

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77659**DEC 12 2011**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Bruce and/or Darlene Wheatley Phone 208.254.3357Mailing address 2584 W ARIMO ROAD ARIMO ID 83214 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.

Darlene A. Wheatley
Signature of Applicant or Authorized Representative

Bruce H. Wheatley
Print Name and Title if applicable

12-12-11
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 _____
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**. Sold land, the water was not sold with the property. Water will be used to irrigate new area. Water rights 29-4470 is 100% overlapped with 29-401 & 29-402, to complete the transfer applicant will dry up 20 acres from rights 29-401 & 29-402.

77659

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 ☒ ☐	29-4470	.20 cfs	Irrigation	04/01 to 10/31	Ellis Creek trib to Birch creek
☐ ☐				to	
☐ ☐				to	
☐ ☐	Associated water	rights		to	
☐ ☐	29-401	.75 cfs		04/01 to 10/31	Garden Creek trib to Marsh cr
☐ ☐	29-402	1.0 cfs		04/01 to 10/31	Garden Creek trib to Marsh cr
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .20 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .20 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 #

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	
09S	36E	33													.75	13.45			14.2

Total Acres (for irrigation use) 14.2

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: - pump to sprinkler system

- b. Who owns the property at the point(s) of diversion? Applicants

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:

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:
20 acres from water right 29-401 & 29-402 will be dried up and the balance left at the existing place of use.

- 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:

29-401 & 29-402, POU was in CRP until 2007, then taken out of CRP - There was not enough water to get in through the ditch.

- 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.: 29-4470

Current Owner: BRUCE H WHEATLEY
DARLENE WHEATLEY
Priority Date: 4/1/1905
Origin: Water Right
Status: Active
Basis: Decreed

Source

ELLIS CREEK

Tributary

BIRCH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.2 CFS

Annual Volume

Total Diversion

0.2 CFS

Location of Point(s) of Diversion

ELLIS CREEK

NE1/4SW1/4

Sec. 33, Twp 09S, Rge 36E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T09S R36E S33

NESE

4.00

T09S R36E S33

NWSE

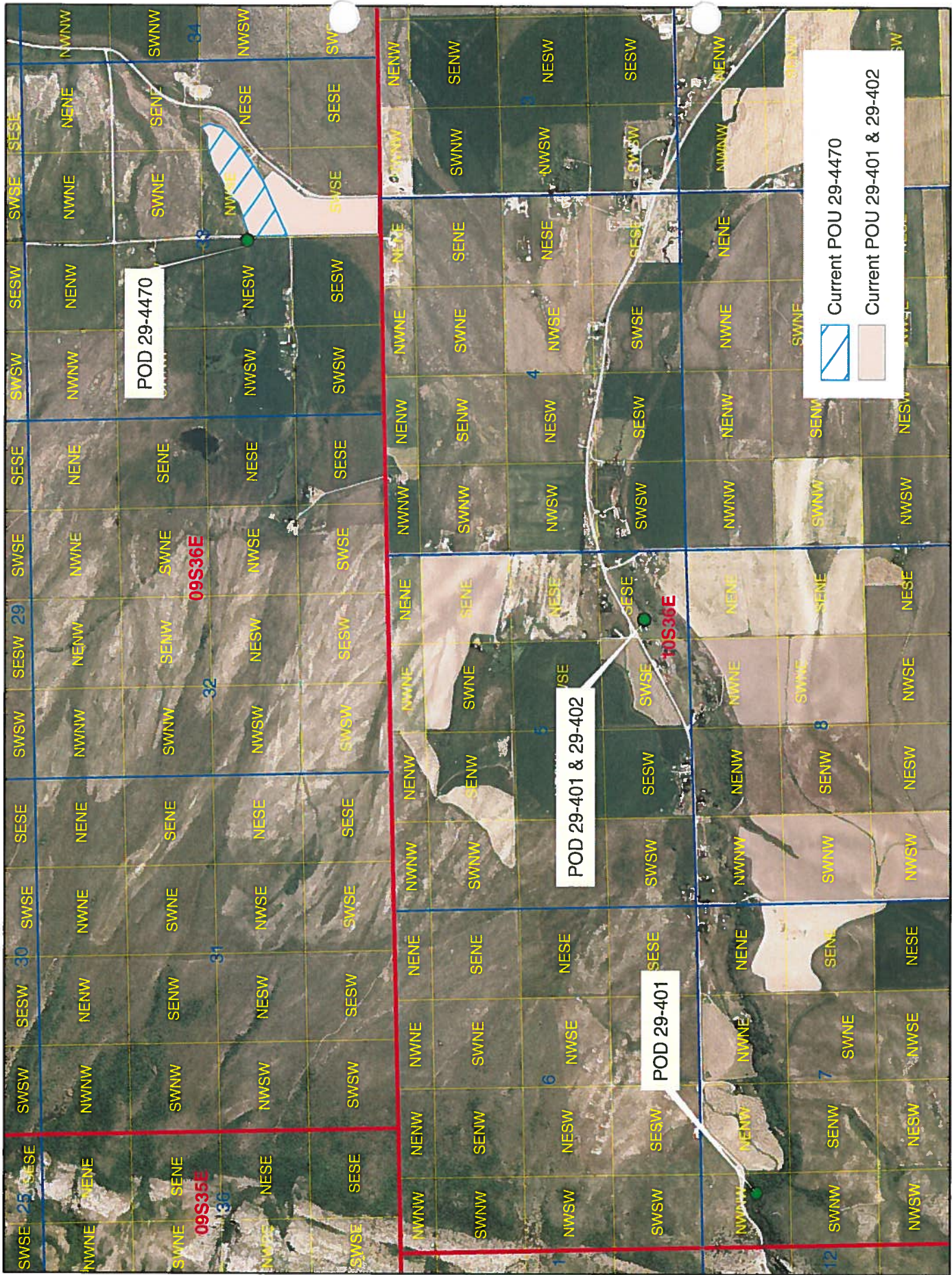
16.00

Total Acres: 20

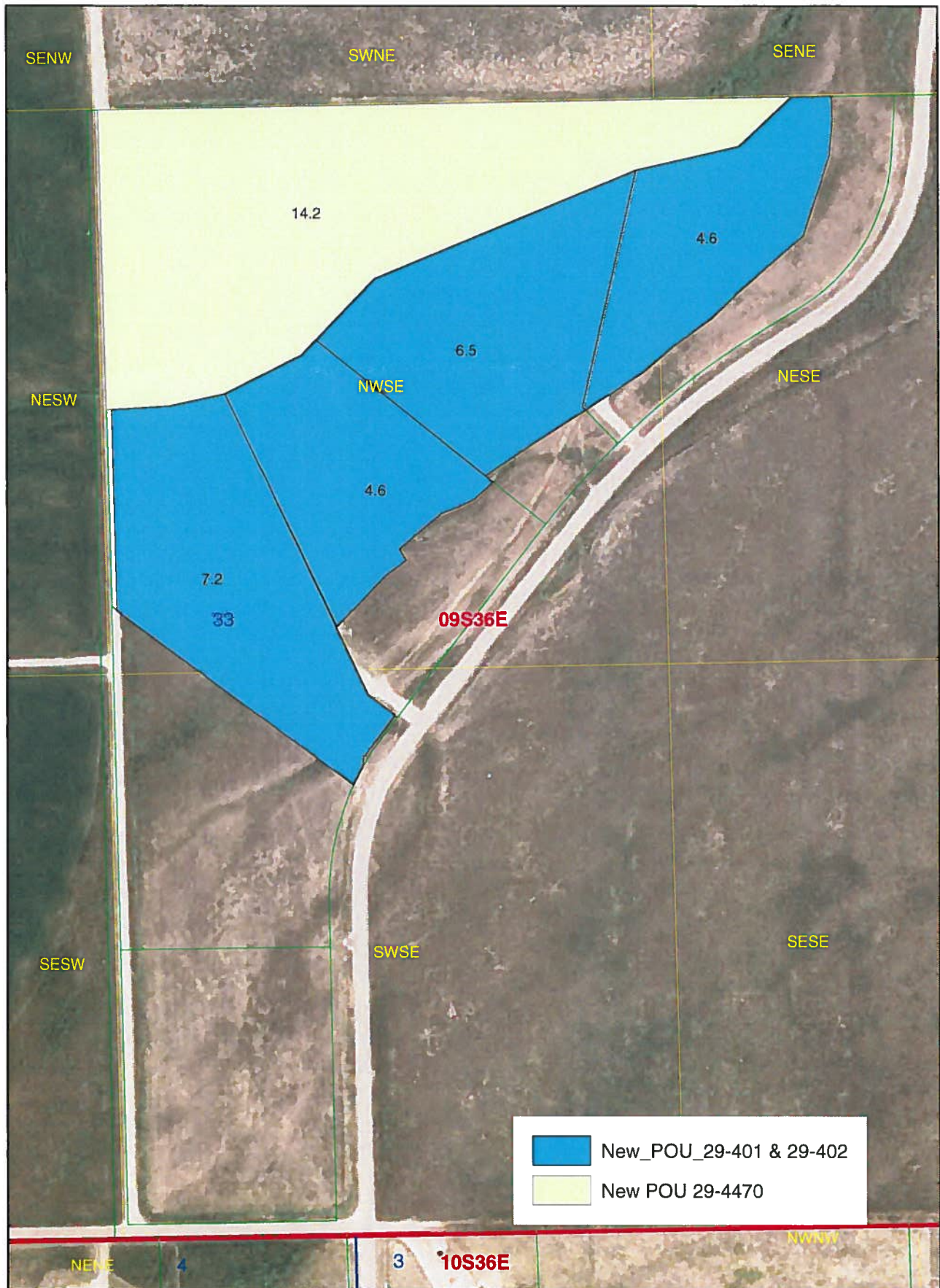
Conditions of Approval:

1. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.75 CFS. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-04470
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.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-4470
4. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 3/22/2004







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

Current Water Right No.: 29-402

Current Owner: BRUCE H WHEATLEY
DARLENE WHEATLEY

Priority Date: 5/1/1904

Origin: Water Right

Status: Active

Basis: Decreed

Source

GARDEN CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

1 CFS

Annual Volume

Total Diversion

1 CFS

Location of Point(s) of Diversion

GARDEN CREEK

L1(NW1/4NW1/4)

Sec. 7, Twp 10S, Rge 36E B.M.

BANNOCK County

GARDEN CREEK

SE1/4SE1/4

Sec. 5, Twp 10S, Rge 36E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T09S R36E S33

NESE

4.00

T09S R36E S33

NWSE

22.00

T09S R36E S33

SWSE

17.00

Total Acres: 43

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-4470
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.
3. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.75 CFS. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-04470

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-401

Current Owner: BRUCE H WHEATLEY
DARLENE WHEATLEY

Priority Date: 5/1/1902

Origin: Water Right

Status: Active

Basis: Decreed

Source

GARDEN CREEK

Tributary

MARSH CREEK

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.75 CFS

Annual Volume

Total Diversion

0.75 CFS

Location of Point(s) of Diversion

GARDEN CREEK

L1(NW1/4NW1/4)

Sec. 7,

Twp 10S,

Rge 36E B.M.

BANNOCK County

GARDEN CREEK

SE1/4SE1/4

Sec. 5,

Twp 10S,

Rge 36E B.M.

BANNOCK County

Place of Use

IRRIGATION Within BANNOCK County

T09S R36E S33

NESE

4.00

T09S R36E S33

NWSE

22.00

T09S R36E S33

SWSE

17.00

Total Acres: 43

Conditions of Approval:

1. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.75 CFS. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-04470
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.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-00401, 29-00402, 29-4470

Decreed Date: 3/22/2004

WATER RIGHT TRANSFER DEED

For Value Received (Grantor) Kyle Wheatley and Melanie Wheatley, husband and wife

21118198

does hereby convey, release, remise and forever quit claim unto (Grantee)

Bruce H. Wheatley and Darlene P. Wheatley, husband and wife

whose address is: 2584 W Armio Road Arimo, ID 83214

the following described premises, to wit:

WATER RIGHT NO. 29-4470

RECORD 949
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FILE 10 DEPUTY 02

Bruce Wheatley

21118198

2011 NOV 30 P 12:11

TOGETHER WITH THEIR APPURTENANCES.

DATED Nov. 28, 2011

Kyle Wheatley

Kyle Wheatley

Melanie Wheatley

Melanie Wheatley

STATE OF IDAHO, COUNTY OF BANNOCK

ON THIS 28 DAY Nov., 2011
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID
STATE, PERSONALLY APPEARED
Kyle Wheatley and Melanie Wheatley KNOWN TO ME
TO BE THE PERSON WHO NAMES are SUBSCRIBED
TO THE WITHIN INSTRUMENT, AND
ACKNOWLEDGED TO ME THAT they EXECUTED
THE SAME.

Pam Bissegger

NOTARY PUBLIC IDAHO
RESIDING AT McCammer, I.D.
COMM. EXPIRES: 1-3-2018

PAM BISSEGGER
Notary Public
State of Idaho

77659

WATER RIGHT TRANSFER DEED

21118199

For Value Received (Grantor) Sterling Leon Purser and Julia Purser, husband and wife

does hereby convey, release, remise and forever quit claim unto (Grantee)

Bruce H. Wheatley and Darlene P. Wheatley, husband and wife

whose address is: 2584 W Armio Road Arimo, ID 83214

the following described premises, to wit:

WATER RIGHT NO. 29-4470

RECORD RECORD 949
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 10- DEPUTY 24

Bruce Wheatley

21118199

2011 NOV 30 P 12:11

TOGETHER WITH THEIR APPURTENANCES.

DATED 11-22, 2011

[Signature]
Sterling Leon Purser

Julia Purser
Julia Purser

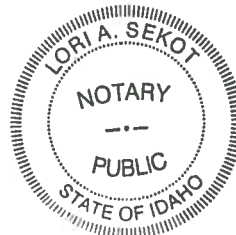
STATE OF IDAHO, COUNTY OF BANNOCK

ON THIS 22nd DAY November, 2011
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID
STATE, PERSONALLY APPEARED
Sterling Leon Purser and Julia Purser KNOWN TO ME TO
BE THE PERSON WHO NAMEs are SUBSCRIBED TO
THE WITHIN INSTRUMENT, AND ACKNOWLEDGED
TO ME THAT they EXECUTED THE SAME.

Lori A. Sekot

NOTARY PUBLIC IDAHO
RESIDING AT Arimo

COMM. EXPIRES: 3/3/2015



WATER RIGHT TRANSFER DEED

For Value Received (Grantor) Jeffrey Rogers and Kay Rogers, husband and wife

21118200

does hereby convey, release, remise and forever quit claim unto (Grantee)

Bruce H. Wheatley and Darlene P. Wheatley, husband and wife

whose address is: 2584 W Armio Road Arimo, ID 83214

the following described premises, to wit:

WATER RIGHT NO. 29-4470

949
CLERK OF DISTRICT COURT
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
REC 10 DEPUTY *kg*

Bruce Wheatley

21118200

2011 NOV 30 P 12:12

TOGETHER WITH THEIR APPURTENANCES.

DATED November 22, 2011

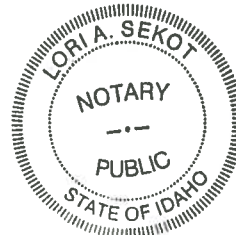
Jeffrey Rogers
Jeffrey Rogers

Kay Rogers
Kay Rogers

STATE OF IDAHO, COUNTY OF BANNOCK

ON THIS 22nd DAY November, 2011
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID
STATE, PERSONALLY APPEARED
Jeffrey Rogers and Kay Rogers KNOWN TO ME TO BE
THE PERSON WHO NAMES are SUBSCRIBED TO THE
WITHIN INSTRUMENT, AND ACKNOWLEDGED TO
ME THAT they EXECUTED THE SAME.

Lori A. Sekot
NOTARY PUBLIC IDAHO
RESIDING AT Arimo
COMM. EXPIRES: 3/3/2015



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: _____