

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77356APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) GLEN MERRILL Phone 208.897.5513Mailing address PO BOX 22 SWAN LAKE IDAHO 83281 Email merrill@plmw.com

- ☐ 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**.

RECEIVED
JUN 20 2011
Department of Water Resources
Eastern Region

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.

Glen Merrill
Signature of Applicant or Authorized Representative

Glen Merrill
Print Name and Title if applicable

6/17/11
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/Define POD
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**. Water right was purchased from Richard Hadley, nature of use, and place of use are being updated to show the true use of the water right since purchase date. The point of diversion, was not described in the original decree, and will be identified as part of this transfer. The water has been used in this manner since 1995.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

77356

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 ☒ ☐	13-57	.48 cfs	Irrigation	01/01 to 12/31	Stockton Creek
☐ ☐		.02 cfs	Diversion to Storage	01/01 to 12/31	Stockton Creek
☐ ☐		13.6 ac-ft	Aesthetic Storage	01/01 to 12/31	Stockton Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .50 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed .02 cubic feet per second and/or 13.6 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 #
		NW	NE	SW	6	13S	39E	Bannock	Stockton 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	
13S	38E	14			40.			21.9	13.	40.						40.			154.4
13S	38E	13						J											

Total Acres (for irrigation use) 154.4

77356

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

77 35 6

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: Existing head gate in Stockton Creek, through a pipeline and open ditch to the pond.

- b. Who owns the property at the point(s) of diversion? State of Idaho - Department of Lands

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Prescriptive easement - head gate has been in place for more than 20 years.

- 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:

The change is to correct the existing use of water. No change to the existing place of use is expected.

- 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: Irrigation of acres for this POU are accomplished through the use of WR #'s 13-57, 13-887B, 13-885B, 13-886B and 13-889D. 6.6 acres will be dried up to supply a volume of water equivalent to the storage capacity of the pond.

- 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:

77 35 6

Page 4 of _____

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

Current Water Right No.: 13-57

Current Owner: RICHARD HADLEY

Priority Date: 5/1/1873

Origin: Water Right

Status: Active

Basis: Decreed

Source

STOCKTON CREEK

Tributary

OXFORD SLOUGH

Beneficial Use

IRRIGATION

From To

01/01 to 12/31

Total DiversionDiversion Rate

0.5 CFS

0.5 CFS

Annual VolumeLocation of Point(s) of Diversion

STOCKTON CREEK

County

Sec. , Twp. Rge B.M.

Place of Use

IRRIGATION Within BANNOCK County

T13S R38E S14		SWNE
T13S R38E S14	Lot 2	SWNW
T13S R38E S14		NWSE

T13S R38E S14	Lot 3	NWNW
T13S R38E S14		SENW

Conditions of Approval:

1. P/D INCOMPLETE.
P/U INCOMPLETE.
PERIOD/USE ASSUMED FROM FINDINGS OF FACT & CONCLUSION OF
LAW

Decreed Date: 4/28/1899

77 35 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

77356

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 right(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 _____ pages and _____ attachments.

Received by Km Date 6/22/2011 Prelim. Check by Km Date 6/22/2011

Fee Paid 55.00 Date 6/22/2011 Received by Km Receipt # E036772

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

77 35 6

THIS INSTRUMENT, made this 19th day of December in the year of our Lord, One Thousand Nine Hundred and sixty-three, between

E. LIONEL MERRILL, and ALDA H. MERRILL, husband and wife
of Swan Lake, County of Bannock, State of Idaho
the parties of the first part, and

LYNN H. MERRILL,
of Swan Lake, County of Bannock, State of Idaho
the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of _____ DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and do by these presents Give Grant, ~~XXXX~~ and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

An undivided 1/2 interest of a 1/6 interest in and to the following described real estate located in Bannock County, Idaho, to-wit:

Lots 1, 2, 3 and 4, the N 1/2 of the SE 1/4; S 1/2 of the NE 1/4; SE 1/4 of the NW 1/4, Section 4, Township 12 South, Range 30 E. B. M.

SW 1/4 of the SW 1/4, Section 34, Township 11 South, Range 30, E. B. M.

SW 1/4 of the SE 1/4; S 1/2 of the SW 1/4; SE 1/4 of the SE 1/4; Section 35, Township 11 South, Range 30, E. B. M.

N 1/2 of the SW 1/4; SW 1/4 of the NW 1/4, Section 4, Township 12 South, Range 30 E. B. M.

This Deed is a cloeded gift and no revenue stamps are required.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

E. Lionel Merrill [SEAL]

Alda H. Merrill [SEAL]

[SEAL]

[SEAL]

399677

STATE OF IDAHO,

COUNTY OF BANNOCK

ss:

On this

19 48

day of December

in the year 19 48, before me

R. D. MERRILL

, a Notary Public

in and for said County and

State, personally appeared

E. LIONEL MERRILL and ALDA H. MERRILL, husband and wife,

known to me to be the persons whose names are

subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year

of this certificate first above written.



R. D. Merrill

Notary Public

Residence Pocatello, Idaho

WARRANTY DEED

399677

TO

Dated

19

STATE OF IDAHO

COUNTY OF

ss:

I hereby certify that this instrument was filed for record at the request of

at minutes past

o'clock M. this

day of

A. D. 19

at my office and duly recorded in Book

of Deeds at page

by

Ex-Officio Recorder

Fee, \$

Deputy

399677

RECORDED AT REQUEST

Lynn H. Merrill

Swan Lake, Idaho

JAN 6 12 57 PM '64

OFFICIAL RECORDS BK. NO. 103

BANNOCK COUNTY, IDAHO

JAN 10 1964

FEL 1.80

77 35 6

27
THIS INDENTURE, made this 17th day of December 399678 in the year of our Lord, One Thousand Nine Hundred and sixty-three, between

E. LIONEL MERRILL and ALDA H. MERRILL
of Swan Lake, County of Bannock, State of Idaho
the parties of the first part, and

LYNN H. MERRILL
of Swan Lake, County of Bannock, State of Idaho
the party of the second part:

3
WITNESSETH: That the said parties of the first part, for and in consideration of the sum of DOLLARS,

lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged and do by these presents Give Grant, ~~Make~~ ~~Grant~~ and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All those certain lots, pieces or parcels of land situate, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

An undivided one-half interest in and to:

SW 1/4 of the NW 1/4 of Section 10, and the SE 1/4 of the NE 1/4 of Section 14, Township 13 South, Range 38 E. B. M.; also commencing at NW corner of NE 1/4 of the SE 1/4 of Section 14, Township 13 South, Range 34 E. B. M., and running thence South 830 feet; thence South 43°50' East 299 feet; thence South 68°12' East 600 feet; thence North 73°47' East 190 feet; thence North 59°18' East 300 feet; thence North 56°04' East 285 feet; thence South 88°22' East 100 feet; thence South 65°25' East 400 feet; thence North 69°54' East 475 feet; thence North 64°55' East 180 feet; thence North 26°35' East 330 feet; thence North 81°20' East 300 feet; thence North 23° East 332 feet; thence West 3124 feet to place of beginning, the same being designated on the County Tax Assessor's roll as Tax 3, Section 13, and Tax 3, Section 14, all in Township 13 South, Range 38 E. B. M.; also NE 1/4 of the NW 1/4; SW 1/4 of the NE 1/4; N 1/2 of the NE 1/4, Lot 3; SE 1/4 of the NW 1/4, excepting therefrom all existing rights of way, the same being designated on the County Tax Assessor's roll as Tax 6, all in Section 14, Township 13 South, Range 38 E. B. M.; and the NE 1/4 of the SW 1/4; S 1/2 of the SW 1/4; S 1/2 of the SE 1/4, Section 1, Township 13 South, Range 38 E. B. M.; also SE 1/4; SE 1/4 of the SW 1/4; N 1/2 of the SW 1/4, Section 11, Township 13 South, Range 38 E. B. M.; also NE 1/4; NW 1/4; SE 1/4; NW 1/4 of the SW 1/4, Section 12, Township 13 South, Range 38 E. B. M.; also S 1/2 of the SW 1/4; NE 1/4 of the SW 1/4, Section 12, Township 13 South, Range 38 E. B. M.; also E 1/2 of the NW 1/4; NW 1/4 of the NE 1/4, Section 13, Township 13 South, Range 38 E. B. M.; also NW 1/4 of the NW 1/4, Section 13, Township 13 South, Range 38 E. B. M.; also Lot 2, Section 14, Township 13 South, Range 38 E. B. M.; also S 1/2 of the SE 1/4; SE 1/4 of the SW 1/4, Lot 7, Section 6, Township 13 South, Range 39 E. B. M.; also NE 1/4; SE 1/4 of the NW 1/4; Lots 2 and 3; NE 1/4 of the SW 1/4; Lot 4; SE 1/4 of the SW 1/4; N 1/2 of the SE 1/4; NE 1/4 of the NW 1/4; Lot 1, Section 7, Township 13 South, Range 39 E. B. M.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Lionel Merrill [SEAL]
Alda H. Merrill [SEAL]
[SEAL]

TOGETHER with an undivided one-half interest on Taylor Grazing Rights and an undivided one-half interest in the Cottonwood Grazing Association Right, for the grazing of 100 head of cattle.

SUBJECT to all encumbrances now of record against said real estate or any part thereof.

77356

Range 38 E. B. M.; also S 1/2 of the SW 1/4; NE 1/4 of the SW 1/4, Section 12, Township 13 South, Range 38 E. B. M.; also S 1/2 of the NW 1/4; NW 1/4 of the NE 1/4, Section 13, Township 13 South, Range 38 E. B. M.; also NW 1/4 of the NW 1/4, Section 13, Township 13 South, Range 38 E. B. M.; also Lot 2, Section 14, Township 13 South, Range 38 E. B. M.; also S 1/2 of the SE 1/4; SE 1/4 of the SW 1/4, Lot 7, Section 6, Township 13 South, Range 39 E. B. M.; also NE 1/4; SE 1/4 of the NW 1/4; Lots 2 and 3; NE 1/4 of the SW 1/4; Lot 4; SE 1/4 of the SW 1/4; N 1/2 of the SE 1/4; NE 1/4 of the NW 1/4; Lot 1, Section 7, Township 13 South, Range 39 E. B. M.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs and assigns warrant the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and assigns against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Lionel Merrill [SEAL]
Alda H. Merrill [SEAL]
[SEAL]

TOGETHER with an undivided one-half interest on Taylor Grazing Rights and an undivided one-half interest in the Cottonwood Grazing Association Right, for the grazing of 100 head of cattle.

SUBJECT to all encumbrances now of record against said real estate or any part thereof.

This Deed is a deeded gift and no revenue stamps are required.

390678

STATE OF IDAHO,

COUNTY OF BANNOCK

ss:

On this

17th

day of December

, in the year 19 03 , before me

R. D. MERRILL

, a Notary Public

in and for said County and

State, personally appeared

E. LIONEL MERRILL and ALDA H. MERRILL, husband and wife

known to me to be the persons whose names are

subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

R. D. Merrill
R. D. Merrill Notary Public

(SEAL)

Residence Pocatello, Idaho

77256

399678

STATE OF IDAHO,

COUNTY OF BANNOCK

ss:

On this

17th

day of December

in the year 19 63, before me

R. D. MERRILL

, a Notary Public

in and for said County and

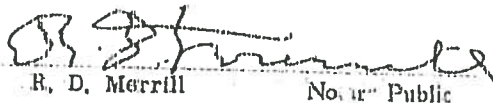
State, personally appeared

E. LEONEL MERRILL and ALDA H. MERRILL, husband and wife

known to me to be the persons whose names are

subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



R. D. Merrill

Notary Public

Residence Ecortello, Idaho

(SEAL)

WARRANTY DEED

399678

TO

Dated

19

STATE OF IDAHO.

COUNTY OF

ss:

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____

o'clock M. this _____ day of _____

at my office and duly recorded in Book _____ A. D. 19 _____

of Deeds at page _____

Ex-Officio Recorder

By _____

Fee \$ _____

Deputy

399678

RECORDED AT _____

Lynn H. Merrill, Idaho

Swan Lake, Idaho

JAN 6 12 57 PM '64

OFFICIAL RECORD BOOK NO. 183

BANNOCK COUNTY, IDAHO

2.70

SD

77356

THIS INSTRUMENT, made this 7th day of December in the year of our Lord one thousand nine hundred and forty-three, between Rich Hadley and Wife, Errol W. Hadley of Swan Lake, County of Bannock, State of Idaho, the parties of the first part, and Edgar Lionel Merrill and Wife, Alice H. Merrill of Swan Lake, County of Bannock, State of Idaho, the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of FIFTY-FIVE HUNDRED AND NO/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, conveyed and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Swan Lake, County of Bannock, State of Idaho, to-wit:

The Northwest quarter of the Southeast quarter and the Southwest quarter of the Northeast quarter and the Southeast quarter of the Northwest quarter and lots 2 and 3, Section 14, Township 13 South of Range 38 East of the Boise Meridian, containing 162.25 acres.

Excepting 5.68 acres to be used for right of way purposes.

Together with all water rights belonging or in anywise appertaining thereto and especially including the primary right to 25 inches of waters of Stockton Creek.

(24.95 I.R.S. attached to Deed are canceled)

The Grantee herein assumes and agrees to pay all taxes, both General and Special, for the year 1937 and thereafter, and also that certain mortgage loan in the amount of \$1000 dated April 28, 1941 executed by Rich Hadley and others in favor of Utah Mortgage Loan Corporation, recorded May 9, 1941, Book 70 at Page 307, records of Bannock County, together with interest as therein specified and also the handling charge mortgage in the amount of \$98 in connection with said loan.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right title and interest in and to the said property, as well in law as in equity, of the said part of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs; and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and lawfully warrant and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

Franklin D. Richards
Emma Nielsen

STATE OF IDAHO)
) ss.
County of Cache)

Rich Hadley (SEAL)
Errol W. Hadley (SEAL)

On this 7th day of December in the year 1943, before me Franklin D. Richards, a Notary Public in and for said State, personally appeared Rich Hadley and Wife, Errol W. Hadley known to me to be the persons whose names are subscribed to the within instrument, and

acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)
Franklin D. Richards
Notary Public for the State of Utah
Residing at Logan, Utah

RESIDING AT LOGAN, UTAH
My Commission Expires July 13, 1944

I hereby certify that this instrument was filed for record at request of Merrill & Merrill at 25 minutes past 9 o'clock A. M., this 23 day of Dec., A. D. 1943 in my office, and duly recorded in Book 9 of Deeds at page 190.

Ann Keefe, Recorder
Fee \$1.20

INSTRUMENT NO. 229451
QUIT CLAIM DEED

THIS INDENTURE, made the eighth day of November, in the year of our Lord, One Thousand Nine Hundred and forty-three, between Roy McCarthy and Gladys M. McCarthy, husband and wife of Ogden County of Weber and State of Utah the parties of the first part, and Grant McCarthy of Grace, of the County of Bannock and State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar and no/100 DOLLARS lawful money of the United States of America to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged; do by these presents devise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all those certain lots, pieces, and/or parcels of land situated in Bannock County, of the State of Idaho, particularly described as follows, to-wit:

North half of Southeast quarter (N¹/₂ of SE¹/₄); East half of Southwest quarter (SE¹/₂ of SW¹/₄) and Southwest quarter of Southeast quarter (SW¹/₄ of SE¹/₄) of Section Seventeen (17); West half of Northeast quarter (NE¹/₂ of NE¹/₄); East half of Northwest quarter (E¹/₂ of NW¹/₄) and Northwest quarter of Southeast quarter (NW¹/₄ of SE¹/₄) of Section Twenty (20) Township Ten (10) South, Range Forty (40) E.B.M. together with 213 shares of the Capital Stock of the Last Chance Canal Co. Ltd. evidenced by certificate No. 1099; also 400 shares of Capital Stock of The Tamar Canal Co. evidenced by certificate number 2.

Consideration nominal; no documentary stamps required.

herely certify that the foregoing is a true and correct copy of the original of Distribution in the matter of the Estate of Ernest Bult deceased, now on file and a matter of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 12th day of February, 1923.

Wm. A. Hyde,
Probate Judge.

(SEAL)

Filed for Record at the Request of Jones, Romero & Jones, at 30 minutes past 3 o'clock P.M., this 13 day of Feb. 1923 and recorded in Book 45 of Deeds page 599. Records of Bannock County, State of Idaho.

R. C. Earley,
Recorder.

Fee \$1.00

By L. Sponberg,
Deputy.

INSTRUMENT NO. 98088.

WARRANTY DEED

THIS INDENTURE, made the 7th day of January, in the year of our Lord one thousand nine hundred and 23 between Orval E. Hendricks and Ella Hendricks, his wife of the County of Bannock and the State of Idaho, the parties of the first part, and Rich Madley of the County of Bannock and the State of Idaho the party of the second part.

WITNESSETH:- That the said parties of the first part, for and in consideration of the sum of Twenty Five Hundred (and other valuable considerations) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, convey and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situated, lying and being in the County of Bannock and State of Idaho, and bounded and described as follows, to-wit:

The Northwest quarter of the Southeast quarter and the Southeast quarter of the North-west quarter and the Lots numbered Two (2) and Three (3), in Section Fourteen (14) in Township Thirteen (13) South Range Thirty-eight (38) East of the Boise Meridian, Idaho, containing One hundred Twenty-two and 25/100 Acres.
Together with twenty-five inches of decreed water right in the Stockton Creek.
\$9.00 I.R.S. attached and duly cancelled.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof, and together with all ditch and water rights of every nature, however evidenced, used with said land or belonging to same.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs and the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

601

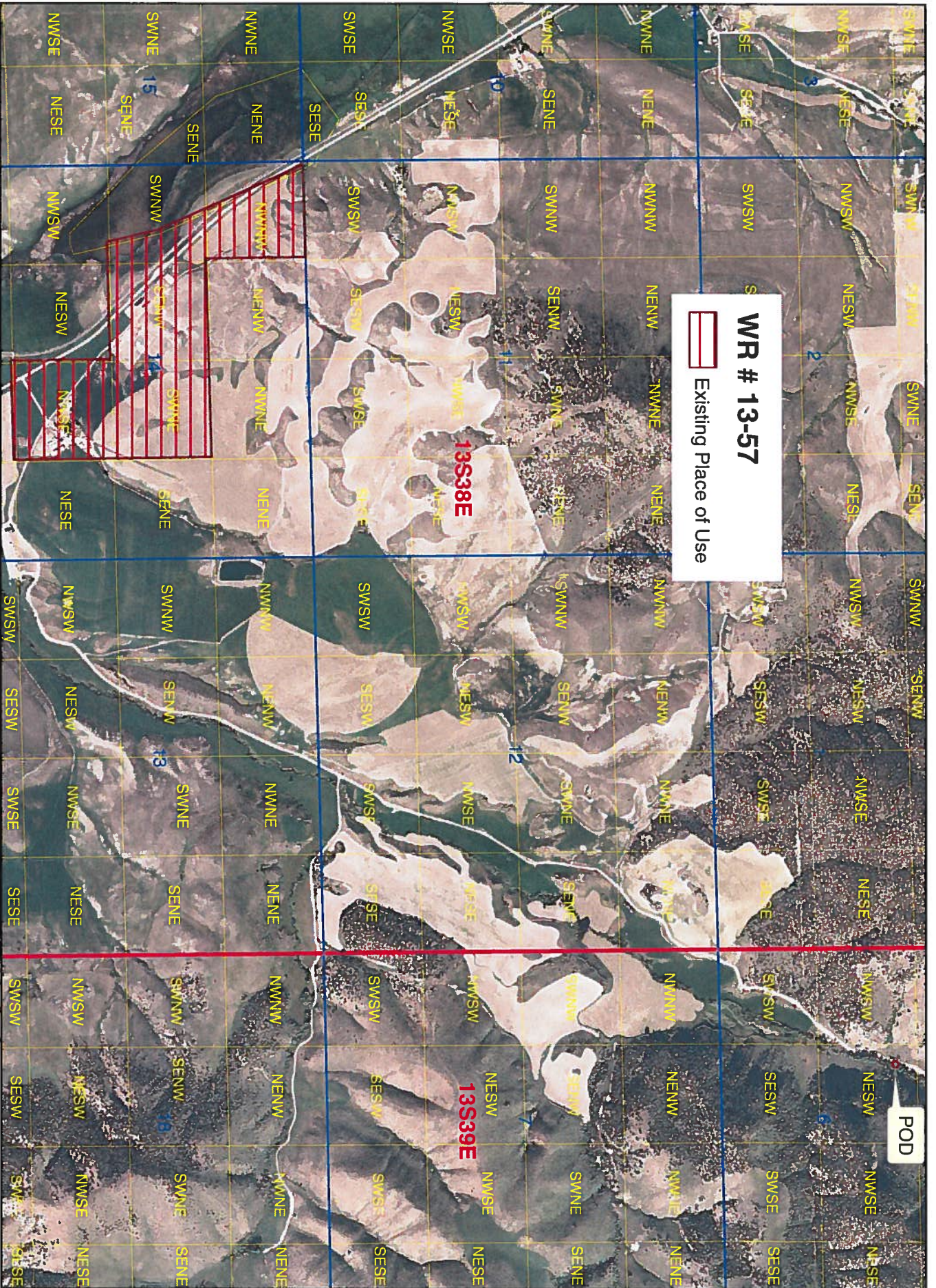
IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Orval E. Hendricks (SEAL)

77056

Ella Hendricks (SEAL)



WR # 13-57

Existing Place of Use

0 0.3 0.6 1.2 Miles

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2010, University of Idaho.

Preston 3 NE (NWS --107346)

Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Open water - shallow systems (ponds, streams)															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.96	0.44	0.34	0.84	1.13	2.73	3.68	3.53	1.87	0.27	0.74	1.37	337	0	337
15-Day Moving Average ^d	-0.99	0.65	0.15	0.95	1.12	2.85	3.63	3.40	2.03	0.33	0.73	1.31			
7-Day Moving Average ^e	-1.02	0.56	0.23	0.92	1.07	2.73	3.64	3.49	1.98	0.33	0.73	1.31			
3-Day Moving Average ^f	-0.98	0.49	0.31	0.85	1.11	2.72	3.68	3.54	1.91	0.29	0.71	1.36			
Standard Deviation	mm/day												mm		
Monthly	0.99	0.60	1.19	1.16	2.51	0.98	1.09	1.13	1.04	1.87	0.94	1.40	138	0	138
15-Day Moving Average	1.10	0.86	1.18	1.24	2.58	1.48	1.08	1.10	1.15	1.88	1.32	1.10			
7-Day Moving Average	1.60	1.31	1.53	1.83	3.34	2.44	1.50	1.37	1.74	2.38	1.63	1.50			
3-Day Moving Average	2.11	1.87	2.18	2.61	4.28	3.20	2.08	1.78	2.65	3.23	2.13	2.24			
20% Exceedance	mm/day												mm		
Monthly	-0.48	0.21	0.78	1.73	2.45	3.19	4.56	4.19	2.71	1.52	0.29	0.73	456	0	456
15-Day Moving Average	0.16	0.51	1.49	2.43	3.53	4.40	4.97	4.65	3.27	2.15	0.74	0.00			
7-Day Moving Average	0.42	0.90	1.98	3.16	4.41	4.88	5.03	5.00	3.77	2.42	1.07	0.37			
3-Day Moving															

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to [robison at kimberly dot uidaho dot edu](mailto:robison@kimberly.uidaho.edu) Copyright 2010, University of Idaho.

Preston 3 NE (NWS --107346) Statistics based on thirty

For a different land cover or crop click on the above link.

You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Alfalfa - less frequent cuttings															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.32	0.02	0.24	0.70	3.00	4.81	4.93	4.56	2.96	0.76	0.50	0.76	667	-44	629
15-Day Moving Average ^d	0.40	0.10	0.15	0.63	3.04	5.13	5.02	4.48	3.24	0.73	0.51	0.68			
7-Day Moving Average ^e	0.38	0.09	0.18	0.65	2.96	4.94	4.96	4.51	3.13	0.78	0.52	0.70			
3-Day Moving Average ^f	0.35	0.05	0.23	0.65	2.99	4.87	4.95	4.54	3.01	0.77	0.51	0.74			
Standard Deviation	mm/day												mm		
Monthly	0.71	0.54	0.24	0.96	2.07	0.84	1.81	1.08	1.26	1.50	0.69	0.83	106	38	109
15-Day Moving Average	0.79	0.55	0.45	1.08	2.16	1.65	1.73	1.53	1.36	1.81	0.97	0.71			
7-Day Moving Average	0.98	0.83	0.77	1.40	2.92	2.49	2.05	2.08	2.06	2.37	1.20	1.10			
3-Day Moving Average	1.33	1.26	1.31	1.97	3.85	3.22	2.54	2.53	2.99	3.09	1.65	1.55			
20% Exceedance	mm/day												mm		
Monthly	0.04	0.21	0.40	1.40	4.09	5.31	6.09	5.05	4.01	1.16	0.01	0.24	747	-17	702
15-Day Moving Average	0.32	0.48	0.99	2.18	6.09	7.24	7.09	7.35	4.95	2.83	0.57	0.09			
7-Day Moving Average	0.51	1.14	1.76	2.95	6.89	7.82	8.07	7.94	5.92	3.73	1.09	0.42			
3-Day Moving															

Proposed Mitigation for Glen Merrill Stockton Creek Transfer

May 2011

Evaporation and Consumptive Irrigation Requirement taken from Preston Agriment Site (ET Idaho)

Mitigation for Evaporation

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Surface Evap (mm/day)	-0.96	-0.44	0.34	0.84	1.13	2.73	3.68	3.53	1.87	0.27	-0.74	-1.37	
Days	31	28	31	30	31	30	31	31	30	31	30	31	
Total Monthly Evap (mm)	-29.76	-12.32	10.54	25.20	35.03	81.90	114.08	109.43	56.10	8.37	-22.20	-42.47	
Total Monthly Evap (in)	-1.17	-0.49	0.41	0.99	1.38	3.22	4.49	4.31	2.21	0.33	-0.87	-1.67	
Total Monthly Evap (ft)	-0.10	-0.04	0.03	0.08	0.11	0.27	0.37	0.36	0.18	0.03	-0.07	-0.14	
Surface Area (acres)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	Total Evap (af)
Total Evap (acre-feet)	0.00	0.00	0.09	0.21	0.29	0.67	0.94	0.90	0.46	0.07	0.00	0.00	3.6

Mitigation for Annual Fill of the Pond

Annual Consumptive Use of Dried-Up Acres
(alfalfa, less frequent cuttings)

629 mm
24.76 in
2.06 ft

Vol of Pond (af)
10.0

Number of Acres to be Dried-Up 6.6 acres

Total Mitigation Water (acres x consumptive use)	13.6	acre-feet
Mitigation to Offset Evaporation	3.6	acre-feet
Mitigation to Offset Pond Fill or Refill	10.0	acre-feet

Transfer fee = \$100 - \$45 = \$55

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 <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> 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). |
| ☒ | ☐ | * <u>Correct fee submitted</u> 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 <u>not</u> 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 <u>Water Right</u> 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 <u>Documentation</u> 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 <u>Notarized statement</u> 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 <u>If the transfer</u> 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: _____ |

No. W 75580	Due no later than Jun 30, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. MERRILL RANCH PARTNERSHIP, LLC BEARNSON & PECK, L.C. 399 N MAIN ST STE 300 3RD FL LOGAN UT 84321		BEARNSON AND PECK LC 3778 E NARROWS LP PRESTON ID 83263			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held MANAGER	Name GLEN MERRILL	Street or PO Address 1268 E STOCKTON RD	City SWAN LAKE	State ID	Country USA	Postal Code 83281
5. Organized Under the Laws of: ID W 75580		6. Annual Report must be signed.* Signature: PH Corporate Services, LLC Name (type or print): PH Corporate Services, LLC Date: 07/12/2011 Title: Registered Agent				
Processed 07/12/2011		* Electronically provided signatures are accepted as original signatures.				