

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
25-14398					
25-14247	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: _____

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): _____

Name of each new owner as listed on the conveyance document

New owner continued

Name connector

☐ and

☐ or

☐ and/or

3349 E 200 N

Mailing address

Rigby

City

ID

State

83442

ZIP

313-5915

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

transfer Received 3/25/2011

7. Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by _____

Date _____

Receipt No. _____

E036513

Receipt Amt _____

\$225.00

Approved by _____

Processed by _____

Date _____

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.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.)
- ☐ ☒ #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: _____

RECEIVED

MAR 25 2011

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Cory Clement Phone 313-5915Mailing address 102 N 3918 E Rigby Id 83442 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.



Signature of Applicant or Authorized Representative

Print Name and Title if applicable

3-25-11
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 Change of Ownership/Split

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**. We wish to change the POD of water right 25-14247 to our domestic well in order to irrigate our entire lot.

AFTER RECORDING MAIL TO:

Cory Clement
3349 East 200 North
Rigby, ID 83442

Instrument # 362340
RIGBY, JEFFERSON, IDAHO
2007-09-18 03:15:00 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - RI
CHRISTINE BOULTER Fee: 6.00
Ex-Officio Recorder Deputy PMillar
Index To: CORPORATION DEED
Electronically Recorded by Simplifile

CORPORATE WARRANTY DEED

File No.: 226848-RI (mf)

Date: September 17, 2007

For Value Received, **Upper Valley Cabinet, Inc.**, a corporation duly organized and existing under the laws of the State of Idaho, Grantor, does hereby grant, bargain, sell and convey unto **Cory Clement, a single man**, Grantee, whose address is **3349 East 200 North, Rigby, ID 83442**, the following described real estate, to wit:

LOT 15, BLOCK 1, VALLEY ESTATES, DIVISION NO. 1, JEFFERSON COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED FEBRUARY 27, 2006, AS INSTRUMENT NO. 346589.

SUBJECT TO current years taxes, irrigation district assessments, public utility easements, subdivision and U.S. patent reservations.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances, and that Grantor will warrant and defend the same from all claims whatsoever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its Authorized Signer this 17th day of Sept., 2007.

File No.: 226848-RI (mf)
Date: 09/17/2007

By: Kent Merrill, Authorized Signor

Notary Public for the State of Idaho
Residing at: Rigby, ID
My Commission Expires: 3/28/11

AFTER RECORDING MAIL TO:

Comfort Construction, Inc.
7403 S 1st E
Idaho Falls, ID 83404

352270
Memorandum No. 9-25-06
At 3:41 O'clock 1 M
CHRISTINE BOULTER
Jefferson Co. Recorder
Fee \$ 6.00 Deputy
Recorded at Request at PA-12

QUITCLAIM DEED

File No.: 179094-RI (dm)

Date: September 21, 2006

For Value Received, **Kenneth Peterson and Denise Peterson, husband and wife and Kent Merrill and Diane Merrill, husband and wife**, do hereby convey, release, remise, and forever quit claim unto **Upper Valley Cabinet, Inc., an Idaho Corporation**, whose address is **120 North 3900 East, Rigby, ID 83442**, herein after called the Grantee, the following described premises situated in Jefferson County, Idaho, to-wit:

LOTS 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15, BLOCK 1, and LOTS 1,2,3,4,5,6,7,8,9,10,11,12, BLOCK 2, VALLEY ESTATES, DIVISION NO. 1, JEFFERSON COUNTY, IDAHO, AS SHOWN ON THE PLAT RECORDED FEBRUARY 27, 2006, AS INSTRUMENT NO. 346589.

together with its appurtenances.

Dated: 9/21/2006

Kenneth Peterson
Kenneth Peterson
Kent Merrill
Kent Merrill

Denise Peterson
Denise Peterson
Diane Merrill
Diane Merrill

9/25/06 3:41

RECEIVED

MAR 25 2011

Department of Water Resources
Eastern Region

APN:

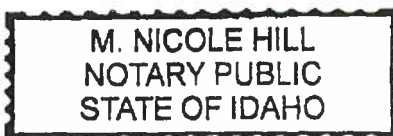
Quitclaim Deed - continued

File No.: 179094-RI (dm)

Date: 09/21/2006

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this **09/22/2006**, before me, a Notary Public in and for said State, personally appeared **Kenneth Peterson and Denise Peterson**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



M. Nicole Hill

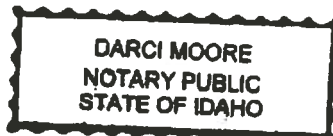
Notary Public of Idaho

Residing at: Rigby, Idaho

Commission Expires: 9-13-2012

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this **09/22/2006**, before me, a Notary Public in and for said State, personally appeared **Kent Merrill and Diane Merrill**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.



Darcy Moore

Notary Public of Idaho

Residing at: Rigby, Idaho

Commission Expires: 09-23-2010

March 17, 2011

CORY CLEMENT
102 N 3918 N
RIGBY, ID 83442

RE: Water Right 25-7603, Lot 15 Blk 1

We have been advised you are one of the current owners of the property and water right referenced above. Idaho Statute 42-111 states that a domestic well is allowed to irrigate up to 0.5 acres of lawn and garden along with in-house use as long as it does not exceed 18,000 gallons per day. It appears that you are currently irrigating 1 acre which puts you in violation of Statute 42-111.

In order to correct this violation, an Application for Transfer needs to be filed with the Department to move a portion of water right 25-7603 to your domestic well. You will need to pay a well upgrade fee since you will be adding an irrigation right to the domestic well. The total fee for this process will be \$225, \$100 for the transfer and \$125 for the well upgrade.

If you have any questions, please feel free to call the office.

Sincerely,

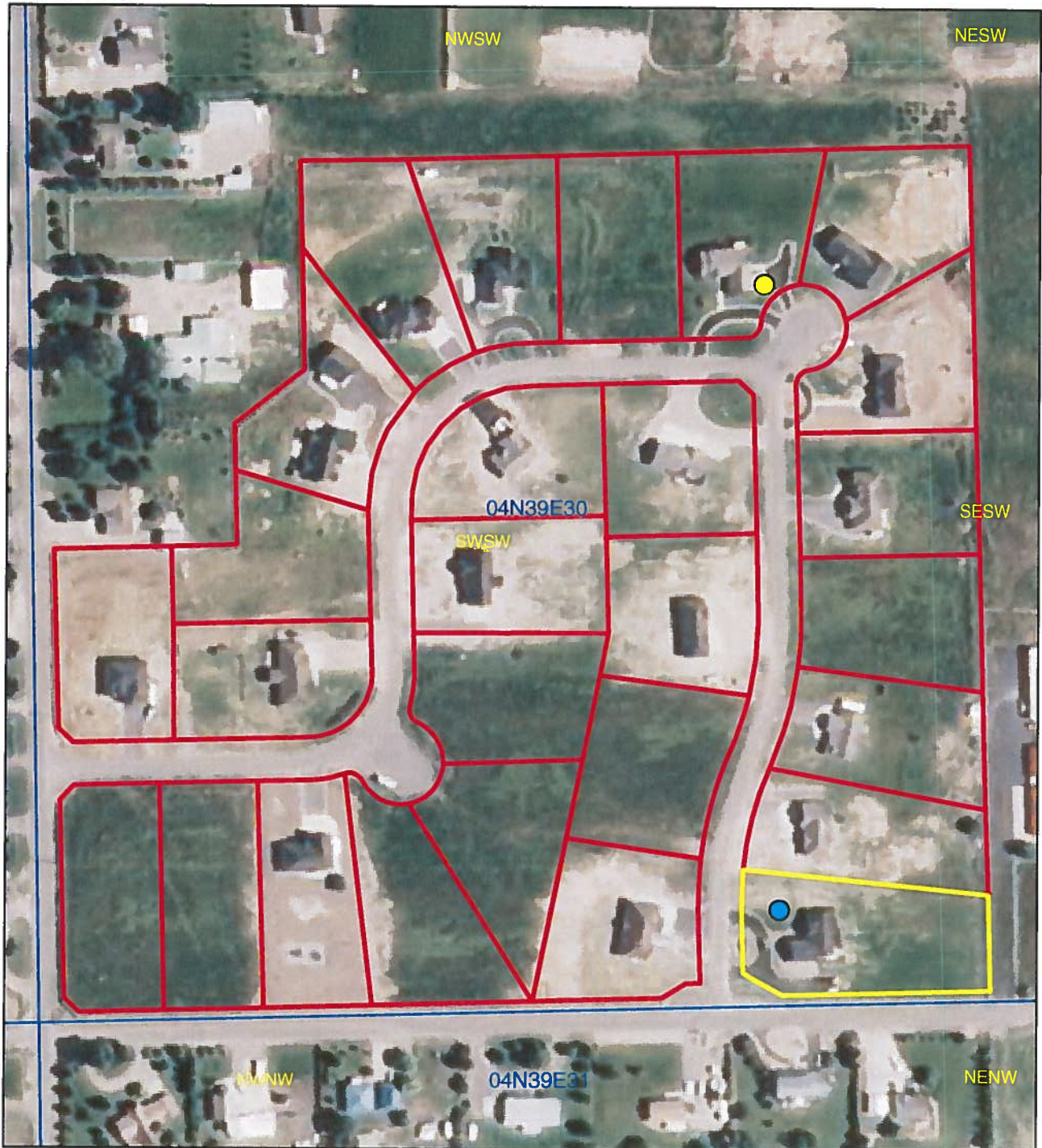
Denise Kidman
Water Resource Agent
Eastern Region

Enclosure

Driller's Report
Tag #0049448



Proposed Transfer 25-14247 Cory Clement- Lot 15, Blk 1



Legend

- 25-14247 POD From
- 25-14247 POD To
- Cory Clement
- Sections
- QQ

0 0.02 0.04 0.08 0.12 0.16 Miles

Prepared by Denise Kidman
On March 24, 2011
2009 Aerial Photography

