

RECEIVED

SEP 27 2011

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 77548
Receipt No. C093520

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information MERVIN L. MAY
229 SOUTH 200 WEST
RUPERT ID 83350
(208)431-5735

Will this transfer result in an ownership change? ☒ Yes ☐ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-12771	WR/Decreed	0.07				GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-12771	NO	YES	YES	YES	NO	NO

Describe the reason for the proposed changes

Place of use and point of diversion were claimed wrong. Transfer proposes to correct the place of use and add/change points of diversion to reflect actual usage.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

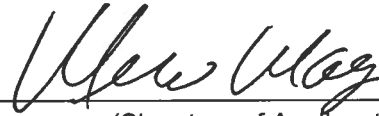
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-12771	0.07 cfs			
TOTAL	0.07 cfs			

Transfer No. 77548
Receipt No.C093520

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)

(Title or Office)

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

Current Water Right No. 36-12771

Priority Date: April 15, 1915

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01 12/31	0.04 CFS		
STOCKWATER	1/01 12/31	0.03 CFS		
Total Diversion		0.07 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWNWNE Sec. 1 Twp 10S Rge 23E MINIDOKA County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	23E	1		X															

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S	23E	1		X															

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP10S23E011800

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Documentation of Ownership of the Current Place of Use

Quitclaim deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Water right will be moved to reflect current usage.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Proposed Water Right No. 36-12771

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01 12/31	0.04 CFS		
STOCKWATER	01/01 12/31	0.03 CFS		
	Total Diversion	0.07 CFS		

GROUND WATER SENE Sec. 1 Twp 10S Rge 23E MINIDOKA County

Point of Diversion # 2 Existing system.

[illegible][illegible]



AFTER RECORDING MAIL TO:

Mervin Lyle May
229 South 200 West
Rupert, ID 83350

Instrument # 510318
MINIDOKA COUNTY, IDAHO
11-30-2010 09:00:18 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE
DUANE SMITH Fee: 18.00
Ex-Officio Recorder Deputy *li*

QUITCLAIM DEED

File No.: 358142BU (JM)

Date: November 10, 2010

For Value Received, **Loleta May, aka Loleta May Merrill**, do(es) hereby convey, release, remise, and forever quit claim unto **Mervin Lyle May**, whose address is **229 South 200 West, Rupert, ID 83350**, herein after called the Grantee, the following described premises situated in **Minidoka County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

together with its appurtenances.

Dated: 11/29/2010

Loleta May

Loleta May

STATE OF Idaho)
SS.
COUNTY OF Cassia)

On this November 29, 2010, before me, a Notary Public In and for said State, personally appeared **Loleta May**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.

APN: RP10523E011800A

Quitclaim Deed - continued

File No.: 358142BU Q
Date: 11/10/2010

Trace McBrally
Notary Public of Idaho
Residing at: Hayden, ID
Commission Expires: 4/25/2014

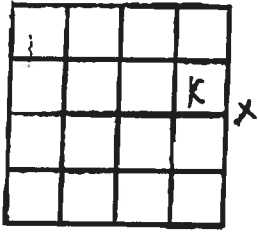


EXHIBIT A

PART OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 23 E.B.M., MINIDOKA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE E $\frac{1}{4}$ SECTION CORNER OF SECTION 1 OF TOWNSHIP 10 SOUTH, RANGE 23 E.B.M., SAID CORNER MARKED BY A 5/8 INCH REBAR, WHICH SHALL BE THE POINT OF BEGINNING;

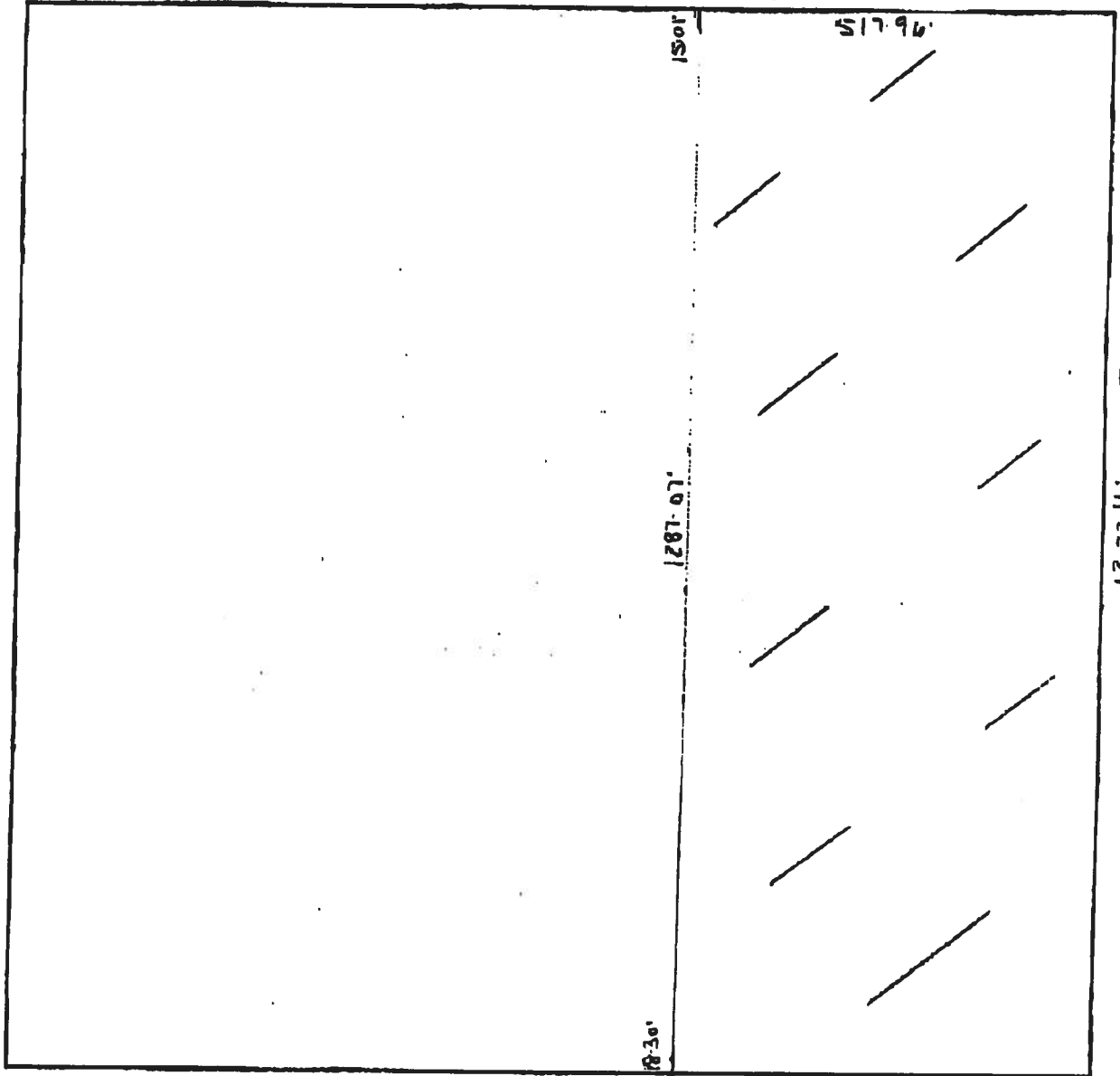
THENCE S. 89°45'06" W. ALONG THE SOUTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ FOR A DISTANCE OF 510.42 FEET; THENCE N. 00°27'28" W. FOR A DISTANCE OF 18.30 FEET TO A 5/8 INCH REBAR; THENCE N. 00°27'28" W. FOR A DISTANCE OF 1287.07 FEET TO A 5/8 INCH REBAR; THENCE N. 00°27'28" W. FOR A DISTANCE OF 15.01 FEET TO THE NORTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE N. 89°33'12" E. ALONG THE NORTH LINE OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ FOR A DISTANCE OF 517.96 FEET TO A 5/8 INCH REBAR AT THE NE CORNER OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE S. 00°07'51" E. ALONG THE EAST LINE OF SECTION 1 FOR A DISTANCE OF 1322.16 FEET TO THE POINT OF BEGINNING.



SE44 NE44

Section 1, township 10 South, Range 23 E.B.M.

N
1" = 200'



200 West

E44
corner

THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF
ASSISTING IN LOCATING THE PREMISES AND THE
COMPANY ASSUMES NO LIABILITY FOR VARIATIONS
IF ANY, WITH AN ACTUAL SURVEY,
FIRST AMERICAN TITLE COMPANY

10453

SCALE 2 MV - 1 MM

TOWNSHIP 10 S., RANGE 23 E. B. M.
MINIDOKA COUNTY IDAHO

METSKER

[illegible]

Identify

Identify from: Taxlots

☒ Taxlots

MERRILL, LOLETA MAY

Location: 2,523,847.283 1,264,919.873 Meters

Field	Value
OBJECTID	4413678
UPDATED	5/4/2009
PIN	RP10523E011800
OWNER	MERRILL, LOLETA MAY
ADDRESS1	PO BOX 486
ADDRESS2	
CITY	ALBION
STATE	ID
ZIPCODE	83311
P_ADDRESS	225 S 210 W
P_ZIPCODE	83350
SUB_NAME	
LEGAL1	S2NE4 LESS US HWY 30
LEGAL2	& RR 1-10-23 LESS
LEGAL3	PORTION NB&W B-4 CANAL
LEGAL4	
LEGAL5	
LEGAL6	<null>
ACRES	68.6
COUNTY	Minidoka
SOURCE	<null>
YEAR_BUILT	1915
SHAPE	Polygon

Identified 1 feature

09/16/2011

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-12771

WATER RIGHT NUMBER: 36-12771

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOLETA MAY MERRILL PO BOX 486 ALBION, ID 83311 (208)673-6649
Security Interest	D L EVANS BANK PO BOX 87 TWIN FALLS, ID 83303 (208) 736-5700

Priority Date: 04/15/1915

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
<u>Total Diversion:</u>		0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4NE1/4 Sec. 1, Twp 10S, Rge 23E, B.M.
MINIDOKA County

Place of Use

DOMESTIC																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	23E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X															
STOCKWATER																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	23E	1	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
				X															

Conditions of Approval:

1. PARCEL NO. RP10S23E011800
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates and Other Information:

Decreed Date: 12/10/1996
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 16, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MELINDA JOHNSON
D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

RE: Notice of Change of Water Right Ownership and Notice of Security Interest

Dear Melinda:

On July 6, 2011, the department received your notice of security interest and the notice of change in water right ownership for water right 36-12771. The department has modified its records to reflect the change in security interest and has enclosed a water right report for your records.

As I explained in our telephone conversation today, the place of use as decreed by the court does not match the Quitclaim Deed. I am enclosing a copy of the decree which describes the place of use as being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, in Section 01, Township 10S, Range 23E. I do note that the parcel number listed on the water right report does match the parcel that is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$.

If you believe that the Snake River Basin Adjudication (SRBA) Court issued the partial decree with an error in the description of the place of use, Mr. Mays can pursue one of the following options:

- 1) Motion to set-aside – a motion filed with the SRBA Court which, if granted, would provide a process to correct the partial decree. You would need to provide justification for the correction.
- 2) Motion to file late claim – a motion filed with the SRBA Court which, if granted, would allow you to file a new claim for your existing water use. A late claim would be investigated for validity and accuracy by the Department.

Since the deed submitted does not match the place of use for this water right, I am returning the notice of change in water right ownership and have requested that a refund of \$25 be mailed to you.

If you have any questions regarding this matter, please call me at 208-287-4952. Questions regarding filing a motion with the SRBA Court can be directed to Craig Saxton at 208-287-4916.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT
I.R.C.P. 54(b) FOR
Water Right 36-12771

1996 DEC 10 PM 2:38
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS:

LOLETA MAY HERRI
PO BOX 486
ALBION ID 83311

COPY

FILED _____

SOURCE:

GROUNDWATER

QUANTITY:

0.07 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

04/15/1915

POINT OF DIVERSION:

T10S R23E S01

SWWNE

Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31
01-01 12-31

QUANTITY
0.03 CFS
0.04 CFS

PLACE OF USE:

STOCKWATER
T10S R23E S01

Within MINIDOKA County
NWNE

DOMESTIC
T10S R23E S01

Within MINIDOKA County
NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

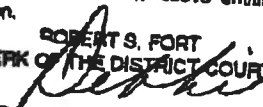
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-12771

Shirley H. Fort
County of Twin Falls
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

By 
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
DEPUTY CLERK



PAGE 1
NOV-26-1996

RECEIVED

JUL 06 2011

Department of Water Resources

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?
38-12771	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Loleta May Merrill

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Mervin L. May

Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

229 South 200 West

Mailing address

Rupert

ID

83350

City

State

ZIP

208-536-5735

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: November 10, 2010

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.

7. Signature: Mervin May 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 SRP Date 7-4-11 Receipt No. C093520 Receipt Amt. \$25.00

Approved by _____ Processed by _____ Date _____

Form 42-248/42-1409(6) Rev. 07/10

Not processed - refund requested (to D L Evans) 9-14-11 SW

Receipt Details for C093520

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/6/2011 11:49:25 AM	7/6/2011 3:07:23 PM	STATE	\$50.00	Check
Payer	DL EVANS BANK			

Account Information:

Check Number:	4105
---------------	------

Comment

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

Refund(s):			
Amount	Payee	Date	Document Number
\$25.00	DL EVANS BANK	9/19/2011 2:53:25 PM	REF0526

Idaho Department of Water Resources Receipt

Receipt ID: C083520

Payment Amount \$50.00 Date Received 7/8/2011 11:49 AM Region STATE
Payment Type Check Check Number 4105
Payer DL EVANS BANK
Comments 36-12771

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

SR7

Signature Line (Department Representative)