

RECEIVED

FEB 22 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77077APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Taber Family LLC Phone 208-886-7627
 Mailing address 495 East 20 North Shoshone ID 83352 Email don/erf@hughes

- ☐ 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.

Don Taber
Signature of Applicant or Authorized Representative

Don Taber owner 2-3-11
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. we are moving water from source to other ground to make the system more efficient

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 ☒ ☒	37-7465A	2.67 cfs	Irrigation	3/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.67 cfs and/or 640 ac-ft

2. Total amount of water proposed to be transferred or changed 2.67 cubic feet per second and/or 640 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	19E	18									1			34	31	31	31	32	160

Total Acres (for irrigation use) 160

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SOUTHERN REGION

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: I believe it has a measuring device on it. Bryan has measured this well in the past

- b. Who owns the property at the point(s) of diversion? Tobey Family LLC
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: Northwest Farm Credit loan on land

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: we are moving water from corner of pivot to another pivot. Corners have been dry and will not be watered with ground water
- 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: None

- 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: Some of the right was in water bank. I plan to take it out of the water bank this year as soon as the transfer is complete





CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

(Instructions on back of application)

10 NOV 19 AM 8:17

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

TABER FAMILY, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

495 East 20 North, Shoshone, Idaho 83352

(Street Address)

Same

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Donald Taber

(Name)

312 East 20 North, Shoshone, Idaho 83352

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

NameAddress

Donald Edward Taber

312 East 20 North, Shoshone, Idaho 83352

Donald Christopher Taber

493 East 20 North, Shoshone, Idaho 83352

Darren Wayne Taber

474 East Highway 26, Shoshone, Idaho 83352

5. Mailing address for future correspondence (annual report notices):

495 East 20 North, Shoshone, Idaho 83352

6. Future effective date of filing (optional): _____

Signature of a manager, member or authorized person.

Signature Donald Edward TaberTyped Name: Donald Edward Taber

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
11/19/2010 05:00
CK: 12041 CT: 21151 BH: 1247839
1 @ 100.00 = 100.00 ORGAN LLC # 2

W 98122



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DEPT. OF WATER RESOURCES
SOUTHERN REGION

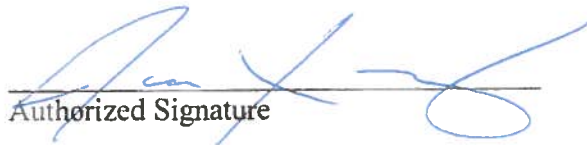
To Whom It May Concern:

This letter is regarding the financial interest that Northwest Farm Credit Services, FLCA holds in the water rights of Don Taber, Taber Family, LLC. and Donley Farms, Inc.

Northwest Farm Credit Services, FLCA authorizes Don Taber to change the place of use on the water rights listed as the following:

37-7772
37-7465A
37-7504

Please contact Jake Kunz 732-1051 with any questions regarding this matter.


Authorized Signature

Jake Kunz
Relationship Manager
Northwest Farm Credit Services
Twin Falls, Idaho
208-732-1051

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 10 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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?
37-7465A Lic	Yes ☐		Yes ☐		Yes ☐
37-10012 <i>pd</i>	Yes ☐		Yes ☐		Yes ☐
37-7772 <i>la</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Nancy Lee Bowman and Wallace Neal Bowman
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Taber Family, LLC
Name of each new owner as listed on the conveyance document

New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or
495 East 20 North
Mailing address
Shoshone ID 83352
City State ZIP
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: December 8, 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: Donald Edward Taber member 12-8-10
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 [Signature] Date 1/19/11 Receipt No. 50131763 Receipt Amt. 7500
Approved by _____ Processed by _____ Date _____

WARRANTY DEED

#GL-10943

For Value Received

Wallace Neal Bowman , a married man, as his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Taber Family, LLC, an Idaho Limited Liability Company
Address: 495 East 20 North, Shoshone, ID 83352

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of *Wallace Neal Bowman*
DEC 08 2010
at *01* minutes past *4* P.M.
recorded by *Christie B. Bick*
Fee: *13* Return to: *Wallace Neal Bowman*

Parcel No. 1:

TOWNSHIP 6 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 19: NW $\frac{1}{4}$ NE $\frac{1}{4}$

Parcel No. 2:

TOWNSHIP 6 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 18: SE $\frac{1}{4}$ and Lot 12

EXCEPTING that portion deeded to the State of Idaho by and through the Idaho Board of Highway Directors as set forth in Warranty Deed dated October 7, 1970, recorded October 28, 1970 as Instrument Number 123896, Lincoln County records.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Water Right Numbers 37-07772, 37-07465A, and 37-10012 from the Idaho Department of Water Resources.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2010, a lien, but not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Easement given by Harvey B. Bickett and Lucile Bickett, to the American Telephone and Telegraph Company of Wyoming, dated June 2, 1941, recorded December 3, 1941 in Book 5 Page 170 as Instrument Number 81491, Lincoln County records, granting to said company a right of way and easement to construct, operate, maintain, replace and remove a communication system upon, across, over and under a portion of Section 18, Township 6 South, Range 19, East Boise Meridian.

-Continued-

CONTINUATION

Powerline Easement granted by Arthur L. Thiel and Helen I. Thiel to Idaho Power Company dated January 15, 1943, recorded April 15, 1943 as Instrument Number 83690, Lincoln County records, within the NW¼SE¼ of Section 18, Township 6 South, Range 19 East, Boise Meridian, Lincoln County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 8, 2010

Wallace Neal Bowman
Wallace Neal Bowman

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 8 day of December, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **Wallace Neal Bowman**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Lisa Ritter
Notary Public
State of Idaho

[Signature]
Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/16

QUITCLAIM DEED

GG-11042

For Value Received

Wallace Neal Bowman, a married man as his sole and separate property

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Taber Family, LLC

ADDRESS: 495 E. 20 N., Shoshone, ID 83352

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
FEB 08 2011
at _____
recorded by _____
Fee: 1.00 Return to: _____

Hereinafter called the grantee, the following described premises, in Lincoln County, Idaho to-wit:

All right, title and interest in water Right Number 37-10012 from the Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: February 7, 2010

Wallace Neal Bowman
Wallace Neal Bowman

STATE OF IDAHO)

COUNTY OF Gooding) ss.

On this 7 day of February, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Wallace Neal Bowman, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Lisa Ritter
Notary Public
State of Idaho

Notary Public
Residing at: Gooding, ID
My Commission expires: 10/8/14