

Form 222  
1-87STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant Blaine & Cynthia Jacobson Phone (208) 331-3301  
 Applicant's Address: 2233 Bluestem Lane, Boise, ID 83706 Applicant's Email: \_\_\_\_\_  
 Attorney Name: Robert L. Harris Attorney Email: rharris@holdenlegal.com Phone (208) 523-0620  
 Attorney PO address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., PO Box 50130, Idaho Falls, Idaho 83405

## 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 After purchase of property which split the water right, it is necessary to change the point of diversion to the applicant's property.

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

| Right Number    | Priority          | Amount (cfs/ac-ft)    | Nature of Use     | Period of Use         |
|-----------------|-------------------|-----------------------|-------------------|-----------------------|
| <u>23-11374</u> | <u>12/23/1950</u> | <u>0.56 cfs/98AFA</u> | <u>Irrigation</u> | <u>04/15 to 10/31</u> |
| _____           | _____             | _____                 | _____             | _____ to _____        |
| _____           | _____             | _____                 | _____             | _____ to _____        |
| _____           | _____             | _____                 | _____             | _____ to _____        |
| _____           | _____             | _____                 | _____             | _____ to _____        |

2. Total amount of water being transferred 0.56 cfs <sup>58</sup> cubic feet per second and/or 98 <sup>101.5</sup> acre-feet per annum.

3. Source of water Groundwater Tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County     | Local name for diversion |
|-----|-----|-----|-----|------|------|------|------------|--------------------------|
|     | NW  | SW  | NE  | 5    | 1N   | 44E  | BONNEVILLE |                          |
|     |     |     |     |      |      |      |            |                          |
|     |     |     |     |      |      |      |            |                          |

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

| 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 |        |
| 1N  | 44E | 5   |        |    | 28 |    |        |    |    | 1  |        |    |    |    |        |    |    |    | 28 29  |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

RECEIVED

JUN 16 2008

Department of Water Resources  
Eastern RegionTotal Acres 28 29

74860

## 6. General Information:

- a. Description of diversion system Well and pump.
- 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.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:  
N/A
- d. Remarks:  
Transfer is necessary to move point of diversion on to applicant's property.

**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 \_\_\_\_\_, 2008.

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

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

*(ATTACH ONE COPY FOR EACH RIGHT)  
SEE ATTACHMENTS FOR IDWR RECOMMENDATION OR SRBA CLAIM*

**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. \_\_\_\_\_ 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 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 \_\_\_\_\_

3. Source of Water \_\_\_\_\_ tributary to \_\_\_\_\_

4. Date of priority \_\_\_\_\_

5. Water is used for the following purpose:

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

6. Total amount of water under right \_\_\_\_\_ 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 |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

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 |        |
|      |      |      |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|      |      |      |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|      |      |      |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

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 \_\_\_\_\_

2. Point(s) of Diversion:

| 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 \_\_\_\_\_

**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)

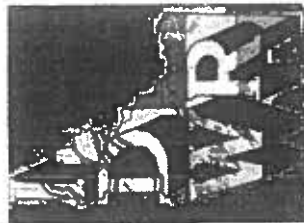
2. Point(s) of Diversion:

| Lot | 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 \_\_\_\_\_



# Idaho Department of Water Resources

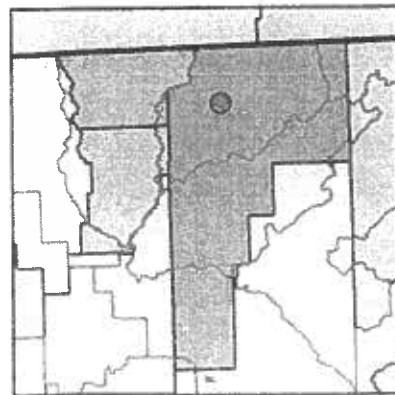
Water Right:

23-11374

(Irrigation)

## Legend

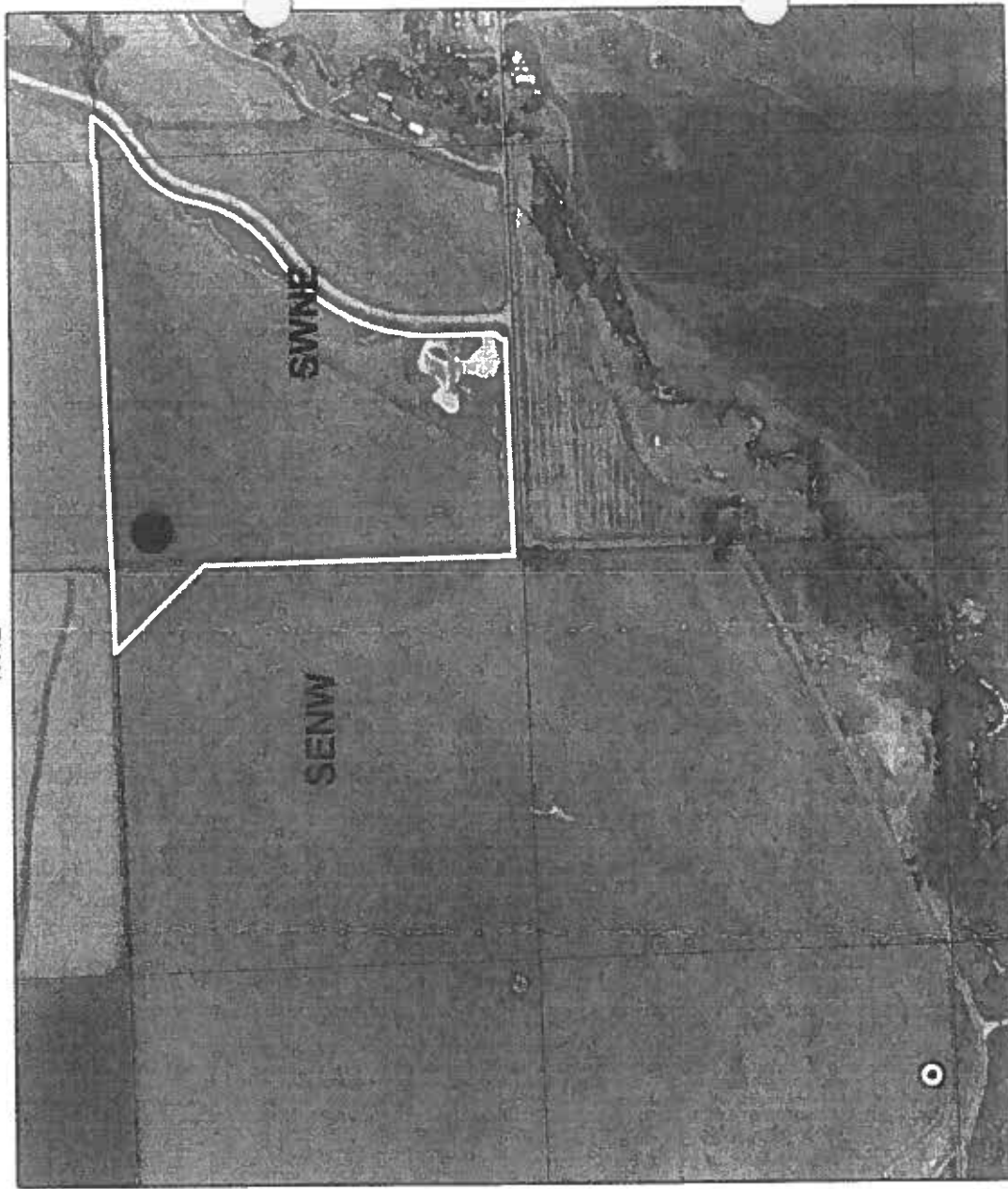
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Bonneville County  
IDWR Basin 23

Prepared by J. Crabtree  
On Friday, December 28, 2007  
2004 Aerial Photography

R44E



T01N

### B. CHANGES IN NATURE OF USE

- |    |                          |                              |                        |                      |
|----|--------------------------|------------------------------|------------------------|----------------------|
| 1. | <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|    | 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:
- N/A
- 
- 

I hereby asset 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.

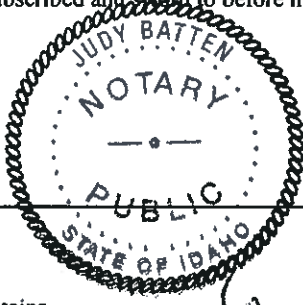
Blm Jacon  
Signature

Blaine Jacobson, owner

Cynthia Jacobson  
Signature

Cynthia Jacobson, owner  
Print Name, including title

Subscribed and sworn to before me this 2 day of ~~May~~ <sup>June</sup>, 2008.



*Judy Bateman*  
Notary Public for Idaho  
Residing at: Boise  
My Commission Expires 01/09/2012

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 2 attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee 250

Received by Postmaster Date 6/16/08 E034148 (100<sup>00</sup>) E034150 (150<sup>00</sup>)

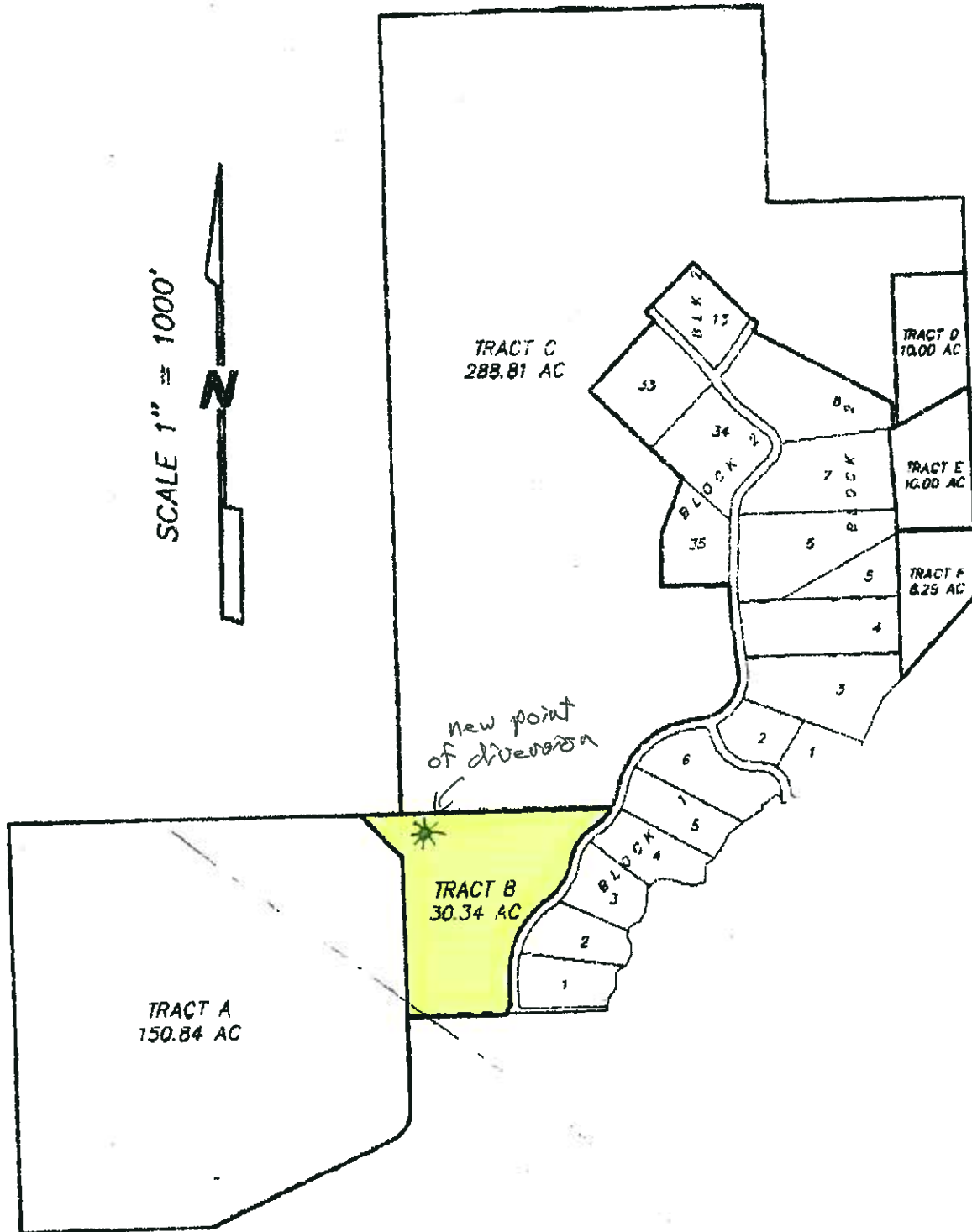
Published in Post Register Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_



|                                                           |             |
|-----------------------------------------------------------|-------------|
| INSTRUMENT NO.                                            | 1279273     |
| DATE                                                      | 10-18-07    |
| INST. CODE                                                | 205         |
| PAGED PGS                                                 | 205         |
| FEES                                                      | 600         |
| STATE OF IDAHO                                            |             |
| COUNTY OF BONNEVILLE                                      |             |
| I hereby certify that the within instrument was recorded. |             |
| Recorded by: Ronald Longmore, County Recorder             |             |
| By:                                                       | [Signature] |
| Deputy                                                    |             |
| Request of:                                               | ATEC        |

## WARRANTY DEED

Order No. 3030717351LAC

FOR VALUE RECEIVED

Hamilton Land and Livestock LTD, a Utah Limited Partnership

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

D.  
Blaine Jacobson and Cynthia ~~XX~~ Jacobson, husband and wife

whose current address is

2233 Blue Stem Lane Boise, ID 83706

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Beginning at the West ¼ Corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho; running thence North 89°23'09" East along the East-West Section line of said Section 5 a distance of 2646.27 feet to the TRUE POINT OF BEGINNING, said point also being the Center ¼ Corner of said Section 5; running thence North 89°23'09" East along said East-West Center Section line 700.00 feet to the West Boundary line of Swan Valley Meadows, Division No. 1, an Addition to the City of Swan Valley; thence said West Boundary line the following seven (7) courses: North 00°36'51" West 30.00 feet; thence North 44°23'09" East 28.28 feet; thence North 00°36'51" West 190.00 feet to a point of curve with a radius of 597.01 feet and a chord bearing North 28°03'09" East 572.79 feet; thence to the right along said curve 597.40 feet through a central angle of 57°20'00" to a point of reverse curve with a radius of 409.98 feet and a chord bearing North 34°28'09" East 310.48 feet; thence to the left along said curve 318.42 feet through a central angle of 44°30'00" to a point of reverse curve with a radius of 311.99 feet and a chord bearing North 36°58'09" East 261.24 feet; thence to the right along said curve 269.54 feet through a central angle of 49°30'00" to a point of reverse curve with a radius of 345.29 feet and a chord bearing North 46°44'04" East 178.56 feet; thence to the left along said curve 180.61 feet through a central angle of 29°58'09" to the North line of South ½ of the North ½ of said Section 5; thence South 89°22'46" West along said North line 1747.56 feet; thence South 45°38'03" East 400.19 feet to the North-South Center Section line of said Section 5; thence South 00°38'50" East along said North-South Center Section line 1041.57 feet to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 10/01/2007

Hamilton Land and Livestock LTD, a Utah Limited Partnership

By: [Signature]  
Cletus Hamilton, Partner

By: [Signature]  
Sharon Hamilton, Partner