

RECEIVED

JAN 17 2008

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Transfer No. 74468
Receipt No. S029931

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information LINDA KESTER
369 N 100 E
RUPERT ID 83350
(208)436-9617
Or

DONALD L KESTER JR
RT 4 BOX 52
RUPERT ID 83350
(208)436-9617

Will this transfer result in an ownership change? _____ Yes ___X___ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
36-7122	WR/Decreed	1.40		70.0	144.0	GROUND WATER
36-7170	WR/Decreed	1.18	236.0		59.0	GROUND WATER
36-7890	WR/Decreed	1.48		74.0	144.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-7122	NO	NO	NO	NO	NO	NO
36-7170	NO	NO	YES	NO	NO	NO
36-7890	NO	NO	NO	NO	NO	NO

Describe the reason for the proposed changes

The transfer moves an earlier priority right into a permissible place of use to replace most of right 36-7890

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

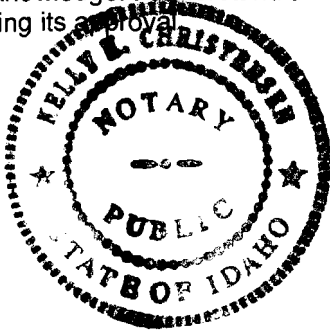
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
36-7122	1.40 cfs	70.0	144.0	
36-7170	1.18 cfs	59.0	144.0	236.0 af
36-7890	1.48 cfs	74.0	144.0	
TOTAL	2.38 cfs		144.0	

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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 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 voiding its approval.



[Signature]
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 15th day of January, 2009.

[Signature]
(Notary Public)

My commission expires 4-2-2010

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

Current Water Right No. 36-7122

Priority Date: February 26, 1970
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/15	1.40 CFS		
	Total Diversion		1.40 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWNESE Sec. 4 Twp 09S Rge 24E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	4	38.0			36.0										30.0	40.0		144.0
			L 1																

Total Acres: 144

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHT NO. 36-07890 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.38 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 576 AF.
USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.38 CFS. RIGHT NOS.: 36-07122, 36-07170 & 36-07890.
- THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
- USE OF THIS RIGHT WITH RIGHT NO. 36-07890 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

4. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
5. 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.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. RIGHTS LISTED BELOW ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 36-07122, 36-07170 & 36-07890.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

This is an associated right

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 36-7170

Priority Date: March 22, 1971
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/15	1.18 CFS	236.0 AFA	
Total Diversion			1.18 CFS	236.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNESE Sec. 4 Twp 09S Rge 24E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	4			15.0				9.0				35.0						59.0

Total Acres: 59

Conditions/Remarks:

1. RIGHTS LISTED BELOW ARE LIMITED TO THE TOAL COMBINED RATE OF DIVERSION RATE OF 2.38 CFS. RIGHT NOS. 36-07122, 36-07170, AND 36-07890.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
4. 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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5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA IRRIGATION DIST.
7. RIGHTS LISTED BELOW ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 36-07122, 36-07170 & 36-07890.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

The property will continue to be irrigated with MID water

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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

Current Water Right No. 36-7890

Priority Date: January 17, 1980
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	1.48 CFS		
	Total Diversion	1.48 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWNESE Sec. 4 Twp 09S Rge 24E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 24E 4	38.0			36.0									30.0	40.0			144.0
	L 1																

Total Acres: 144

Conditions/Remarks:

- USE OF THIS RIGHT WITH RIGHT NO. 36-07122 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.38 CFS, AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 576 AF.
USE OF THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.38 CFS. RIGHT NOS.: 36-07122, 36-07890, AND 36-07170.
- USE OF THIS RIGHT WITH RIGHT NO. 36-07122 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 144 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- 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.
- USE OF THIS RIGHT IS COMBINED WITH WATER FROM MINIDOKA IRRIGATION DIST.

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5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHTS LISTED BELOW ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 36-07122, 36-07890, & 36-07170.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

This is an associated right

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 74468
 Receipt No.S029931

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-7122

Priority Date: February 26, 1970

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/15	1.40 CFS		
	Total Diversion	1.40 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWNENE Sec. 4 Twp 09S Rge 24E MINIDOKA County

Describe the proposed diversion system

Point of Diversion # 1 WELL 200 DEEP, 16" CASING, 100HP PUMP,
 MAINLINE/WHEEL&HANDLINES

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	24E	4	38.0			36.0									30.0	40.0			144.0
			L 1																

Total Acres: 144

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-7170

Priority Date: March 22, 1971

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/15	1.18 CFS	236.0 AFA	
	Total Diversion	1.18 CFS	236.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNENE Sec. 4 Twp 09S Rge 24E MINIDOKA County

Describe the proposed diversion system

Point of Diversion # 1 200 X 16" WELL, 100 HP- MAINLINE TO POND & PUMP TO
SPRINKLERS

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 24E 4	38.0			36.0									30.0	40.0			144.0

Total Acres: 144

Transfer No. 74468
 Receipt No. S029931

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-7890

Priority Date: January 17, 1980

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	1.48 CFS		
	Total Diversion	1.48 CFS		

Source and Point(s) of Diversion:

GROUND WATER NWNSE Sec. 4 Twp 09S Rge 24E MINIDOKA County

Describe the proposed diversion system

Point of Diversion # 1 WELL 200 DEEP, 16" CASING 100HP PUMP
 MAINLINE/WHEEL&HANDLINES

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	4	38.0			36.0									30.0	40.0			144.0
			L 1																

Total Acres: 144

RECEIVED

NOV 05 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
36-7170		—			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Donald L. & Ollie Belle Kester
723 3rd St. South, Rupert, ID 83350
4. New Owner/Claimant(s) Donald L. Kester Jr. & Linda Kester
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 100 E 369 N
 City, State and ZIP Code Rupert, ID 83350
 New Telephone Number (208) 436-9617

5. * Date you acquired the property _____

* Bought water right, property sold dry to Shaun Rogers

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Don Kester Jr.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *[Signature]* Date 11-5-04 Fee \$25,
 Received by *[Signature]* Date 11-5-04 Receipt No. 5037155
 Processed by _____ AJ Date _____ WR _____ Date _____

QUITCLAIM DEED

MINIDOKA COUNTY, RUPERT, IDAHO
2003-10-27 12:03:34 No. of Pages: 1
Recorded for : OLLIE KESTER
DUANE SMITH Fee: 3.00
Ex-Officio Recorder Deputy