

Form 1-222
12-92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Name of Applicant Neil E. & Elizabeth L. Brown

Phone 208-397-5251

Mailing Address 2933 W. 1800 S., Aberdeen, ID 83210

c/o Thomas J. Budge, Racine Olson Nye Budge & Bailey, chtd.

ph. 208-232-6101

P.O. Box 1391, Pocatello, Idaho 83204

fax 208-232-6109

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 Nature of Use Period of Use

35-13514	07/14/1958	.030 cfs	Irrigation	04/01 to 10/31
35-13512	12/23/1957	.050 cfs	Irrigation	04/01 to 10/31
35-13508	7/23/1956	.020 cfs	Irrigation	04/01 to 10/31

2. Total amount of water being transferred .10 cubic feet.

3. Source of water Ground Water tributary to N/A

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local Name for Diversion
	SE	NE	SW	18	6S	31E	Bingham	

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	
6 S	31	18									4.0								4.0

Total Acres 4.0

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DEC 09 2008

Department of Water Resources
Eastern Region

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PART 1

8. General Information:

- a. Description of diversion system Existing ground water well
- 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. The mortgagor, Key Bank, has sent a statement to the IDWR consenting to this transfer.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A
- d. Remarks: Applicant desires to change point of diversion to existing well located on Applicant's property.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20__

**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: See Water Right Reports for Water Rights Nos. 35-13512, 35-13508 and 35-13514 attached.

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

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 cfs for purposed from to N/A

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

**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.

New Point of Diversion

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The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes, or other purposes, for completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

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PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use _____ Amount _____ cfs Hours/days/year _____ Period of use _____ to _____
2. Quantity and quality of return flows and location of discharge: _____
3. Describe effects on other water uses resulting from the proposed change: None.

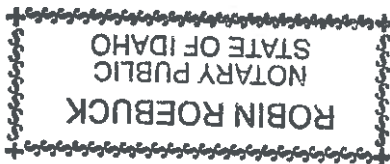
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

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



THOMAS J. BUDGE, Attorney for Applicant.

Subscribed and sworn to before me this 3rd day of December, 2008.



Notary Public

My Commission expires: 8/18/2012

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
Received by _____ Date _____ Protest filed by _____
Prelim check by _____ Fee 100 -
Receipted by _____ Date 12/9/08 EO34653
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 _____

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APR 09 2004

Department of Water Resources

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WARRANTY DEED

For Value Received Raymond F. Funk, who acquired title as Raymond F. Funk and Betty L. Funk,
husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Neil E. Brown and Elizabeth L. Brown, husband and wife

whose address is: 2933 W. 1800 S., Aberdeen, ID 83210

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit

A parcel of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 6 South, Range 31 E.B.M., Bingham County, Idaho, described as follows: Beginning at the SE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (SC1/16 corner); thence S. 89°44'16" W. along the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 521.74 feet; thence N. 00°11'29" W. leaving said South line, 596.32 feet; thence N. 89°05'01" E. 521.78 feet to a point on the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence S. 00°11'29" E. along said East line 602.28 feet to the Point of Beginning. EXCEPTING road.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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: January 12, 2004

Raymond F. Funk
Raymond F. Funk

Betty L. Funk
Betty L. Funk

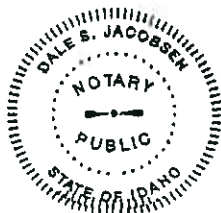
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 13 day of January, 2004, before me the undersigned, a notary public, personally appeared Raymond F. Funk and Betty L. Funk, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Dale S. Jacobsen
Notary Public of Idaho

Residing at: Veggie, ID

Commission Expires: 4-9-2008



BINGHAM COUNTY RECORDER
 CLERK OF DISTRICT COURT
 2004 JAN 14 PM 3:54
 RECORDED IN THE RECORD OF
 FIRST AMERICAN TITLE COMPANY

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/2/2008

WATER RIGHT NO. 35-13508

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELIZABETH L BROWN
Current Owner	NEIL E BROWN
	2933 W 1800 S
	ABERDEEN, ID 83210
	(208)397-5251

Priority Date: 07/23/1956

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.02 CFS	4 AFA
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 18	Township 06S	Range 31E	BINGHAM County
GROUND WATER	NWSESW	Sec. 18	Township 06S	Range 31E	BINGHAM County

IRRIGATION Use:

Acre Limit: 52

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	31E	18		NESW	4									

Total Acres: 4

Conditions of Approval:

1.	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.
2.	P21	THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-2470
3.		USE OF THIS RIGHT WITH RIGHT NOS. 35-13512 AND 35-13514 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 16 AF.
4.		USE OF THIS RIGHT WITH RIGHT NOS. 35-13512 AND 35-13514 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1 ACRE WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7.		RIGHT NOS. 35-13512 AND 35-13514 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

Dates:

Other Information:

State or Federal: S

Owner Name Connector: OR

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:

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CloseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/5/2008

WATER RIGHT NO. 35-13512

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELIZABETH L BROWN
Current Owner	NEIL E BROWN 2933 W 1800 S ABERDEEN, ID 83210 (208)397-5251
Original Owner	EDWARD MOSER ABERDEEN, ID 83210
Original Owner	BETTY L FUNK
Original Owner	RAYMOND F FUNK 1658 N WATSON PL EAGLE, ID 83616 (208) 939-3232

Priority Date: 12/23/1957

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.05 CFS	14.1 AFA
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

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GROUND WATER	NWNESW	Sec. 18	Township 06S	Range 31E	BINGHAM County
GROUND WATER	NWSESW	Sec. 18	Township 06S	Range 31E	BINGHAM County

IRRIGATION Use:

Acre Limit: 4

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	31E	18		NESW	4									

Total Acres: 4

Conditions of Approval:

1.	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.
2.		RIGHT NOS. 35-02470, 35-13511, 35-13513 AND 35-13514 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		USE OF THIS RIGHT WITH RIGHT NOS. 35-13508 AND 35-13514 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 16 AF.
6.		USE OF THIS RIGHT WITH RIGHT NOS. 35-13508 AND 35-13514 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/5/2008

WATER RIGHT NO. 35-13514

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELIZABETH L BROWN
Current Owner	NEIL E BROWN
	2933 W 1800 S
	ABERDEEN, ID 83210
	(208)397-5251
Original Owner	ADOLPH HUNSINGER
	ABERDEEN, ID

Priority Date: 07/14/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.03 CFS	
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 18	Township 06S	Range 31E	BINGHAM County
GROUND WATER	NWSESW	Sec. 18	Township 06S	Range 31E	BINGHAM County

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Place(s) of use:

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Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	31E	18		NESW	4									

Total Acres: 4

Conditions of Approval:

1.	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.
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6.		USE OF THIS RIGHT WITH RIGHT NOS. 35-13512 AND 35-13508 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

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:

Water District Number:

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