

RECEIVED

JUN 09 2010

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76616WATER RESOURCES
WESTERN REGION**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 <u>always required</u> 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 <u>for each water right</u> for which <u>only a portion</u> 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 <u>not</u> 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: _____ |

Transfer No. 76616

Name of Applicant(s) **Melvin &/or Charlotte Gifford** Phone _____

Mailing address 3082 Hwy 30 W New Plymouth, ID 83655 Email

- ☐ 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

Melvin Gifford
Print Name and Title if applicable

6-16-2010
Date

Signature of Applicant or Authorized Representative

Charlotte Gifford
Print Name and Title if applicable

6-16-2010
Date

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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. Purchased property from Collinsworths and discovered errors in the decreed legal descriptions of the point diversion and place of use for what was known as Parcel 468 35. Transfer application is being filed along with ownership documentation to correct the errors.**

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 09 2010

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

WATER RESOURCES
WESTERN REGION

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 ☒ ☐	65-3643	.04	Domestic	1/1 to 12/31	Ground water
☐ ☐		.05	Stockwater	1/1 to 12/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .07 cfs and/or 3.9 ac-ft

2. Total amount of water proposed to be transferred or changed .07 cubic feet per second and/or 3.9 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 #
			SW	NW	6	7N	4W	Payette	Ground water	

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	
7N	4W	6							X										

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: _____

- 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: None, water right is only being corrected to the legal description where water has historically been diverted and used.

- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ 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:

- [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) _____

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

Current Water Right No. 65-3643

Priority Date: 01/01/1900
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.04 CFS	1.2 AFA
STOCKWATER	1/01	12/31	0.05 CFS	2.7 AFA
Total Diversion			0.07 CFS	3.9 AFA

Source and Point(s) of Diversion:

GROUND WATER NWSE 07N 04W 6 PAYETTE

PLACE OF USE:

		DOMESTIC																
TwpRge Sec		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N04W	6															X		

PLACE OF USE:

		STOCKWATER																
TwpRge Sec		NE				NW				SW				SE				
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N04W	6															X		

Conditions/Remarks:

1. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. PARCEL NO. 468 35 PROPERTY IS ALSO KNOWN AS LOTS 8 & 9, BLOCK 33, NEW PLYMOUTH ORIGINAL.



NENE

NWNW

NENW

07N09W

SENE

07N04W

SWNW

SENW

NESE

NWSW

NESW

MAP #1

T7N-R4W-Section 6



Legend

- Township/Range
- Sections
- QQ

65-3643
MAP #2

MAP #3

Fnd. 3" Brass Cap, MVD 627, 1971)
CP & F Inst. No. 255794

BASIS OF BEARING (1)
N89°26'18"W 1167.75'

N89°26'18"W 2906.80'
(N89°26'18"W 2906.80')(1)
(2842.62')(2)

CUSTER ROAD

W1/16 NW 1st S

PARCEL B
Area =
16.96 ac.± net,
17.15 ac.± gross

PARCEL C
Area =
18.26 ac.± net,
18.57 ac.± gross

PARCEL A
Area =
27.05 ac.± net,
29.18 ac.± gross

PARCEL D
Area =
11.26 ac.± net,
11.84 ac.± gross

GOVT. LOT 5

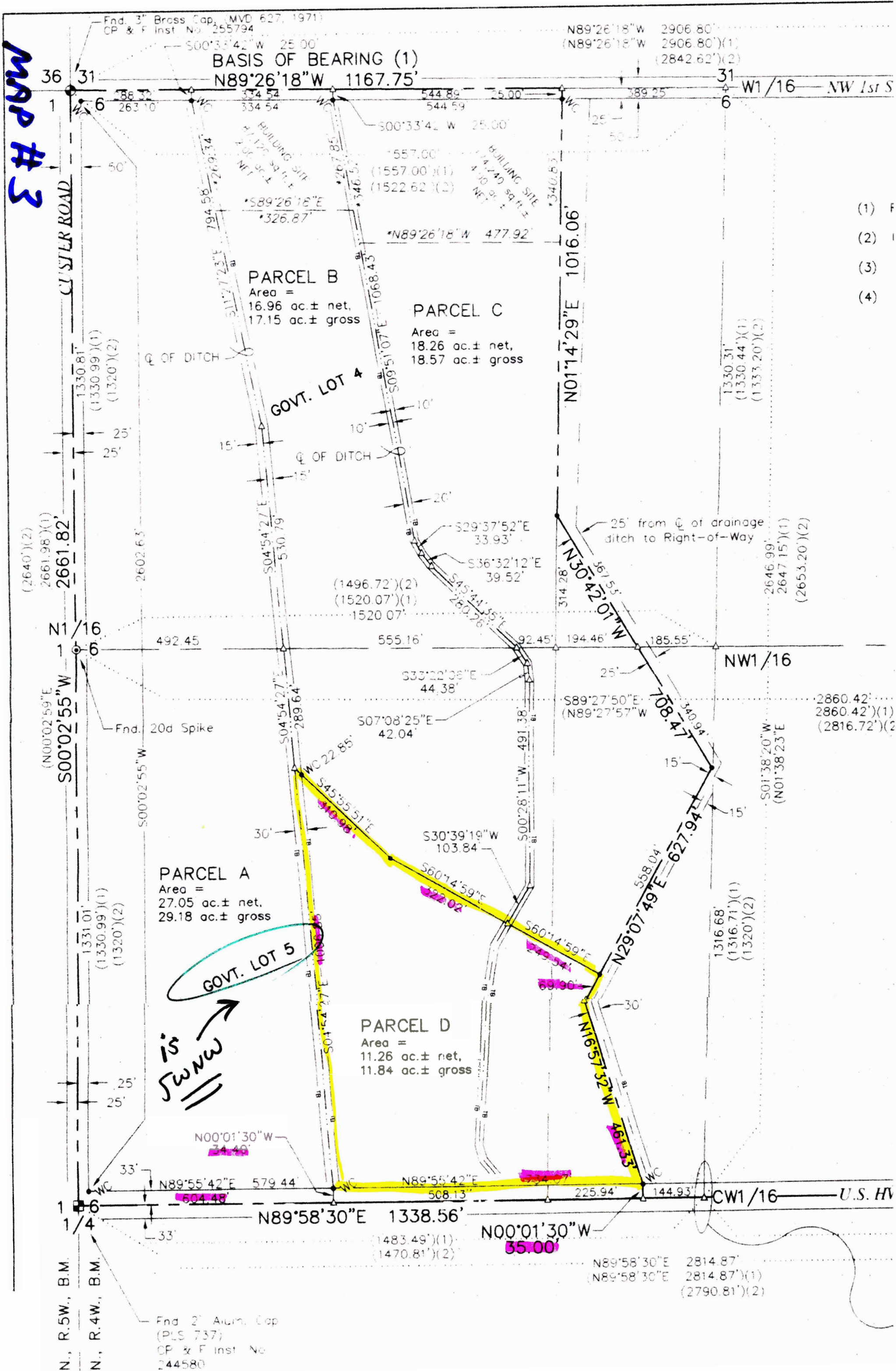
is
SWNW

N., R.5W., B.M.
N., R.4W., B.M.

Fnd. 2" Alum. Cap
(PLS 737)
CP & F Inst. No.
244580

N89°58'30"E 2814.87'
(N89°58'30"E 2814.87')(1)
(2790.81')(2)

(1) F
(2) I
(3)
(4)



WARRANTY DEED

For Value Received

CATHY ANN COLLINSWORTH, A SINGLE PERSON AND CHRISTI JO GARMAN, A MARRIED WOMAN, AS HER SEPERATE PROPERTY

do(es) hereby GRANT, BARGAIN, SELL AND CONVEY unto

MELVIN L. GIFFORD AND CHARLOTTE K. GIFFORD, HUSBAND AND WIFE

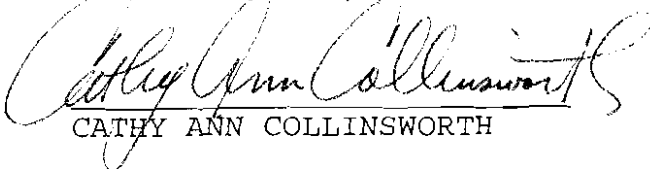
whose current address is 3082 HIGHWAY 30 W.
NEW PLYMOUTH, IDAHO 83655

the following described premises, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), his/her/their heirs and assigns forever. And the said grantor(s) do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 17, 2003


CATHY ANN COLLINSWORTH


CHRISTI JO GARMAN

STATE OF IDAHO, COUNTY OF PAYETTE

On this 18th day of JUNE, 2003, before me, a notary public in and for said State, personally appeared CATHY ANN COLLNSWORTH AND CHRISTI JO GARMAN known to me to be the person(s) who(se) name(s) are/is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

4pgs
26
Attachment

SCHEDULE A

Form No. 1402.92 (10/17/92)

Amount of Insurance \$154,000.00

Premium \$767.00

Date of Policy: June 20, 2003 at 4:47 pm

1. Name of Insured:

Melvin L. Gifford and Charlotte K. Gifford

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

Melvin L. Gifford and Charlotte K. Gifford, husband and wife

4. The land referred to in this policy is described as follows:

The following describes a parcel of real property situated in Government Lot 5, Section 6, Twp. 7 N., R. 4 W., B. M., Payette County, Idaho being more particularly described as follows:

Commencing at the 1/4 corner common to said Section 6 and Section 1, Twp. 7 N., R. 5 W., B.M.;

thence along the Southerly line of said Lot 5, N 89°58'30" E, 604.48 feet, to a point being the Point of Beginning;

thence N 00°01'30" W 34.40 feet to the intersection of the Northerly right-of-way of U. S. Highway 30 and the centerline of a ditch;

thence along said centerline of ditch, N 04°54'27" W 1006.85 feet;

thence departing said centerline of ditch S 45°55'51" E 310.98 feet;

thence S 60°14'59" E 571.56 feet to the Westerly side line of a ditch;

thence along said Westerly side line S 29°07'49" W 69.90 feet;

thence continuing along said Westerly side line S 16°57'32" E 461.33 feet to where the same intersects the Northerly right-of-way of U. S. Highway 30;

thence S 00°01'30" E 35.00 feet to the Southerly line of said Government Lot 5;

thence along said Southerly line of Government Lot 5, S 89°58'30" W 734.07 feet to the Point of Beginning.

26(2)

MELVIN L. GIFFORD AND CHARLOTTE K. GIFFORD, HUSBAND AND WIFE

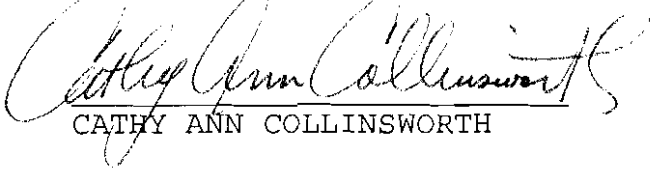
whose current address is 3082 HIGHWAY 30 W.
NEW PLYMOUTH, IDAHO 83655

the following described premises, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), his/her/their heirs and assigns forever. And the said grantor(s) do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

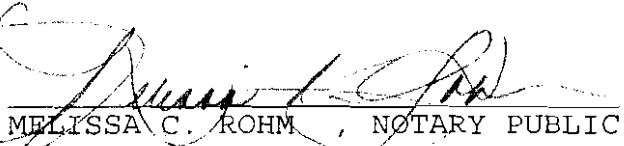
Dated: JUNE 17, 2003


CATHY ANN COLLINSWORTH


CHRISTI JO GARMAN

STATE OF IDAHO, COUNTY OF PAYETTE

On this 18th day of JUNE, 2003, before me, a notary public in and for said State, personally appeared CATHY ANN COLLNSWORTH AND CHRISTI JO GARMAN known to me to be the person(s) who(se) name(s) are/is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.


MELISSA C. ROHM, NOTARY PUBLIC
Residing at PAYETTE, Idaho
Comm. Expires: 09/03/05

26(3)

Order No. P-16552

The following describes a parcel of real property situated in Government Lot 5, Section 6, Twp. 7 N., R. 4 W., B. M., Payette County, Idaho being more particularly described as follows:

thence along the Southerly line of said Lot 5, N 89°58'30" E, 604.48 feet, to a point being the Point of Beginning;

thence N 00°01'30" W 34.40 feet to the intersection of the Northerly right-of-way of U. S. Highway 30 and the centerline of a ditch;

thence departing said centerline of ditch S 45°55'51" E 310.98 feet;

thence along said Westerly side line S 29°07'49" W 69.90 feet;

thence continuing along said Westerly side line S 16°57'32" E 461.33 feet to where the same intersects the Northerly right-of-way of U. S. Highway 30;

~~thence S 00°01'30" E 35.00 feet to the Southerly line of said Government Lot 5;~~

thence along said Southerly line of Government Lot 5, S 89°58'30" W 734.07 feet to the Point of Beginning.

310273

STATE OF IDAHO } ss
County of Payette }

I hereby certify that this instrument
was filed for record at the request of

Title
 Time 4:47 PM
 Date JUN 20 2003
 Instrument # 310273 Seeds
 BETTY J. DRESSEN
 Ex officio Recorder
 By [Signature]
 Deputy
 Fee \$6.00

21(4)