

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75527APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant DAVID FOUST and/or Phyllis Foust Phone 208-267-2566
Post Office address 601 USHER Lane Bonners Ferry, ID 83805

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 _____

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>98-7869</u> | <u>6-24-1953</u> | <u>0.010 cfs</u> | <u>Fish Propagation</u> | to _____ |
| | | | <u>Stock Water</u> | <u>1/1</u> to <u>12/31</u> |
| <u>98-7870</u> | <u>6-24-1953</u> | <u>0.05 cfs</u> | <u>Stock Water</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to _____ |
2. Total amount of water being transferred 0.06 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SPRING tributary to SINKS
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE		1	62N	1E	Boundary	SPRING

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
62N	1E	1																	
62N	1E	1													S	S			
62N	1E	1														H			

Total acres _____

PART 1

6. General Information:

a. Description of diversion system convert diversion in to 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 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:

N/A

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

Witness my hand this _____ day of _____, 19 _____.

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

PART 2

(Attach one copy for each right)

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. _____ 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 _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

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 .01 for Stock water / Fish purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount .05 for Stock water purposes from 1/1 to 12/31
 (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
	NW	SE		1	62N	01E	Boundary	Spring

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
62N	1E	1																	
62N	1E	1													S	S			
62N	1E	1														H			

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 ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

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>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

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

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.

Subscribed and sworn to before me this _____

Daniel G. Hart
(Signature of Applicant)

10th

day of

April

2009

10



[Signature]
(Notary Public)

My commission expires

4-28-2010**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

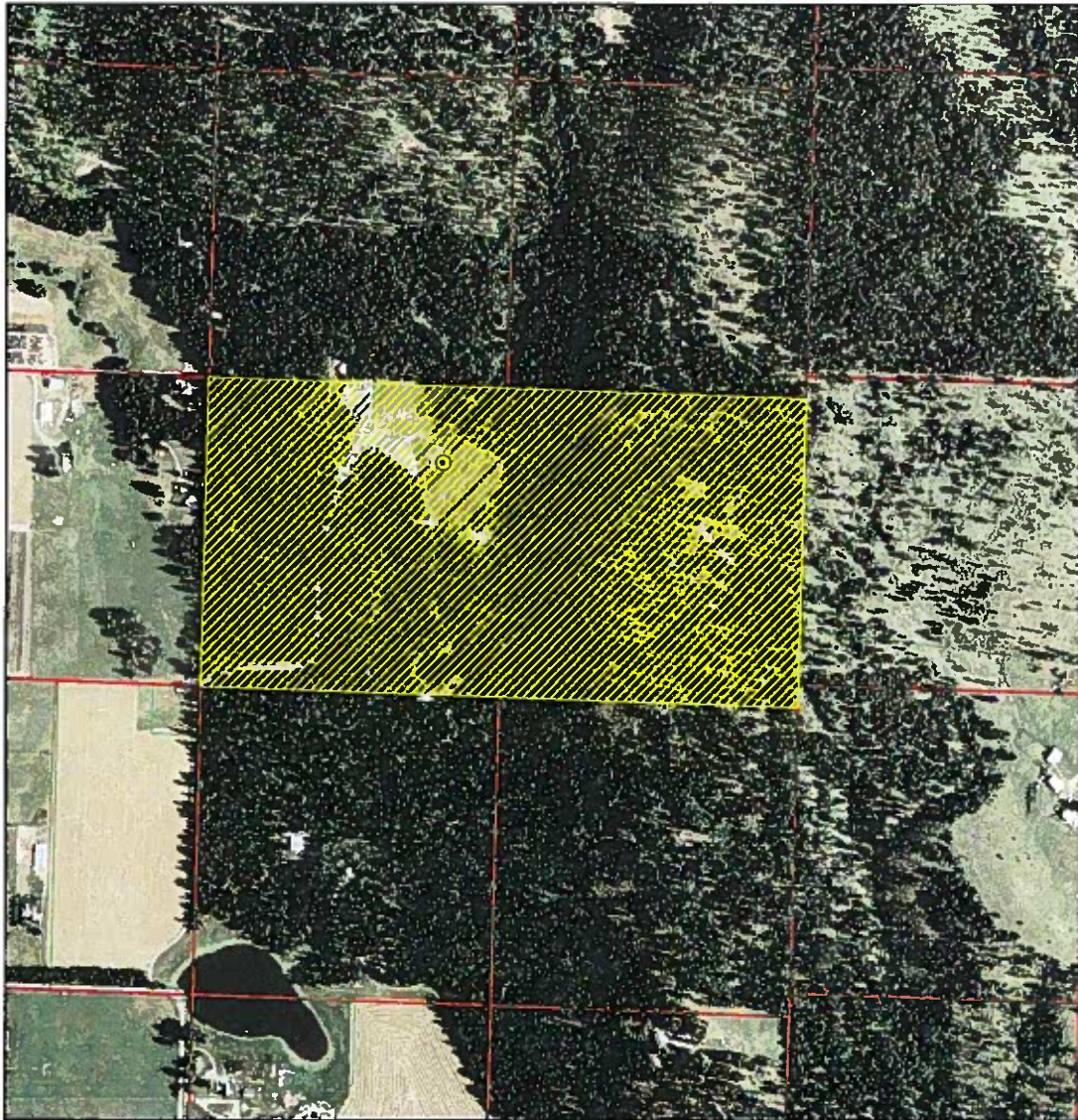
Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Transfer 75527



Legend

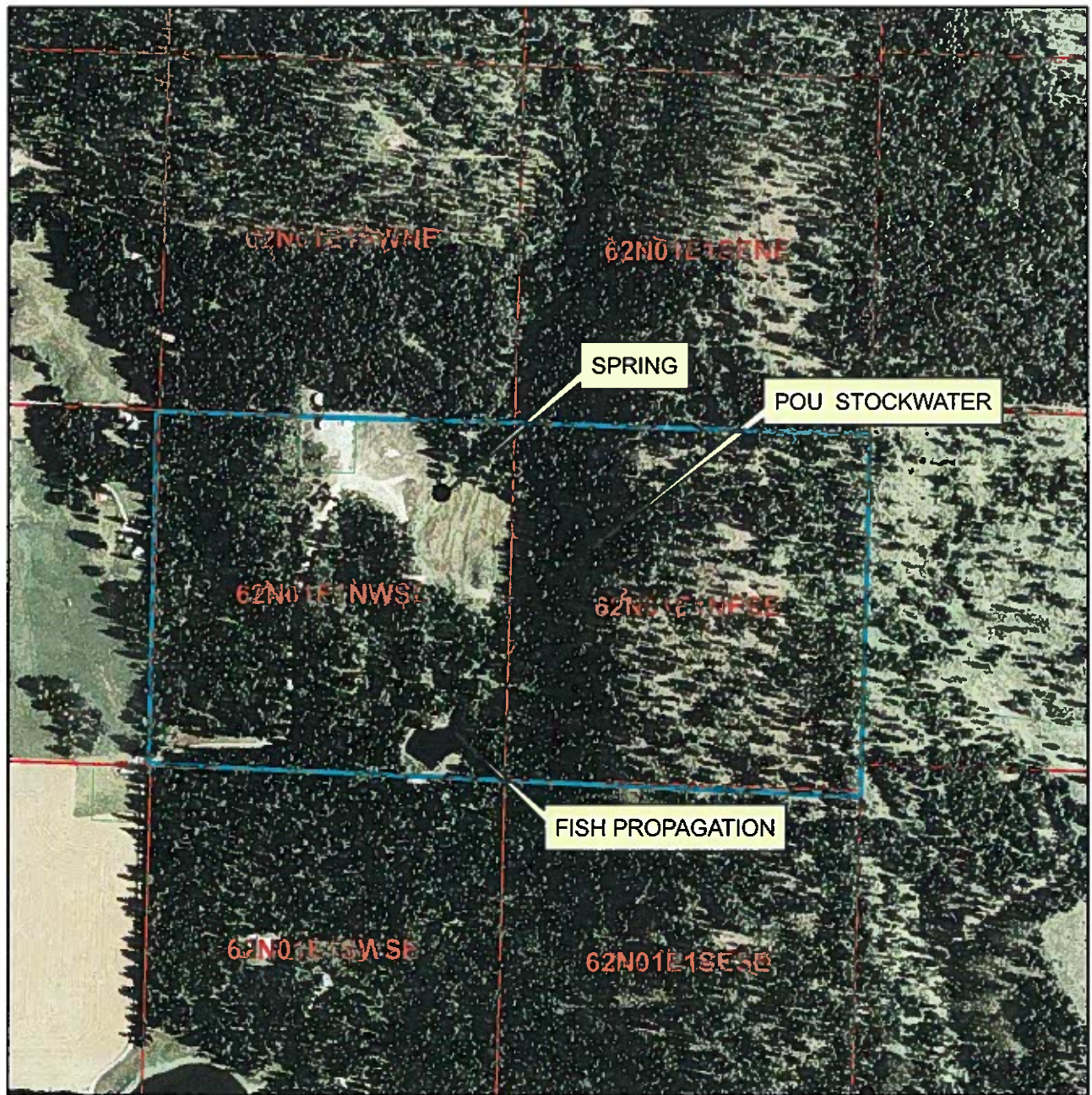
⊙ Transfer Right POD

 Transfer Right POU

0 287.5 575 1,150 1,725 2,300 Feet



FOUST



Legend

-  QQ
-  Taxlots

0 240 480 960 1,440 1,920 Feet





TITLE INSURANCE COMPANY

0161319

BOUNDARY ABSTRACT COMPANY, LTD.

AGENT FOR BOUNDARY COUNTY
POST OFFICE BOX 749
BONNERS FERRY, IDAHO — 83805
PHONES: 267-3127 AND 267-3128

IDAHO MAIN OFFICE
LOCATED AT
BOISE, IDAHO

WARRANTY DEED

IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by grantor, ZOE FOUST, a widow, grantor does hereby grant, bargain, sell and convey unto DAVID FOUST, a single man, grantee, the following described property:

The North Half of the Northeast Quarter ($N\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twelve (12), Township Sixty-two (62) North, Range One (1) East, B. M.,

LESS the South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12), and

ALSO LESS a tract of land in the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12), more specifically described as follows: Beginning at the north quarter corner of said Section Twelve (12), thence South 89 degrees 44' 06" east along the north line of said Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ NE $\frac{1}{4}$) a distance of 716.04 feet; thence leaving said North line, South 00 degrees 14' 34" West a distance of 357.53 feet, thence South 40 degrees 07' 16" West a distance of 49.32 feet, thence North 89 degrees 23' 56" west a distance of 316.53 feet, thence South 53 degrees 44' 52" West a distance of 29.62 feet, thence North 89 degrees 37' 44" west a distance of 110.25 feet, thence South 02 degrees 10' 45" west a distance of 29.53 feet, thence North 87 degrees 54' 13" west a distance of 233.61 feet to a point on the west line of said Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ NE $\frac{1}{4}$), thence North 00 degrees 19' 42" east along said west line a distance of 433.01 feet to the point of beginning, EXCEPT that portion of the above described tract lying within the right of way of the existing county road, lying along the westerly boundary of said tract.

RESERVING unto said excluded property the right to draw sufficient water from the well for domestic purposes on the excluded property including the right to maintain, repair, and replace the existing water pipeline from said well to said excluded tract.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the

grantor, ZOE FOUST, a widow, grantor does hereby bargain, sell and convey unto DAVID FOUST, a single man, grantee, the following described property:

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twelve (12), Township Sixty-two (62) North, Range One (1) East, B. M.,

LESS the South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12), and

ALSO LESS a tract of land in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Twelve (12), more specifically described as follows: Beginning at the north quarter corner of said Section Twelve (12), thence South 89 degrees 44' 06" east along the north line of said Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) a distance of 716.04 feet; thence leaving said North line, South 00 degrees 14' 34" West a distance of 357.53 feet, thence South 40 degrees 07' 16" West a distance of 49.32 feet, thence North 89 degrees 23' 56" west a distance of 316.53 feet, thence South 53 degrees 44' 52" West a distance of 29.62 feet, thence North 89 degrees 37' 44" west a distance of 110.25 feet, thence South 02 degrees 10' 45" west a distance of 29.53 feet, thence North 87 degrees 54' 13" west a distance of 233.61 feet to a point on the west line of said Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), thence North 00 degrees 19' 42" east along said west line a distance of 433.01 feet to the point of beginning, EXCEPT that portion of the above described tract lying within the right of way of the existing county road, lying along the westerly boundary of said tract.

RESERVING unto said excluded property the right to draw sufficient water from the well for domestic purposes on the excluded property including the right to maintain, repair, and replace the existing water pipeline from said well to said excluded tract.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the

INSTRUMENT NO.:

STATE OF IDAHO, COUNTY OF Boundary

I hereby certify this instrument, consisting of 2 pages

was filed for record at the request of

Phyllis Foust

at 25 minutes past 1:00 o'clock P. m., the

8 day of May, 1990, in my office

and duly recorded in book 15 of Dist at page 291

Fee \$6.00

RECORDED

Ex-officio Recorder

Mail to: H&R 85 B 41

By: *B. Foust*

B 7

Deputy.

ADDRESS OF PURCHASER:

St. Rt.
Bonners Ferry, Id

RECEPTION ()

INDEXED ()

FILMED ()

DELIVERED ()

MAILED ()

duplicate of 1st page

grantor does hereby covenant to and with the said grantee
that it is the owner in fee simple of said premises and that
they are free from all encumbrances, and that it will warrant
and defend the same from all lawful claims whatsoever.

DATED this 26 day of September, 1979.

Zoe Foust

STATE OF IDAHO)
 : ss
County of Boundary)

On this 26 day of September, 1979, before me,
the undersigned Notary Public, personally appeared ZOE FOUST,
known to me to be the person whose name are subscribed to
the within instrument and acknowledged to me that she executed
the same.

[Signature]
Notary Public for Idaho
Residing at Bonners Ferry



12/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 98-7869

WATER RIGHT NUMBER: 98-7869

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	USHER FOUST RT 1 BOX 76 BONNERS FERRY, ID 83805

Priority Date: 06/24/1953

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	/ to /		
STOCKWATER	01/01 to 12/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4	Sec. 1, Twp 62N, Rge 01E, B.M.
BOUNDARY County		

Place of Use

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	01E	12		X															

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	01E	12	X	X															

Comments:

- erushing 12/26/2007 Ownership Change
Comment: Split from 98-2138 into 98-7869 (Usher Foust) and 98-7870 (David Foust).
- erushing 12/26/2007 POD
Comment: Updated shape
- erushing 12/26/2007 POU
Comment: Updated Shape
- erushing 12/26/2007
Comment: The license did not indicate period of use for stockwater - added time period to satisfy the data entry standards as required by workflow when updating the water use.

Dates and Other Information:

Licensed Date: 5/19/1960

12/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 98-7870

WATER RIGHT NUMBER: 98-7870

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	USHER FOUST RT 1 BOX 75 BONNERS FERRY, ID 83805
Current Owner	DAVID FOUST HCR 85 BOX 41 BONNERS FERRY, ID 83805 208-267-2566

Priority Date: 06/24/1953

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4	Sec. 1,	Twp 62N,	Rge 01E, B.M.
BOUNDARY County				

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N	01E	12	X	X															

Comments:

1. erushing 12/26/2007 Ownership Change
Comment: Split from 98-2138 into 98-7869 (Usher Foust) and 98-7870 (David Foust).

2. erushing 12/26/2007 POD
Comment: Updated shape

3. erushing 12/26/2007 POU
Comment: Updated Shape

4. erushing 12/26/2007
Comment: The license did not indicate period of use for stockwater – added time period to satisfy the data entry standards as required by workflow when updating the water use.

Dates and Other Information:

Licensed Date: 5/19/1960