

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SEP 15 2008

WATER RESOURCES
WESTERN REGIONName of Applicant Mary J. HorganPhone 208-587-3429Post Office address 4644 N. 18th E., Mountain Home, ID 83647Representative Lori Graves, SPF Water Engineering LLC, 600 E River Park Ln Ste 105, Boise, ID. 208-383-4140

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 Family farm has been split into four separate properties for the siblings. Each owner is proposing a separate irrigation system and permissible place of use for their split portion.

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

1. Right Number (portion)	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>61-250</u>	<u>10/01/1874</u>	<u>0.29 cfs/40.0 ac-ft</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
		<u>0.01 cfs/0.25 ac-ft</u>	<u>Stockwater</u>	<u>1/01</u> to <u>12/31</u>
				to
				to

2. Total amount of water being transferred 0.30 cubic feet per second and/or 40.25 acre-feet per annum.3. Source of water Canyon Creek tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	12	2S	6E	Elmore	Decreed POD (shared)
		NE	SE	11				Decreed POD

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total s
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	6E	11				.5									27			31	58.5

*10 acres irrigation within a 58.5-acre permissible place of use (ppu)

Total Acres *58.5 ppu

PART 1

6. General Information:

- a. Description of diversion system Headgates, pumps, ditches, sprinklers

- 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:

- d. Remarks:
The siblings have agreed to divide the appurtenant water right equally between their four separate parcels. Stockwater was rounded up due to department data entry standards. Only the NWNW, Section 12 decreed point of diversion will continue to be shared.

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

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (See attached Partial Decree 61-250)

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

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 0.29 cfs/40 ac-ft for Irrigation purposes from 4/01 to 10/31
 (cfs/ac-ft)
 amount 0.01 cfs/0.25 ac-ft for Stockwater purposes from 1/01 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
		NE	SE	11	2S	6E	Elmore	Partially decreed POD that applicant retains separately

3. Lands irrigated or place of use: 10 acres of 40-acre right

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	
2S	6E	11																	

Total Acres 10

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

Remaining Right

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 3**

See Attached Map

- 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.**

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

PART 3**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>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

2. 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.

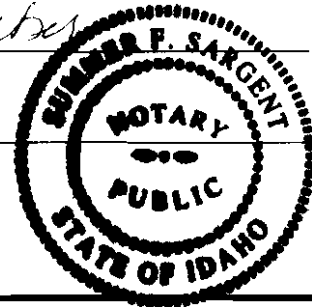
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mary J. Klyne
Notary

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of September, 20 08

Summer F. Sargent
 (Notary Public)

My commission expires June 15, 2013**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 4 attachmentsReceived by DB Date 9-15-08 Protest filed by _____Prelim. Check by SC Fee \$250-Received by DB / W036920 Date 9-15-08

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 _____

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/25/2008

WATER RIGHT NO 61-250

Owner Type	Name and Address
Current Owner	STANLEY G NORSTEBON 14158 NE MEMORY LN MOUNTAIN HOME, ID 83647 (208) 796-2770
Current Owner	MILDRED M NORSTEBON 1458 MAYFIELD RD MOUNTAIN HOME, ID 83647 (208) 796-2770
Original Owner	JOHN HICE

Priority Date: 10/01/1874

Basis: Decreed

Status: Active

Source	Tributary
CANYON CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.19 CFS	160 AFA
STOCKWATER	1/01	12/31	0.03 CFS	1 AFA
Total Diversion			1.22 CFS	

Location of Point(s) of Diversion

CANYON CREEK	NESE	Sec. 11	Township 02S	Range 06E	ELMORE County
CANYON CREEK	NWSE	Sec. 11	Township 02S	Range 06E	ELMORE County
CANYON CREEK	NWNW	Sec. 12	Township 02S	Range 06E	ELMORE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	06E	11		SENE	6.6									
				NESE	12.4		NWSE	16.3		SWSE	4.2		SESE	0.5

Place of Use Legal Description: STOCKWATER ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	06E	11		SENE			NWSE			SWSE			SESE	

Total Acres: 40

Conditions of Approval:

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(a), IDAHO CODE. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
C15	THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY
4	STOCKWATER, 75 RANGE CATTLE

Dates:

Licensed Date:

Decreed Date: 10/26/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

Attachment A
2 pgs

8/25/2008 11:35 AM

State or Federal: S
Owner Name Connector: OR
Water District Number: 61A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
[Close](#)

WARRANTY DEED

FOR VALUE RECEIVED

Mary J. Horgan, James S. Norstebon, Anita L. Fickle and Robert A. Norstebon

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Mary J. Horgan

GRANTEE(S), whose current address is: 4644 N 18th E
the following described real property in Elmore
more particularly described as follows, to wit:

Mountain Home, Id 83647
County, State of Idaho,

SEE ATTACHED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: February 28, 2008

Mary J. Horgan
Mary J. Horgan

James S. Norstebon
James S. Norstebon

Anita L. Fickle
Anita L. Fickle

Robert A. Norstebon
Robert A. Norstebon

STATE OF Idaho, County of Elmore, ss.

On this 3rd day of March
in the year of 2008, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Mary J. Horgan, James S. Norstebon, mb
Anita L. Fickle and Robert A. Norstebon

known or acknowledged to be the person(s) whose name
are subscribed to the within instrument, and
acknowledged to me that they executed the same.

Signature: *Marie Borcher*
Name: MARIE BORCHER
(Type or print)
Residing at Mountain Home, Idaho
My Commission Expires 05-18-11

Instrument # 396244
Elmore County, Idaho
10:13am Mar. 05, 2008
For: ANITA FICKLE Fee: \$6.00
No. of Pages: 2
MARSA GRIMMETT, Recorder
Deputy: DLE

RE-RECORDED

Instrument # 396360
Elmore County, Idaho
11:27am Mar. 10, 2008
For: ANITA FICKLE Fee: \$12.00
No. of Pages: 4
MARSA GRIMMETT, Recorder
Deputy: DLE

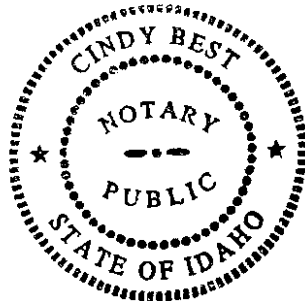
Attachment B
Apg

STATE OF IDAHO)
COUNTY OF ADA)

On this 4th day of MARCH
In the year 2008, before me, the undersigned, a Notary Public in and for
said State, personally appeared

JAMES S. NORSTEBON

Known or identified to me to be the person (s) whose name (s) are/is subscribed
to the within instrument, and acknowledged to me that he/she/they executed the
same.



Signature Cindy Best
Residing at BOISE ID
Comm. Exp: 7-10-2010

W A I T E

land surveying, llc

2710 Sunrise Rim Road, Suite 240 Boise, ID 83705
208.947.3830 Tele. 208.947.3829 Fax

P.N. 2349

May 25, 2007

NORSTEBON PROPERTY PARCEL "A"

A portion of the Southeast 1/4 and a portion of the Southeast 1/4 of the Northeast 1/4 of Section 11, T.2S., R.6E., B.M., Elmore County, Idaho, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 11, from which the South 1/4 corner bears S 89°55'53" W, 2627.77 feet;

thence N 00°08'04" W along the East boundary of said Section 11 for a distance of 2618.54 feet to the East 1/4 corner of said Section 11;

thence continuing N 00°08'04" W along the East boundary of said Section 11 for a distance of 163.36 feet;

thence leaving said East boundary S 48°06'19" W for a distance of 111.17 feet;

thence S 17°50'45" W for a distance of 186.65 feet;

thence S 47°53'15" W for a distance of 232.77 feet;

thence S 85°08'22" W for a distance of 152.42 feet to a point on the centerline of Canyon Creek;

thence continuing along the centerline of Canyon Creek for the following 6 courses:

thence S 85°08'22" W for a distance of 253.56 feet;

thence S 63°33'47" W for a distance of 285.62 feet;

thence S 66°09'29" W for a distance of 67.90 feet;

thence S 09°36'28" E for a distance of 119.80 feet;

thence S 28°43'15" E for a distance of 197.68 feet;

thence S 46°57'09" W for a distance of 522.42 feet to a point on the centerline of Mayfield Road, being a point on a curve to the left;

thence along the centerline of Mayfield Road and said curve to the left a distance of 308.84 feet, said curve having a radius of 2770.53 feet, a central angle of 06°23'13" and a chord bearing S 40°07'13" E for a distance of 308.68 feet to a point of tangent;

thence continuing along said centerline for the following 5 courses:

thence S 43°18'50" E for a distance of 127.42 feet to a point of curve to the right;

thence along said curve to the right a distance of 313.59 feet, said curve having a radius of 239.59 feet, a central angle of 74°59'33" and a chord bearing S 05°49'03" E for a distance of 291.68 feet to a point of tangent;

thence S 31°40'43" W for a distance of 148.23 feet to a point of curve to the left;

thence along said curve to the left a distance of 224.99 feet, said curve having a radius of 324.54 feet, a central angle of 39°43'12" and a chord bearing S 11°49'07" W for a distance of 220.51 feet to a point of tangent;

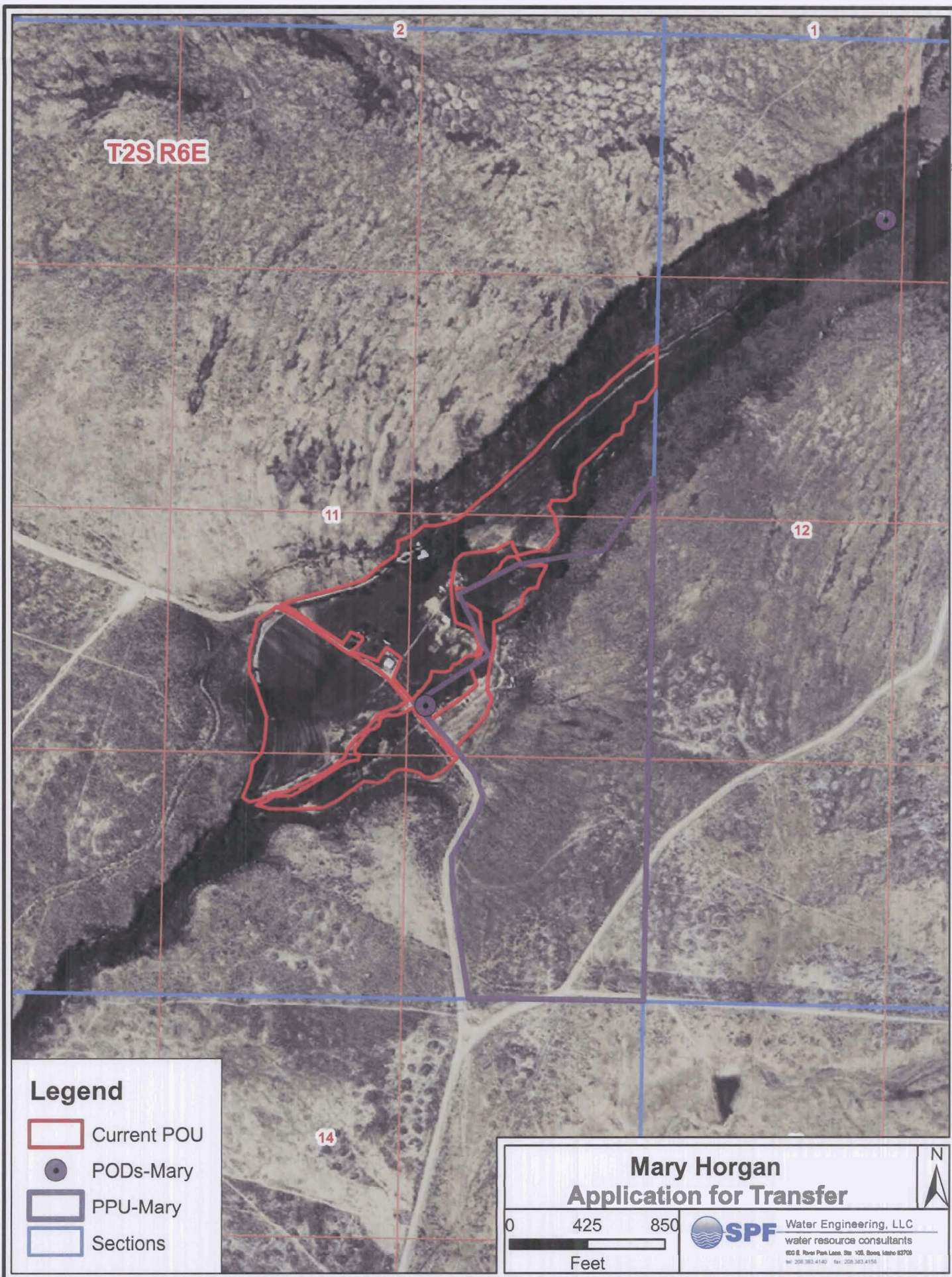
thence S 08°02'29" E for a distance of 582.96 feet to the South boundary of said Section 11;

thence N 89°55'33" E along the South boundary of said Section 11 for a distance of 1033.89 feet to the POINT OF BEGINNING;

containing 58.56 acres of land, more or less.

Prepared by: Todd R. Waite P.L.S.





Attachment C

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Applications for Transfer of Water Right Nos. 61-250 and 61-10345

To Whom It May Concern:

I own a portion of the current place of use for water right No. 61-250 and No. 61-10345 as evidenced by the ownership documentation attached to my transfer application. I am aware of three other transfer applications on right No. 61-250 and the transfer application on right No. 61-10345. As a family, we have agreed to split the water right No. 61-250 evenly amongst the siblings and allow water right No. 61-10345 to be in James Norstebon's name for stockwater use on his property. Please process all five transfer applications accordingly.

Sincerely,

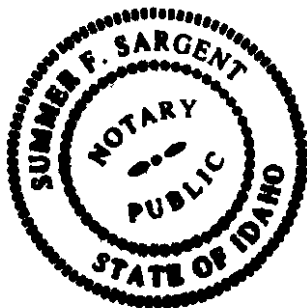
Mary J. Horgan

Mary J. Horgan

Sept. 7, 2008
Date

State of Idaho)
County of Ada) SS.
_____)

Subscribed and sworn (or affirmed) before me this 7th day of September, 2008.



Summer F. Sargent
Notary Public

Residing at Ada County

My Commission Expires June 15, 2012

Attachment D