

Should questions arise during the processing of this application please contact:
David B. Shaw, P.E. ERO Resources Corp. (208) 373-7983

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

Name of applicant Living Trust of Harry R. and Camille M. Martz
Phone 208-870-1248
Post Office address 16131 Franklin Road, Nampa, ID. 83687

RECEIVED

MAR 30 2007

WATER RESOURCES
WESTERN REGION

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 Split
2. Describe the reason for the proposed changes

Transfer purchased water right to a new point of diversion with a new place of use. Split the water rights to reflect the property transaction records.

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

1. Right Number Priority Amount Nature Period of Use
(cfs/ac-ft)
63-32396* 02/07/1969 0.08 cfs / 18 afa Irrigation 4/1 to 11/1
to
2. Total amount of water being transferred 0.08 cubic feet per second and/or 18 acre-feet per annum.
3. Source of water Groundwater tributary to NA
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NE	NW	SW	29	05N	01E	Ada	Martz Well

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	
05N	01E	29									2	2							4

Total acres 4

* See Remarks

PART 1

6. General Information:

a. Description of diversion system

Existing 6" domestic groundwater well drilled in 1999 to a depth of 340 feet below ground with 10 feet of screen installed. Water bearing zone is between 330 and 340 feet below ground. Well driller log indicates a test pump yield of 50 gpm.

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:

Existing crop land to be dried up and taken out of irrigated agriculture production.

d. Remarks:

1. The Living Trust of Harry R. and Camille M. Martz purchased a portion of water right 63-07194. (Grant Deed is attached as Exhibit A)
2. 63-32396 is the remainder of 63-07194 owned by Mellin Properties after other portions of 63-07194 were sold.
3. Irrigated ground under existing water right will be taken out of production and not irrigated.
4. Existing domestic well at the new place of use will be used for the irrigation of 4 acres.

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 _____, 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

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-32396 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 Exhibit B. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other

3. Source of water Groundwater tributary to NA4. Date of priority 02/07/1969

5. Water is used for the following purpose:

Amount 2.06 cfs for irrigation purposes from 4/1 to 11/1
(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 2.06 cubic feet per second and/or 556.2 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	21	01N	01W	Ada	Mellin Well

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	
01N	01W	21	38	31.5	28.4	25.7													123.6

Total acres 123.6

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 0.08 cfs / 18 afa for Irrigation purposes from 4/1 to 11/1
 (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
		SW	NE	21	01N	01W	Ada	Mellin Well

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	
01N	01W	21			4														4

Total acres 4

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

1. Amount 1.98 cfs / 538.2 afa for Irrigation purposes from 4/1 to 11/1
 (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
		SW	NE	21	01N	01W	Canyon	Mellin Well

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	
01N	01W	21	38	31.5	24.4	25.7													119.6

Total acres 119.6

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

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.

SCALE: 2 inches equals 1 mile. Draw plan in ink.

SEE EXHIBIT B

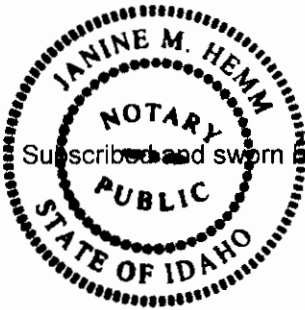
PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>NA</u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
2. Quantity and quality of return flows and location of discharge:
NA
3. Describe effects on other water uses resulting from the proposed change:
NA

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 before me this

28th

(Signature of Applicant)

day of

MARCH

, 20 07

Janine M Hemm
(Notary Public)

My commission expires

6/15/2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by SB Date 3-30-07 Protest filed by

Prelim. Check by CB Fee \$100-

Received by DB/W035206 Date 3-30-07

Published in Copies of protest forwarded by

Pub. Dates Hearing held by Date

Watermaster recommendation requested on Recommended for ☐ approval ☐ denial

 received by

Copy of transfer sent to lien holder

Exhibit A

GRANT DEED

THIS INDENTURE, made this 29 day of August, 2006 between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and the Living Trust of Harry R. and Camille M. Martz whose address is 16131 Franklin Road, Nampa, Idaho 83687 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of twenty-six thousand dollars (\$26,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of water right number 63-7194.

Quantity: 0.08 cubic feet per second / 18 acre feet per year

Acres: 4.0 acres (SW¼NE¼ Section 21, Township 1 North, Range 1 West, B.M., Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of water right number 63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Exhibit A

MELLIN PROPERTIES L.P.

By: Ralph Mellin

Its: General Partner

STATE OF IDAHO)
) ss.
County of Ada)

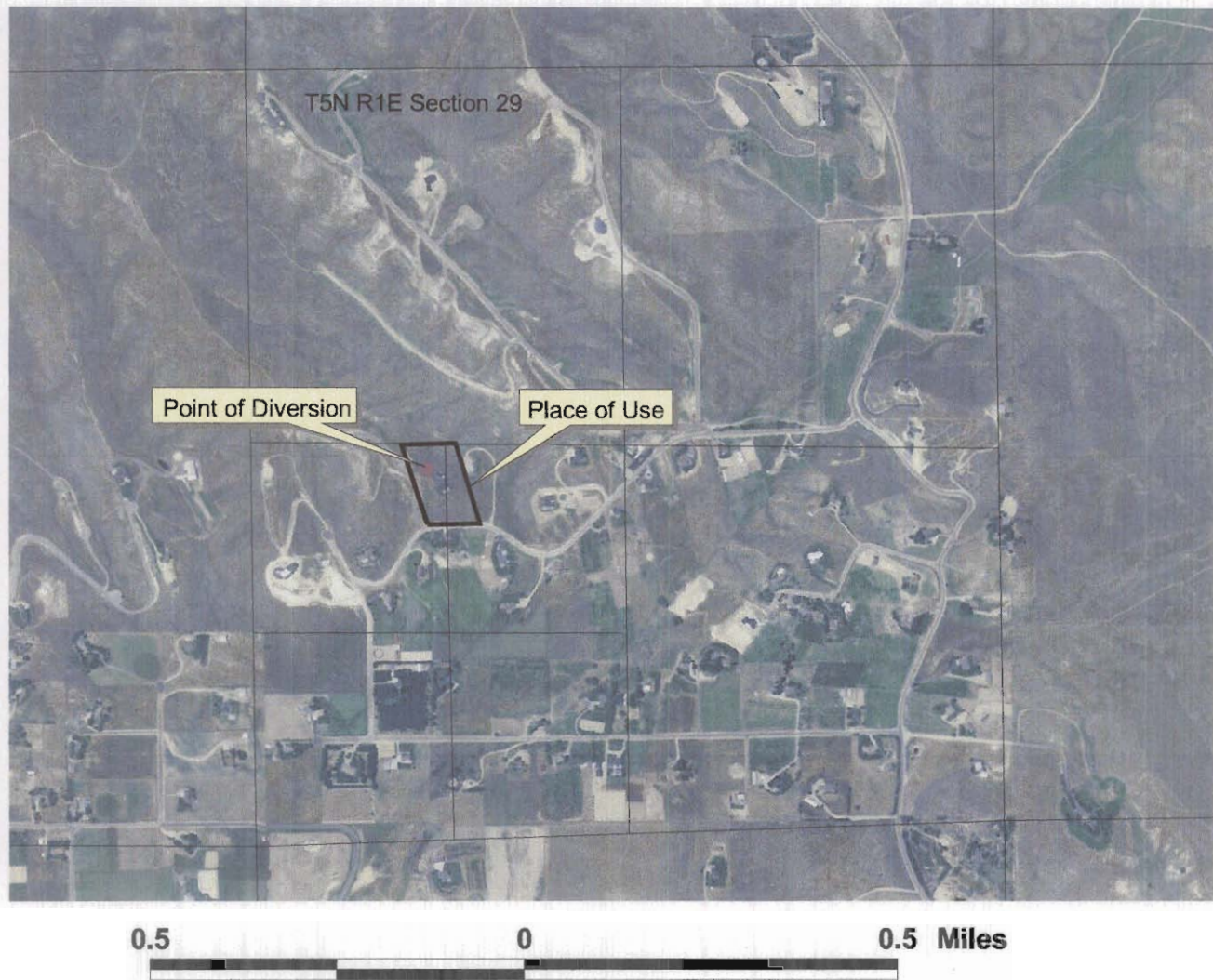
On this 29th day of August, 2006, before me, a Notary Public for the County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Staci Welsh
NOTARY PUBLIC FOR IDAHO
Residing at: Meridian, ID
My commission expires: 2/3/2011

Exhibit B - Transfer Application for the Living Trust of Harry R. and Camille M. Martz



 **Property Boundary**
 **Sections**



Prepared By: Paul Drury, P.E.
ERO Resources Corp
Boise, Idaho

Date Prepared: September 13, 2006
Data Source: 2004 NAIP Aerial Photo
IDWR GIS Data Library