

RECEIVED

NOV 12 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76933

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76933

NOV 12 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) Sam & Rhonda KingreyPhone 208-453-9031Mailing address 6085 Little Freezeout Rd. Caldwell, ID. 83607Email samkingrey@speedyquick.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Sam P. Kingrey
Print Name and Title if applicable11-10-10
Date

Signature of Applicant or Authorized Representative

Rhonda J. Kingrey
Print Name and Title if applicable11-10-10
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Splitting ownership & POU
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Change POD and ownership of 0.07cfs/20.7af for 4.6 acres of irrigation**

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 ☐ ☒	63-9179D	0.07/20.7	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.07 cfs and/or 20.7 ac-ft

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 20.7 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 #
yes			NW	NE	36	6N	3W	Gem	Ground Water	D0007440

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	
6N	3W	36		4.6															4.6

Total Acres (for irrigation use) 4.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Well with submersible pump using under ground sprinklers. all irrigation is at well and any controls or measuring devices can be reasonably added if needed.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: N/A

- 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: _____

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

Total Acres (for irrigation use)	4.6
----------------------------------	-----

DOEWMANNABEA SUBDIVISION

IN A PORTION OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN
GEM COUNTY, IDAHO 2004

BASIS OF BEARINGS:
THE BASIS OF BEARING FOR THIS SURVEY IS THE GRID BEARING
ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
I.E. N89°26'57"W.

BOOK PAGE

25 30
36 31
C.R.No. 209220

LEGEND:

- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN PER N OF S No 217346
- SET 4/8" IRON PIN W/PLASTIC CAP PLS 0652
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 0652
- FOUND 1/2" IRON PIN REPLACED WITH 5/8" IRON PIN W/PLASTIC CAP PLS 0652
- ⊕ DRAINED TEST HOLE
- ⊞ EXISTING SEPTIC SYSTEM

NOTES:

1. THE DEVELOPER SHALL COMPLY WITH 31-3605, IDAHO CODE, RELATING TO TRANSFER OF WATER RIGHTS.
2. BUILDING SETBACKS SHALL BE PER COUNTY ZONING ORDINANCE IN EFFECT AT THE TIME BUILDING PERMITS ARE ISSUED.
3. A 10 FOOT UTILITY AND DRAINAGE EASEMENT EXISTS INSIDE ALL LOT LINES, ALONG ROADS AND ALONG THE SUBDIVISION BOUNDARY, AND A 10 FOOT EASEMENT WILL BE CENTERED ON ALL INTERIOR LOT LINES.
4. ANY REVISIONS TO THIS SUBDIVISION, SUCH AS LOT LINE ADJUSTMENTS, MUST BE REVIEWED AND APPROVED BY THE SOUTHWEST DISTRICT HEALTH DEPARTMENT AND THE GEM COUNTY COMMISSIONERS.
5. ALL AREAS SHOWN HEREON ARE FOR TAX PURPOSES ONLY.
6. UTILITY AND DRAINAGE EASEMENTS ALONG ROADS MAY BE USED AS A ROAD RIGHT-OF-WAY EASEMENT AND FOR SNOW STORAGE.
7. WATER STORAGE EASEMENT SHOWN ON EACH LOT SHALL BE 16" X 30" TO PROVIDE FOR A 2500 GALLON TANK FOR FIRE DEPT. USE AND IS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
8. GROSS AREA = 32,249.5 ACRES.
9. THIS DEVELOPMENT RECOMMENDS SECTION 22-4503 OF THE IDAHO CODE, "RIGHT TO FARM ACT".
10. CURRENT ZONING - A3
11. COUNTDOWNS ARE AT 2 FT INTERVALS.
12. REFER TO DEPT'S TECHNICAL GUIDANCE MANUAL, SECTION RULES AND REGULATIONS SECTION 8, STANDARD SUBSURFACE DISPOSAL FACILITY DESIGN AND CONSTRUCTION FOR A COMPLETE SET OF SUBSURFACE DISPOSAL FACILITY SPECIFICATIONS.
13. FOR THE PURPOSES OF PREPARING THIS PLAN, IT WAS ASSUMED THAT THE STANDARD SUBSURFACE DISPOSAL SYSTEM DRAINED WOULD BE USED. ALTERNATE SYSTEMS SUCH AS THE CAPPING FILTRATION SYSTEM, WHICH THE STATE DEPT. HAS RECOMMENDED, WOULD BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS IN THE MANUAL.

DEVELOPER:

LAND & TONY MCGRETT
6025 LITTLE FREEZEOUT ROAD
CALDWELL, IDAHO 83607
PHONE No. (208) 464-3068

TRI COUNTY SURVEYING INC.

PROFESSIONAL LAND SURVEYORS
510 So. Washington Ave.
P.O. Box 874
Emmett, Idaho 83617-0874
Phone: (208) 365-7470



1/4 COR
SEC. 36

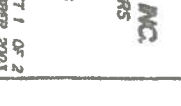
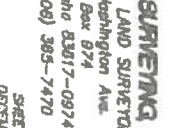
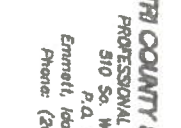
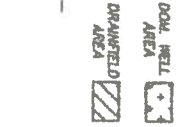
Attachment 7a
X-fer 76933

N00°23'00"E

GRAPHIC SCALE
1 inch = 100 ft

ZONING - A3

COUNTY MAP
R12



DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
APR - 3 2009
By _____
Clerk:
County Clerk

Case No. 39576

Water Right 63-09179D

PAGE 1
Mar-30-2009

WARRANTY DEED

FOR VALUE RECEIVED Samuel P. Kingrey and Rhonda J. Kingrey, husband & wife

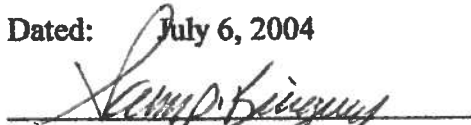
GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto Samuel P. Kingrey and Rhonda J. Kingrey, husband and wife

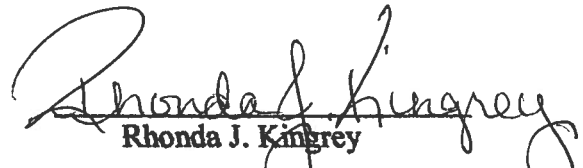
GRANTEE(S), whose current address is: 6085 Little Freezeout Rd. Caldwell, ID 83607.
The following described real property in GEM County, State of Idaho, more particularly described as follows, to wit:

Lot 4 Block 1 of DOEWANNABEA SUBDIVISION in a portion of the Northeast ¼ of section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho Recorded in BOOK 3 PAGE 50, of Gem County Records

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 2004

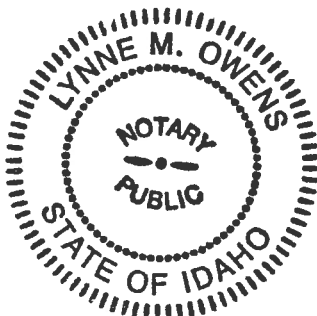

Samuel P. Kingrey


Rhonda J. Kingrey

STATE OF IDAHO)
COUNTY OF GEM)

On this day of , in the year of , before me, the undersigned, a Notary Public in and for said State, personally appeared Samuel P. Kingrey and Rhonda J. Kingrey

Known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she they executed the same.



Signature: 
Name: Lynne M. Owens
Residing at: 6055 Little Freezeout Rd
Caldwell ID 83607
My Commission Expires: Feb. 26, 2014

Attachment 2
X-fer 76933

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 27, 2011 11:49 AM
To: Messenger Index
Subject: LEGAL NOTICE
Attachments: Gem County - Cover Letter.Doc; Gem County Ads - COMBINED.docx

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

April 27, 2011

LEGAL NOTICE DEPARTMENT

MESSENGER-INDEX
PO BOX 577
EMMETT, ID 83617

RE: Transfer No. 76931
Water Right No(s). 63-33447

RE: Transfer No. 76933
Water Right No(s). 63-33449

RE: Transfer No. 76932
Water Right No(s). 63-33448

RE: Transfer No. 76934
Water Right No(s). 63-33450

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/23/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

PROPOSED CHANGE OF WATER RIGHTS

Tony and Linda Hackett of 6025 Little Freezeout Rd., Caldwell, ID, 83607 filed Application Nos. 76931 and 76932 to transfer two water rights with 1978 priority dates from a ground water source totaling 0.25 cfs.

Sam and Rhonda Kingrey of 6085 Little Freezeout Rd., Caldwell, ID, 83607 filed Application No. 76933 to transfer one water right with a 1978 priority date from a ground water source totaling 0.07 cfs.

Lynne Owens of 6055 Little Freezeout Rd., Caldwell, ID, 83607 filed Application No. 76934 to transfer one water right with a 1978 priority date from a ground water source totaling 0.08 cfs.

The purpose of the transfers is to change the point of diversion to wells located on their own properties. Water will be used at the current place of use south of the Emmett Valley on the north side of the Gem and Canyon County line.

Please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the rights and the proposed transfers. Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before May 23, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on May 4th & 11th, 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 22, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TONY & LINDA HACKETT
6025 LITTLE FREEZEOUT RD
CALDWELL ID 83607

SAM & RHONDA KINGREY
6085 LITTLE FREEZEOUT RD
CALDWELL ID 83607

LYNNE OWENS
6055 LITTLE FREEZEOUT RD
CALDWELL ID 83607

RE: Applications for Transfer Nos. 76931, 76932, 76933 and 76934

Dear Ladies and Gentlemen:

We have received the filing fees to upgrade your domestic wells to irrigation wells today. The fees were submitted by Down Right Drilling & Pump.

If you have any questions in regard to this matter, please do not hesitate to contact this office at 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

KW:k



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 16, 2011

TONY & LINDA HACKETT
6025 LITTLE FREEZEOUT RD
CALDWELL ID 83607

SAM & RHONDA KINGREY
6085 LITTLE FREEZEOUT RD
CALDWELL ID 83607

LYNNE OWENS
6055 LITTLE FREEZEOUT RD
CALDWELL ID 83607

RE: Applications for Transfer Nos. 76931, 76932, 76933 and 76934

Dear Ladies and Gentlemen:

In initial review of the transfer forms you submitted to change your points of diversion to your own wells, we find we need to make minor changes to the amount of water under the forms and would like to inform you of these changes before they are completed. While reviewing the amount of water we found the original right was issued for 25 acres, 0.40 cfs and 113.1 acre feet per annum. The rate turns out to be 0.016 cfs per acre and the volume 4.52 acre feet per acre. When we did the math we found the following amounts appurtenant to each of the transfers. The proposed corrected volumes are slightly larger than applied for on the application forms.

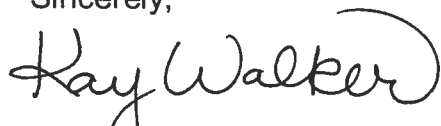
Transfer #	Name	Acres	Rate	Corrected Volumes	As applied for on Applications
76931	Hackett	10.3 acres	0.16 cfs	46.6 afa	46.4 afa
76932	Hackett	5.0 acres	0.08 cfs	22.6 afa	22.5 afa
76933	Kingrey	4.6 acres	0.07 cfs	20.8 afa	20.7 afa
76934	Owens	<u>5.1 acres</u>	<u>0.08 cfs</u>	<u>23.1 afa</u>	<u>22.6 afa</u>
	Totals:	25.0 acres	0.39 cfs	113.1 afa	112.2 afa

Due to rounding of the amounts, the rate is slightly less than the 0.40 cfs originally issued and in the transfer applications the additional 0.01 cfs was added to Transfer 76931. IDWR standards only allow us to round to 2 places for rate and 1 place, after the decimal points, for volumes. In light of this, we will allow 0.17 cfs under the rate for Transfer 76931 if all of the parties are in agreement with this.

We also find that each of the wells to be used for irrigation purposes were drilled under domestic drilling permits. We must have an additional \$125.00 for each of the wells in order for them to be upgraded to irrigation wells, with the exception of the well under Transfer 76931. It was drilled under a \$35.00 drilling permit fee and must be upgraded with an additional \$165.00. Please submit the upgrade fees for each of the wells before final action can be taken on the transfer applications. Also, please include your transfer number on your fee submittal so we can connect the fee to the correct well log.

We will withhold further action on the transfer applications for 30 days in case you disagree with any of the above information. If we don't hear from you within that time period we will assume that you do not disagree with our corrections and will proceed with the advertising of the applications. If you have any questions in regard to the above, please do not hesitate to contact this office at 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with a large loop at the end of the last name.

KAY WALKER
Sr. Water Resource Agent

KW:k