

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

APR 16 2008

Name of Applicant Dale and/or Jackie Van Es Phone (208) 896-5990WATER RESOURCES
WESTERN REGIONPost Office address 8222 Desert Dr., Marsing, ID 83639

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 the reason for the proposed changes Reflect an integrated system and permissible place of use for irrigation flexibility.

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
<u>2-2251</u>	<u>11/17/1964</u>	<u>6.08 cfs/1,368 ac-ft</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
<u>2-10017</u>	<u>12/04/1963</u>	<u>29.0 cfs/9,860 ac-ft</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred *35.08 cubic feet per second and/or 11,228 acre-feet per annum.

*Combined flow rate limitation of 29.0 cfs listed on both rights

3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	1W	14											40	40			40		120
		15				40					40			40	40	40	40	40	280
		21																40	40
		22	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
		23		40	40		40	40	40	40	40	40	40	40		40	40		480
		26		40	40		40	40	40	40	40	40	40	40		40	40		480
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40			40												120

(irrigation of 2,495 licensed acres within a 2,720 permissible place of use) Total Acres 2,720

PART 1

6. General Information:

- a. Description of diversion system Pump station, pressurized irrigation system
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 X Yes 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:
N/A
- d. Remarks:
Irrigation will continue within the limits of the water rights.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 74753

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED See Attached SRBA Recommendation

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

Transfer No. 74753

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED See Attached SRBA Recommendation

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

See Attached Maps

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHMENT D & E

Scale: 2 inches equal 1 mile. Draw plan in ink.

AMENDED

RECEIVED

OCT 30 2009

WATER RESOURCES
WESTERN REGION
PART 3

Transfer No. 74753

B. CHANGES IN NATURE OF USE

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	N/A			to
				to

Quantity and quality of return flows and location of discharge:

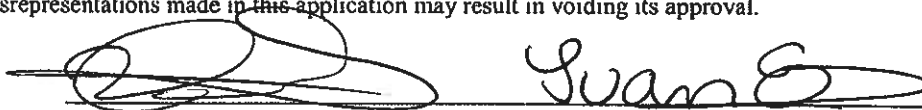
N/A

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

N/A

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.



(Signatures of Dale and Jackie Van Es)

Subscribed and sworn to before me this _____ day of _____, 20 _____

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 6 attachments

Received by DB Date 4-16-08 Protest filed by _____

Prelim. Check by AR Fee \$2,732.70

Receipted by DB/W036376 Date 4-16-08

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 _____

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/19/2008

WATER RIGHT NO. 2-2251

Owner Type	Name and Address
Current Owner	HULET FARM MANAGEMENT CO C/O JAY H HULET 15103 MURPHY FLAT RD MURPHY, ID 83650 (208)834-2738

Priority Date: 11/17/1964
Basis: License
Status: Active

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	6.08 CFS	1368 AFA
Total Diversion			6.08 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SENW|Sec. 30|Township 02S|Range 01E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	01W	23		NESW 38		SESW 32								
		26		NWSE 40		SWSE 40								
				NWNE 40		SWNE 40								
				NWSE 38		SWSE 36								

Total Acres: 304

Conditions of Approval:

- X36 Right 2-10017 is also diverted through the point of diversion described above.
- E60 USE OF THIS RIGHT WITH RIGHT NO. 2-10017 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.0 CFS.
- S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree Section 42-1412(6), Idaho Code.

Dates:

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

ATTACHMENT A

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/19/2008

WATER RIGHT NO. 2-10017

Owner Type	Name and Address
Current Owner	HULET FARM MANAGEMENT CO C/O JAY H HULET 15103 MURPHY FLAT RD MURPHY, ID 83650 (208)834-2738

Priority Date: 12/04/1963
Basis: License
Status: Active

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	29 CFS	9860 AFA
Total Diversion			29 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SENW|Sec. 30|Township 02S|Range 01E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	01W	14		SWSW 40			SESW 38							
				SWSE 37										
		15		SENE 40										
				NESW 31			SESW 31							
				NESE 40			NWSE 40			SWSE 40		SESE 40		
		21		SESE 40										
		22		NENE 38			NWNE 40			SWNE 40		SENE 38		
				NENW 40			SENW 40							
				NESW 40			NWSW 40			SWSW 40		SESW 40		
				NESE 38			NWSE 40			SWSE 40		SESE 40		
		23		NWNE 40			SWNE 40							
				NENW 40			NWNW 40			SWNW 40		SENW 40		
				NESW 2			NWSW 39			SWSW 34		SESW 6		
		26		NENW 40			NWNW 40			SWNW 40		SENW 40		
				NESW 40			NWSW 40			SWSW 40		SESW 30		
		27		NENW 40			NWNW 40			SWNW 39		SENW 40		
				NESW 40			NWSW 30			SWSW 40		SESW 40		
				NESE 40			NWSE 40			SWSE 40		SESE 40		
		34		NENE 40			NWNE 40							
				NENW 40										

Total Acres: 2191

Conditions of Approval:

1. E60 USE OF THIS RIGHT WITH RIGHT NO. 2-2251 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 29.0 CFS.
2. X36 Right 2-2251 is also diverted through the point of diversion described above.
3. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 2-2249, 2-2250, 2-2252, 2-2253, 2-2254, 2-2255 and 2-2256.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Dates:

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:

ATTACHMENT B

3/19/2008 9:40 AM



5680 East Franklin Road, Suite 250 / Nampa, Idaho
83687 / (208) 465-6655

200707219

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Falcon Butte Farms, Inc., an Idaho corporation, ~~as to an undivided 1/2~~ 

a corporation duly organized and existing under the laws of the State of, grantor, does hereby Grant, Bargain, Sell and Convey unto

Dale Van Es and Jackie Van Es, husband and wife

whose address is: 8222 Desert Dr, Marsing ID grantee,
the following described real estate, to-wit:

 an undivided 50% interest in the real property described on
~~SEE~~ EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its officers on March 31, 2008.


Jackie Grant, President
Falcon Butte Farms, Inc.

State of Idaho

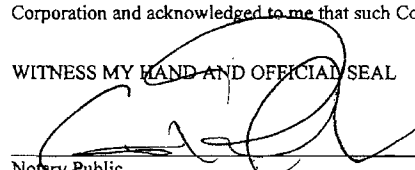
ss.

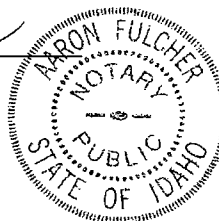
County of Canyon

On this 31 day of March, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared Jackie Grant known and/or identified to me on the basis of satisfactory evidence, to be the President of the Corporation that executed the within instrument or the person who executed the instrument on behalf of said Corporation and acknowledged to me that such Corporation executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)


Notary Public
Residing at: Nampa, Idaho
Commission Expires: 10/22/10



ATTACHMENT C (4 PGS)



DV
gu.

5680 East Franklin Road, Suite 250 / Nampa, Idaho
83687 / (208) 465-6655

200707219

WARRANTY DEED

For Value Received Turflands, LLC, an Idaho limited liability company, as to an undivided 1/2 interest
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Dale Van Es and Jackie Van Es, husband and wife

hereinafter referred to as Grantee, whose current address
is 8222 Desert Dr Marsing ID 83637
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except current
years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record,
and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims
whatsoever.

Dated: March 29, 2008

L. Dawson McKay
Turflands, LLC

State of Idaho

ss.

County of Canyon

On this 31 day of March, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared Darwin McKay, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Managing Member of the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

(SEAL)

Notary Public
Residing at: Nampa, Idaho
Commission Expires: 10/22/10

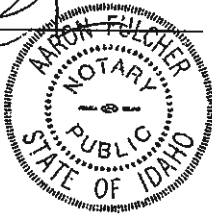
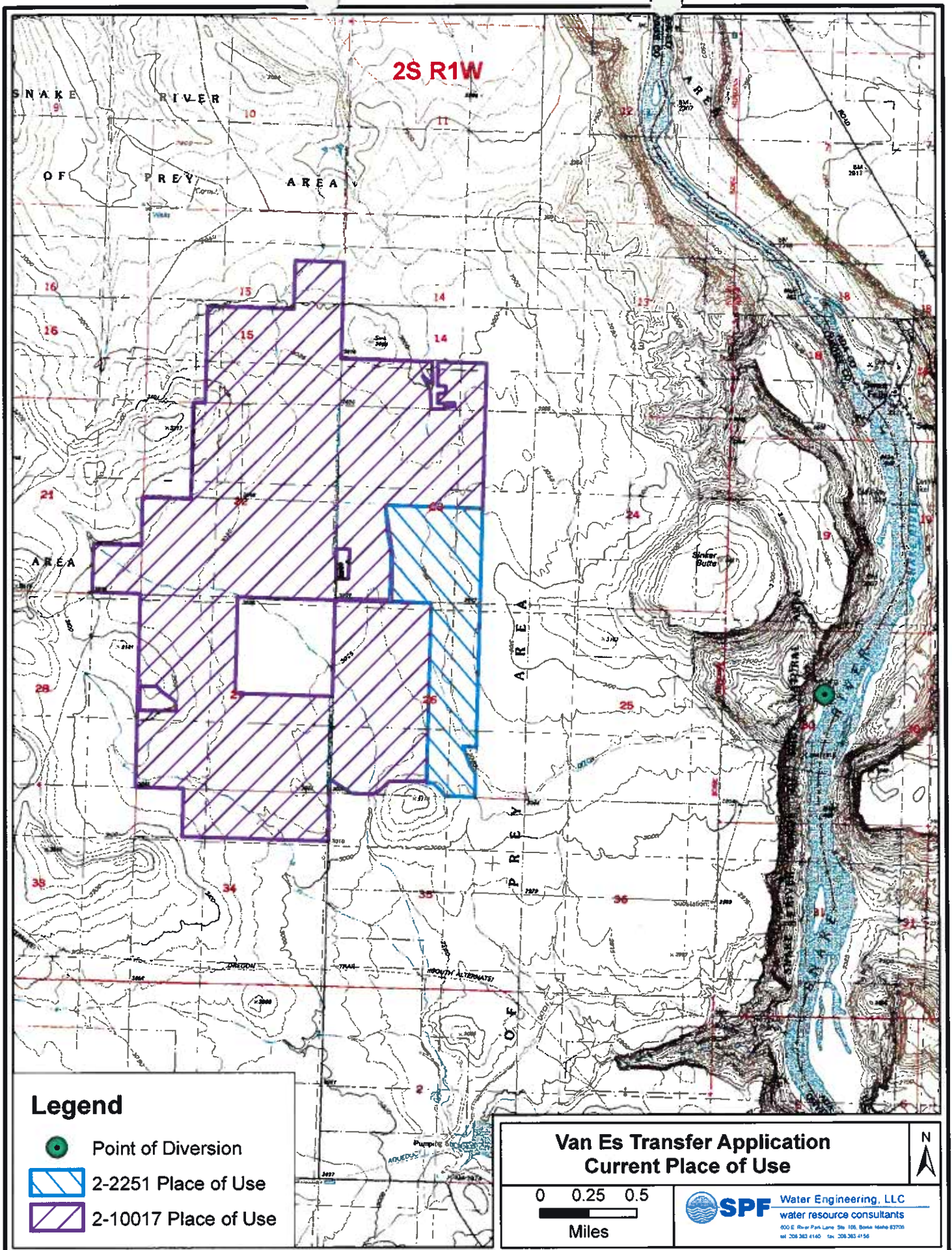


EXHIBIT A

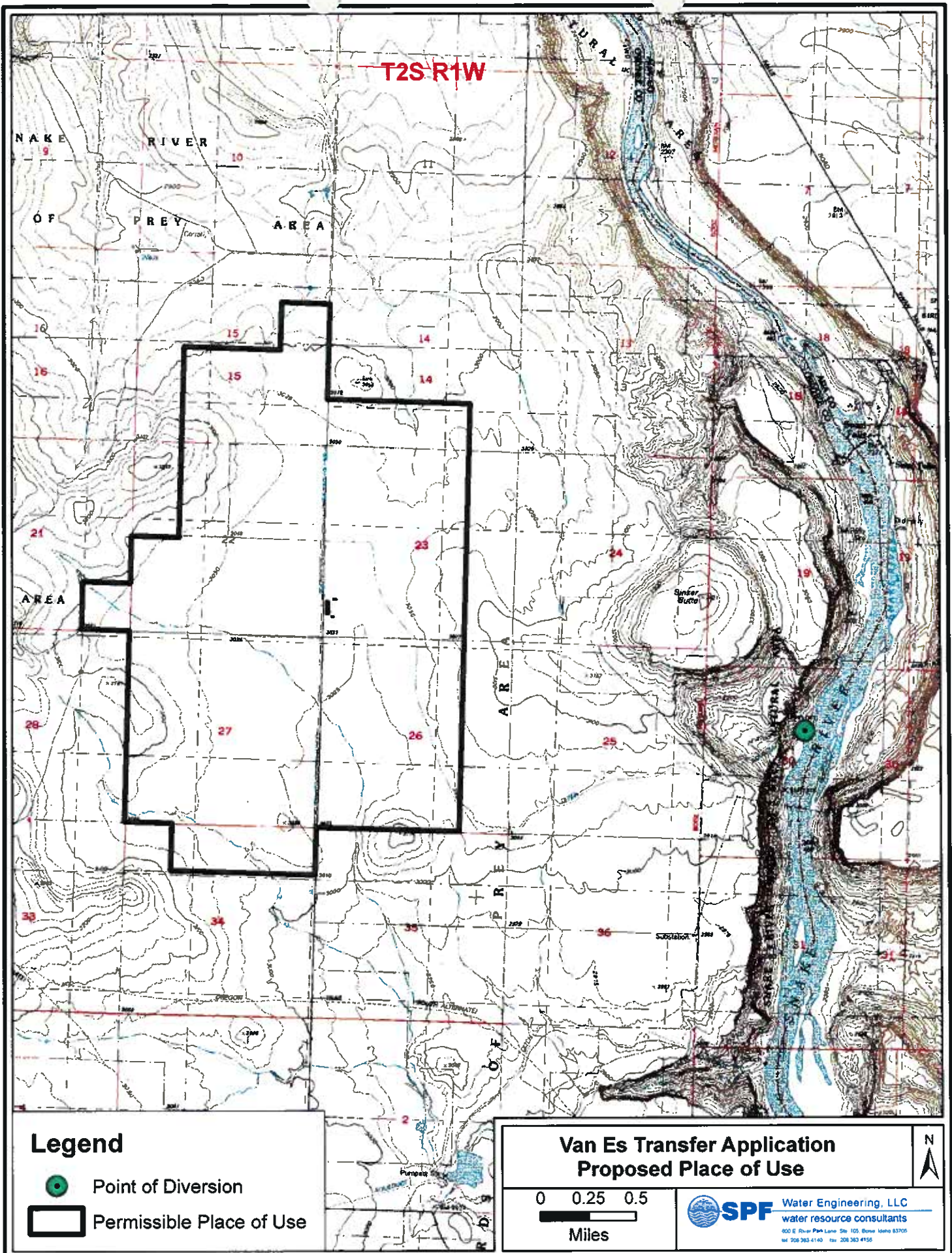
1.
1.

All in Township 2 South, Range 1 West, Boise Meridian, Owyhee County, Idaho.

Section 14: SW1/4SE1/4 and the S1/2SW1/4
Section 15: The SE1/4NE1/4, the SE1/4 and the E1/2SW1/4
Section 21: The SE1/4SE1/4
Section 22: The E1/2, the SW1/4, and the E1/2NW1/4
Section 23: The W1/2 and the W1/2E1/2
Section 26: The W1/2 and the W1/2E1/2
Section 27: ALL
Section 34: The N1/2NE1/4 and the NE1/4NW1/4



ATTACHMENT D



ATTACHMENT E

April 8, 2008

SPF Water Engineering, LLC
Attn: Lori Graves
600 E. River Park Ln., Suite 105
Boise, ID 83706-6551

Re: Application for Transfer of Water Rights for Dale and Jackie Van Es

Dear Lori,

Wells Fargo Bank is aware of the Application for Transfer of Water Rights for the Dale and Jackie Van Es Murphy Flat property involving water right nos. 2-2251 and 2-10017. We understand that the purpose of the transfer application is to reflect an integrated irrigation system and permissible place of use on both water rights for irrigation flexibility.

Wells Fargo Bank currently has a mortgage on the property where the transfer of water rights will occur.

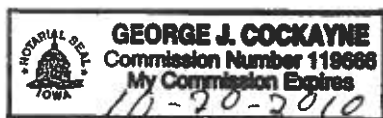
We approve of the transfer that is being proposed on this property.

Sincerely

Kipp R Weaver
Vice President

State of ~~Idaho~~ Iowa)
County of Polk) SS.
_____)

Subscribed and sworn (or affirmed) before me this 9th day of April, 2008.



George J. Cockayne
Notary Public

Residing at Des Moines, Iowa

My Commission Expires 10-20-2010

. ATTACHMENT

PART 3

ORIGINAL

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount of flow Hours/days/year Period of Use
N/A _____ to _____
 _____ to _____

Quantity and quality of return flows and location of discharge: _____
N/A _____

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

N/A _____

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)
 Subscribed and sworn to before me this March day of 27, 20 08
[Signature] Harvey Grimme
 (Notary Public) 211 Main St
Marion ID 83639
 My commission expires 10-17-2008



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments
 Received by DB Date 4-16-08 Protest filed by _____
 Prelim. Check by AA Fee \$2732.70
 Received by DB / W036376 Date 4-16-08
 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 _____

SUPERSEDED