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Page 1 of 6

SEP 03 2008

STATE OF IDAHO

406 29 2008

Transfer No. 75-15

DEPARTMENT OF WATER RESOURCES
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Lyman G. Winchester or Lena P. Winchester Phone 208-337-6005

Post Office address 2003 Succor Creek Road, Narnedale, ID 83608

19 Sep 08
AMENDED

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 Change of Ownership
2. Describe the reason for the proposed changes Abandoned Division in Oregon, Replaced w/ Division in ID AND
That will not divert to storage, retaining only irrigation use.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--|-----------|--------------------|---------------|---------------|
| 57-4006 | 10/4/1889 | 2.0 cfs | IRRIGATION | 3/15 to 10/15 |
| | | | | to |
| | | | | to |
| | | | | to |
| | | | | to |
| 2. Total amount of water being transferred <u>2.0</u> cubic feet per second and/or <u>0</u> acre-feet per annum. | | | | |
| 3. Source of water <u>Succor Creek</u> tributary to <u>Snake River</u> | | | | |
| 4. Point(s) of Diversion: | | | | |

[illegible]

5. Lands irrigated or place of use: NO CHANGE

[illegible]

Total Acres

Re-instated →

~~REJECTED~~

PART 1

6. General Information:

a. Description of diversion system 10 hp Pump from Sugar Creek

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

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

Current Water Right No. 57-4006

Priority Date: 10/04/1889

Origin: Water Right

Basis: Decreed

Status: Active

Source: SUCCOR CREEK

Tributary to: SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION FROM STORAGE	03/15	10/15		11.0 AFA	
DIVERSION TO STORAGE	03/15	10/15	4.00 CFS		
IRRIGATION STORAGE	03/15	10/15		11.0 AFA	
IRRIGATION	03/15	10/15	2.00 CFS		
	Total Diversion		4.00 CFS		

Source and Point(s) of Diversion:

SUCCOR CREEK	NENW	23S	46E	11	MALHEUR OR
--------------	------	-----	-----	----	------------

SUCCOR CREEK L3 (NWSW) 03N 06W 14 OWYHEE

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	
03N	06W	14			31.0			6.0	24.0	7.5	6.3					2.2			77.0
								2				3							

Total Acres: 77

Conditions/Remarks:

1. The point of diversion shown above is where the conveyance system enters Idaho. The point of diversion for this water right is in Oregon, within the NW1/4NE1/4, Section 11, T23S, R46E, Willamette Meridian.
2. USE OF THIS RIGHT WITH RIGHT NO. 57-7046 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 90 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. Succor Creek in the State of Oregon is tributary to the Snake River within the State of Idaho.

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

Current Water Right No. 57-4006

5. Water Right Claim number 57-4006 is for water diverted in the State of Oregon. IDWR makes no recommendation to the SRBA District Court regarding whether or not this claim is for a valid water right or whether the elements claimed are appropriately described in the claim under Oregon law. IDWR makes the following recommendations regarding this claim:

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

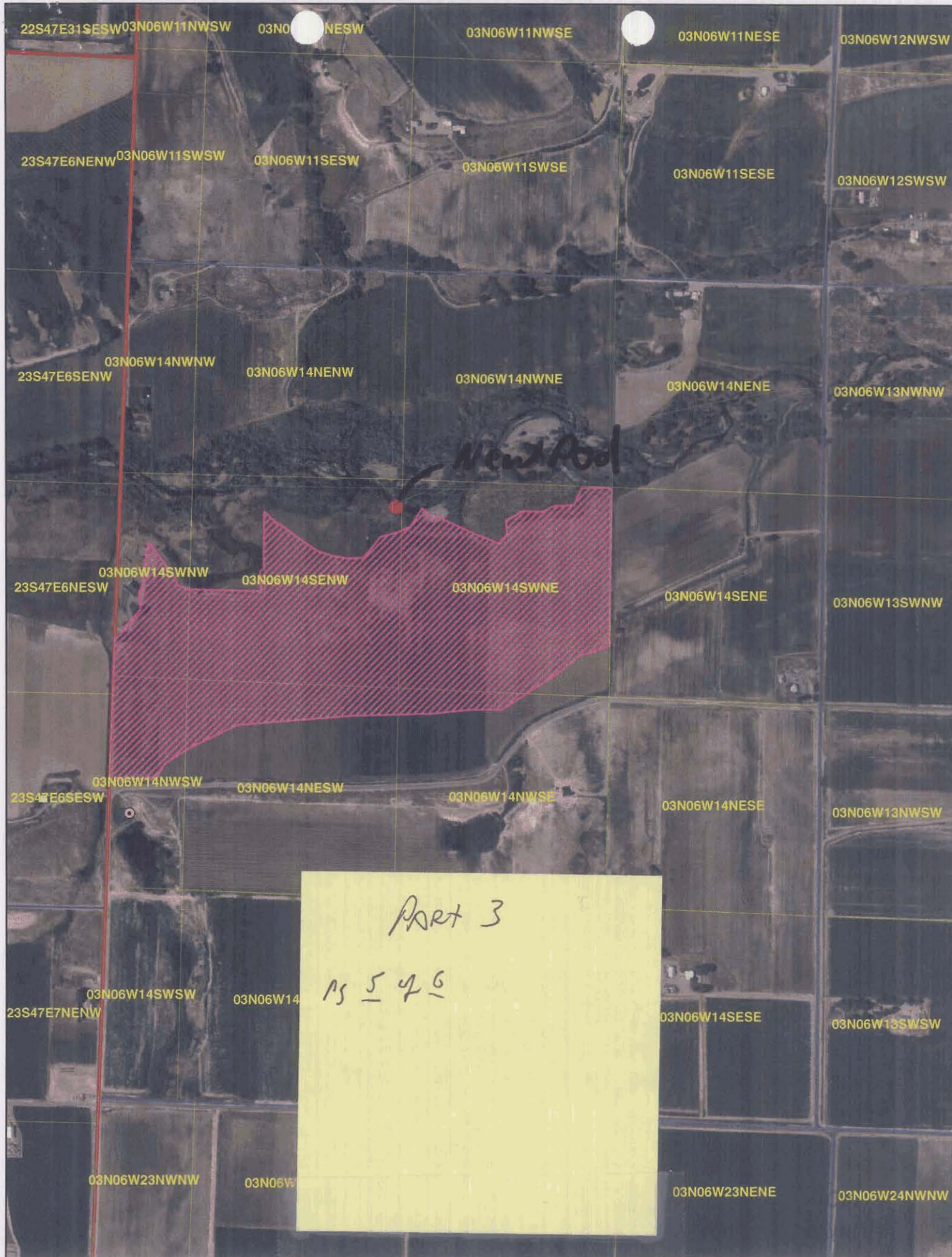
N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Other water rights used for the same purposes as above:

57-7046 and Gen Irrigation District water



22S47E31SESW03N06W11NWSW

03N06W11NESW

03N06W11NWSE

03N06W11NESE

03N06W12NWSW

23S47E6NENW03N06W11SWSW

03N06W11SESW

03N06W11SWSE

03N06W11SESE

03N06W12SWSW

23S47E6SENW03N06W14NWNW

03N06W14NENW

03N06W14NWNE

03N06W14NENE

03N06W13NWNW

23S47E6NESW03N06W14SWNW

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03N06W14SWNE

03N06W14SENE

03N06W13SWNW

23S47E6SESW03N06W14NWSW

03N06W14NESW

03N06W14NWSE

03N06W14NESE

03N06W13NWSW

23S47E7NENW03N06W14SWSW

03N06W14

03N06W14SESE

03N06W13SWSW

03N06W23NWNW

03N06W

03N06W23NENE

03N06W24NWNW

Part 3

15 5 4 6

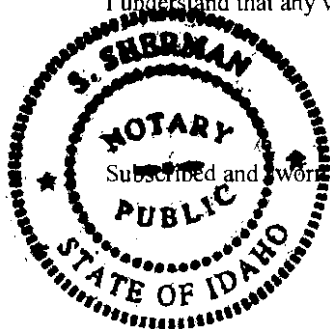
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
IRRIGATION 2.0 cfs 3/15 to 10/15
 _____ to _____
2. Quantity and quality of return flows and location of discharge: none

3. Describe effects on other water uses resulting from the proposed change:
none

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.



Lyman M Winchester
 (Signature of Applicant)

Subscribed and sworn to before me this 27th day of August, 2008

J. L. Larkin
 (Notary Public)

My commission expires 11-14-2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by S.O. by DB Date 8-29-08 Protest filed by _____

Prelim. Check by yz Fee \$290-

Received by S.O. / C087466 Date 8-27-08

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Recording Requested By and
When Recorded Return to:

Lyman Gene Winchester
1002 Succor Creek Road
Homedale, ID 83628

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 4th day of October, 2005, is between **PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #57, LLC**, an Idaho limited liability company ("Grantor"), and Lyman Gene Winchester and Lena Winchester, husband and wife ("Grantee"), whose legal address is: 1002 Suecor Creek Road, Homedale, ID 83628.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Owyhee, State of Idaho, more particularly described as follows:

See legal description described on Exhibit "A" attached hereto

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "Property").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the enrolling and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of April 4, 2005.

Attachment A - 3 pgs

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

PIONEER EXCHANGE
ACCOMMODATION TITLEHOLDER
#57, LLC, an Idaho limited liability
company

By: Pioneer 1031 Company, an
Idaho corporation, Member

By: Candy Kirkes
Name: Candy Kirkes

Its: Asst. Secretary

STATE OF IDAHO

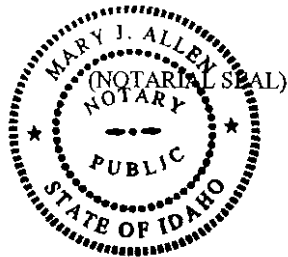
COUNTY OF ADA

)
) ss.
)

The foregoing instrument was acknowledged before me this 4th day of October, 2005, by Candy Kirkes, as Asst. Secretary of Pioneer 1031 Company, an Idaho corporation, Member of Pioneer Exchange Accommodation Titleholder #57, LLC, an Idaho limited liability company.

WITNESS my hand and official seal.

My commission expires: 10/30/09.



Mary J. Allen
Notary Public

A2

REPLACEMENT
PROPERTY

PO6784

Exhibit "A"

A parcel of land located in Section 14, Township 3 North, Range 6 West, Boise Meridian, Owyhee County, Idaho. Being further described as follows:

Beginning at a point on the South boundary of the Northwest Quarter, Southeast Quarter of Section 14 from which the Southeast 1/16 Corner bears South 89° 55' 20" East a distance of 575.14 feet; thence along the South boundary of the North 1/2 of the South 1/2 of said Section 14 for the following three courses:

North 89° 55' 20" West to the Center-South 1/16 corner of said Section 14, a distance of 739.12 feet;

North 89° 55' 23" West to the Southwest 1/16 corner of said Section 14 (Southeast corner of Government Lot 3), a distance of 1316.13 feet;

North 89° 55' 23" West to the West boundary of said Section 14, (Idaho/Oregon state line, Southwest corner of Government Lot 3) a distance of 472.84 feet; thence leaving said South boundary, along the West boundary of said Section 14 for the following two courses;

North 00° 03' 09" West to the West 1/4 corner of said Section 14 (Southwest corner of Government Lot 2), a distance of 1303.82 feet;

North 00° 01' 09" East to the North 1/16 corner of said Section 14 (Northwest corner of Government Lot 2) a distance of 1303.38 feet; thence leaving said West boundary along the North boundary of the South 1/2 of the North 1/2 of said Section 14 for the following three courses;

North 89° 50' 04" East to the Northwest 1/16 corner (Northeast corner of Government Lot 2) a distance of 447.53 feet;

North 89° 50' 04" East to the Center-North 1/16 corner, a distance of 1299.77 feet;

North 89° 59' 12" East to the Northeast 1/16 corner of said Section 14, a distance of 1300.78 feet; thence along the East boundary of the Southwest 1/4, Northeast 1/4 of said Section 14,

South 01° 15' 56" East to the Center-East 1/16 corner of said Section 14, a distance of 1310.99 feet; thence along the East boundary of the Northwest 1/4, Southeast 1/4 of said Section 14,

South 01° 10' 57" East to a point on the centerline of Succor Creek Road, a distance of 7.00 feet; thence leaving said East boundary along the centerline of said Succor Creek road for the following five courses;

North 89° 58' 35" West a distance of 29.31 feet; along a tangent circular curve to the left with a radius of 200.00 feet and a central angle of 23° 56' 46" and an arc length of 83.59 feet (chord bearing of South 78° 03' 03" West a distance of 82.98 feet);

South 66° 04' 40" West a distance of 259.92 feet; along a tangent circular curve to the left with a radius of 500.00 feet and a central angle of 28° 11' 46" and an arc length of 246.06 feet (chord bearing of South 51° 58' 47" West a distance of 243.58 feet);

South 37° 52' 54" West a distance of 46.84 feet; thence leaving the Centerline of said Succor Creek Road,

South 01° 10' 57" East a distance of 986.93 feet to the POINT OF BEGINNING.

First American Title
Schedule A

EXHIBIT "A"

A3