)	CASE NO. CV-2011-78
ROBERT THOMAS WHITWORTH,)	LETTERS TESTAMENTARY
aka ROBERT WHITWORTH,)	(I.C. 15-3-702)
Deceased.)	
_____)	

1. Maureen Betscher was duly appointed and qualified as Personal Representative of the estate of the above-named decedent by the Court with all authority pertaining thereto.
2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative or special administrator.

WITNESS, my signature and the Seal of this Court, this 9th day of May, 2011.

15 CHARLES L. ROOS
MAGISTRATE

LETTERS TESTAMENTARY - 1

STATE OF IDAHO)
COUNTY OF CUSTER)SS

I hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

Date 5/9/11
Laila Phumma
Deputy Clerk

77689



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

11 JUN -6 PM 3:23

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Whitworth Family, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

(Street Address)

HC 62 Box 2290, May, ID 83253

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Allan R. Boech

(Name)

205 North 10th Street, Fourth Floor, Boise, ID 83702

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Maureen Betscher

HC 62 Box 2290, May, ID 83253

5. Mailing address for future correspondence (annual report notices):

P.O. Box 2598, Boise, ID 83701-2598

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature Maureen Betscher

Typed Name: Maureen Betscher

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
06/06/2011 05:00
CK: 2913 CT: 14917 BN: 1277818
1 @ 100.00 = 100.00 ORGAN LLC # 2

cert_org_llc Rev. 07/2010

W103985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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: _____

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Rev. 10/09

Page 1 of 7

Department of Water Resources
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Robert Whitworth c/o Maureen Betscher *Whitworth Family LLC* Phone (208) 833-4221Mailing address HC 62 Box 2290 May, ID 83253 Email maureenbetscher3@gmail.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 RepresentativeName of Representative SPF Water Engineering LLC, c/o Roxanne Brown Phone (208) 383-4140Mailing address 300 E. Mallard St., Suite 350 Boise, ID 83706 Email rbrown@spfwater.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.

Maureen Betscher R Whitworth LLC Dec 4-2011
 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

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**. Applicant seeks to correct the location of an existing point of diversion and correctly describe the place of use after installation of three pivots and reconfiguration of the pivots to avoid irrigation of neighboring land. An overlapping water right (73-190) is delivered through a separate system and will be the subject of a separate transfer application.

SUPERCEDED

77689

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 ☒ ☐	73-2A	6.80	irrigation	4/1 to 10/31	Sulphur Creek, Pahsimeroi R
☒ ☐	73-2A	0.14	stockwater	1/1 to 12/31	Sulphur Creek, Pahsimeroi R
☒ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.80 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 6.80 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 #
			SE	SW	13	14N	21E	Custer	Sulphur Creek	A0000787

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	
14N	21E	12													15	35	38	21	109
14N	22E	7									7	24	38	30		6	35		140
14N	22E	18		7															7

GIS shapefiles for the proposed place of use are available on request.

Total Acres (for irrigation use) 256

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 existing works diverts Sulphur Creek flows through a bubbler screen and into an existing pipeline. A flow meter is installed in the pipeline just below the bubbler. According to the Basin 73 watermaster (Ted O'Neal) on May 9, 2011, the existing system is sufficient to allow control and water measurement at the existing point of diversion.
- b. Who owns the property at the point(s) of diversion? USDI-Bureau of Land Management
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: The point of diversion was installed prior to the Federal Land Policy and Management Act of 1976 (FLPMA), and thus does not require a formal easement. USDI-BLM will provide a letter of permission, if required by IDWR.
- 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: n/a
- 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: The land will only be irrigated from Sulphur Creek as described in this transfer application.
- 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: An overlapping water right (73-190) is delivered in a separate system and will be the subject of a separate transfer application. The following condition should remain on water right 73-2A to prevent enlargement of the water rights: "Right Nos. 73-2A and 73-190 are limited to the irrigation of a combined total of 336 acres in a single irrigation season."

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: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

For each water right listed in Part IB.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use) _____

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

Current Water Right No.: 73-2A

Current Owner: ROBERT WHITWORTH

Priority Date: 5/1/1884

Origin: Water Right

Status: Active

Basis: Decreed

Source
SULPHUR CREEK

Tributary
PAHSIMEROI RIVER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31		6.8 CFS	
STOCKWATER	01/01 to 12/31		0.14 CFS	
	Total Diversion		6.8 CFS	

Location of Point(s) of Diversion

SULPHUR CREEK	NE1/4NE1/4	Sec. 13,	Twp 14N,	Rge 21E B.M.
CUSTER County				
SULPHUR CREEK	SE1/4SE1/4	Sec. 12,	Twp 14N,	Rge 21E B.M.
CUSTER County				

Place of Use

IRRIGATION Within CUSTER County

T14N R21E S12	NESE	35.00	T14N R21E S12	NWSE	40.00
T14N R21E S12	SWSE	40.00	T14N R21E S12	SESE	38.00
T14N R22E S7	NESW	8.00	T14N R22E S7	Lot 3 NWSW	36.00
T14N R22E S7	Lot 4 SWSW	38.00	T14N R22E S7	SESW	21.00

Total Acres: 256

STOCKWATER Within CUSTER County

T14N R21E S12	NESE	T14N R21E S12	NWSE
T14N R21E S12	SWSE	T14N R21E S12	SESE
T14N R22E S7	NESW	T14N R22E S7	Lot 3 NWSW
T14N R22E S7	Lot 4 SWSW	T14N R22E S7	SESW

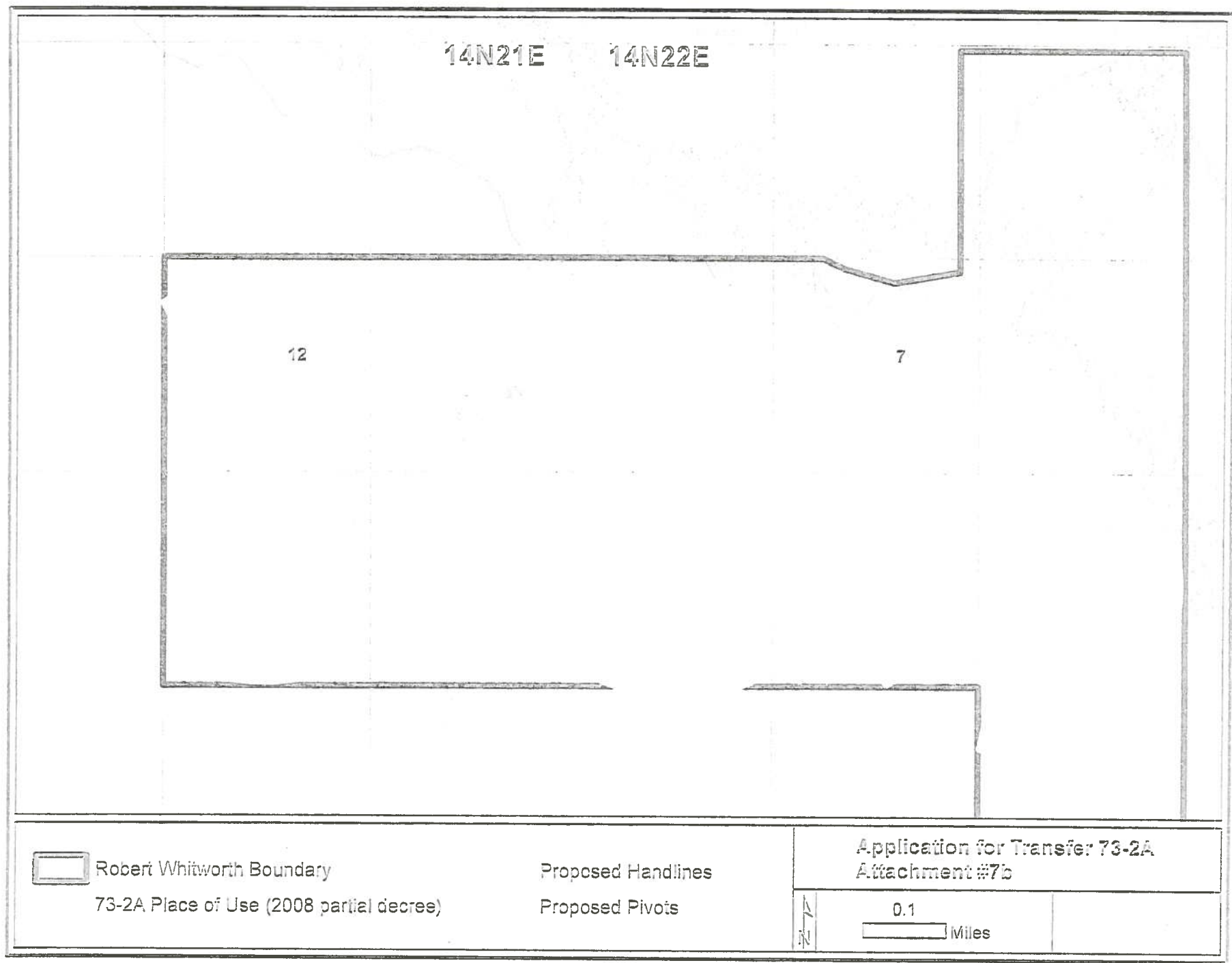
Page 6 of 7

Conditions of Approval:

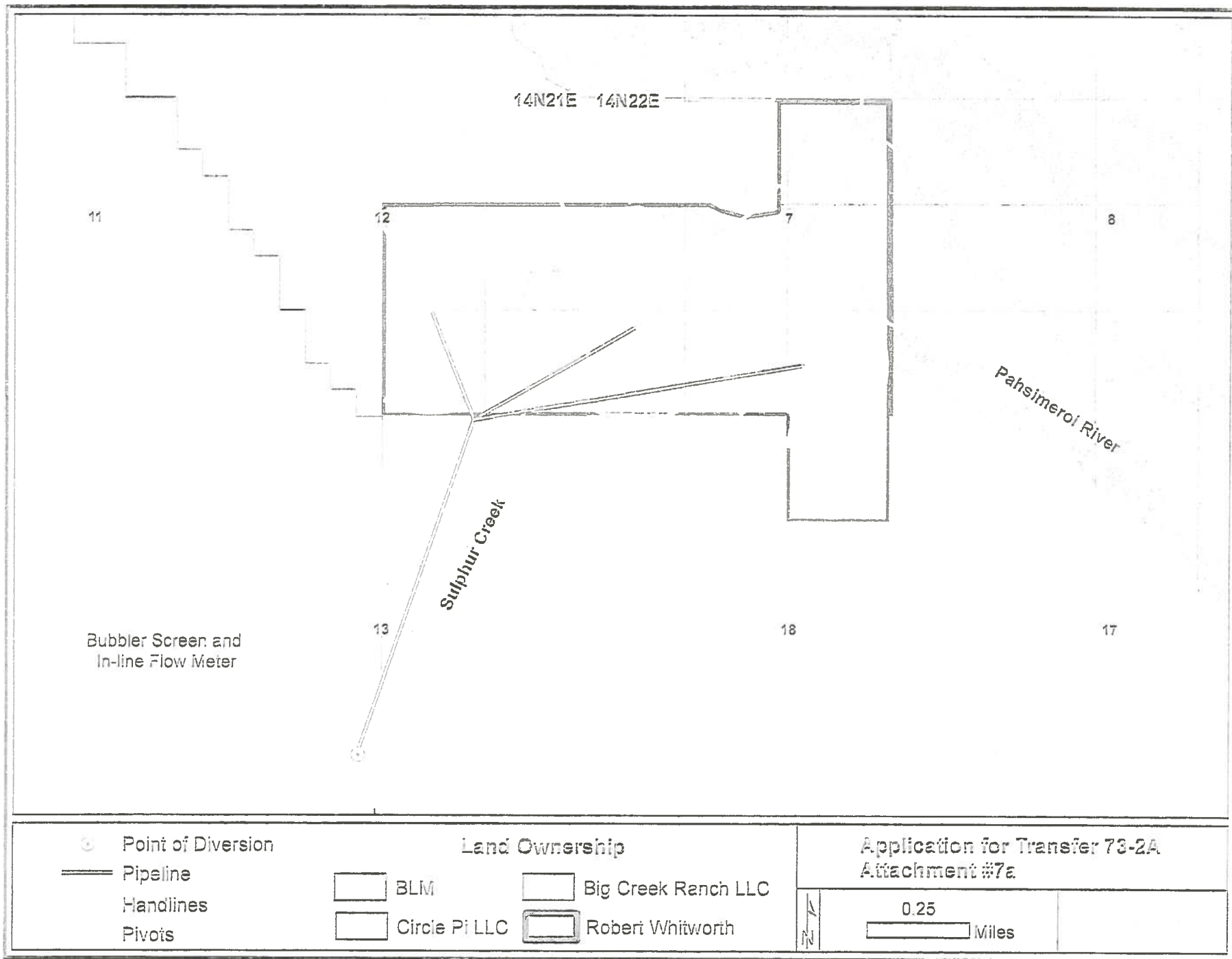
1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. E55 Right Nos. 73-2A and 73-190 are limited to the irrigation of a combined total of 336 acres in a single irrigation season.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
5. 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: 10/15/2008

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68922



689620

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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.idaho.gov/dwr>.

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. Part 2B forms are available on the Department's website at: <http://www.idaho.gov/dwr>
- ☒ * 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.idaho.gov/dwr>
- ☐ ☒ #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: _____

GENERAL POWER OF ATTORNEY
(With Durable Provision)

5.00

TO ALL PERSONS, be it known, that ROBERT T. WORTH, RTH, of May, Idaho, County of Clatsop, the undersigned grantor, does hereby make and grant a general power of attorney to JEFFREY L. WORTH, of May, Idaho, County of Ada, and does thereupon constitute and appoint said JEFFREY L. WORTH as my attorney-in-fact.

Said JEFFREY L. WORTH has full powers and authority to do and undertake all acts and things that I could do by proxy, viz., full power of attorney and revocation, including but not limited by said authority to sell, deed, buy, lease, lease, mortgage, assign, rent or dispose of any of my present or future personal property; the right to execute, accept, undertake and perform any and all contracts in my name; the right to deposit, endorse, or withdraw funds to or from any of my bank accounts, depositories or safe deposit box; the right to borrow, loan, invest or reinvest my money; the right to execute any and all actions on my behalf (by proxy) any shares or beneficial interest in any company; and the right to retain any accountant, attorney or other advisor deemed necessary to protect my interests generally or relative to any foregoing unlimited power.

My attorney-in-fact hereby accepts this appointment subject to the conditions and agrees to act and perform in said fiduciary capacity consistent with my best interests as she in her best discretion deems advisable, and I affirm and ratify all acts so undertaken.

This power of attorney shall not be affected by disability of the Grantor, and shall otherwise continue in full force and effect until revoked by subsequent writing.

Signed under seal this 7 day of June, 2000.

Signed in the presence of:

Grantor

Attorney-in-fact

State of _____)

ss.

County of _____)

2000

Then personally appeared ROBERT T. WORTH, the above named Grantor, who known to me, signed or acknowledged his foregoing executed Power of Attorney as his free act and deed, before me.

Notary Public for Idaho

Residing _____

My commission expires: _____

SCANNED

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JAN 03 2012