

RECEIVED

JUN 27 2011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77377DEPARTMENT OF
WATER RESOURCES**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: _____

JUN 2 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

77377

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Della D. Brower Phone 208-838-2100Mailing address PO Box 190, Clayton, ID 83227 Email browsers@custertel.net

- ☐ 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.

Della D Brower
Signature of Applicant or Authorized Representative

DELLA D BROWER
Print Name and Title if applicable

6/21/11
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. Change the place of use and point of diversion to the location where the water has historically been used/diverted from.**

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						
☒	☐	72-7501	0.03/1.5	Irrigation	05/01 to 09/30	Thompson Creek/Salmon Riv
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 0.03 cfs and/or 1.5 ac-ft

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or 1.5 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 #
	5		NE	SE	25	11N	16E	Custer	Thompson Creek	

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	
11N	16E	25													.5				.5

Total Acres (for irrigation use) .5

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 water for the permit is pumped from Thompson Creek by a 2HP pump to sprinklers irrigating approximately .5 acres of ground.
- b. Who owns the property at the point(s) of diversion? Applicant.
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: _____
There will be no effect. This transfer is to correct records to show where the point of diversion and place of use have historically been diverted from and used. The records currently show that the point of diversion and place of use are on Forest Service and BLM. I have contacted those agencies and they will be providing concurrence letters for the transfer.
- 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: _____

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: _____

Page 4 of 6

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

Current Water Right No.: 72-7501

Current Owner: PATRICIA M HUTCHISON
JOHN D HUTCHISON

Priority Date: 6/5/1992

Origin: Water Right

Status: Active

Basis: License

Source

THOMPSON CREEK

Tributary

SALMON RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	5/01 to 9/30	0.03 CFS	1.5 AF
	Total Diversion	0.03 CFS	1.5 AF

Location of Point(s) of Diversion

THOMPSON CREEK

SE1/4NE1/4

Sec. 25, Twp 11N, Rge 16E B.M.

CUSTER County

Place of Use

IRRIGATION Within CUSTER County

T11N R16E S25 SENE 0.50

Total Acres: 0.5

Conditions of Approval:

1. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 1.5 afa for the land described above.

Licensed Date: 2/19/1997

Total Acres (for irrigation use) _____

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 rights(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 2 attachments.

Received by SR7 Date 6/27/2011 Prelim. Check by _____ Date _____

Fee Paid \$100- Date 6/27/2011 Received by SR7 Receipt # CO93478

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

WARRANTY DEED

WARRANTY DEED

For Value Received JOHN D. HUTCHISON AND PATRICIA M. HUTCHISON, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto DELLA D. BROWER, an unmarried person, the Grantee, whose current address is P.O. Box 341, Challis, ID 83226, the following described premises, in Custer County, Idaho, to-wit:

A fraction of Lot 5, Section 25, Township 11 North, Range 16 East, Boise Meridian, Custer County, Idaho, described as:

PARCEL I

Beginning at the section corner common to Section 25, 30, 31 and 36; Township 11 North, Range 16 and 17 East, Boise Meridian, thence North 9°05' West, 1925.00 feet; thence North 27°01' East, 115 feet; thence South 65°09' East, 39 feet to the True point of Beginning, Corner No. 1, thence North 17°17' East, 237.5 feet to Corner No. 2; thence North 26°53' West, 163.5 feet to Corner No. 3; thence North 4°34' West, 129.0 feet to Corner No. 4; thence North 25°15' West, 75.7 feet to Corner No. 5; thence South 87°28' West, 25.9 feet to the center of Thompson Creek, to Corner No. 6; thence South 4°13' West, 93.8 feet along the center of Thompson Creek, to Corner No. 7; thence South 2°40' West, 109.8 feet along the center of Thomson Creek, to Corner No. 8; thence South 40°35' West, 37.0 feet along the center Thompson Creek, to Corner No. 9; thence South 4°14' West, 279.1 feet along the center of Thompson Creek to a point North 65°09' West of the True Point of Beginning to Corner No. 10; thence South 65°09' East 139.1 feet to Corner No. 1, the True Point of Beginning.

PARCEL II

Beginning at the section corner common to Sections 25, 30, 31 and 36, Township 11 North, Range 16 and 17 East, Boise Meridian, Custer County, Idaho; thence North 9°05' West, 1925.0 feet; thence North 27°01' East, 115.0 feet thence South 65°09' East, 39.0 feet to the True Point of Beginning, corner No. 1; thence North 17°17' East, 237.5 feet to corner No. 2; thence South 72°43' East, 366.82 feet to corner No. 3; thence South 17°17' West, 237.5 feet to corner No. 4; thence North 72°43' West 366.82 feet to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 28th day of August, 2008.


JOHN D. HUTCHISON

Patricia M. Hutchison
PATRICIA M. HUTCHISON

STATE OF IDAHO)
 : ss
County of Custer)

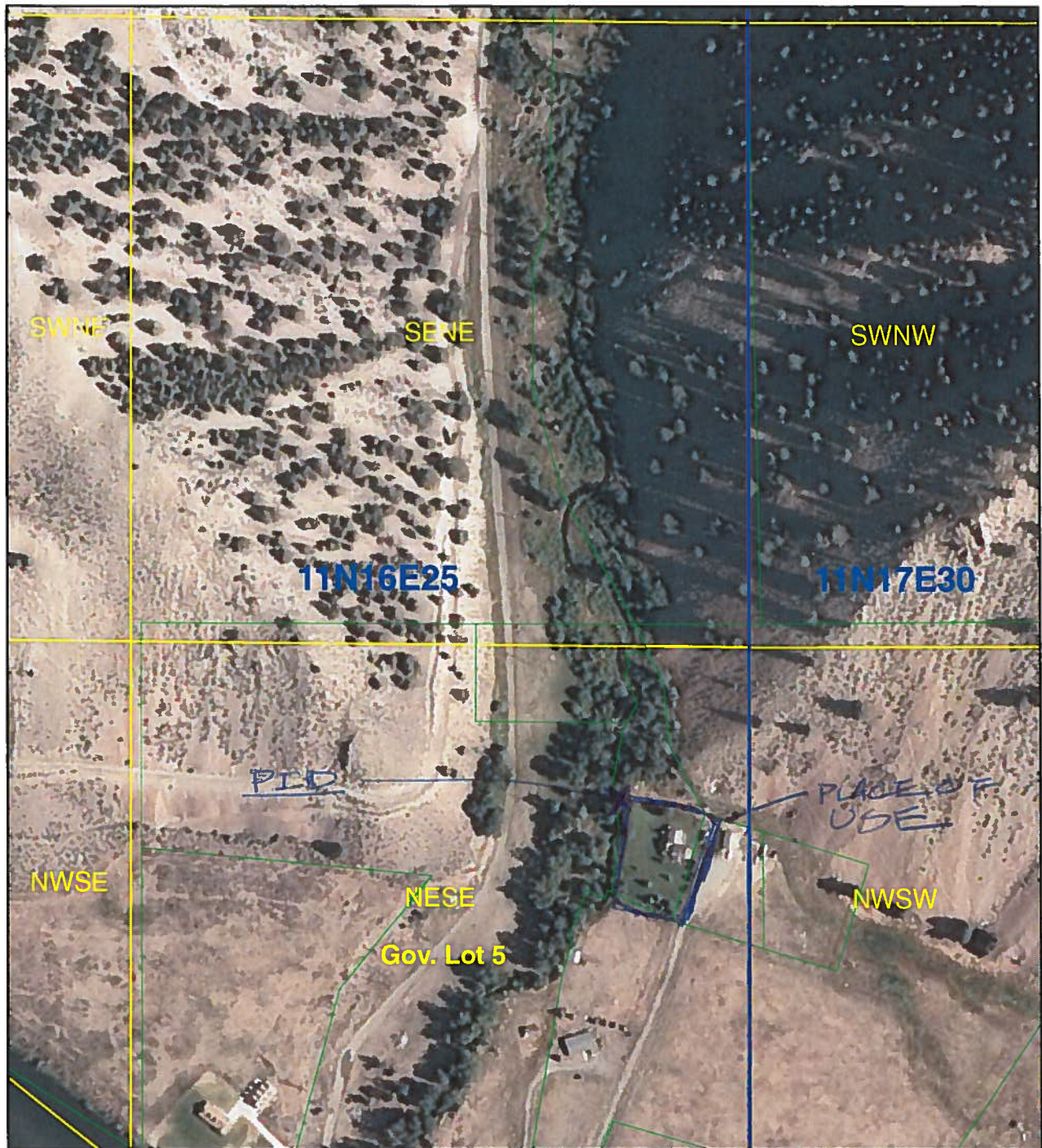
STATE OF IDAHO, COUNTY OF CUSTER
Whereby certify that this instrument was filed for
record at the request of LCCT
at 26 minutes past 3
o'clock P.M., this 23rd day of August,
2008, in my office.

On this 28 day of AUGUST, 2008,
before me, a Notary Public, personally
appeared John D. Hutchison and Patricia
M. Hutchison, known or identified to me to
be the persons whose names are
subscribed to the within instrument, and
acknowledged to me that they executed the
same.

Barbara C. Breedlove
Ex-Officio Recorder

same. Patery Knitt
Notary Public for:
Residing at Challis
Commission Expires 3/24/10

By Betsy Doughty
Deputy



Legend

-  Sections
-  Taxlots
-  QQ
-  Township/Range

