

AUG 11 2008

STATE OF IDAHO

Transfer No. 74985DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Jack Petter and Tena Petter Phone (208) 543-6704Mailing address 3700 N 1100 E, Buhl, Idaho 83316 Email _____

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 Applicants believe a clerical error has resulted in an incorrect description of the place of use and are seeking to correct said clerical error.

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>47-12662</u>	<u>04/01/1939</u>	<u>.12 cfs</u>	<u>stockwater</u>	<u>01-01</u> to <u>12-31</u>
		<u>.04 cfs</u>	<u>domestic, 1 house</u>	<u>01-01</u> to <u>12-31</u>
				to _____
				to _____

2. Total amount of water being transferred .16 cubic feet per second and/or _____ acre-feet per annum.3. Source of water groundwater tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	28	10S	14E	Twin Falls	

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	
10S	14E	28												S/D					

Total Acres _____

PART 1

6. General Information:

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 No _____ Yes X **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 : George Hoffman

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Applicants are seeking to correct a clerical error relating to the place of use
set forth in the court's decree to conform with the current and historical place of
use. Accordingly, there will be no effect on the land if the place of use is changed
pursuant to this tranfer application.

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 RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

RECEIVED

AUG 01 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 39576 Decreed to David K. Easterday and Mavis S. Eastersay
in case of In Re SRBA vs. _____
dated June 25, 1999 in Twin Falls county of Twin Falls
- 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 groundwater tributary to ---

4. Date or priority 04/01/1939

5. Water is used for the following purposes:

amount .12 for stockwater purposes from 01-01 to 12-31
(cfs/ac-ft)

amount .04 for domestic, 1 house purposes from 01-01 to 12-31
(cfs/ac-ft)

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

6. Total amount of water under right .16 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
		SW	SW	28	10S	14E	Twin Falls	

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	
10S	14E	28											S/D						

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	

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 _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- [illegible]

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

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

- | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| N/A | | | to _____ |
| | | | to _____ |
- Quantity and quality of return flows and location of discharge: _____

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

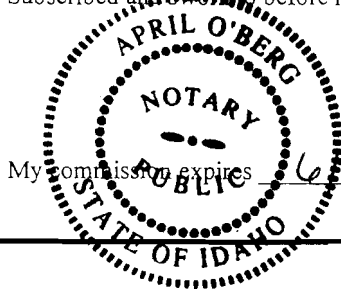
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Tena Petter
Jack Petter
 (Signature of Applicant)

Tena Petter
JACK PETTER
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 31 day of July, 20 08.



April O'Berg
 (Notary Public)

Kimberly ID

Resides at:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by JO

Date 8-4-08

Protest filed by _____

Prelim. Check by _____

Fee \$100, 5030337

Received by JO

Date 8-4-08

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 _____

STATE OF IDAHO)
) ss.
COUNTY OF TWIN FALLS)

GEORGE HOFFMAN, first being duly sworn, deposes and states as follows:

1. I am the holder of a mortgage that presently encumbers that property owned by

Jack and Tena Petter, more particularly described as:

TOWNSHIP 10 SOUTH, RANGE 14 EAST OF THE BOISE
MERIDIAN, TWIN FALLS COUNTY, IDAHO
Section 28: NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$

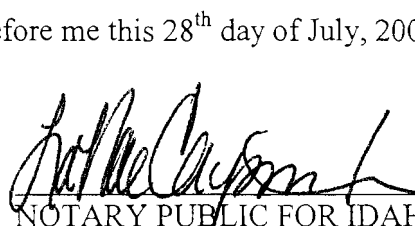
2. I have been advised and understand that Jack and Tena Petter seek to file an Application for Transfer of Water Right 47-12662 for the purpose of correcting the place of use of Water Right 47-12662 from its current place of use at T10S R14E S28 SWSW to T10S R14E S28 SESW.

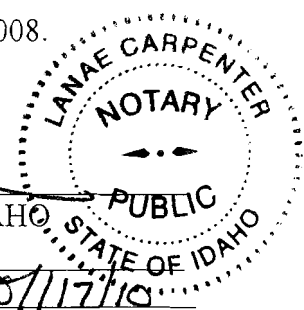
3. I hereby agree to the proposed change to the current place of use of Water Right 47-12662 and give my permission to Jack and Tena Petter to file their Application for Transfer of Water Right with the Idaho Department of Water Resources.

DATED this 28th day of July, 2008.


GEORGE HOFFMAN

SUBSCRIBED AND SWORN to before me this 28th day of July, 2008.


NOTARY PUBLIC FOR IDAHO
Residing at: Jerome
My commission expires: 8/17/10



54896DI

TWIN FALLS COUNTY

Recorded for

TITLEFACT

4:28:18 pm

05-16-2006

2006-011776

No. Pages: 1

Fee: \$ 3.00

KRISTINA GLASCOCK

County Clerk

Deputy: CRILLIK

WARRANTY DEED

FOR VALUE RECEIVED,

GEORGE B. HOFFMAN, the "Grantor", does hereby grant, bargain, sell and convey unto JACK PETTER and TENA PETTER, husband and wife, whose address is 1130 East 3700 North, Buhl, Idaho 83316, the "Grantee", the following described premises located in Twin Falls County, Idaho, to wit:

TOWNSHIP 10 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

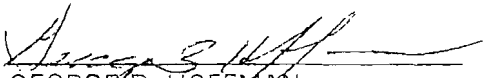
Section 28: NE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$

Together with all water rights appurtenant thereto, including but not limited to 120 shares of stock in the Twin Falls Canal Company, and Water Right No. 47-12662.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. *To be completed after preparation of Title Commitment.*

DATED THIS 16th day of May, 2006

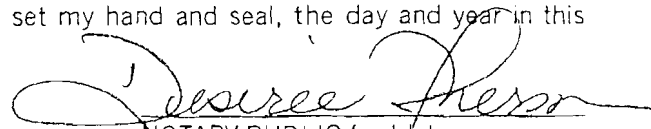

GEORGE B. HOFFMAN

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 16th day of May, 2006, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GEORGE B. HOFFMAN, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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




NOTARY PUBLIC for Idaho
Residing at: Twin Falls
Commission Expires: 1/18/2011