

APR 02 2008

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 WATER RESOURCES
 WESTERN REGION

Transfer No. 74652

 AMENDED
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1

Name of Applicant Edith Nettleton Test Trust &/or Robert Nettleton Phone (208) 384-1627 ext #3
&/or Steve Nettleton
 Mailing address PO BOX 267, Boise, ID 83701 Email margjohnslo@aol.com

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 Moving 2 acres of place of use from BLM land to
resolve objection in SRBA. 2 acres located in Lot 6, S28, moving to Lot 4, S28.

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

1. Right Number 02-2441 Priority 9/16/1951 Amount (cfs/ac-ft) 1.71* Nature of Use irrigation Period of Use 3/1 to 11/15
 to _____
 to _____
 to _____
2. Total amount of water being transferred 1.71* cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Snake River tributary to Columbia River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
4	SW	NE	NW	28	01S	02W	Owyhee	

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	
1S	2W	21										L5 5	L6 28						33
1S	2W	28					L4 43		15	L5 19									75

*See remarks

Total Acres 108

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 2-2441

Priority Date: 09/16/1951

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: SNAKE RIVER

Tributary to: COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/01	11/15	1.71 CFS		
Total Diversion			1.71 CFS		

Source and Point(s) of Diversion:

SNAKE RIVER L4 (SWNENW) 01S 02W 28 OWYHEE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 02W 21											5.0	28.0					33.0
											L 5	L 6					
01S 02W 28					41.0		15.0	17.0	2.0								75.0
					L 4			L 5	L 6								

Total Acres: 108

Conditions/Remarks:

1. THE MAXIMUM DIVERSION FOR THIS RIGHT WHEN COMBINED WITH 02-02027A SHALL NOT EXCEED 1.71CFS.
2. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. The following right is also diverted through point of diversion described above: 2-02027A
4. Use of this right with Right Nos. 2-02027A, 57-04042, and 57-10245 is limited to the irrigation of a combined total of 116 acres in a single irrigation season.
5. 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.

Page ~~2~~ 4 of 6

Transfer No. _____

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 2-2441

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? **No**

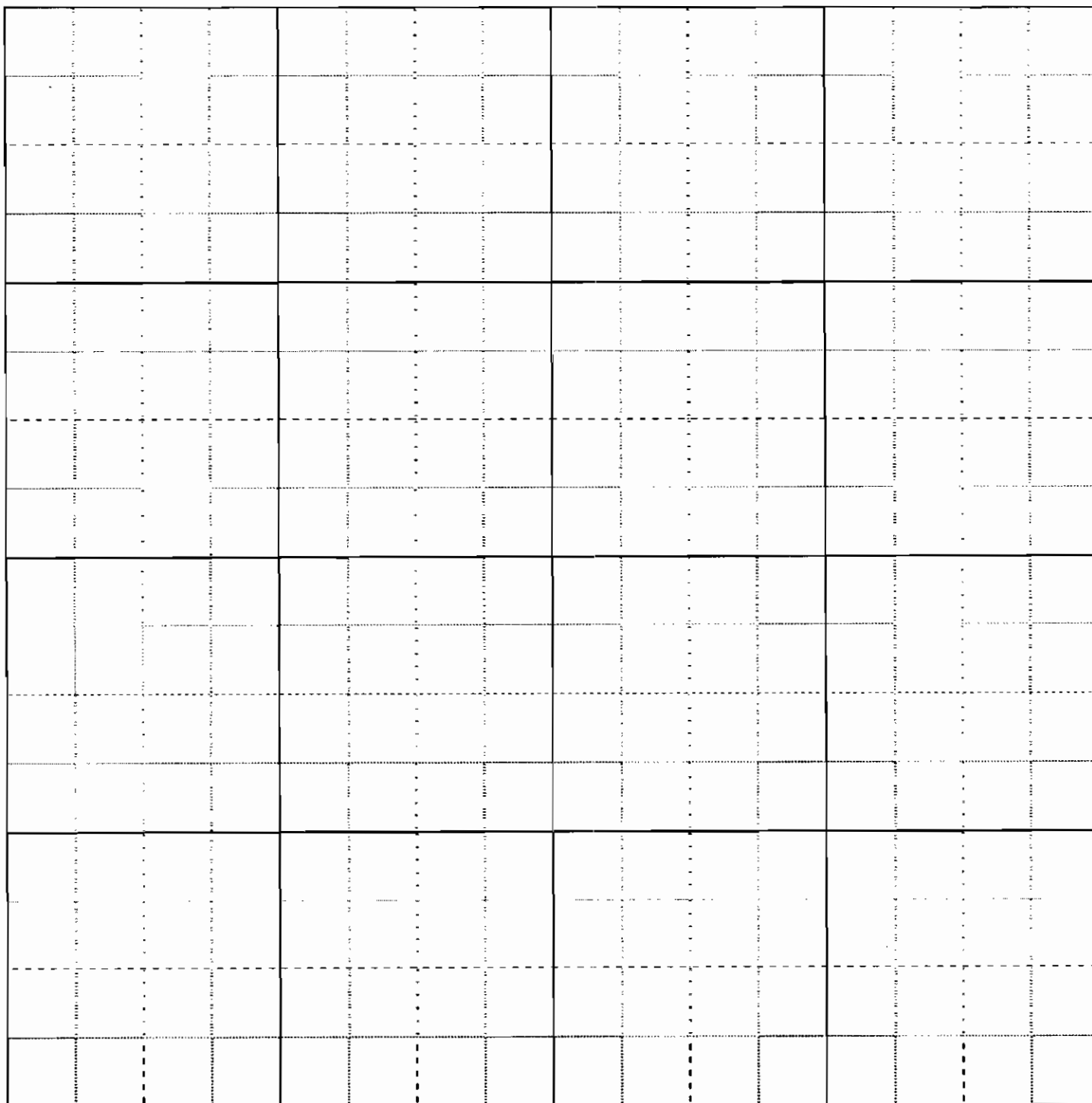
Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? **No.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

SEE ATTACHED

- 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.



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

PART 3

B. CHANGES IN NATURE OF USE

NA

- | 1. | <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--|--------------------------|------------------------|----------------------|
| | | | | to |
| | | | | to |
| 2. | Quantity and quality of return flows and location of discharge: | | | |
| | | | | |
| | | | | |
| 3. | 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.



(Signature of Applicant)

WILLIAM F. SCHROEDER, TRUSTEE EDITH
Print Name (and title, if applicable) NUTTELLTON-TEST. TRUST

Subscribed and sworn to before me this 20th day of February, 2008.

(Notary Public)

My commission expires 1/30/2011

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

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

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

1.

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

3. 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.

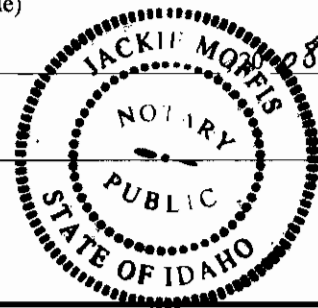
★ Robert Nettleton
 (Signature of Applicant)

ROBERT NETTLETON

Print Name (and title, if applicable)

Subscribed and sworn to before me this 16 day of February

Jackie Morris
 (Notary Public)



My commission expires 2/16/09

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

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 _____

PART 3

B. CHANGES IN NATURE OF USE

NA

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

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

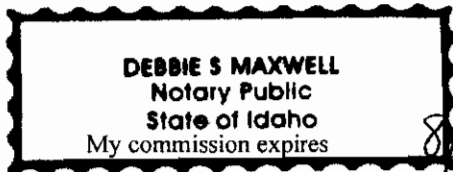
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

★ Stephen Nettleton
(Signature of Applicant)

STEPHEN NETTLETON
Print Name (and title, if applicable)

Subscribed and sworn to before me this 29 day of February, 2008.



Debbie S. Maxwell
(Notary Public)

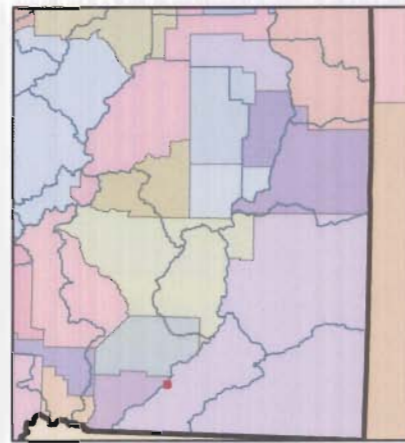
FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments
Received by DB Date 3-5-08 Protest filed by _____
Prelim. Check by _____ Fee \$100-
Receipted by DB / W036203 Date 3-5-08
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 _____

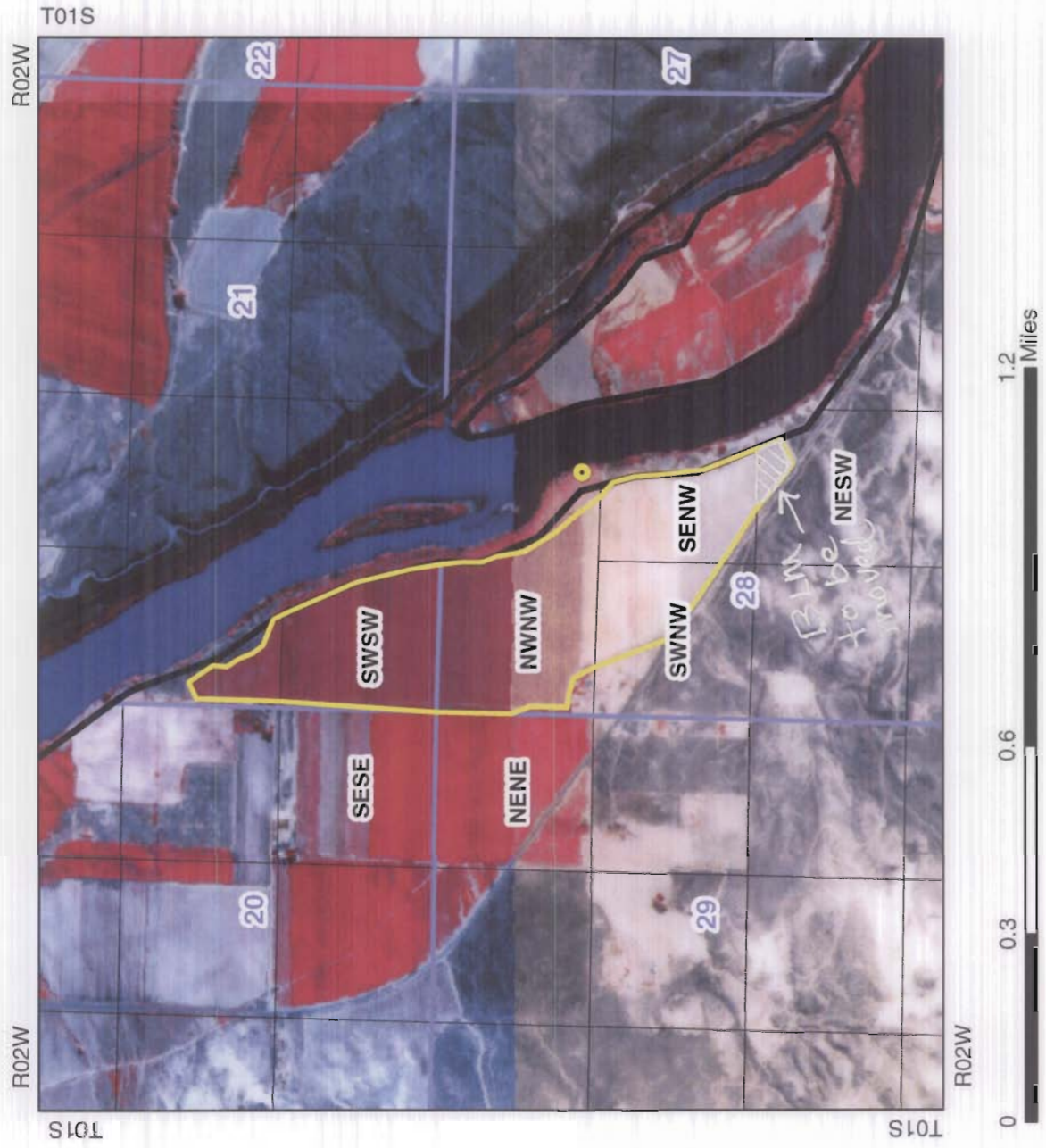
02-2441

Legend

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



Prepared by Kay Walker
On Wednesday, March 26, 2008
1987/88 Aerial Photography



Attachment 1

*Edith's
place*

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by WILLIAM F. SCHROEDER, as Personal Representative of the ESTATE OF EDITH NETTLETON, Deceased, GRANTOR, to WILLIAM F. SCHROEDER, TRUSTEE OF THE EDITH NETTLETON TESTAMENTARY TRUST, GRANTEE, for which the address is P.O. Box 267, Boise, Idaho 83701.

WHEREAS, GRANTOR, is the qualified personal representative of the Estate of Edith M. Nettleton, filed as Case No. SP-02-01757 in Owyhee County, and said Letters Testamentary were recorded as Instrument No. 241569, with the Owyhee County Records Office on November 12, 2002.

THEREFORE, for valuable consideration, GRANTOR, hereby quitclaims, transfers and conveys to said GRANTEE, an undivided one-half (1/2) interest in the whole parcel of said real property situated in Owyhee County, Idaho, and more particularly described in Exhibit "A" attached hereto, and incorporated in full, as if set forth in full herein.
With all appurtenances, rents, profits, issues therefrom.

Pursuant to this Personal Representative's Deed and transfer, WILLIAM F. SCHROEDER, ~~TRUSTEE~~ of the EDITH NETTLETON TESTAMENTARY TRUST owns an undivided one-half (1/2) interest in the whole parcel; and pursuant to said Trustee's Deed dated January 21, 2003; and recorded with the Owyhee County Record's Office on September 16, 2003, as Instrument No. 245056, ROBERT C. NETTLETON, owns an undivided one-quarter (1/4) interest in the whole parcel as a tenant in common, and STEPHEN J. NETTLETON, owns an undivided one-quarter (1/4) interest in the whole parcel, as a tenant in common.

EXECUTED this 29 day of June, 2004.



WILLIAM F. SCHROEDER,
As Personal Representative of
The ESTATE OF EDITH NETTLETON

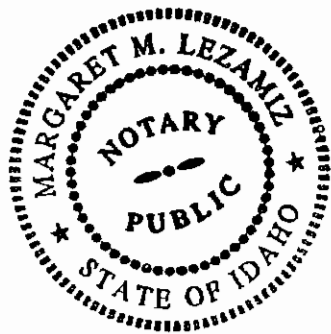
Exhibit "B"
1 of 3

Attachment 2

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 29TH day of JUNE, 2004, before me, the undersigned, a notary public in and for said state, personally appeared, WILLIAM F. SCHROEDER, known of identified to me to be the person whose name is subscribed to the within instrument, as personal representative of the Estate of Edith Nettleton, deceased, and acknowledged to me that he executed the same as such Personal Representative.

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



Margaret Lezamy
Notary Public for Idaho
Residing at: Boise, Idaho
Commission Expires: 1/22/2005

Attachment 2a 2 of 3 ^{3"}

Exhibit "A"

IN TOWNSHIP 1 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY,
IDAHO

Section 21: Lot 6, Lot 5 LESS THE FOLLOWING PARCEL,
A parcel of land situate in Government Lot 5,
Sec. 21, T1S, R2W, B. M., Owyhee County, Idaho,
more particularly described as follows:

Commencing at the Southwest corner of said Lot
5, Section 21, T1S, R2W, B. M.; thence North $01^{\circ}19'34''$ East,
along the West line of said Lot 5, a distance of 622.81 feet
to a point, being the REAL POINT OF BEGINNING; thence on a
line running Easterly and perpendicular to the said West
line, a distance of 334 feet, to a point on the Left Bank
Meander line of the Snake River; thence Northwesterly along
said Meander line to a point of intersection with the West
line of said Lot 5, Section 21, T1S, R2W, B. M.; thence
South $0^{\circ}19'34''$ West, a distance of 827.87 feet to the REAL
POINT OF BEGINNING.

Section 28: Lot 4, Lot 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT THE FOLLOWING
PARCEL being a portion of Lot 5,
more particularly described as follows:

From the Quarter Corner on the West side of
Sec. 28, above described; thence East on the Quarter Section
line through the Center of the Section 2,173.4 feet; thence
North $67^{\circ}20'$ East 15 feet to the Point of Beginning; thence
North $25^{\circ}21'$ West 416.7 feet; thence North $54^{\circ}52'$ East 178.6
feet; thence South $25^{\circ}42'$ East 129.6 feet; thence South
 $20^{\circ}02'$ East 326.7 feet; thence South $67^{\circ}20'$ West 148.1 feet
to the Point of Beginning.

*C. Nettleton***TRUSTEE'S DEED**

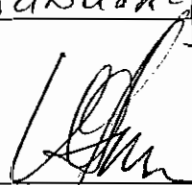
THIS DEED, made by WILLIAM F. SCHROEDER, as Trustee of the J.H. NETTLETON TESTAMENTARY TRUST, GRANTOR, does hereby convey, release, remise and forever quitclaim, to ROBERT C. NETTLETON, a single person as his sole and separate property, and STEPHEN J. NETTLETON, a married man as his sole and separate property, GRANTEES, as tenants in common, of an undivided one-half (1/2) interest in the property and any buildings located thereon, located in Owyhee County, Idaho, and more particularly described in Exhibit "A" which is attached hereto and incorporated herein as if set forth in full. The current address of the GRANTEES is HC 79 Box 33, Melba, Idaho 83641.

Pursuant to this Trustee's Deed and transfer, ROBERT C. NETTLETON, hereby holds an undivided one-quarter (1/4) interest in the whole parcel as a tenant in common, and STEPHEN J. NETTLETON, hereby holds an undivided one-quarter (1/4) interest in said real property as a tenant in common.

WHEREAS, GRANTOR, is the qualified Trustee of the J.H. Testamentary Trust, filed and registered in Case No. SP-95-00471, with the Third Judicial District Court, County of Owyhee, on August 01, 1996. Said Trustee's right, title and interest in said property is documented by a "Personal Representative's Deed" dated August 21, 1996, and recorded on August 26, 1991, with the Owyhee County Records' Office, as Instrument No. 219711.

TO HAVE AND TO HOLD SAID PREMISES together with any and all right, title and interest of GRANTOR in any and all water rights and appurtenances appertaining thereto, and any rents, profits therefrom, unto said GRANTEES, their heirs and assigns forever.

EXECUTED this 21 day of JANUARY, 2003.



WILLIAM F. SCHROEDER, Trustee of the
J.H. NETTLETON TESTAMENTARY TRUST

Exhibit "A"

IN TOWNSHIP 1 SOUTH, RANGE 2 WEST, B. M., OWYHEE COUNTY,
IDAHO

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