

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76932

RECEIVED

NOV 12 2010

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

WATER RESOURCES

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76932

NOV 12 2010

WATER RESOURCES
WESTERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Tony and Linda Hackett Phone 208-459-4079

Mailing address 6025 Little Freezeout Rd Caldwell, ID 83607 Email tonyup@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 _____

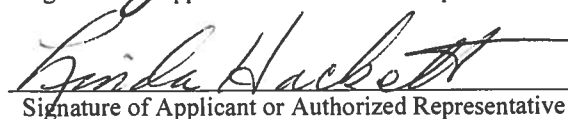
- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- 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

Tony Hackett
Print Name and Title if applicable

11-9-10
Date


Signature of Applicant or Authorized Representative

Linda Hackett
Print Name and Title if applicable

11-9-10
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 Splitting ownership of POU
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**. Changing pods 2 wells (one on each lot) and splitting one lot (5.9 acre lot) into separate water right same ownership.

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 (Part)	0.08 /22.5	Irrigation	3/15 to 11/15	Ground water & N/A
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.08 cfs and/or 22.5 ac-ft

2. Total amount of water proposed to be transferred or changed .08 cubic feet per second and/or 22.5 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 #
Yes			NW	NE	36	6N	3W	Gem	Ground Water	D0047805

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	
06N	03W	36		5.0															5.0

Total Acres (for irrigation use) 5

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 and handlines.

- 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: _____

- 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: N/A

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: N/A

- 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: _____

Total Acres (for irrigation use) 5.0

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

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

Deputy Clerk

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54 (b) FOR
Case No. 39576)
)
) Water Right 63-09179D

NAME AND ADDRESS: LINDA HACKETT
TONY HACKETT
6025 LITTLE FREEZEOUT RD
CALDWELL, ID 83607-7420

SOURCE: GROUND WATER

QUANTITY: 0.40 CFS
113.08 AFY

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION: T06N R03W S36 SWSENE Within Gem County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.40 CFS *
			113.08 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Gem County
	T06N R03W S36	NWNE 25.0
	25.0 Acres Total	

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

WARRANTY DEED

FOR VALUE RECEIVED Tony D. Hackett and Linda A. Hackett, husband & wife

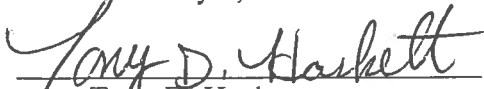
GRANTOR(S), DOES(DO) HEREBY GRANT, BARGAIN, SELL and CONVEY unto
Tony D. Hackett and Linda A. Hackett husband and wife

GRANTEE(S), whose current address is: 6025 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 1 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
Grantees(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,
and utility assessments, rights of way and agreements, (if any) of record, and general taxes and
assessments, (including irrigation and utility assessments, (if any) for 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

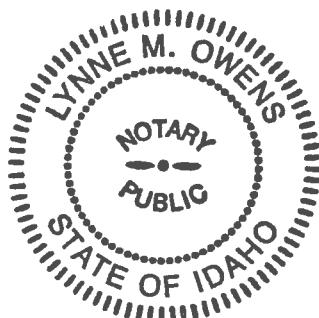

Tony D. Hackett


Linda A. Hackett

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 Tony D. Hackett and Linda A. Hackett

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 76932

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.

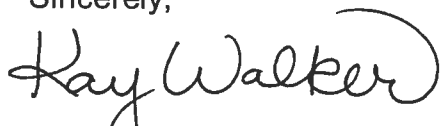
Transfer #	Name	Acres	Rate	Corrected Volumes	As applied for on Applications
76931	Hackett	10.3 acres	0.16 cfs	46.6 afa	46.4 afa
76932	Hackett	5.0 acres	0.08 cfs	22.6 afa	22.5 afa
76933	Kingrey	4.6 acres	0.07 cfs	20.8 afa	20.7 afa
76934	Owens	<u>5.1 acres</u>	<u>0.08 cfs</u>	<u>23.1 afa</u>	<u>22.6 afa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