



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 4, 2010

COPY

Michael J. and Lisa O. Contreras
2303 Bell Country Court
Mountain Home, ID 83647

Re: Application for Transfer No. 75577

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). Upon review of your application, there are a few areas of the application that need correction. I have drafted and enclosed an amended application addressing these areas for your signature. Please review the content of this application. If there are any areas you wish to change, please feel free to correct this application before you sign and return it for further processing. Please initial and date next to any corrections. I have also enclosed a copy of your original application. I have highlighted the information and illustrated the amendments in red ink on this copy for your reference.

Additionally, your transfer application proposes ground water use from a well. All wells drilled in Idaho after June 30, 1987, require well drilling permits. A well might need a water right along with the drilling permit, depending on the intended use of the well. According to IDWR records, your well was drilled in 2006 under a \$75 domestic well drilling permit. A \$75 drilling permit covers a well that does not require water right approval from IDWR. This is typically a single-family domestic well. Proposed use from your well does require water right approval, and your transfer application seeks that approval. The well drilling fee for a well requiring a water right is \$200 instead of \$75. IDWR must collect the unpaid balance of \$125 for a well drilled under those circumstances.

Please submit the signed amended application and \$125 to allow for further processing of your application. You may seek additional time to provide the amended application and drilling permit fee upgrade by making a written request to delay processing. **Your written response, or a request for more time to seek the information, must be received within the next sixty (60) days.**

Contreras
January 4, 2010
Page 2 of 2

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,


Angela M. Grimm
Water Resource Agent, Sr.

Enclosure(s): Amended Application for Transfer for your signature
Copy of original application with agent comment

Cc: Jay R. Friedly – Hall, Friedly & Ward Attorneys at Law

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75577**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: _____

Transfer No. 75577

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Michael J. and Lisa O. Contreras Phone (208) 587-5551Mailing address 2303 Bell Country Court Mountain Home, ID 83647 Email mslisa371@aol.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 Jay R. Friedly Phone (208) 587-4412Mailing address 340 East 2nd North Mountain Home, ID 83647 Email jay@hfwlaw.com

- ☐ 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	Michael Contreras	Date
	Print Name and Title if applicable	

Signature of Applicant or Authorized Representative	Lisa O. Contreras	Date
	Print Name and Title if applicable	

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 Split rights - Change Ownership
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**. Applicants purchased Lot 10 of Bell Country Estates, which is approximately 5 acres in size and had a well drilled in order to provide domestic and irrigation water. Applicants have irrigated all of Lot 10, except that portion occupied by their home, patio and driveways. Applicants want to change the point of diversion to the well they drilled.

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 ☐ ☒	61-12245	0.07/11.9	Irrigation	04/01 to 10/31	Ground water
☐ ☒	61-12247	0.03/8.0	Irrigation	3/15 to 11/15	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.08 cfs and/or 11.9 ac-ft

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or 11.9 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 #
			NE	SE	13	03S	06E	Elmore	Ground water	D0047184

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	
03S	06E	13													5.3				5.3

Total Acres (for irrigation use) 5.3

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: A well with a 3 horsepower electric motor and pump with adequate control valves that control both domestic water for the house and irrigation water for the sprinklers.

- 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: N/A

- 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: 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: Land has been irrigated as a pasture for many years. It was subdivided into lots. Each lot owner, except where the original well was located, has drilled their own well. The nature of use and place of use has not changed. Each lot owner acquired a proportionate share of the original water rights.

- 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: _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12245

WATER RIGHT NUMBER: 61-12245

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DARROLD JOB
Current Owner	MOUNTAIN HOME, ID 83647 DONNA L BELL TRUST RALPH ROBERT TOWLE TRUSTEE 2405 WYOMING BOISE, ID 83706 (208)343-5511
Previous Owner	DONNA L BELL 890 N 6TH E MOUNTAIN HOME, ID 83647 (208)587-4418

Priority Date: 12/28/1959

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.230 CFS	41.60 AF
	<u>Total Diversion:</u>	0.230 CFS	41.60 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 13, Twp 03S, Rge 06E, B.M.
ELMORE 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	
03S	06E	13				7.3									11.5				18.8

Total Acres: 18.8

Conditions of Approval:

1. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
2. X35 Rights 61-12245, 61-12246, 61-12247 and 61-12248 when combined shall not exceed a total diversion rate of 0.33 cfs, a total annual maximum diversion volume of 51.7 af at the field headgate, and the irrigation of 23.3 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12245

3. X36 Rights 61-12122, 61-12124, 61-12246, 61-12247 and 61-12248 are also diverted through the point of diversion described above.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
5. X27 This right combined with right number 61-12246 is limited to the irrigation of 14.4 acres within the place of use described above in a single irrigation season.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Remarks:Comments:

1. jhersley 11/4/2009 split right
Comment: This right is the result of split from 61-12175 due to change in ownership.
2. jhersley 11/4/2009 9:56:39 AM POD
Comment: Updated Shape
3. jhersley 11/4/2009 10:38:28 AM POU
Comment: Updated Shape
4. agrimm 12/31/2009 Ownership Change Correction
Comment: Corrected water right quantity errors of change of ownership processed Nov 2009 prior to processing of Transfer No. 75577 for Lot 10 Bell Country Estates.

Dates and Other Information:

Licensed Date:
 Decreed Date: 10/26/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.27	41.6	18.8
Combined Water Rights: 61-12245 , 61-12247		

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12247

WATER RIGHT NUMBER: 61-12247

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA L BELL TRUST RALPH ROBERT TOWLE TRUSTEE 2405 WYOMING BOISE, ID 83706 (208)343-5511
Original Owner	DONNA L BELL 890 N 6TH E MOUNTAIN HOME, ID 83647 (208)587-4418

Priority Date: 04/01/1975

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.090 CFS	28.80 AF
	<u>Total Diversion:</u>	0.090 CFS	28.80 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 13, Twp 03S, Rge 06E, B.M.
ELMORE County		

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
03S	06E	13				7.3									11.5				18.8

Total Acres: 18.8

Conditions of Approval:

1. X27 This right combined with right 61-12248 is limited to the irrigation of 8.9 acres within the place of use described above in a single irrigation season.
2. X36 Rights 61-12122, 61-12124, and 61-12245, 61-12246 and 61-12248 are also diverted through the point of diversion described above.
3. X35 Rights 61-12245, 61-12246, 61-12247 and 61-12248 when combined shall not exceed a total diversion rate of 0.33 cfs, a total annual maximum diversion volume of 51.7 af at the field headgate, and the irrigation of 23.3 acres.
4. X63 All water rights within Basin 61 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-12247

5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Remarks:Comments:

1. jhersley 11/4/2009 split right
Comment: This water right is the result of split from 61-12178 due to change in ownership.
2. jhersley 11/4/2009 10:21:33 AM POD
Comment: Updated Shape
3. jhersley 11/4/2009 11:33:33 AM POU
Comment: Updated Shape
4. agrimm 12/31/2009 Ownership Change Correction
Comment: Corrected water right quantity errors of change of ownership processed Nov 2009 prior to processing of Transfer No. 75577 for Lot 10 Bell Country Estates.

Dates and Other Information:

Licensed Date:
 Decreed Date: 10/26/2000
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 4
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.27	41.6	18.8
Combined Water Rights: 61-12245 , 61-12247		

Water Supply Bank:

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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.

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use)	3.3
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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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.

[illegible][illegible]

Total Acres (for irrigation use) 2.0

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ 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 rights(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.:

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

FA-15122

QUITCLAIM DEED

FOR VALUE RECEIVED

Bill Ennis Construction, LLC

Do(es) hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

Michael J. Contreras, a married man as his sole and separate propertywhose address is: **960 North 16th East, Mountain Home, ID 83647**the following described premises situated in **ELMORE** County, Idaho, to wit:**Lot 10 in Block 1 of BELL COUNTRY ESTATES, Elmore County, Idaho, according to the official plat thereof or file and of record in the office of the County Recorder of Elmore County, Idaho.**

together with their appurtenances.

Dated: January 10, 2007

Instrument # 383541
 Elmore County, Idaho
 03:55pm Jan. 11, 2007
 For: FIRST AMERICAN TITLE COMPANY
 No. of Pages: 1 Fee: \$3.00
 MARSA GRIMMETT, Recorder
 Deputy: DLE

Bill Ennis Construction, LLC*William M. Ennis*

By William M. Ennis, owner/member

State of IDAHO

County of ELMORE

On January 10, 2007, before me a notary public in and for said State, personally appeared **William M. Ennis**, known or identified to me to be the Member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

WITNESS my hand and official seal.

Rebecca E. Hughes
Notary PublicResiding at: *Mountain Home, Idaho*Commission Expires: *1/30/10*

REBECCA E. HUGHES
 NOTARY PUBLIC
 STATE OF IDAHO

TRUSTEES' DEED

Instrument # 376253
Elmore County, Idaho
04:39pm May 24, 2006
For: GUARANTY TITLE INC
No. of Pages: 2 Fee: \$6.00
GAIL L. BEST, Recorder
Deputy: DLE

RALPH ROBERT TOWLE, as trustee, of THE DONNA L. BELL MARITAL TRUST, grantor and party of the first part, and, BILL ENNIS CONSTRUCTION, L.L.C., whose address is 1250 West 9th St., Mountain Home, ID 83647, grantee and party of the second part, WITNESSETH, that the said party of the first part, for good and other valuable consideration, to them in hand paid by said parties of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey without warranty unto the said party of the second part the following property situated in Elmore County, State of Idaho, to-wit:

Lot 10, Block 1, Bell Country Estates, Elmore County, Idaho, according to the official plat thereof on file and of record in the Office of the County Recorder of Elmore County, Idaho.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or other wise appertaining, and all estate, right, title and interest in and to the said property.

TO HAVE AND TO HOLD, all and singular the above mentioned

and described premises, together with appurtenances, unto the party of the second part and their heirs and assigns forever.

DATED this 15 day of ^{MAY}~~April~~, 2006.

DONNA L. BELL MARITAL TRUST

By Ralph Robert Towle
Ralph Robert Towle, trustee *Towle*

STATE OF IDAHO)
COUNTY OF ELMORE) ss.
)

On this 15 day of ^{MAY}~~April~~, 2006 before me a Notary Public in and for said State, personally appeared Ralph Robert Towle, known to me to be the person whose name is subscribed to the within instrument as trustee of the Donna L. Bell Trust, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



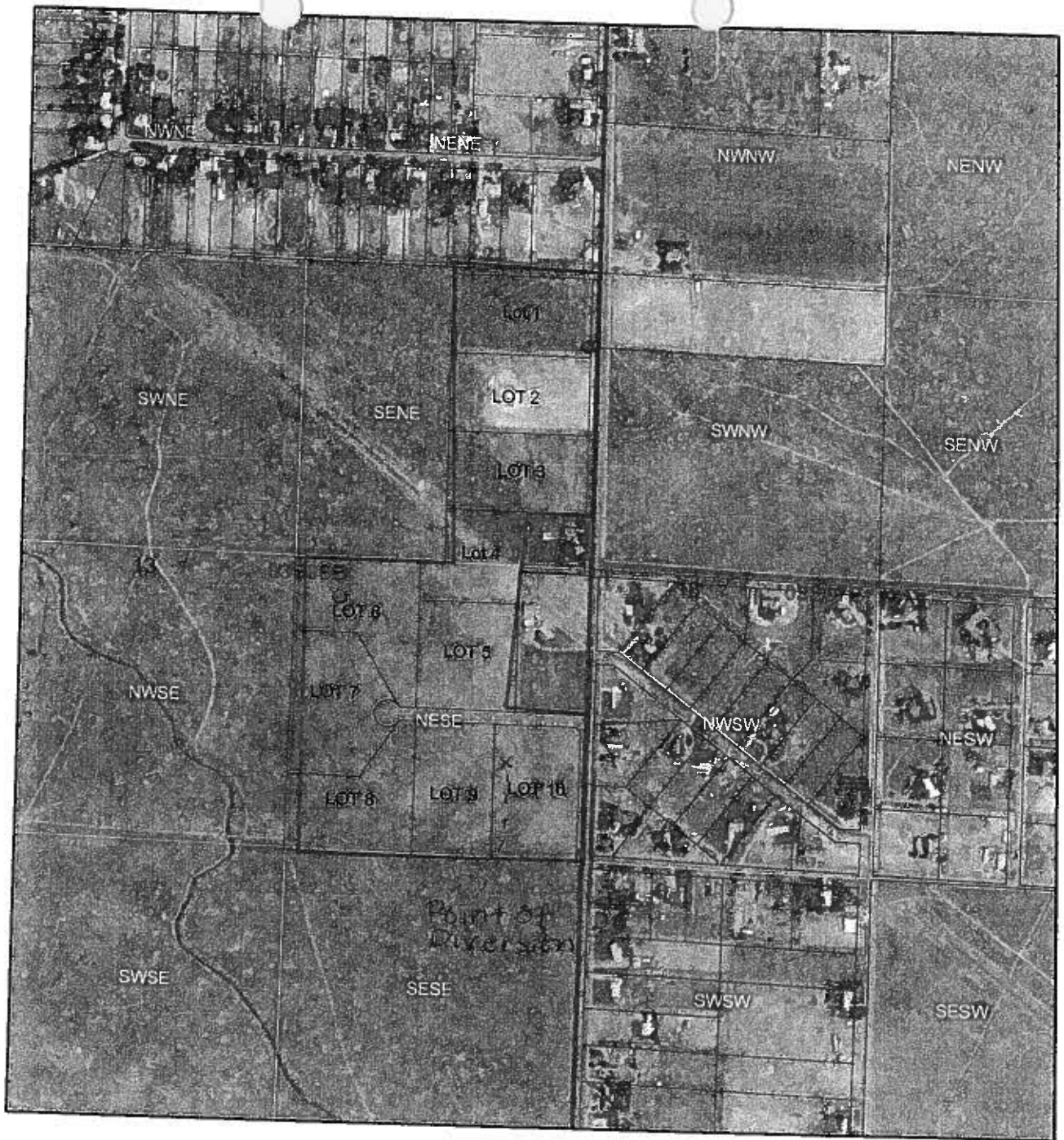
Marie Borchert

Notary Public for

Residing at:

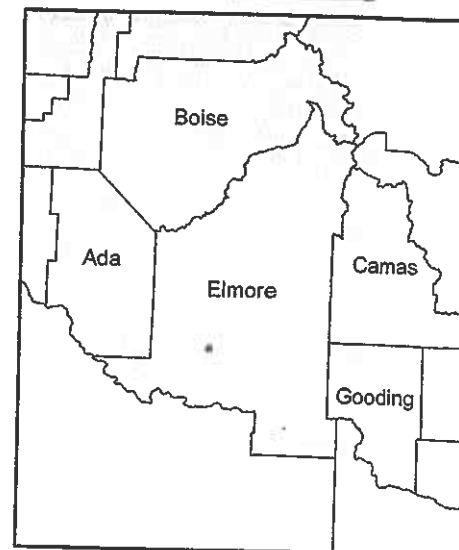
Comm. Exp:

Residing at Mountain Home, Idaho
My Commission Expires 05-18-11



Legend

- | | |
|-------------------------|----------------|
| Elmore Co Taxlots | Township/Range |
| 61-2127 & 61-4136 POU | Sections |
| • 61-2127 & 61-4136 POD | • QQ |
| • Lot 6 & 7 POD | |





ATTACHMENT #7a



**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

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 and water right proof report or details report for Part 2A of the transfer application 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 Proof Report (obtained from Department) or Details Report (obtained on website) 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.
- ☒ * 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/water/rights/>.
- ☐ ☒ #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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APR 27 2009

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

28 DB
APR 27 2009WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Michael J. and Lisa O. ContrerasPhone (208) 587-5551Mailing address 2303 Bell Country Court, Mountain Home, Idaho 83647Email mslisa371@aol.com

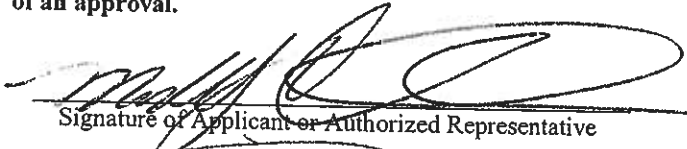
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the 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 RepresentativeName of Representative Jay R. FriedlyPhone (208) 587-4412Mailing address 340 East 2nd North, Mountain Home, ID 83647Email jay@hfwlaw.com

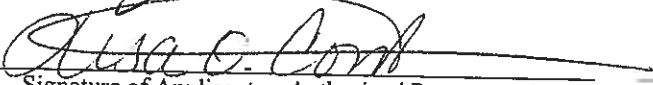
- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR ☐ 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

Michael Contreras
Print Name and Title if applicable



Signature of Applicant or Authorized Representative

Lisa O. Contreras
Print Name and Title if applicable

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 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**. Applicants purchased Lot 10 of Bell Country Estates, which is approximately 5 acres in size and had a well drilled in order to provide domestic and irrigation water. Applicants have irrigated all of Lot 10, except that portion occupied by their home, patio and driveways. Applicants want to change the point of diversion to the well they drilled.

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
~~PART 61-12245~~ ~~61-12175~~	.07/11.9	irrigation	04/01	to 10/31	Groundwater
~~PART 61-12247~~ ~~61-12176~~	0.03/8	irrigation	3/15	to 11/15	Groundwater
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
Total .08 cfs and/or 11.9 ac-ft					

2. Total amount of water being transferred or changed 0.08 cubic feet per second and/or 11.9 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 #
x			NE	SE	13	03S	06E	Elmore	Groundwater	D0047298
										D0047184

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	
* 03S	06E	13													5.3				5.3

Total Acres (for irrigation use) 5.3

* DESCRIBES ENTIRE PLACE OF USE (5.3 AC LOT 10) TO BE RECORDED FOR APPLICANT PORTION OF THE WATER RIGHT BEING TRANSFERRED.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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: A well with a 3 horsepower electric motor and pump with adequate control valves that control both domestic water for the house and irrigation water for the sprinklers.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: N.A.

- 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: 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: Land has been irrigated as a pasture for many years. It was subdivided into lots. Each lot owner, except where the original well was located, has drilled their own well. The nature of use and place of use has not changed. Each lot owner acquired a proportionate share of the original water rights.

- 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: _____

$$\phi_1 - 12247 = 2.04c$$

