

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75469APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Thomas T. and/or Elizabeth C. Tierney Phone 714-832-9700Post Office address 2802 Dow Avenue Tustin, CA 92660

RECEIVED

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

MAR 06 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

2. Describe the reason for the proposed changes Applicant seeks to change the use of portion of ground water irrigation right to aesthetic (new use) for new permit, see concurrent permit.

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>71-7169</u> | <u>09/17/1992</u> | <u>0.03/4.98</u> | <u>Aesthetic</u> | <u>04/15</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.03 cubic feet per second and/or 4.98 acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	10	07N	14E	CUSTER	WELL AND PUMP

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	14E	10					J		J	J		J							

PART 1**6. General Information:**

- a. Description of diversion system Proposed diversion will be a headgate serving an existing conveyance ditch.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
1.66 acres will no longer be irrigated after this transfer is approved.

- d. Remarks:
Transfer seeks to provide mitigation for new aesthetic use outlined in concurrent permit. See additional information narrative.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

Page _____ of _____

Transfer No. _____

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

PART 2

(Attach one copy for each right)

RECEIVED

MAR 06 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 71-7169 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 a 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** Ground Water tributary to N/A.**4. Date of priority** 9/17/1992**5. Water is used for the following purpose:**

Amount 1.0/192.0 for Irrigation purposes from 5/01 to 10/31
(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 1.0 cubic feet per second and/or 192.0 acre-feet per annum.**7. Point(s) of Diversion:**

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	10	07N	14E	CUSTER	WELL AND PUMP

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	14E	10							35.0			29.0							64.0

Total acres 64.0

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

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 0.03/4.98 for Irrigation purposes from 5/01 to 9/30
 (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	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	10	07N	14E	CUSTER	WELL AND PUMP

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	14E	10							0.23			1.43							1.66

Total acres 1.66

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

1. Amount 0.97/187.02 for Irrigation purposes from 5/01 to 9/30
 (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	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	SW	10	07N	14E	CUSTER	WELL AND PUMP

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	14E	10							35.0			29.0							64.0

Irrigation will be reduce by 1.66 acres in the place of use described above after transfer approval. Total acres 64.0*

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

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Aesthetic</u>	<u>0.03/4.98</u>	<u>As Needed</u>	<u>01/01</u> to <u>12/31</u>
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
N/A.
3. Describe the effects on other water uses resulting from the proposed change:
This portion of this right is to provide mitigation for new aesthetic permit.

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)

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of February, 20 09.

[Signature]
(Notary Public)

My commission expires June 20, 2009

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and 6 attachments

Received by [Signature] Date 3-9-09 Protest filed by _____

Prelim. check by _____ Fee \$100, 5030725

Receipted by [Signature] Date 3-9-09

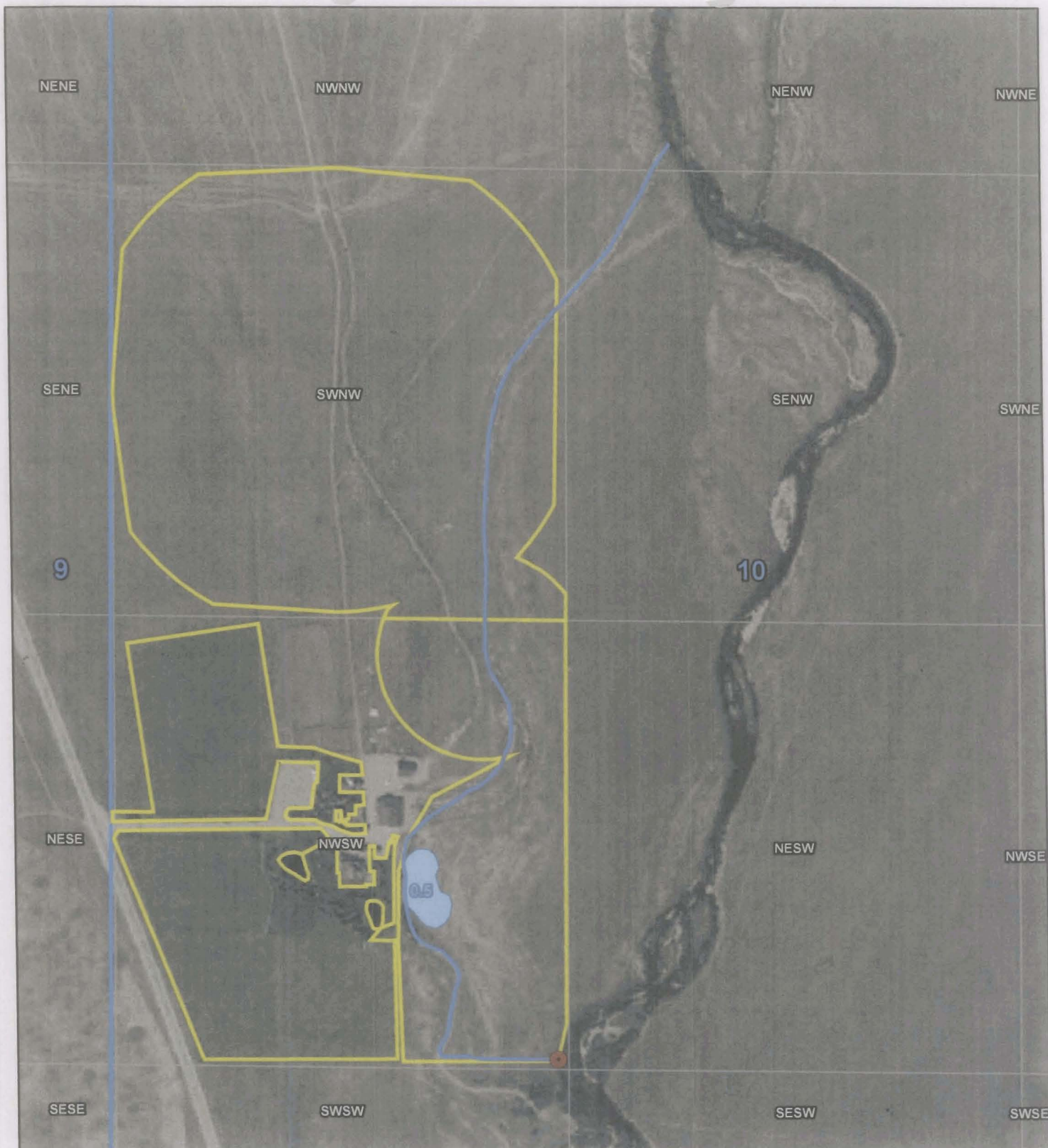
Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



1 inch equals 400 feet

BROCKWAY ENGINEERING, PLLC.
ZL - 1/28/09

F:\Projects\Busterback Ranch\Arcview 9\BASE MAP NAIP 2004 W-PIVOTS.mxd

**THOMAS T. AND ELIZABETH C. TIERNEY
APPLICATIONS FOR PERMIT AND TRANSFER
T.07N R.14E SEC.10
NAIP 2004 AERIAL PHOTOGRAPH**

Legend

- Proposed New POD for Permit
- Proposed Ditch Area = 0.78 ac.
- Proposed Pond Area = 0.5 ac.
- WR 71-7169 Licence POU
- Sections
- t07n14e

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

We, Thomas T. and Elizabeth C. Tierney, hereby nominate and appoint
Brockway Engineering (Chuck G. Brockway) as our attorney-in-fact with full
authority to act for and on our behalf to undertake any and all acts or matters pertaining to water
right transfers before the Idaho Department of Water Resources for the following water right
transactions:

All portions of all water rights transactions pertaining to property owned by Thomas T.
and/or Elizabeth C. Tierney.

in Custer County, Idaho. Additionally, we hereby ratify and confirm any
and all such acts on matters as contemplated herein.

Our agent is hereby authorized to sign, seal and deliver, as our act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, we hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by our said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by us in our own proper person; and we hereby undertake at
all times to ratify whatsoever our said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 17th day of Feb 2009.

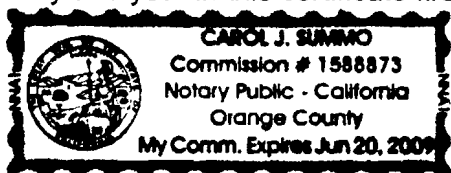
Elizabeth C. Tierney
Signature
Thomas T. Tierney
Signature

State of California)
County of Orange) ss.

On this 17th Day of February, 2009, before me, a Notary Public
in and for said County and State, personally appeared Thomas T. Tierney and Elizabeth C. Tierney
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he 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.

S
E
A
L



Carol J. Summo
Notary Public
In and for said State and County
June 20, 2009
My Commission Expires