

RECEIVED

Amended

STATE OF IDAHO

Transfer No. 73806WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Leo Berger & Anita Berger Phone (208) 461-2098Mailing address 23215 San Francisco Lane Nampa ID 83686 Email lstrantrone@grainsberg.com**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 Lot 11 purchased from Larry & Barbara Harp who have a pending transfer and diversion**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number 2-10331 Priority Jan-18-1949 Amount (cfs/ac-ft) .035 Nature of Use Irrigation Period of Use Mar-15 to Nov-15

_____ to _____

_____ to _____

_____ to _____

2. Total amount of water being transferred .035 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Snake River tributary to Columbia

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>4</u>		<u>SE</u>	<u>SW</u>	<u>23</u>	<u>2N</u>	<u>4W</u>	<u>OWYHEE</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2N</u>	<u>4W</u>	<u>23</u>												<u>1.75</u>					<u>1.75</u>
														<u>1.4</u>					

Total Acres 1.75

Amended

SEP 2 2008

Transfer No. _____

PART 1

WATER RESOURCES
WESTERN REGION

6. General Information:

a. Description of diversion system Pump & Pipeline

b. Are the lands ~~from~~ ^{upon} which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No X ¹⁰⁻ Yes _____ If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes & list name of entity : _____

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 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 RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by: See Attached
- 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 Snake River tributary to Columbia

4. Date or priority Jan 19-1949

5. Water is used for the following purposes:

amount 1.98 for Irrigation purposes from 3-15 to 11-15
(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 1.98 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
<u>4</u>				<u>23</u>	<u>2N</u>	<u>4W</u>	<u>Owyhee</u>	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2N</u>	<u>4W</u>	<u>23</u>										<u>42</u>	<u>15</u>	<u>25</u>					<u>82</u>
		<u>26</u>					<u>12.1</u>												<u>12.1</u>
																			<u>94.1</u>

Total Acres 94.1

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 .035 for Irrigation purposes from 3-15 to -11-15
 (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
<u>4</u>		<u>SE</u>	<u>SW</u>	<u>23</u>	<u>2N</u>	<u>4W</u>	<u>Owyhee</u>	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>2N</u>	<u>4W</u>	<u>23</u>											<u>1.75</u>						<u>1.75</u>
													<u>24</u>						

Total Acres 1.75**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount remainder for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

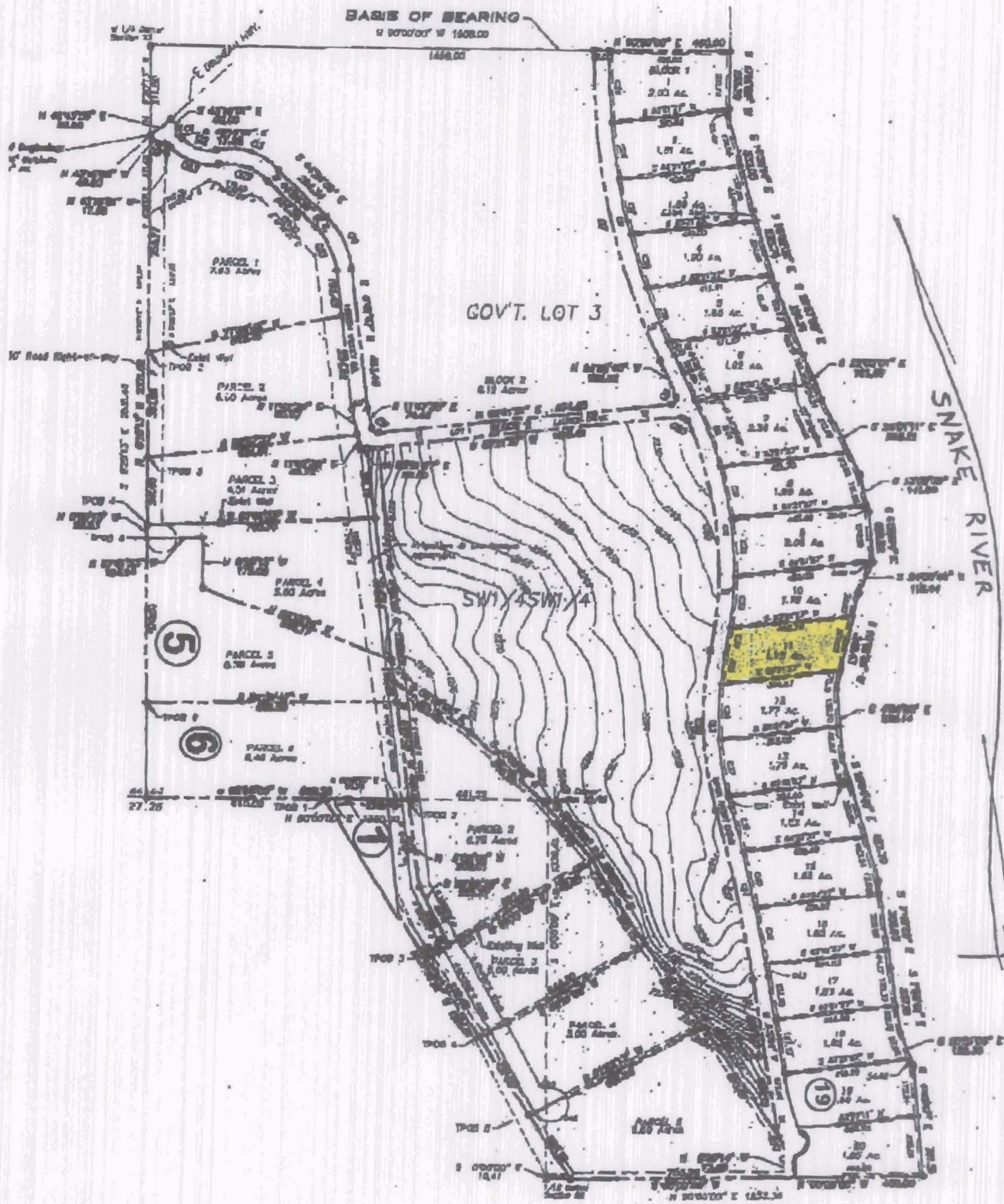
2. Point(s) of Diversion: N/C

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

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____



PART 3

B. CHANGES IN NATURE OF USE

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

2. Quantity and quality of return flows and location of discharge: _____
N/A _____

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

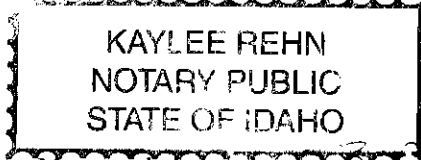
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

[Signature]
 (Signature of Applicant)

Joe Berger
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 2nd day of September, 2008.



Kaylee Rehn
 (Notary Public)

My commission expires 3-23-11

FOR DEPARTMENT USE ONLY

Transfer contains 01 pages and 1 attachments

Received by [Signature] Date Sept. 7, 08 Protest filed by _____

Prelim. Check by VMM Fee \$100.

Received by DB W034336 Date 6-16-06

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 _____

see - original application

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 the rights described in part 1. Clearly depict the land by section, township and range number.

[illegible]

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

200708087



Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

285953

WARRANTY DEED

For Value Received Larry C. Harpe and Barbara A. Harpe, husband and wife as to an undivided one-half interest, and

Gary W. Hall and J. Annette Hall, husband and wife, as to an undivided one-half interest.

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

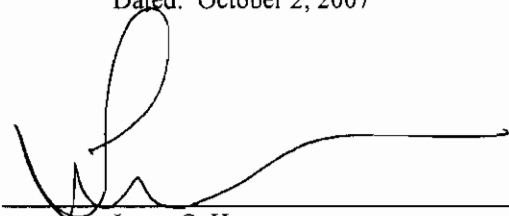
Leo Berger and Anita Berger, husband and wife

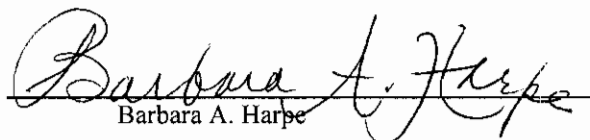
hereinafter referred to as Grantee, whose current address is 837 Reddick Way, El Dorado Hills, CA 95762 the following described premises, to-wit:

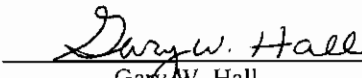
Lot 11, Block 1, Hidden Valley Estates Subdivision, Owyhee County, Idaho, according to the plat thereof recorded February 16, 1995 as Instrument No. 214934, records of said county.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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: October 2, 2007


Larry C. Harpe


Barbara A. Harpe


Gary W. Hall


J. Annette Hall

STATE OF IDAHO, County of Ada, ss.

On this 3rd day of October, in the year of 2007, before me Michelle D Cabbage, notary public personally appeared ~~Larry Harpe and Barbara Harpe~~ and Gary W. Hall and J. Annette Hall known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




~~Susan J. Merritt~~ Michelle D Cabbage
Notary Public of Idaho
Residing at ~~Caldwell, ID~~ Meridian, ID
Commission expires: ~~May 5, 2011~~ 11-03-07

Residing in: Meridian, ID
Commission Expires: 11-03-2007

Attachment A

Instrument # 262765

MURPHY, OWYHEE, IDAHO

2007-10-12 04:28:44 No. of Pages: 1

Recorded for : PIONEER TITLE CO

CHARLOTTE SHERBURN

Fee: 3.00

Ex-Officio Recorder Deputy 

Index to: DEED, WARRANTY