

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

RECEIVED

SEP 15 2008

WATER RESOURCES
WESTERN REGIONName of Applicant James S. Norstebon Phone 208-336-0396Post Office address 2618 N. 29th St., Boise, ID 83703Representative 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 Well and proposed stockwater place of use are on applicant's property.

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>61-10345</u>	<u>8/01/1958</u>	<u>0.03 cfs</u>	<u>Stockwater</u>	<u>1/01</u> to <u>12/31</u>
		<u>0.01 cfs</u>	<u>Domestic</u>	<u>1/01</u> to <u>12/31</u>
				to _____
				to _____

2. Total amount of water being transferred 0.04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	SE	11	2S	6E	Elmore	Existing POD (no change)

5. 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	
2S	6E	11														S			
															D				

Total Acres _____

PART 1

6. General Information:

a. Description of diversion system Well, pump, troughs

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:

Stockwater will no longer be provided to the NESE tract owned by Anita Fickle, Mary Horgan and Robert and Joy Norstebon. The
domestic place of use is owned by Robert and Joy Norstebon and will not change. Authorizations from these owners are attached.

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 61-10345)

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 _____ 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	
2S	6E	11																	

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 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**

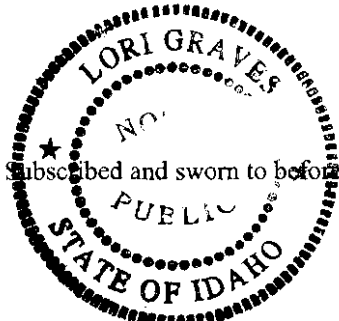
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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.



James E. Norton
(Signature of Applicant)

Subscribed and sworn to before me this

5th

day of

September

, 20 08

Lori Graves
(Notary Public)

My commission expires

6/18/2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by DB Date 9-15-08

Protest filed by _____

Prelim. Check by _____ Fee \$100 -

Received by DB / W036921 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 _____

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

08/26/2008

WATER RIGHT NO. 61-10345

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

Priority Date: 08/01/1958

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.03 CFS	
DOMESTIC	1/01	12/31	0.01 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENWSE|Sec. 11|Township 02S|Range 06E|ELMORE County

Place(s) of use:

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		NESE										

Place of Use Legal Description: DOMESTIC ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	06E	11		NESE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. 02S06E111810 STOCKWATER, 75 RANGE CATTLE

Dates:

Licensed Date:

Decreed Date: 01/30/1998

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:

State or Federal: S

Owner Name Connector: OR

Water District Number:

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](#)

Attachment A

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
James S. Norstebon aka Jim Norstebon

GRANTEE(S), whose current address is: 2618 N 29th St
the following described real property in Elmore
more particularly described as follows, to wit:

Boise, Idaho 83703
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 7th 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 to me to be the person S whose name
are they subscribed to the within instrument, and
asked me to be the Notary Public, and they executed the same.

Marie Boachert
Notary Public
State of Idaho
My commission expires 05-16-11

Residing at:

Residing at Mountain Home, Idaho
My commission expires 05-16-11

Instrument # 396247
Elmore County, Idaho
10:13am Mar. 05, 2008
For: ANITA FICKLE
No. of Pages: 2 Fee: \$6.00
MARSA GRIMMETT, Recorder
Deputy: DLE

RE-RECORDED

Instrument # 396362
Elmore County, Idaho
11:29am Mar. 10, 2008
For: ANITA FICKLE
No. of Pages: 4 Fee: \$12.00
MARSA GRIMMETT, Recorder
Deputy: DLE

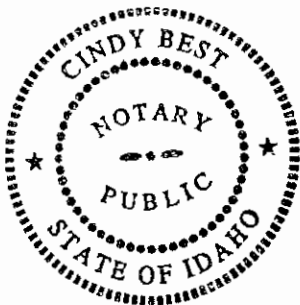
Attachment B
4 pgs

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 BORER 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 14, 2007

NORSTEBON PROPERTY PARCEL "C"

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

Commencing at the South 1/4 corner of said Section 11,

thence N 00°12'40" W along the West boundary of said Southeast 1/4 of Section 11, for
a distance of 451.90 feet to a point on the centerline of Canyon Creek, being the **REAL
POINT OF BEGINNING;**

thence leaving said West boundary along the centerline of Canyon Creek for the
following 7 courses:

N 42°41'18" E for a distance of 455.29 feet;

thence N 60°07'27" E for a distance of 455.29 feet;

thence N 58°01'12" E for a distance of 213.15 feet;

thence N 48°51'11" E for a distance of 116.98 feet;

thence N 34°01'02" E for a distance of 223.44 feet;

thence N 57°44'05" E for a distance of 223.44 feet;

thence N 46°57'09" E for a distance of 47.64 feet to a point on the centerline of Mayfield
Road, being a curve to the right;

thence along the centerline of Mayfield Road for the following 5 courses:

74.65 feet along a curve to the right, said curve having a radius of 2770.53 feet, a central
angle of 01°32'38" and a chord bearing N 36°09'18" W for a distance of 74.65 feet to a
point of reverse curve to the left;

thence along said reverse curve to the left a distance of 182.15 feet, said curve having a radius of 474.79 feet, a central angle of $21^{\circ}58'53''$ and a chord bearing $N 46^{\circ}22'25'' W$ for a distance of 181.04 feet to a point of tangent;

thence $N 57^{\circ}21'51'' W$ for a distance of 610.93 feet to a point of curve to the left;

thence along said curve to the left a distance of 163.36 feet, said curve having a radius of 184.13 feet, a central angle of $50^{\circ}49'53''$ and a chord bearing $N 82^{\circ}46'48'' W$ for a distance of 158.05 feet to a point of tangent;

thence $S 71^{\circ}48'16'' W$ for a distance of 122.72 feet to a point of curve to the right;

thence along said curve to the right a distance of 159.29 feet, said curve having a radius of 245.69 feet, a central angle of $37^{\circ}08'47''$ and a chord bearing $N 89^{\circ}37'20'' W$ for a distance of 156.51 feet to a point of tangent;

thence $N 71^{\circ}02'57'' W$ for a distance of 219.68 feet to a point on the West boundary of the Southwest 1/4 of said Section 11;

thence $S 00^{\circ}12'40'' E$ along the West boundary of said Southwest 1/4 for a distance of 1656.90 feet to the POINT OF BEGINNING;

containing 28.35 acres of land, more or less.

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



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
James S. Norstebon aka Jim Norstebon

GRANTEE(S), whose current address is: 2618 N 29th St Boise, Idaho 83703
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

SEE ATTACHED

RE-RECORDED

Instrument # 396363
Elmore County, Idaho
11:30am Mar. 10, 2008
For: ANITA FICKLE
No. of Pages: 4 Fee: \$12.00
MARSA GRIMMETT, Recorder
Deputy: DLE

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
Anita L. Fickle
Anita L. Fickle

James S. Norstebon
James S. Norstebon
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 identified to me to be the person(s) whose name
are described to the within instrument, and
acknowledged to me that they executed the same.



Marie Borchert
(type or print)
Residing at Mountain Home, Idaho
My commission expires: 05-18-11

Instrument # 396248
Elmore County, Idaho
10:13am Mar. 05, 2008
For: ANITA FICKLE
No. of Pages: 2 Fee: \$6.00
MARSA GRIMMETT, Recorder
Deputy: DLE

Attachment C
4 Pgs

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. NORSTEDSON

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 Cathy [Signature]

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 29, 2007

NORSTEBON PROPERTY PARCEL "D"

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

Commencing at the South 1/4 corner of said Section 11,

thence N 00°12'40" W along the West boundary of said Southeast 1/4 of Section 11, for
a distance of 2108.80 feet to a point on the centerline of Mayfield Road, being the **REAL
POINT OF BEGINNING**;

thence continuing N 00°12'40" W along said West boundary for a distance of 522.57 feet
to the Center 1/4 corner of said Section 11;

thence S 89°47'41" E along the North boundary of said Southwest 1/4 for a distance of
1237.07 feet;

thence leaving said North boundary S 17°40'47" W for a distance of 76.97 feet;

thence S 34°45'14" W for a distance of 142.28 feet;

thence N 85°44'18" W for a distance of 78.05 feet;

thence S 52°03'58" E for a distance of 190.00 feet;

thence S 57°11'28" W for a distance of 228.02 feet;

thence S 75°02'46" W for a distance of 464.24 feet to a point on the centerline of
Mayfield Road, being a point on a curve to the left;

thence along said curve to the left and centerline of Mayfield Road a distance of 82.70
feet, said curve having a radius of 184.13 feet, a central angle of 25°44'02" and a chord
bearing S 84°40'17" W for a distance of 82.01 feet to a point of tangent;

thence S 71°48'16" W along said centerline for a distance of 122.72 feet to a point of curve to the right;

thence along said curve to the right and centerline a distance of 159.29 feet, said curve having a radius of 245.69 feet, a central angle of 37°08'47" and a chord bearing N 89°37'20" W for a distance of 156.51 feet to a point of tangent;

thence N 71°02'57" W along said centerline for a distance of 219.68 feet to the REAL POINT OF BEGINNING;

containing 13.77 acres of land, more or less.

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



