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NOV 24 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76948**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. 76948

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
DEPARTMENTApplicant(s) Marian ShawPhone (208) 229-2133Mailing address 13975 N. Broken Horn Road, Garden City, ID 83744Email meshaw209@gmail.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**.

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

Print Name and Title if applicable

11/29/10

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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 _____
- 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. Boundaries for place of use of existing water right are not proposed to be changed by the transfer of the point of diversion and the total number of irrigated acres within the place of use before and after the transfer will not be changed.**

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 ☒ ☐	63-2618	0.86cfs	agricultural	3-15 to 11-15	Dry Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.86cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.86cfsx cubic feet per second and/or _____ 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 #
X	2	SE	NW	NW	31	5N	2E	Ada	Dry Creek	
			SW	NW						

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: Weir in Dry Creek, flexible hose to portable pump and nozzle.
- b. Who owns the property at the point(s) of diversion? Marian Shaw
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: _____
Only change will be to reestablish irrigation
- 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: _____
Parcel included in ground water right #63-2618

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: Development of land at existing point of diversion removed conveyance ditches. Water right was not adjudicated until 2007. This application is to allow use of existing water right now that adjudication is complete.

Decreed Date: 2/16/2007

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> . Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 63-02618

- [illegible]

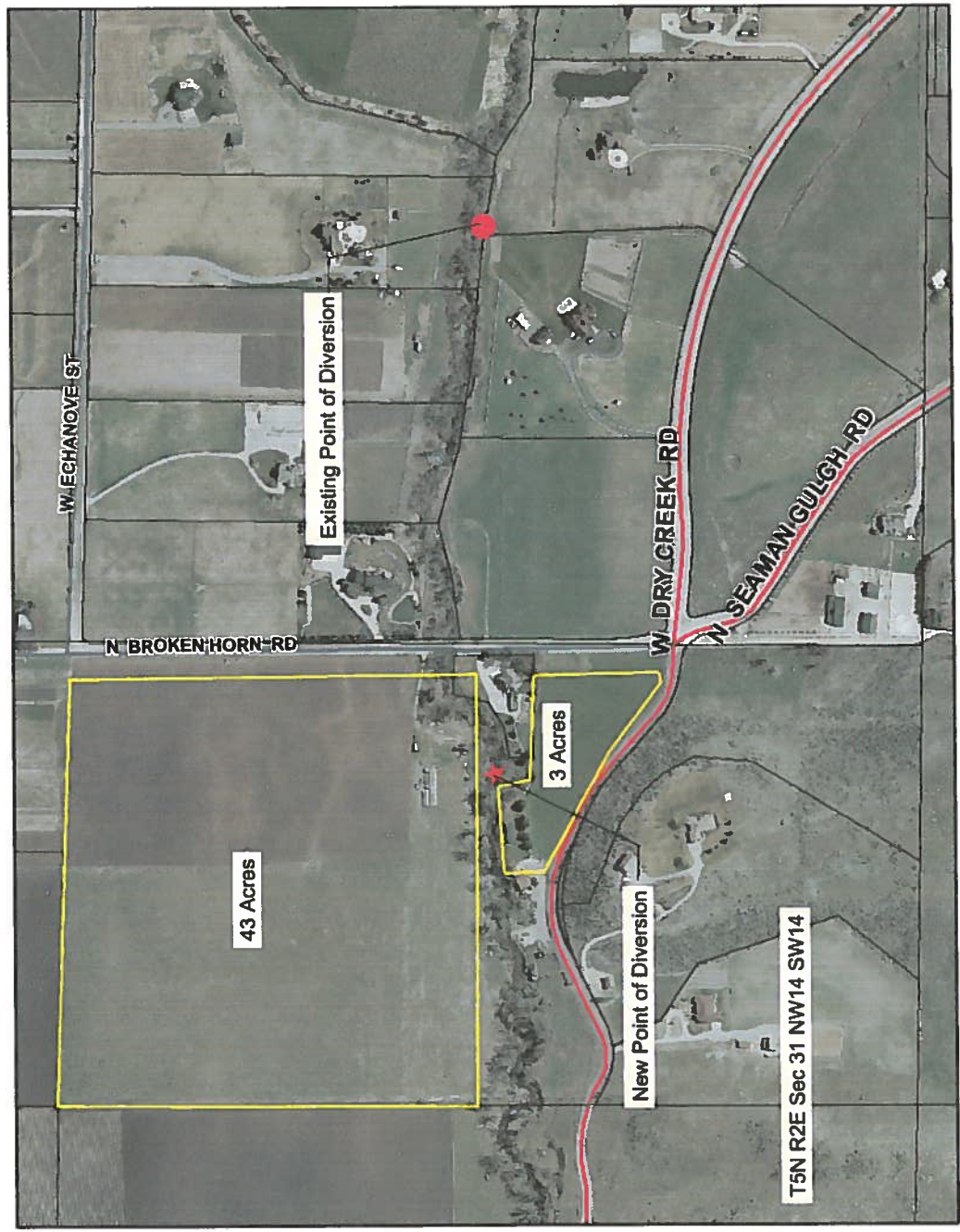
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	46
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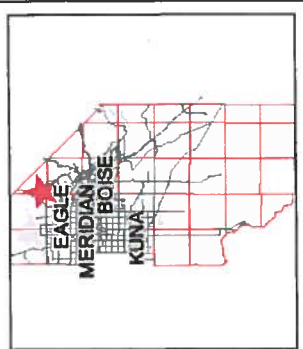
Transfer contains 6 pages and attachments.
Received by Jmh Date 11-24-10 Prelim. Check by AG Date 4/14/2011
Fee Paid 250.- Date 11-24-10 Received by Jmh Receipt # W038875
Add'l Fee Paid Date Received by Receipt #

Part 3 - Attachment #7A



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 43° 43' 51.6" N, 116° 16' 5.9" W



- Legend**
- Major Streets
 - MINOR ARTERIAL
 - MAJOR COLLECTOR
 - SECTION
 - PRINCIPAL ARTERIAL
 - INTERSTATE
 - Other
 - Minor Streets
 - LOCAL
 - PARKS
 - PRIVATE
 - RESIDENTIAL
 - Other
 - Street Names (minor)
 - Parcels
 - Water
 - Schools
 - Parks
 - City Limits
 - Kuna
 - Boise
 - Garden City
 - Eagle
 - Star
 - Meridian
 - Ada-OQ2010



Scale: 1:6,308

TRANSFER No. 76948

in Re SRBA) PARTIAL DECREE PURSUANT TO
/ I.R.C.P. 54(b) FOR
Case No. 39576)
/ Water Right 63-02618
/

ATTACHMENT A (1 PG)

A.



DRAIN FIELD EASEMENT AGREEMENT

THIS DRAIN FIELD EASEMENT AGREEMENT is made and entered into this 15 day of October, 2008, by MARIAN ELIZABETH SHAW formerly known as MARIAN SHAW MURPHY (hereinafter referred to as "Grantor").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property as described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "Home Parcel") as well as the certain real property as described in Exhibit "B" attached hereto and incorporated herein by reference (hereinafter referred to as "Acreage Parcel"); and

WHEREAS, Grantor desires to construct a septic tank and related improvements on her Home Parcel with a drain field and related apparatus to be partially located on the Acreage Parcel; and

WHEREAS, Grantor therefore desires to set forth in writing and to memorialize the easement relating to the continued placement, operation, management, and repair of the drain field on the Acreage Parcel pursuant to the terms hereof.

NOW THEREFORE, in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Grantor hereto, it is hereby agreed as follows:

1. Description of Easement. Grantor hereby grants, conveys, gives, and dedicates to herself and her respective grantees, successors, and assigns and does hereby dedicate therefore for the benefit of her respective properties as herein described the right and easement in, under, over, across, upon, and through that area as described in Exhibit "C" attached hereto and incorporated herein by reference for the use as a sewer line easement ("Easement Area") for the benefit of her respective property.

2. Costs of Construction of Sewer Line and Related Improvements in the Easement Area. Grantor agrees that she shall cause to be installed in the Easement Area an adequate and sufficient sewer line and related improvements for the purpose of providing sewer utility service to the Home Parcel as described herein. Grantor shall pay all out-of-pocket costs incurred in acquiring and installing the sewer line in the Easement Area running from the residence as shown on the Home Parcel as shown on the attached exhibit map denoted as Exhibit "C" attached hereto and incorporated herein by reference. All other costs and expenses associated with the installation of the sewer line in the Easement Area shall be borne by Grantor. All future costs

EXHIBIT "A"

HOUSE PARCEL

A parcel of land lying partially in Government Lot 1 and partially in Government Lot 2 in Section 31, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

A parcel of land lying partially in Government Lot 1, and partially in Government Lot 2, Section 31, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the Northwest corner of said Section 31;

Thence South 88 degrees 34'12" East along the North line of Section 31 for a distance of 1407.33 feet to a point on the Westerly right of way line of Broken Horn Road;

Thence South 0 degree 48'01" East along said Westerly right of way line for a distance of 1210.74 feet to the true point of beginning;

Thence North 86 degrees 41'19" West, a distance of 125.39 feet;

Thence South 12 degrees 14'08" West, a distance of 117.86 feet;

Thence South 58 degrees 42'22" West, a distance of 89.16 feet;

Thence South 79 degrees 20'23" West, a distance of 100.45 feet;

Thence South 0 degrees 01'31" West, a distance of 75.11 feet;

Thence South 89 degrees 36'53" East, a distance of 325.00 feet to the Westerly right of way line of Broken Horn Road;

Thence North 0 degree 01'31" East along said Westerly right of way line 250.11 feet to the true point of beginning.

EXHIBIT "B"**ACREAGE PARCEL**

Four tracts of land being comprised of a portion of Government Lots 1 and 2, Section 31, Township 5 North, Range 2 East, Boise Meridian, North of Dry Creek Road, and also the East 40 rods of Government Lot 4, Section 30, Township 5 North, Range 2 East, Boise-Meridian, and a portion of the Northeast Quarter, of the Southwest Quarter, Section 30, and the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Northeast Quarter of Section 30 and a 50.00 foot wide strip of land in the North half of the Southwest quarter of Section 30, Township 5 North, Range 2 East, Boise-Meridian, Ada County, Idaho except road right-of-way and being more particularly described as follows:

TRACT ONE:

Commencing at the Northwest corner of said Section 31, the true point of beginning, said point being marked by a brass cap monument; thence South 88°34'12" East along the North line of said Section for a distance of 1,407.33 feet to the Westerly right-of-way line of Broken Horn Road; thence South 0°48'01" East along said right-of-way line 1,210.74 feet; thence North 86°41'19" West, 125.39 feet; thence South 12°14'08" West, 117.86 feet; thence South 58°42'22" West, 89.16 feet; thence South 79°20'23" West, 100.45 feet; thence South 0°01'31" West, 75.11 feet; thence South 89°36'53" East, 325.00 feet to the Westerly right-of-way line of Broken Horn Road; thence South 0°01'31" West along said Westerly right-of-way line 220.05 feet to the point of curvature of a curve left having a radius of 725.00 feet, a central angle of 12°32'59", a chord of 158.48 feet which bears South 6°14'58" East; thence along said curve for a distance of 158.80 feet to the point of reverse curvature of a curve right having a radius of 30.00 feet, a central angle of 111°59'09", a chord of 49.74 feet which bears South 43°28'07" West; thence along said curve for a distance of 58.64 feet to the point of tangency, said point being on the Northerly right-of-way line of Dry Creek Road; thence along said Northerly right-of-way line for the next 10 courses, North 80°32'19" West, 44.81 feet to the point of a curvature of a curve right having a radius of 215.00 feet, a central angle of 31°18'39", a chord of 116.04 feet which bears

North 64°52'59" West; thence along said curve for a distance of 117.49 feet to the point of tangency; thence

North 49°13'40" West, 241.12 feet to a point of curvature of a curve left having a radius of 445.00 feet, a central angle of 15°46'56", a chord of 122.19 feet which bears

North 57°07'08" West; thence along said curve for a distance of 122.58 feet to the point of tangency; thence

North 65°00'36" West, 175.75 feet to the point of curvature of a curve left having a radius of 385.00 feet, a central angle of 50°45'28", a chord of 330.02 feet which bears

South 89°36'40" West; thence along said curve for a distance of 341.07 feet to the point of tangency; thence

South 64°13'56" West, 276.98 feet to the point of curvature of a curve right having a radius of 155.00 feet, a central angle of 53°35'27", a chord of 139.75 feet which bears

North 88°58'21" West; thence along said curve for a distance of 144.98 feet to the point of tangency; thence

North 62°10'37" West, 45.29 feet to the point of curvature of a curve left having a radius of 225.00 feet, a central angle of 13°41'24", a chord of 53.63 feet which bears

North 69°01'19" West; thence along said curve for a distance of 53.76 feet to the West line of said Section 31; thence

North 0°07'27" West along said West line 1,634.71 feet to the true point of beginning.

TRACT TWO

That portion of the East 40 rods of Government Lot 4, Section 30, Township 5 North, Range 2 East, Boise-Meridian, lying West of Broken Horn Road, more particularly described as follows:

Commencing at the Southwest corner of said Section 30; thence

South 88°34'12" East along the South line of said Section 30 for a distance of 804.42 feet to the true point of beginning; thence

North 0°11'16" East, 1,302.70 feet to a point on the North line of Government Lot 4; thence

South 88°32'49" East along said North line for a distance of 580.43 feet to a point on the Westerly right-of-way line of Broken Horn Road; thence

South 0°48'01" East along said Westerly right-of-way line 1,303.15 feet to the South line of said Section 30; thence

North 88°34'12" West along said South line 602.91 feet to the true point of beginning.

TRACT THREE

A portion of the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Northeast Quarter, of Section 30, Township 5 North, Range 2 East, Boise-Meridian, and being more particularly described as follows:

Commencing at the Southwest corner of said Section 30; thence
 South 88°34'12" East along the South line of said Section, 1,464.42 feet to the Southeast corner of Government Lot 4; thence
 North 0°11'16" East 1,302.43 feet to the Northeast corner of Government Lot 4; thence
 South 88°33'06" East along the South 1/16th line of said Section 30 for a distance of 633.99 feet to the true point of beginning; thence continuing
 South 88°33'06" East along the South 1/16th line 728.07 feet to an iron pin marking the South center 1/16th corner; thence
 South 88°41'16" East along the South 1/16th line 1,368.72 feet to an iron pin marking the Southeast 1/16th corner; thence
 North 0°03'12" West along the East 1/16th line 1,297.85 feet to an iron pin marking the East center 1/16th corner; thence
 North 0°12'46" East along the East 1/16th line 1,301.63 feet to the Northeast 1/16th corner; thence
 North 88°12'37" West along the North 1/16th line 1,364.48 feet to the North center 1/16th corner; thence
 South 0°10'41" West along the meridional centerline of said Section 30 a distance of 1,309.32 feet to the center 1/4 corner; thence
 North 88°31'47" West along the latitudinal centerline of said Section 30 a distance of 727.89 feet; thence
 South 0°11'18" West 1,301.70 feet to the true point of beginning.

TRACT FOUR

A 50.00 foot wide strip of land in the North half of the Southwest quarter of Section 30, Township 5 North, Range 2 East, Boise-Meridian, more particularly described as follows:

Commencing at the Southwest corner of said Section 30; thence
 South 88°34'12" East along the South line of said Section 1,464.42 feet to the Southeast corner of Government Lot 4; thence
 North 0°11'16" East 1,302.43 feet to the Northeast corner of Government Lot 4, the true point of beginning; thence

South 88°33'06" East along the South 1/16th line of said Section for a distance of 633.99 feet; thence
North 0°11'18" East, 50.01 feet; thence
North 88°33'06" West 664.38 feet to a point on the Easterly right-of-way line of Broken Horn Road; thence
South 0°48'01" East along said Easterly right-of-way line 50.04 feet to a point on the North line of Government Lot 4; thence
South 88°32'49" East along said North line 29.53 feet to the true point of beginning.

EXCLUDING THEREFROM the parcel of real property attached hereto as Exhibit "B-1" and incorporated herein by reference.

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND AMENDED BY AFFIDAVIT RECORDED JANUARY 4, 1995 UNDER INSTRUMENT NO. 95000496, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 30 BEING MARKED BY A 5/8 INCH IRON PIN;

THENCE NORTH 88 DEGREES 51'12" WEST, 1350.52 FEET ALONG THE SOUTHERLY LINE OF SAID SECTION 30 TO THE EAST 1/16 CORNER OF SECTIONS 30 AND 31 TOWNSHIP 5 NORTH, RANGE 2 EAST, BOISE MERIDIAN, BEING MARKED BY AN ALUMINUM CAP MONUMENT;

THENCE, NORTH 00 DEGREE 03'36" WEST, 1297.88 FEET ALONG THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE SOUTHEAST 1/16 CORNER OF SAID SECTION 30 BEING THE POINT OF BEGINNING AND BEING MARKED BY A 5/8 INCH IRON PIN;

THENCE, NORTH 88 DEGREE 41'16" WEST, 604.40 FEET ALONG THE SOUTHERLY LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 TO A POINT MARKED BY A 5/8 INCH IRON PIN;

THENCE, NORTH 00 DEGREE 04'58" EAST, 2604.51 FEET ALONG A NEW LINE THROUGH SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO A POINT ON THE NORTHERLY LINE OF THE SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 BEING MARKED BY A 5/8 INCH IRON PIN;

THENCE SOUTH 88 DEGREES 12'37" EAST, 604.40 FEET ALONG THE NORTHERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE NORTHEAST 1/16 CORNER OF SAID SECTION 30 BEING MARKED BY A 5/8 INCH IRON PIN;

THENCE SOUTH 00 DEGREE 12'46" WEST, 1301.63 FEET ALONG THE EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 TO THE CE 1/16 CORNER OF SAID SECTION 30 BEING MARKED BY A 5/8 INCH IRON PIN;

THENCE SOUTH 00 DEGREE 03'12" EAST, 1297.85 FEET ALONG THE EASTERLY LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 TO THE POINT BEGINNING.

END OF LEGAL DESCRIPTION

B-1



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

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 27, 2011 12:49 PM
To: Rex Barrie, WD-63
Subject: Comment letter for Transfer 76948 & Exchange App. 77004
Attachments: Comment Letter to WD 63.Doc; X-fer 76948 - APP.pdf; Exchange App 77004 - APP.pdf

Attached is a cover letter and copy of an Application(s), for your review &/or comments. If you have any questions regarding the attached information, please feel free to contact our office.

Thank you in advance,

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

April 27, 2011

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

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

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Buffington
Administrative Assistant

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