

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76839

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Wendy M McDanielPhone 208-403-9363Mailing address 2425 S. 60th E. Idaho Falls, ID 83406Email wmmcdaniel23@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.

Wendy McDaniel
Signature of Applicant or Authorized Representative

Wendy McDaniel
Print Name and Title if applicable

9/23/10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place of use
☒ Other Ownership Change
- 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 the point of diversion to a existing well located on my property. Change the ownership for a portion (1.5 acres) of current water right 25-14286, which is appurtenant to Lot 6, Block 1, Quail Ridge Estates Subdivision.

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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 ☐ ☒	25-14286-25-14299	.03cfs/5.2 af	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .03 cfs and/or 5.2 ac-ft

2. Total amount of water proposed to be transferred or changed .03 cubic feet per second and/or 5.2 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 #
			SW	NE	30	02N	39E	Bonneville	Ground Water	

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	
02N	39E	30			1.5														1.5

Total Acres (for irrigation use) 1.5

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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: Domestic well to underground sprinkler irrigation system

- 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: _____

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: _____

- 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: _____

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/21/2010

WATER RIGHT NO. 25-14286

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ZEE M MC DANIEL 1677 S FOOTHILL RD IDAHO FALLS, ID 83401 (208)522-9148

Priority Date: 08/10/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	2.1 CFS	367.1 AFA
Total Diversion			2.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENE	Sec. 30	Township 02N	Range 39E	BONNEVILLE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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02N	39E	19	SESE	14.4															
		20	SWSW	1.5															
		29	NWNW	1.9															
		30	NENE	34		NWNE	2.8		SWNE	29.7		SENE	20.9						

Total Acres: 105.2

Conditions of Approval:

1. C18	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. Section 42-1412(6), Idaho Code.
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Dates:

Licensed Date:

Decreed Date: 09/30/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- ☐ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

Application for transfer \$100.00 ; well upgrade \$125.00

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DEPARTMENT OF WATER RESOURCES

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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: _____

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Attachment 7A



2009 Aerial Photography

Legend

- Current POD
- Proposed POD
- POU
- Township/Range
- Sections
- QQ
- modelgrid



0 0.035 0.07 0.14 Miles

1 inch = 0.06 miles

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ESPA ANALYSIS

According to Transfer Processing Memo No. 24, if the application for transfer proposes to move or add a point of diversion within or adjacent to the model cell for the existing point(s) of diversion, then an ESPA analysis is not required. The proposed point of diversion change is within the same model cell as the original existing point of diversion found under water right 25-14286. No ESPA analysis is required.

STATE OF UTAH
CERTIFICATION OF VITAL RECORD

CERTIFICATE OF DEATH

State File Number: 2008008423

George Zee McDaniel

DECEDENT INFORMATION

Date of Death:	July 19, 2008	Time of Death:	15:40
City of Death:	Rural	County of Death:	Carbon
Age:	40	Date of Birth:	August 13, 1967
Place of Birth:	Idaho Falls, Idaho	Sex:	Male
Armed Services:	No	Marital Status:	Married
Spouse's Name:	Wendy Michelle Olsen	Usual Occupation:	Developer
Industry/Business:	Real Estate	Education:	Some College but No Degree
Residence:	Idaho Falls, Idaho	Father's Name:	Zee Miller McDaniel
Mother's Name:	Lois Iva Nielsen	Facility Type:	Rural
Facility or Address:	Anadarko Oilfield		

INFORMANT INFORMATION

Name:	Wendy Michelle McDaniel	Relationship:	Wife
Mailing Address:	9914 South Henry Creek Road, Idaho Falls, Idaho 83406		

DISPOSITION INFORMATION

Method of Disposition:	Removal	Date of Disposition:	July 22, 2008
Place of Disposition:	Ammon Cemetery, Ammon, Idaho		

FUNERAL HOME INFORMATION

Funeral Home:	Larkin Mortuary
Address:	260 East South Temple, Salt Lake City, Utah 84111
Funeral Director:	Travis Greenwood

MEDICAL CERTIFICATION

Certifying Physician: Robert L Deters MD, Office of Medical Examiner, 48 North Mario Capecechi Drive, Salt Lake City, Utah 84113

CAUSE OF DEATH

Blunt force Injuries And Thermal Burns
Tobacco Use: Unknown if User
Medical Examiner Contacted: Yes Autopsy Performed: Yes Autopsy Available: Yes Manner of Death: Accident

INJURY INFORMATION

Date of Injury:	July 19, 2008	Time of Injury:	15:40
Injury at Work:	No	Place of Injury:	Rural
Location of Injury:	1/2 Mile NW Of Carbon County Airport, Rural, Utah		
How Injury Occurred:	Passenger In Helicopter That Crashed And Burned		
Motor Vehicle Accident:	Passenger		

DATE ISSUED: July 22, 2008

This is an exact reproduction of the document registered in the State Office of Vital Statistics.
Security features of this official document include: Intaglio Border, V & R images in top cycloids,
ultra violet fibers and hologram image of a hawk over the word valid. This document displays the
date, seal and signature of the State Registrar of Vital Statistics.
Updated Utah State Seal replaces hawk over valid for authenticity.

Barry E Nangle

Barry E. Nangle
State Registrar



* 0 6 1 1 1 4 2 9 9 *
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UTAH DEPARTMENT OF HEALTH
Office of Vital Records & Statistics
Salt Lake City, Utah



WARRANTY DEED

883440

For Value Received

Zee McDaniel, a married person

the grantor, do hereby grant, bargain, sell, and convey unto
George Z. McDaniel and Wendy M. McDaniel

the grantee, whose current address is 10645 North Yellowstone Highway, Ucon, Idaho 83454
P. O. Box 213

the following described premises, to-wit:

Lot 6, Block 1, Quail Ridge Estates, Division No. 1, to the City of Idaho
Falls, Bonneville County, Idaho, According to the recorded plat thereof.

BONNEVILLE COUNTY
RECORDER
94 AUG 4 PM 1 13

883440

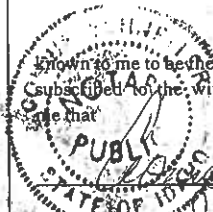
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee,
heirs and assigns forever. And the said Grantor do hereby covenant to and
with the said Grantee, that he the owner in fee simple of said premises; that said
premises are free from all encumbrances except as hereinabove set forth that he will warrant and
defend the same from all lawful claims whatsoever.
Dated: August 4th, 1994

Zee McDaniel

STATE OF IDAHO, COUNTY OF

On this 4th day of August, 1994,
before me, a notary public in and for said State, personally
appeared

Zee McDaniel



known to me to be the person who name
Subscribed to the within instrument, and acknowledged to
me that he executed the same.

Residing in Idaho Falls, Idaho
Comm. Expires 12/5/96

INSTRUMENT NO. 883440
DATE 8-3-94
INST. CODE 205
FICHE NO. 10018-23
FEE 3.00

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss

I hereby certify that the within
instrument was recorded.

Ronald Longmore,
County Recorder

By *Ruth A. [Signature]* Deputy

Request - *George McDaniel*
P.O. Box 293, Ucon, Id. 83454

Gary L. Meikle, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P. O. Box 50130
Idaho Falls, Idaho 83405-0130
Telephone: (208) 523-0620
Telefax: (208) 523-9518
Idaho State Bar Number 2111

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE)

Case No. CV-08-4802

OF)

GEORGE ZEE MCDANIEL,)

Deceased.)

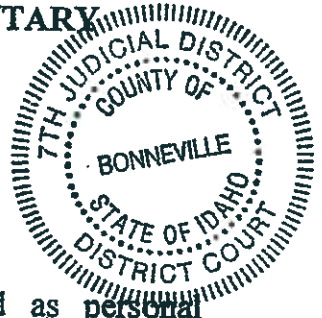
LETTERS TESTAMENTARY

STATE OF IDAHO } SS
County of Bonneville }
I HEREBY CERTIFY that above and foregoing
is a full and correct copy of the original
thereof, on file in my office

Dated 8 August 2008

RONALD LONGMORE
Clerk of the District Court

By [Signature]
Deputy Clerk



1. Wendy Michelle McDaniel was duly appointed and qualified as personal representative of the estate of the above named decedent on the 8 day of August, 2008, by the Magistrate acting as Registrar with all authority pertaining thereto.
2. Administration of the estate is unsupervised.
3. These letters are issued to evidence the appointment, qualification, and authority of said personal representative.

WITNESS, my signature and the seal of this court, this 8 day of August, 2008.

/s/ L. Mark Riddoch

Magistrate

