

Completed 9/27/11 JRC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Transfer 719724		✓			
✓ 34-13856		✓			
✓ 34-13858		✓			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)
Isabel Eaton
4223 Houston Road
Mackay ID 83251
4. New Owner/Claimant(s)
Lois J. Ashleir
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
PO Box 84
- City, State and ZIP Code
Mackay ID 83251
- New Telephone Number
(907) 952-7959 Email: _____

5. Date you acquired the property

8/13/08

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>34-13856</u>		
Irrigation <u>2.636" (2.64)</u>		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Lois J. Ashley

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:
 Received by AS
 Received by AS
 Processed by _____ AJ

 Date 5-1-11
 Date _____
 Date _____

 Receipt Amt \$100.00
 Receipt No. E036615
 WR _____ Date _____
\$200E036650

239330
Custer County Req. of
Isabel Eaton
Time 4:55 P M Date 8-13, 2008
Barbara C. Breedlove, Clerk
Deputy Babe Droughty \$6.00

WARRANTY DEED

For good consideration, I

Isabel L. Eaton

Mackay County of Custer State of Idaho

Hereby bargain, deed and convey the following described premises in Custer County Idaho.

To Lois J. Ashley, 9040 Ashley Circle, State of Alaska, City of Anchorage

Land free and clear with WARRANTY COVENANTS; to wit:

A parcel of land located Alder Creek Estates BLK 1 Lot 5 Section 12, Township 6, North Range 24 East, Boise Meridian Custer County Idaho consisting of 2.636 Acres together with water rights of 2.636 inches Department of Water Resources.

SUBJECT HOWEVER To Levies and assessments of Big Lost River Irrigation District If any.

SUBJECT ALSO To Right – of – Way for Darlington Rogers Canal.

TO HAVE AND TO HOLD the said premises, with her appurtenances, unto the said Grantee, her successors and assigns forever. And said Grantor to hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all encumbrances save and excepting there from 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 she will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2008

239330

Being the same property conveyed to the Grantors by deed of _____, dated _____, 19____.

WITNESS the hands and seal of said Grantors this _____ day of _____, 20 _____

Isabel L. Eaton

GRANTOR

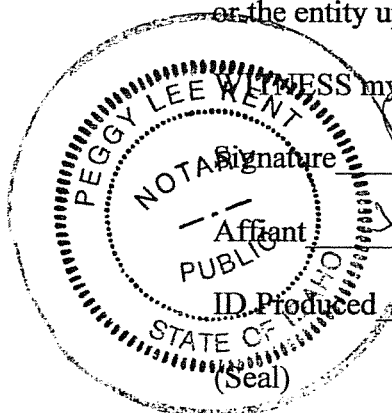
GRANTEE

STATE OF Idaho

COUNTY OF Custer

On 08-13-08 before me, Peggy Lee Kent, personally appeared Isabel L. Eaton, personally known to me ^{is} (or proved 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~~ ^{she} executed the same in ~~their~~ ^{her} authorized capacities, and that by ~~their~~ ^{her} signatures on the instrument the persons, or the entity upon behalf of which the persons ~~acted~~, executed the instrument.

WITNESS my hand and official seal.



Signature

Affiant

ID Produced

(Seal)

Known

Unknown

No

comm. exp 3-29-11

239778
Custer County Req. of
Isabel L. Eaton
Time 2:12 PM Date 12-17-2008
Barbara C. Breedlove, Clerk
Betsy Dangler \$ 6.00
Deputy

WARRANTY DEED

For good consideration, I

Isabel L. Eaton/Single Person

Mackay, County of Custer State of Idaho

Hereby bargain, deed and convey the following described premises in Custer County Idaho.

To Lois J. Ashley, 9040 Ashley Circle, State of Alaska, City of Anchorage

Land free and clear with WARRANTY COVENANTS; to wit:

A parcel of land located Alder Creek Estates BLK 1 Lot 4 Section 12, Township 6, North Range 24 East, Boise Meridian Custer County Idaho consisting of 2.363 Acres together with water rights of 2.636 inches Department of Water Resources.

SUBJECT HOWEVER To Levies and assessments of Big Lost River Irrigation District If any.

SUBJECT ALSO To Right – of – Way for Darlington Rogers Canal.

TO HAVE AND TO HOLD the said premises, with her appurtenances, unto the said Grantee, her successors and assigns forever. And said Grantor to hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all encumbrances save and excepting there from 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 she will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71972

This is to certify that: ISABEL L EATON
429 RICHLAND
POCATELLO ID 83201

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
34-2329	WR/Decreed	04/29/1955	1.78 cfs	311.5 af	N/A	89.0	GROUND WATER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
34-12050C	WR/Decreed	09/30/1882	1.41 cfs	N/A	N/A	48.0	ALDER CREEK

Right 34-12050C also split by ownership into Rights 34-13857 & 34-13858.

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-2329	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
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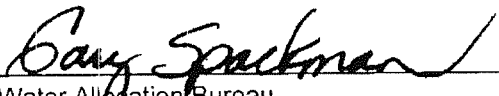
34-2329	34-13856	0.39 cfs	68.2 af	N/A	19.5	34-13855	1.39 cfs	243.3 af	N/A	69.5
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COMBINED

TOTALS		0.39 cfs	68.2 af	N/A	19.5		N/A	N/A	N/A	N/A
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Detailed Water Right Description(s) attached

Dated this 16th day of November, 2005


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 34-2329

WATER RIGHT NO. 34-13855
As Modified by Transfer No. 71972

In accordance with the approval of Transfer No. 71972, Water Right No. 34-13855 is now described as follows.

Right Holder: DELORES I ROSENKRANCE And
 DOUGLAS G ROSENKRANCE
 3926 N 4300 W HOUSTON RD
 MACKAY ID 83251

And

UNITED STATES OF AMERICA ACTING THROUGH
 USDA FARM SERVICE AGENCY
 9173 W BARNES STE B
 BOISE ID 83709-1555

Priority Date: April 29, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.39 CFS	243.3 AF
			1.39 CFS	243.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSWNE Sec. 12 Twp 06N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	24E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	69.5
							33.0			36.5									

Total Acres: 69.5

CONDITIONS OF APPROVAL

1. 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.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Rights 34-13855 and 34-13857 when combined shall not exceed a total diversion rate of 1.66 cfs and the irrigation of 69.5 acres.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of November, 2005


 Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13856
As Modified by Transfer No. 71972

In accordance with the approval of Transfer No. 71972, Water Right No. 34-13856 is now described as follows.

Right Holder: ISABEL L EATON
 429 RICHLAND
 POCATELLO ID 83201

Priority Date: April 29, 1955

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	0.39 CFS	68.2 AF
			0.39 CFS	68.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNE Sec. 12 Twp 06N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	24E	12			17.5	2.0													19.5

Total Acres: 19.5

CONDITIONS OF APPROVAL

1. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Rights 34-13856 and 34-13858 when combined shall not exceed a total diversion rate of 0.57 cfs and the irrigation of 19.5 acres.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

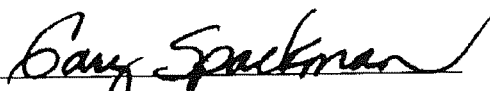
WATER RIGHT NO. 34-13856
As Modified by Transfer No. 71972

CONDITIONS OF APPROVAL

8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
11. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of November, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13857
As Modified by Transfer No. 71972

In accordance with the approval of Transfer No. 71972, Water Right No. 34-13857 is now described as follows.

Right Holder: DOUGLAS G ROSENKRANCE And
 DELORES I ROSENKRANCE
 3926 N 4300 W HOUSTON RD
 MACKAY ID 83251

And

UNITED STATES OF AMERICA ACTING THROUGH
 USDA FARM SERVICE AGENCY
 9173 W BARNES STE B
 BOISE ID 83709-1555

Priority Date: September 30, 1882

Source: ALDER CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.84 CFS	
			0.84 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK L18 (NWNESE) Sec. 14 Twp 06N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	24E	12																	28.5

Total Acres: 28.5

CONDITIONS OF APPROVAL

1. 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.
2. This right is a combination of old Right nos. 34-149, 34-362, 34-365(part) and 34-669.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Rights 34-13855 and 34-13857 when combined shall not exceed a total diversion rate of 1.66 cfs and the irrigation of 69.5 acres.
5. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

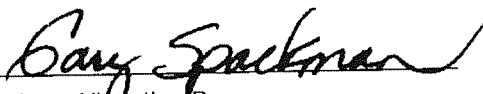
WATER RIGHT NO. 34-13857
As Modified by Transfer No. 71972

CONDITIONS OF APPROVAL

6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. Rights 34-12050B, 34-365A, 34-13858 and 34-12050D are also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of November, 20 05


Chief, Water Allocation Bureau

WATER RIGHT NO. 34-13858
As Modified by Transfer No. 71972

In accordance with the approval of Transfer No. 71972, Water Right No. 34-13858 is now described as follows.

Right Holder: ISABEL L EATON
429 RICHLAND
POCATELLO ID 83201

Priority Date: September 30, 1882

Source: ALDER CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/15	0.57 CFS	
			0.57 CFS	

LOCATION OF POINT(S) OF DIVERSION:

ALDER CREEK L18 (NWNESE) Sec. 14 Twp 06N Rge 24E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	24E	12	17.5	2.0			19.5

Total Acres: 19.5

CONDITIONS OF APPROVAL

1. Rights 34-13856 and 34-13858 when combined shall not exceed a total diversion rate of 0.57 cfs and the irrigation of 19.5 acres.
2. Rights 34-12050B, 34-365A, 34-13857 and 34-12050D are also diverted through the point of diversion described above.
3. This right is a combination of old Right nos. 34-149, 34-362, 34-365(part) and 34-669.
4. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 16th day of November, 2005


Chief, Water Allocation Bureau