

RECEIVED

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESNOV 20 2007 Transfer No. 74411APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant JAMES W. SMITH and/or MARY B. SMITH Phone 342-1010
Post Office address 11606 Cartwright Road, Boise, ID 83702

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 Add an additional point of diversion.
2. Describe the reason for the proposed changes Existing point of diversion is for gravity flow of water out of Squaw Creek. This requires a long irrigation ditch on a steep hillside which is difficult to maintain. The additional point of diversion eliminates maintenance of the ditch but will require a pump to divert the water from Squaw Creek.

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

1. Right Number 65-03086 Priority 5-1-1893 Amount (cfs/ac-ft) 1.13 cfs Nature of Use irr. Period of Use April 1 to Nov. 1
to _____
to _____
to _____
2. Total amount of water being transferred 1.13 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Squaw Creek tributary to Payette River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	26	11N	1E	Gem	None (existing POD)
		NE	NW	35	11N	1E	Gem	None (proposed additional POD)

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	
11N	1E	35		8	31	8	2									7			56

Total Acres 56

PART 1

6. General Information:

- a. Description of diversion system Existing P.O.D.: Ditch 2600 ft. long, width 3 ft., depth 2 ft., with a temporary rock dam in Squaw Creek. Additional P.O.D.: Pump in Squaw Creek, 15 Hp., pipe diameter 6 in., length 90 ft.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes XX 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:
Place of use is not changed
- d. Remarks: Applicant will primarily be using the additional P.O.D. to eliminate the difficulty in trying to keep the existing ditch in repair. However, if the pump fails or other difficulty occurs in pumping, then Applicant wants to be able to use the ditch. Only one P.O.D. will be used at any given time.

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

1. Right as evidenced by:
 - a. Decree No. 65-03086 Decreed to James W. Smith
in case of In re SRBA (Partial Decree) vs. _____
dated June 6, 2004 in 5th Jud. Dist. county of Twin Falls
 - b. License No. None issued by the Idaho Department of Water Resources.
 - c. Claim No. None on file with the Idaho Department of Water Resources.
 - d. Transfer No. None 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 Squaw Creek tributary to Payette River

4. Date or priority May 1, 1893

5. Water is used for the following purposes:

amount 1.13 cfs for irrigation purposes from April 1 to November 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 1.13 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
		SW	SW	26	11N	1E	Gem	None

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	
11N	1E	35		8	31	8	2									7			56

Total Acres 56

9. Describe any other water rights used for the same purpose as described above 65-2925 & 65-2974 of Squaw Creek Irr. Dist. has a POD & POU at the same locations with conveyance in the same existing system.

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 (Just adding additional point of diversion)
(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

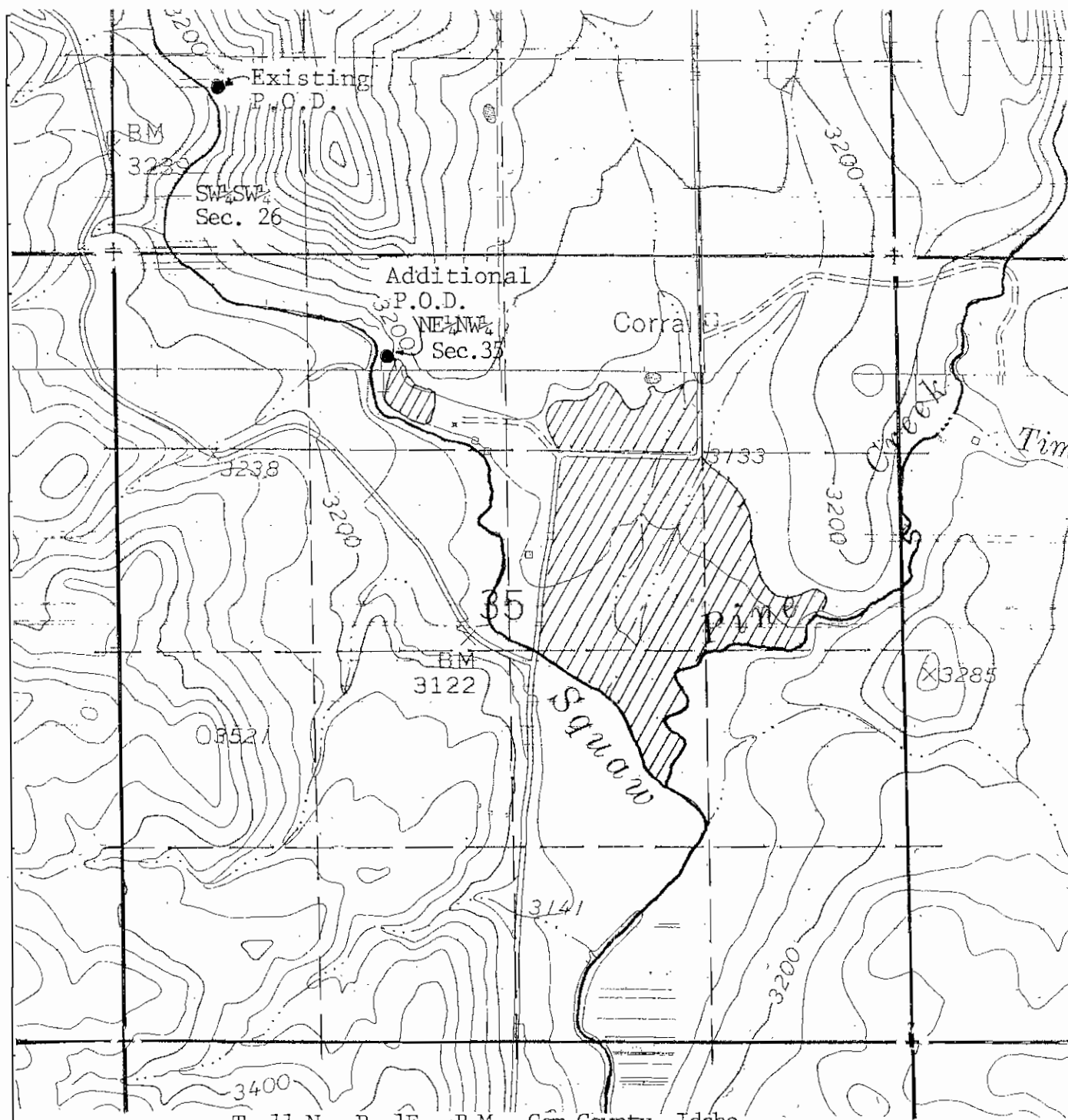
3. Lands irrigated or place of use:

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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.



T. 11 N., R. 1E., B.M., Gem County, Idaho

Existing P.O.D. is in Sec. 26
Additional P.O.D. is in Sec. 35

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>
None			to _____ to _____
2. Quantity and quality of return flows and location of discharge: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35 (2 acre field) and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 35 (balance of irrigated fields). There is no change in quantity or quality of return flows or location of discharge.
3. Describe effects on other water uses resulting from the proposed change:
None. The Applicant owns all of the land between the existing and the proposed additional point of diversion and there is no one with a point of diversion in between those two.

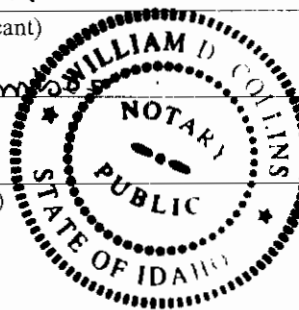
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

James W. Smith
 (Signature of Applicant)

Subscribed and sworn to before me this 27 day of September, 2007

William D. Collins
 (Notary Public)



My commission expires 2-27-2009

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments
 Received by DB Date 11-20-07 Protest filed by _____
 Prelim. Check by SC Fee \$290-
 Received by DB / W035996 Date 11-20-07
 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 _____

203--WARRANTY DEED

Printed and for sale by Syme-York Company, Boise, Idaho

(Optional)

Recorded	☐	Platted	☐	Key Punched	☐	To Treasurer	☐
Microfilmed	☐	Deed Card	☐	Master File	☐		☐
Indexed	☐	Compared	☐	Abstracted	☐		

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

BERNARD W. HOFFMAN, a/k/a B. W. HOFFMAN, a single man

of Ola County of Gem
hereby CONVEYS, GRANTS and WARRANTS TO

GRANTOR(S)
State of Idaho

JAMES W. SMITH and MARY B. SMITH, husband and wife,

GRANTEE(S)

whose current address is 1024 Park Hill Dr., Boise, Id.

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION Dollars (\$10.00)

the following described tract(s) of land in Gem

County, State of Idaho:

Property as more particularly described on attached Exhibit "A"

Said Deed is being Re-recorded in order to correct a portion of the legal
description.

Location of above described property

House No.

Street

Received Time Sep. 24. 10:05AM

Attachment A
(4pgs)

LEGAL DESCRIPTION

Parcel I:

The Southwest quarter of the Northwest quarter of Section 1, and Government Lot 1 and the East half of Government Lot 2 and the South half of the Northeast quarter of Section 2, All in Township 10 North, Range 1 East of the Boise Meridian; AND

The North half of the Southwest quarter, the Southwest quarter of the Southwest quarter, and the West half of the Southeast quarter, All in Section 26, Township 11 North, Range 1 East of the Boise Meridian; EXCEPTING THEREFROM that portion of the West half of the Southwest corner, lying Westerly of Squaw Creek; AND

The Northwest quarter of the Northeast quarter, the North half of the Northwest quarter, ALSO the South half of the Northeast quarter AND the Southeast quarter, EXCEPTING THEREFROM the Southwest quarter of the Southwest quarter of the Southeast quarter, AND ALSO ~~EXCEPTING that portion lying West of the County Road,~~ ← DELETE All in Section 35, Township 11 North, Range 1 East, Boise Meridian;

And

Lots 3 and 4 in Section 1, and Lot 1 in Section 2, both in Township 10 North, Range 1 East of the Boise Meridian; AND

the East half of the Southeast quarter of Section 35, Township 11 North, Range 1 East of the Boise Meridian; the West half of the Northwest quarter of Section 26, Township 11 North, Range 1 East, of the Boise Meridian, Gem County, Idaho.

EXCEPT ditch and road rights-of-way.

Parcel II:

An Easement for ingress and egress to maintain and operate irrigation diversion works located in Squaw Creek and to mover heavy equipment, over that portion of the West half of the Southwest quarter, Section 26, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying Westerly of the centerline of Squaw Creek, AND

The Southwest quarter of the Southwest quarter of the Southeast quarter of Section 35, Township 11 North, Range 1 East, Boise Meridian, Gem County, Idaho, as reserved in Warranty Deed executed by B.W. Hoffman, a single man and Bill Staten and Billie Y. Staten, husband and wife, recorded January 12, 1981, as Instrument No. 135042, Official Records.

Together with all B. L. M. rights.

Together with all water, water rights ditches and ditch rights appurtenant thereto and in anywise belonging.

GRANTOR RESERVES a life estate for the use of the home, garage, well house and metal shed for and during the life of the Grantor. Grantor to maintain and keep home and Buildings in same state of repair as of this date. Grantor to keep insurance on buildings for their current value. Grantee to pay taxes. Should Grantor vacate premises for a period of 6 months or more, the life estate will become null and void. Said right is not transferable, that is, only the Grantor has the right to such life estate.

QWP 10-19-92
mbs 10-19-92
BWF 10/19/92

(RE-RECORDED)

174413

Crem County (IDaho) ss.
Recorder
First American Title Co.

Time 2:10 PM

Date December 9, 1992

L. stru. No. 174413

Recorded as Deed

Thomas H. Kolodziej, Clerk
Ex-officio Recorder

Judy Boham
Deputy

Cost \$ 12.00

EXHIBIT "A"

Page 2 of 2

WITNESS the hand of said Grantors this

day of October A.D. 1992.

Bernard W. Hoffman

(NOTARY SEAL)

State of Idaho

County of Gem

ss. On the 19th day of October A.D. 1992

personally appeared before me BERNARD W. HOFFMAN, a/k/a B. W. HOFFMAN, a single man

the signer(s) of the within instrument, who duly acknowledged to me that he executed the same.

Deborah J. Smith
(NOTARY PUBLIC)

Residing at: Emmett

My Commission expires: 7/11/94

MAIL DEED TO:

Mr. & Mrs. James W. Smith

1024 Park Hill Dr.

Boise, Id.

MAIL TAX NOTICE TO:

Name Mr. & Mrs. James W. Smith

Address 1024 Park Hill Dr.

City & State Boise, Id. Zip

173980

No.

WARRANTY DEED

-TO-

Dated _____, 19__

STATE OF IDAHO

ss.

County of Gem

I hereby certify that this instrument was

filed for record at request of

First American Title Co.

at 40 minutes past 3

o'clock P. M., this 27th day

of October, A.D. 1992

in my office, and duly recorded in Book as a
Deed under Instr. #173980.

Thelma R. Kolodziej

Ex-Officio Recorder.

By *Judy Brigham* Deputy.

Fees \$ 12.00