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Rev. 06/09

NOV 16 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77638

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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77638APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Joshua Green III and or Pamela GreenPhone 206-622-0420Mailing address 414 McGilvra Blvd. East Seattle WA 98112

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 RepresentativeName of Representative Zach Latham- Brockway Engineering PLLCPhone 208-736-8543Mailing address 2016 Washington St. North, Twin Falls, ID 83301

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.

Signature of Applicant or Authorized Representative

Zach Latham- Brockway Engineering

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☒ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- 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 the existing 37-12679 POD, add a second existing POD for 37-12679 and correct the place of use for water right 37-12679.

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 ☒ ☐	37-12679	0.04/	Domestic	01/01 to 12/31	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 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 #
		NE	NW	NW	25	5N	17E	BLAINE	GROUND WATER	EXISTING WELL
11/28/11	28	~~SE~~	NE	NE	26	5N	17E	BLAINE	GROUND WATER	HOA EXISTING 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	
5N	17E	25					D	D											D

Domestic use on Lot 5, Stonegate Subdivision. Total Acres (for irrigation use) D

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: Applicant seeks to divert water from existing domestic well on Lot 5 and from the existing Stonegate Subdivision Homeowners Association well, water will be delivered to the place of use (Lot 5) via the HOA common water delivery system and or from the individual well.

- b. Who owns the property at the point(s) of diversion? Applicant and Stonegate Subdivision HOA
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: See attached agreement allowing applicant to divert water under 37-12679 from the Stonegate Subdivision HOA well described under water right permit 37-20863.

- 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: None.

- 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: Applicant seeks to divert water from existing domestic well on Lot 5 and from the existing Stonegate Subdivision Homeowners Association well, water will be delivered to the place of use (Lot 5) via the HOA common water delivery system (37-20863) and or from the individual well (37-12679).

- 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: N/A.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

For each water right listed in Part 1B.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.

[illegible][illegible]

Total Acres (for irrigation use) _____

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

Current Water Right No.: 37-12679

Current Owner: ROBERT MITCHELL
Priority Date: 12/31/1966
Origin: Water Right
Status: Active
Basis: Decreed

Source		Tributary	
GROUND WATER			
Beneficial Use	From To	Diversion Rate	Annual Volume
DOMESTIC	1/01 to 12/31	0.04 CFS	
	Total Diversion	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. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NOS. RP005500000040T, RP005500000050T
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: 1/10/2001

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**.

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.:

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and attachments.

Received by P. SKINNER Date 11/16/2011 Prelim. Check by P. SKINNER Date _____

Fee Paid \$200.00 Date 11/17/2011 Received by A. SKINNER Receipt # 5032229

Add'l Fee Paid \$25.00 Date 11/22/2011 Received by P. SKINNER Receipt # 5032233



1 inch equals 300 feet

BROCKWAY ENGINEERING, PLLC.
ALR (ZL)- 8/19/10

**GREEN, JOSHUA III AND PAMELA
WATER RIGHTS 37-12679
T.05N R.17E SEC 25, 26
NAIP 2009 AERIAL PHOTOGRAPH
TRANSFER # 77638**

Legend

- Existing 37-20863 POD
- Existing 37-12679 POD
- Proposed 37-12679 POU
- Stonegate Subdivision Parcels
- Section_Lines
- t05n17e

STONEGATE

HOMEOWNERS ASSOCIATION

October 14, 2011

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, 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 Number 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.

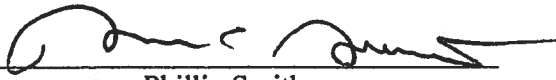
In 37-20863 (priority date 2003) the POD is given as NE/NE/NE, Sec. 26, Township 05N, Range 17E. In the individual water rights, each with an earlier priority date, the POD is given as SW/NW/NW, Sec. 25, Township 05N, Range 17E.

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

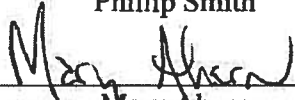
Specifically, this note applies to the Mitchell Water Right Number 37-12679 of priority date 12/31/1966. A request to transfer that water right to Green is in progress. The Board of Directors of the Stonegate Homeowners Association do not object to changing the POD location as specified in 37-12679 from 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 Number 37-12679, as a second POD, a private well on Green's Lot 5 of the Stonegate Subdivision. Presumably, the location of that second POD would be NE/NW/NW, Sec. 25, 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.

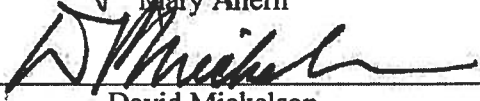
Board of Directors of the Stonegate Homeowners Association:



Phillip Smith



Mary Ahern



David Mickelson

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

We, Joshua Green III and Pamela K. Green, hereby nominate and appoint Brockway Engineering PLLC (Zach Latham) as our attorney-in-fact with full authority to act for and on our behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All water right transactions involving all water rights owned by Joshua Green III and Pamela K. Green.

in Blaine County, Idaho. Additionally, we hereby ratify and confirm any and all such acts on matters as contemplated herein.

Our agent is hereby authorized to sign, seal and deliver, as our act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, we hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by our said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by ourselves in our own proper person; and we hereby undertake at all times to ratify whatsoever our said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 20th day of July 2010.

Joshua Green III
Signature
Joshua Green III
Pamela K. Green
Signature
Pamela K. Green

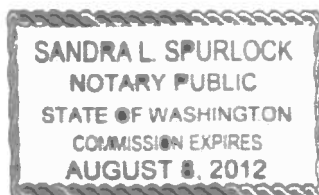
State of WASHINGTON)
County of KING)

ss.

On this 20th Day of July, 2010, before me, a Notary Public in and for said County and State, personally appeared JOSHUA GREEN III AND PAMELA K. GREEN, known or identified to me to be the individuals whose names and subscription to the within instrument, and acknowledged to me that they 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.

S
E
A
L



Sandra L. Spurlock
Notary Public
In and for said State and County
August 8, 2012
My Commission Expires



**SUN VALLEY
TITLE
C O M P A N Y**

Order No. 0924800

Instrument # 571506

HAILEY, BLAINE, IDAHO
10-01-2009 08:27:21 No. of Pages: 2
Recorded for: SUN VALLEY TITLE CO.
JOLYNN DRAGE Fee: \$8.00
Ex-Officio Recorder Deputy: mpp
Electronically Recorded by Simplifile

WARRANTY DEED

FOR VALUE RECEIVED

ROBERT E. MITCHELL AND MARION J. MITCHELL, husband and wife

the Grantors do hereby grant, bargain, sell, convey and warrant unto

**JOSHUA GREEN, III AND PAMELA K. GREEN, HUSBAND AND WIFE AS
COMMUNITY PROPERTY**

the Grantees whose current address is:

c/o Joshua Green III Corporation
PO Box 21829

Attn: ~~Jayson Sandberg~~ Joshua Green III
Seattle, WA 98111-3829

the following described premises, in **BLAINE COUNTY, IDAHO**, to-wit:

**Lot 5 of STONEGATE SUBDIVISION, BLAINE COUNTY, IDAHO, according to the
official plat thereof, recorded August 13, 1979, as Instrument No. 195800, records of Blaine
County, Idaho.**

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and
encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises; that said premises are
free from all encumbrances and that they will warrant and defend the same from all lawful claims
whatsoever.


Robert E. Mitchell

Date

9/15/09

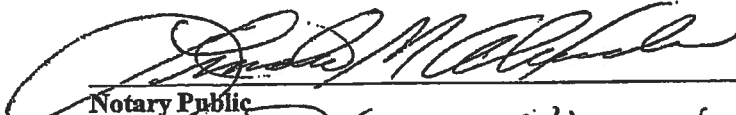

Marion J. Mitchell

Date

9/15/09

State of: Wisconsin
County of: Walworth.

On this 15 day of Sept., 2009, before me, the undersigned, a Notary Public, in and for said State, personally appeared **ROBERT E. MITCHELL AND MARION J. MITCHELL**, known to me, and/or identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.


Notary Public
Residing at: Delavan, Wisconsin
Commission Expires: 10-17-10

