

Form 1-222
12-92

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant: **Charles Barlow** Phone: **801-524-2736**
 Post Office Address: **1130 Manchester Road, Kaysville, UT 84032**
c/o Thomas J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
PO Box 1391
Pocatello, Idaho 83204

A. PURPOSE OF TRANSFER

1. ☒ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☐ Change Nature of Use ☐ Change Period of Use ☐ Other

2. Describe the reason for the proposed changes: **Barlow agreed to convey Water Right No. 13-7710 to Brad Smith in exchange for Smith's Water Right No. 13-679. This transfer facilitates that exchange of water rights. Map A attached hereto shows the current POD and POU for both water rights. Map B attached hereto shows the PODs and POUs after the proposed exchanges.**

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use

13-679	9-10-1880	1.6 cfs	Irrigation	4/20 to 9/30
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2. Total amount of water being transferred **1.6 cubic feet per second and/or** acre-feet per annum.
 3. Source of water **Cold Spring Creek tributary to Bear River**
 4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	NW	NW		11	11S	40E	Caribou County	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	40 E	15	40																40

RECEIVED

FEB 21 2008

74659

Department of Water Resources
Eastern Region

[illegible]

PART 1

- a. Description of diversion system Culvert that is plugged off into a weir.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land will be irrigated under statutory claim no. 13-7710.
- d. Remarks:

This is to certify that I have examined Application for Transfer of Water Right No. _____
And said application is hereby _____, subject to the following limitations and
conditions:

Witness my hand this _____ day of _____, 20_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 13-679 Decreed to

in case of Last Chance Canal Co., Ltd, et al v. Utah Power & Light Co.

dated 7/14/1920 in county of US District Court for District of Idaho

b. License No. issued by the Idaho Department of Water Resources.

c. Claim No. on file with the Idaho Department of Water Resources.

d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other

3. Source of water Cold Spring Creek tributary to Bear River

4. Date or priority 9/10/1880

5. Water is used for the following purpose:

Amount 1.6 cfs for Irrigation purposed from 4/20 to 9/30

6. Total amount of water under right cubic feet per second and/or acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SW	NE		10	11S	40E	Caribou County	

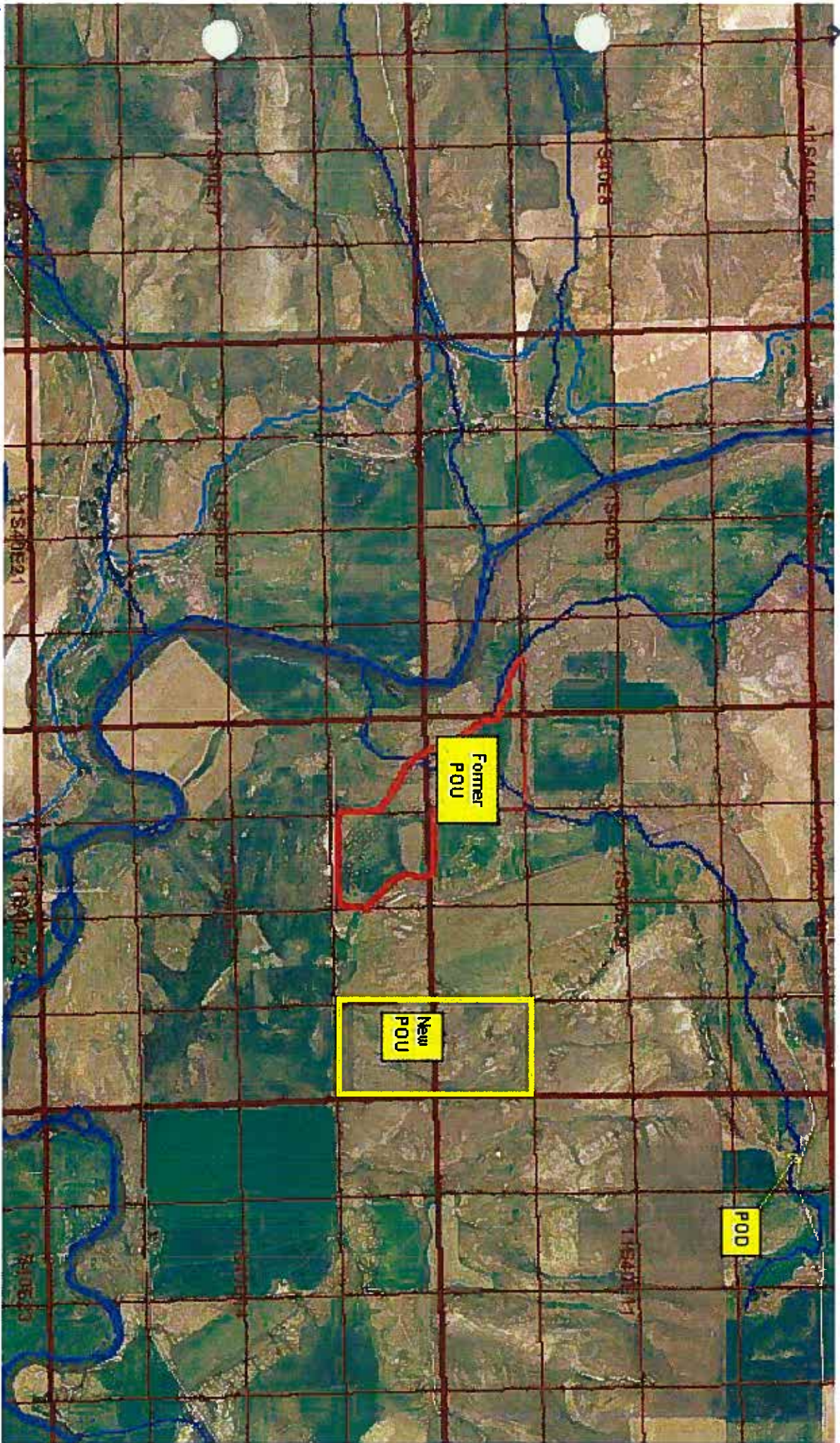
8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11S	40 E	9																X	



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PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount cfs Hours/days/year Period of use to
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

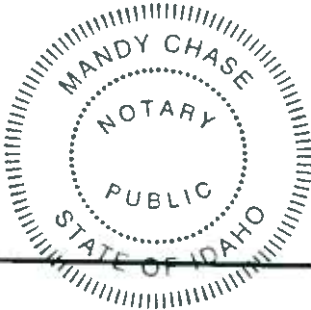
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

RACINE OLSON NYE BUDGE & BAILEY, CHTD

By: Thomas J. Budge
THOMAS J. BUDGE

Subscribed and sworn to before me this 15th day of January, 2008



Mandy Chase
Notary Public

My Commission expires: 5.8.2012

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments
Received by _____ Date 3/19/08 Protest filed by _____
Prelim check by _____ Fee 290
Receipted by _____ Date 3/19/08 E033855
Published in Carbon Co Sun Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd _____ By _____

Instrument # 178005

CARIBOU COUNTY

2007-04-20

01:00:13 No. of Pages: 2

Recorded for: ALLIANCE TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00

RECORDATION REQUESTED BY:

Randall C. Budge

Racine, Olson, Nye, Budge & Bailey

P.O. Box 1391

Pocatello, Idaho 83204-1391

WHEN RECORDED MAIL TO:

Charles Barlow

1130 Manchester Drive

Kaysville, Utah 84037

WARRANTY DEED

3080140595

<u>Grantor</u>	<u>Grantee</u>
Bradley Milton Smith, aka Bradley Smith, a married person as his sole and separate property 412 River Road Grace, Idaho 83241	Charles E. Barlow and Laurel V. Barlow, husband and wife 1130 Manchester Drive Kaysville, Utah 84037

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantors hereby sell and forever transfer the following parcels of real property located in Caribou County, Idaho, to the Grantee, including the Grantors= right, title and interest therein:

Township 11 South, Range 40 East, B.M.:

Section 15: NE1/4

Section 10: SE1/4 SE1/4

TOGETHER WITH all appurtenant water rights which include the first 1.6 cfs of water arising from Cold Springs Creek, Idaho Department of Water Resources Water Right Number 13-679, but excluding all water rights in Pats Hollow or Sams Springs which were originally decreed to George D. Anderson on May 2, 1884, and are specifically reserved to grantors.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

The Grantors hereby covenant that the Grantors are the owners in fee simple of the foregoing parcels

WARRANTY DEED - 1

74659

