

Form 222
1-87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Layne Harris Phone (208) 523-0620Post Office address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. 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: Change point of diversion to conform with current irrigation system setup.

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

1. Right Number 22 Part 1
21-12900 Priority 05/01/1965 Amount 259 AFA Nature of Use Irrigation Period of Use 04/01 to 10/31
 _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 0.64 cubic feet per second and/or 259 acre-feet per annum.

3. Source of water Ground water

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	10	6N	41E	Madison	Same point of diversion as Water Right 22-7397

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	
6N	41E	3															38		37 3/4 Part
~~6N~~	~~41E~~	~~10~~	~~39~~	~~38~~	~~40~~	~~37~~	~~Part~~											36	154 Part

Total Acres 229-75 Part

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6. General Information:

- a. Description of diversion system Pump and mainline.
- 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 X . 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:
None
- d. Remarks:
Water Right No. 22-12900 is an enlargement right, which has been deeded by Carol Ostermiller to Layne Harris in order for Layne to irrigate the Dyle Peterson property (the SWSE and SESE of 6N, 41E, Sec. 3). Mr. Harris has been irrigating the Peterson property with the pump and mainline at the point of diversion listed for Water Right No. 22-7397. The system has been in place for over 10 years, and this transfer will make the water rights consistent with the current irrigation system. Attached is a recorded quitclaim deed from Ms. Ostermiller to Mr. Harris. The change in point of diversion is only approximately one-half mile from the listed point of diversion for 22-12900.

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 _____, 2002.

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Close

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

03/06/2007

WATER RIGHT NO. 22-12900

Owner Type	Name and Address
Current Owner	CAROL OSTERMILLER 8881 E HWY 33 PO BOX 142 NEWDALE, ID 83436 (208)458-4135
Original Owner	JUNIOR OSTERMILLER E HWY 33 NEWDALE, ID 83436 (208)458-4135

Priority Date: 05/01/1965

Basis: Beneficial Use

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.64 CFS	259 AFA
Total Diversion			0.64 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSENE	Sec. 03	Township 06N	Range 41E	MADISON County
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IRRIGATION Use:

Acre Limit: 74

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Place(s) of use:

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Place of Use Legal Description: IRRIGATION MADISON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	41E	3	1	NENE	28	2	NWNE	2		SWNE	24		SENE	39
				NESE	38		NWSE	38		SWSE	38		SESE	37

Total Acres: 244

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	E60	Right Nos. 22-2200 and 22-12900 are limited to a total combined diversion rate of 2.7 cfs and to a total combined annual diversion volume of 854 AF.
3.	K06	This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.
4.	E56	The rights listed below are limited to the irrigation of a combined total of 244 acres in a single irrigation season. Combined Right Nos.: 22-2200 and 22-12900.
5.	F05	Right No. 22-2200 is also diverted through point of diversion described above.
6.	K09	This right is for an enlargement of 74 acres within the place of use described for this right.
7.	K02	This right is based upon an enlargement of Right No. 22-2200 pursuant to Section 42-1426, Idaho Code.
8.	C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

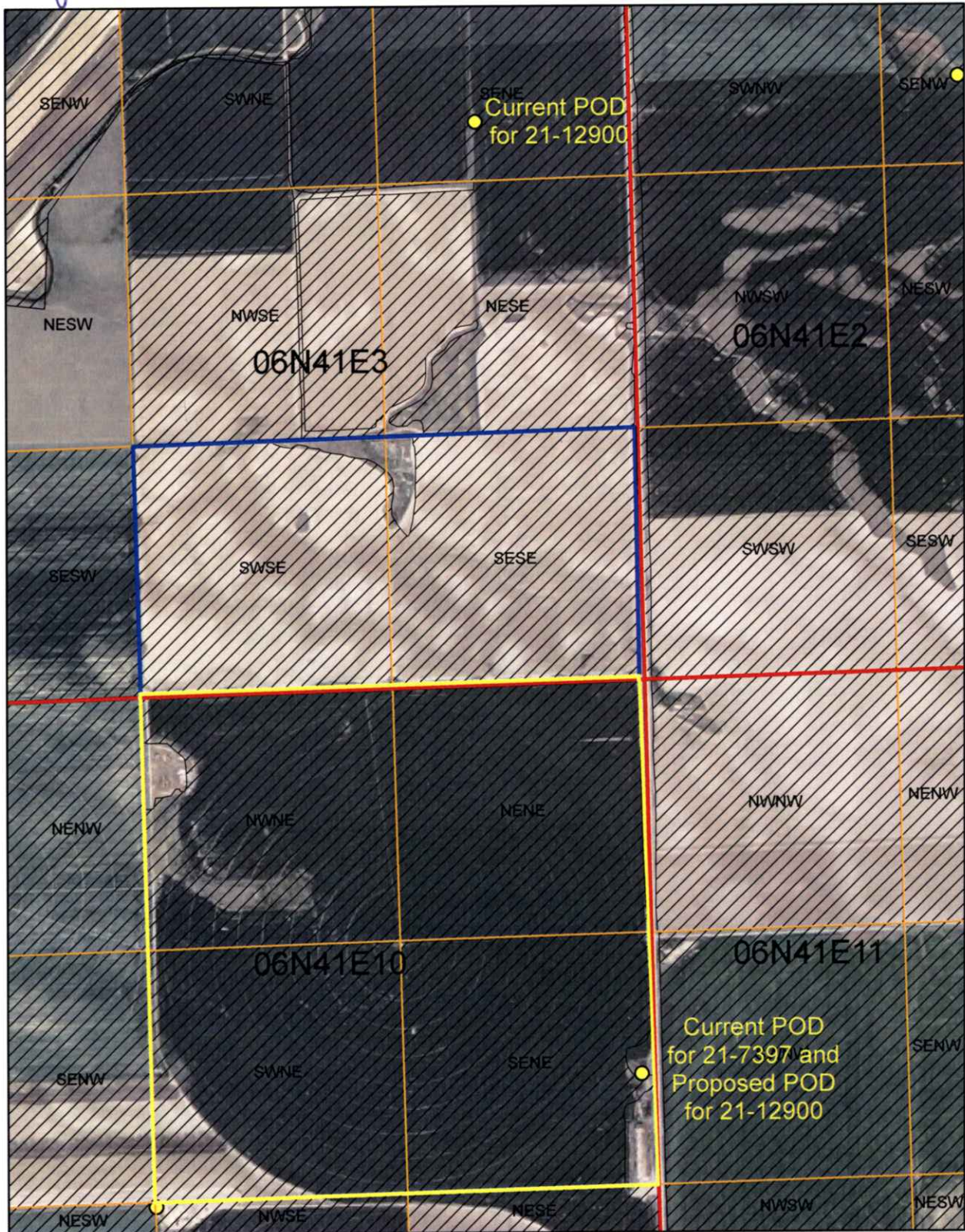
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WATER RIGHT 21-12900 TRANSFER

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0 0.125 0.25 0.5 Miles

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Legend

- | | | |
|---|---|--|
|  Harris_Property |  PLS-Section |  PODRec |
|  Peterson_Property |  PLS-QQ |  POURec |

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B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft)
None _____ to _____
_____ to _____

2. Quantity and quality of return flows and location of discharge:

None. The change in point of diversion is less than one-half mile from the listed point of diversion.

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

No effects.

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.

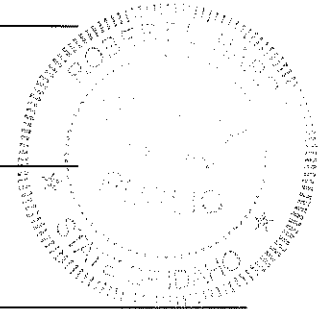
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Layne Harris
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 2008.

Robert L. Harris
Notary Public

My Commission Expires 11/18/2010

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 330-

Receipted by se Date 3/7/07 E032670

Published in Rexburg Standard 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 _____

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-12900				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Carol Ostermiller
8881 E. Hwy. 33, PO Box 142, Newdale, ID 83436
4. New Owner/Claimant(s) Layne Harris
Name connector (check one): ☐ and ☐ or, ☐ and/or
New Mailing Address 680 Main St., PO Box 63
City, State and ZIP Code Newdale, ID 83436
New Telephone Number 208-458-4936
5. Date you acquired the property _____

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ATTACHMENT 1 OF 4

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) Robert Lynne Harris
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee 25 -
 Received by 5c Date 3/7/07 Receipt No. E032670
 Processed by _____ Date _____ WR _____ Date _____

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 ATTACHMENT 2 OF 4

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 15th day of November, 2006, between Carol Ostermiller, referred to herein as the "GRANTOR" and Layne Harris, whose mailing address is 680 Main St., Newdale, ID 83436, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Madison, State of Idaho, to-wit:

Water Right No.22-12900

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

Instrument # 332835

REXBURG, MADISON, IDAHO

2006-11-22

10:21:00 No. of Pages: 2

Recorded for : HOLDEN KIDWELL HAHN & CRAPO

MARILYN R. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy

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ATTACHMENT 3 OF 4

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

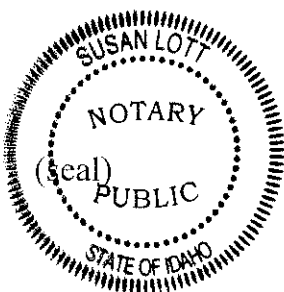
Carol Ostermiller

Carol Ostermiller

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 15th day of November, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Carol Ostermiller known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the 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.



Susan Lott

Notary Public for Idaho

Residing at: Newdale, Fremont Co. Idaho

My Commission Expires: 6/02/2012

G:\WPDATA\RLH\10136 Harris, Layne\QCD Ostermiller.wpd.cdv