

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

76872

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76872APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) James S. Lesley Phone (541) 944-0565Mailing address 7551 South Flat Lane, Kuna, ID 83634 Email fyrflr18@yahoo.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 RepresentativeName of Representative N.A. Phone N.A.Mailing address N.A. Email N.A.

- ☐ 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

James S Lesley
Print Name and Title if applicable07 October 2010
Date

Signature of Applicant or Authorized Representative

N.A.
Print Name and Title if applicableN.A.
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 ownership to James S Lesley
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. Change ownership to James S Lesley. Add point of diversion to place of use. Remove current points of diversion from right. Current points of diversion are no longer accessible. Will use new point of diversion to irrigate 10 acre parcel currently listed as "place of use" on water right.**

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 ☒ ☐	63-31744	.2cfs/45afy	irrigation	3-15 to 11-15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .20 cfs and/or 45 ac-ft

2. Total amount of water proposed to be transferred or changed .20 cfs cubic feet per second and/or 45 ac-ft 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	SW		18	01N	01E	ADA	Ground Water	New Well #1

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	

Total Acres (for irrigation use) _____

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: Proposing 430 foot well, 10 inch casing, 25 hp pump. Well will be at place of use. Distribution will be a combination of above ground 4 and 6 inch main line, and above ground sprinkling system. Lockable distribution valve and provisions for a measuring device to be installed when/if required. Sprinkling system will be a combination of wheel line, hand line, and in ground sprinklers.
- 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: Duetz bank. Mortgage. No change in place of use or purpose. Adding a P.O.D. (irrigation well) to place of use will not adversely affect value of property, so lien holder need not agree.
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: No change in place of use or purpose.
- 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: N.A.
- 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: N.A.

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

Current Water Right No.: 63-31744

Current Owner: STEPHANIE THEIS
STEPHEN THEIS

Priority Date: 5/10/1971

Origin: Water Right

Status: Active

Basls: Decreed

Source**Tributary**

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	03/15	11/15	0.2 CFS	45 AF
	Total Diversion		0.2 CFS	45 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SW1/4	Sec. 19,	Twp 01N,	Rge 01E B.M.
ADA County				
GROUND WATER	L4(SE1/4SW1/4SW1/4)	Sec. 18,	Twp 01N,	Rge 01E B.M.
ADA County				

Place of UseIRRIGATION Within ADA County

T01N R01E S18	Lot 3	NWSW	10.00
Total Acres: 10			

Conditions of Approval:

1. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X35 Rights 63-7426, 63-7430A, 63-7430D, 63-31321, 63-31322, 63-31744, 63-32117, 63-32118, 63-32119, 63-32335, 63-32617 and 63-32618 when combined shall not exceed a total diversion rate of 10.85 cfs.

Decreed Date: 2/16/2007

TRANSFER No. 76872

Total Acres (for irrigation use) _____

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

Idaho Department of Water Resources

Place of Use Layout
63-31744

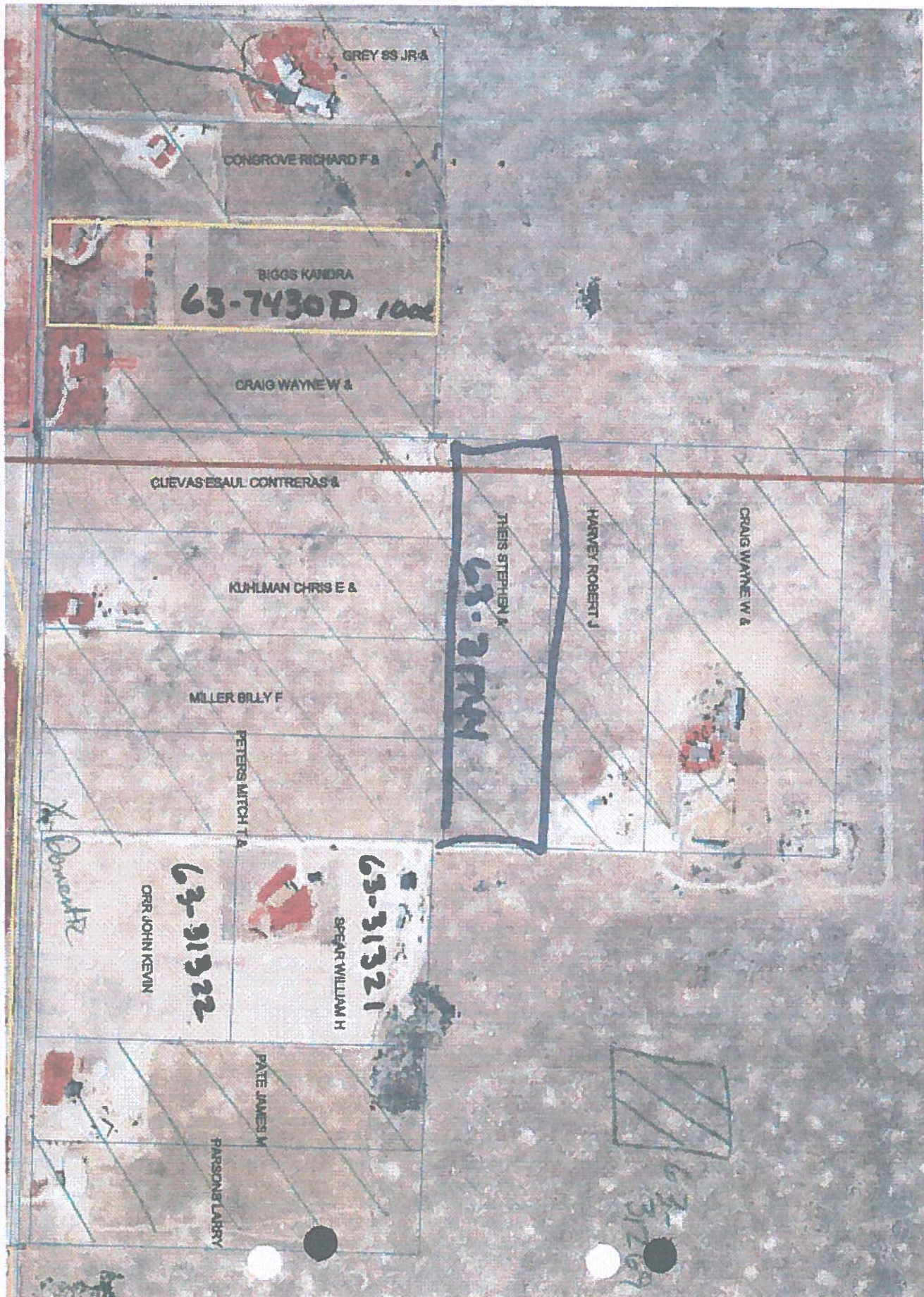
0 0.25 0.5 Miles

Township 1N Range 1E Sections 18 & 19



GIS Place of Use Presentation
1987 NAPP photography.
Map prepared by: Scott King
Date prepared: July 29, 2003

	Point of Diversion to add
	Point of Diversion to remove
	Place of Use
	PLSS Township
	PLSS Section Lines
	PLSS quarter-quarter lines



101. THE FOLLOWING INFORMATION IS BEING FURNISHED TO YOU FOR YOUR INFORMATION AND IS NOT TO BE RELEASED TO ANY OTHER PARTY WITHOUT THE WRITTEN AUTHORIZATION OF THE FBI. THE INFORMATION IS BEING FURNISHED TO YOU FOR YOUR INFORMATION AND IS NOT TO BE RELEASED TO ANY OTHER PARTY WITHOUT THE WRITTEN AUTHORIZATION OF THE FBI.

2. THE FOLLOWING INFORMATION IS BEING FURNISHED TO YOU FOR YOUR INFORMATION AND IS NOT TO BE RELEASED TO ANY OTHER PARTY WITHOUT THE WRITTEN AUTHORIZATION OF THE FBI.

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PROPERTY / INVENTORY 21442260

2

4109-1229840

TRANSFER No. 76872

After recording mail to:
JAMES LESLEY
7551 S. FLAT LN.
KUNA, ID 83634

SPECIAL CORPORATE WARRANTY DEED

FOR VALUE RECEIVED, Deutsche Bank National Trust Company, as Trustee for BCAPB LLC. TRUST 2007-AB1 organized and existing under the laws of the United States of America a corporation duly organized and existing under the laws of the State of Florida, grantor, does hereby Grant, Bargain, Sell and Convey unto
JAMES LESLEY, A SINGLE PERSON
Whose address is: 1769 S. MAGIC MILL PL.
BOISE, ID 83709

Grantee, the following described real estate, to-wit:

LOT 5 IN BLOCK 1 OF FLAT ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, FILED
IN BOOK 78 OF PLATS AT PAGES 8274 AND 8275, RECORDS OF ADA COUNTY, IDAHO
APN: R2855700500

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever, except as to the reservations from and exceptions to warranty when the claim is by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President this 22nd day of May, 2008.

Deutsche Bank National Trust Company

By: Joseph Barry
PREMIER ASSET SERVICES,
AS ATTORNEY IN FACT

Joseph Barry
Vice President Loan Documentation

STATE OF Iowa

COUNTY OF Polk

On this 22nd day of MAY, 2008, before me, a Notary Public in and for said State, personally appeared Joseph Barry, known or identified to me to be the person whose name is subscribed to the within instrument as the V.P. of PREMIER ASSET SERVICES AS ATTORNEY IN FACT FOR Deutsche Bank National Trust Company, as Trustee for BCAPB LLC TRUST 2007-AB1 and acknowledged to me that he/she/they executed the same as such.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

Regall
Notary Public for State of Iowa
Residing at: Iowa
My Commission Expires: 10/20/2011

ATTACHMENT #6 (2 PGS)

FLAT ESTATES SUBDIVISION

LOCATED IN THE S.W. 1/4 OF

SECTION 181

T. 1 N., R. 1 E.B.M.

ADA COUNTY, IDAHO

6661

LEGEND

INDICATES A 1/8" IRON ROD SET WITH A YELLOW PLASTIC CAP MARKED P.L.S. 7232

INDICATES A 3/8" X 30" IRON ROD SET WITH A YELLOW PLASTIC CAP MARKED P.L.S. 7233

INDICATES A FOUND BRASS CAP MONUMENT

INDICATES A FOUND 5/8" IRON ROD

INDICATES A FOUND P.E. MARK.

CL. ROAD
THRU. INT
(VOL. 1)

63-31744

(12) *Alfredson & Stenlund*. There is

063-07430C

NOTES

[illegible]

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 27, 2011 11:54 AM
To: Idaho Statesman
Subject: LEGAL NOTICES
Attachments: Ada County - Cover Letter.Doc; Ada County Ads - COMBINED.Doc; Exchange 77004 AD.docx

Attached please find **(2) legal notices** being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ads 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

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 76872
Water Right No(s). 63-31744

RE: Transfer No. 76948
Water Right No(s). 63-2618

RE: Application for Exchange No. 77004
Water Right No(s). 63-3618, 63-4629A, 63-10318, 63-31336

RE: Application to Amend Permit No.: 63-33074

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 RIGHT(S)

James S. Lesley of 7551 South Flat Lane Kuna, ID 83634 filed Application No. 76872 to transfer one water right with a 1971 priority date from ground water totaling 0.20 cfs. The purpose of the transfer is to change the point of diversion to a new well for irrigation of 10 acres under the right. Water will be used at the current place of use approximately one quarter mile north of the intersection of Poen Rd and Kuna Meridian Rd southeast of Kuna.

Marian Shaw of 13975 N. Broken Horn Rd. Boise, ID 83714 filed Application No. 76948 to transfer one water right with a 1944 priority date from Dry Creek totaling 0.86 cfs. The purpose of the transfer is to move the point of diversion downstream approximately 0.25 miles. Water will be used at the current place of use generally located northwest of the intersection of Dry Creek Rd and Broken Horn Rd approximately five miles northeast of Eagle.

PROPOSED AMENDMENT OF WATER PERMIT

Lavar Thornton of 2800 S Ten Mile Rd Kuna ID 83634 filed Application No. 76675 to amend a water permit with a 2008 priority from ground water totaling 3.3 cfs for irrigation. The permit provides irrigation water for property located east of S Cloverdale Rd between Kuna Mora Rd and the railroad tracks north of Barker Rd. The applicant proposes to amend the permit to add a new well as a point of diversion.

Please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right and the proposed transfer(s). 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 5th & 12th, 2011