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RECEIVED

MAR 06 2008

STATE OF IDAHO

Transfer No. 74653

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant SHULTZ, CAROL Phone 28-584-3494

Mailing address 29950 3rd FORT RD. /OLA, IDAHO 83657 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 _____

Correcting mistake for U.S. Forest Service report

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
65-11254	4/1/1963	.02	Domestic	1/1 to 12/31
		.10	Irrigation	4/1 to 11/1
		.02	Stockwater	1/1 to 12/31
				to

2. Total amount of water being transferred 10 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water BEAR Gulch Spring tributary to Sycamore Creek

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total Acres

PART 1

6. General Information:

a. Description of diversion system P.I.P.E., PERFORATED

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 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:

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)

SEE ATTACHED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as 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 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 or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(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 _____ 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

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	

Total Acres _____

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

65-11253, 65-122

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:

[illegible]

3. Lands irrigated or place of use:

[illegible]

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:

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION 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.

The form consists of a large grid of 16 columns and 16 rows, creating a 256-section map. The grid is composed of solid lines for the main sections and dashed lines for the quarter-sections. In the center of the grid, the words "SEE ATTACHED" are handwritten in a large, cursive script.

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

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use N/A 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.

Carol Shultz
(Signature of Applicant)

SHULTZ, CAROL
Print Name (and title, if applicable)

Subscribed and sworn to before me this 6 day of March, 20 08.



Lori Harris
(Notary Public)

My commission expires 12-12-2012

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments
Received by JL Date 3/6/08 Protest filed by _____
Prelim. Check by JL Fee \$100
Received by JVG Date 3/6/08 W036209
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 _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-11254

WATER RIGHT NUMBER: 65-11254

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAROL A SHULTZ 29950 THIRD FORK RD OLA, ID 83657 (208)584-3494

Priority Date: 04/01/1963

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR GULCH SPRING	SQUAW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.020 CFS	1.20 AF
IRRIGATION	04/01 to 11/01	0.100 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	0.70 AF
	<u>Total Diversion:</u>	0.100 CFS	1.20 AF

Location of Point(s) of Diversion

BEAR GULCH SPRING	SE1/4NW1/4	Sec. 11, Twp 12N, Rge 01E, B.M.
GEM County		

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	
12N	01E	11			5.0														5.0

Total Acres: 5

DOMESTIC & STOCKWATER: SAME AS IRRIGATION

ATTACHMENT A
(2 pgs)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-11254

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 USE OF THIS RIGHT WITH RIGHT NO. 65-11253 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2.6 AF FOR DOMESTIC AND STOCKWATER USE.
3. N14 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
5. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. STOCKWATER, 50 RANGE CATTLE

Dates and Other Information:

Licensed Date:
Decreed Date: 2/6/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

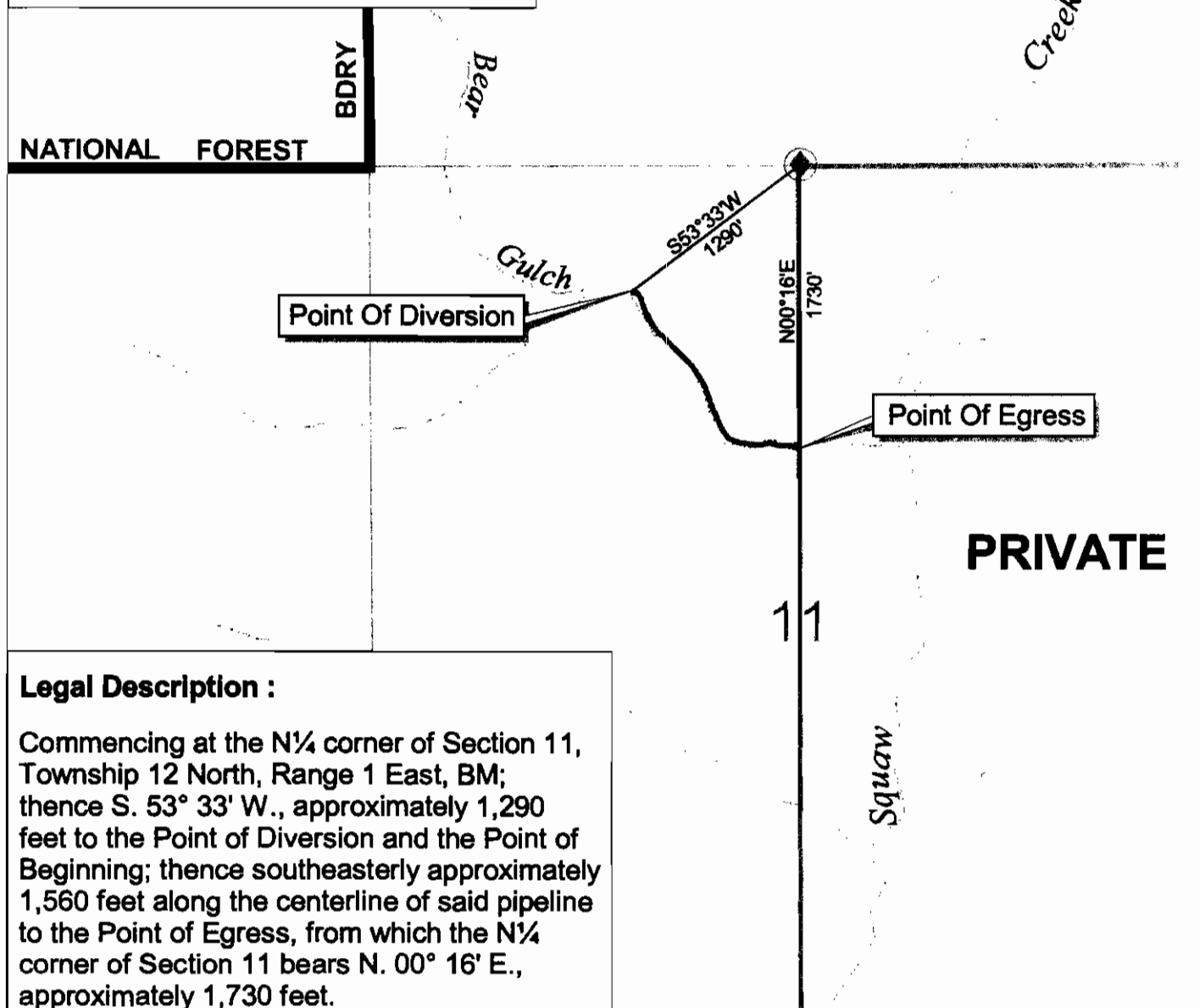
A₂

EXHIBIT A

Bear Gulch Spring Pipeline & Diversion

AGRICULTURE IRRIGATION AND STOCK WATERING EASEMENT for Carol Shultz

Located in
Section 11, T12N, R1E, BM
Gem County, Idaho



Legal Description :

Commencing at the N $\frac{1}{4}$ corner of Section 11, Township 12 North, Range 1 East, BM; thence S. 53° 33' W., approximately 1,290 feet to the Point of Diversion and the Point of Beginning; thence southeasterly approximately 1,560 feet along the centerline of said pipeline to the Point of Egress, from which the N $\frac{1}{4}$ corner of Section 11 bears N. 00° 16' E., approximately 1,730 feet.

The pipeline Right-of-Way is 15 feet wide, 7.5 feet each side of centerline, and contains approximately 0.54 acre.



0 500 1000 1500 2000 Feet

SOURCE: USGS 7.5 Minute Quadrangle
Twin Sisters

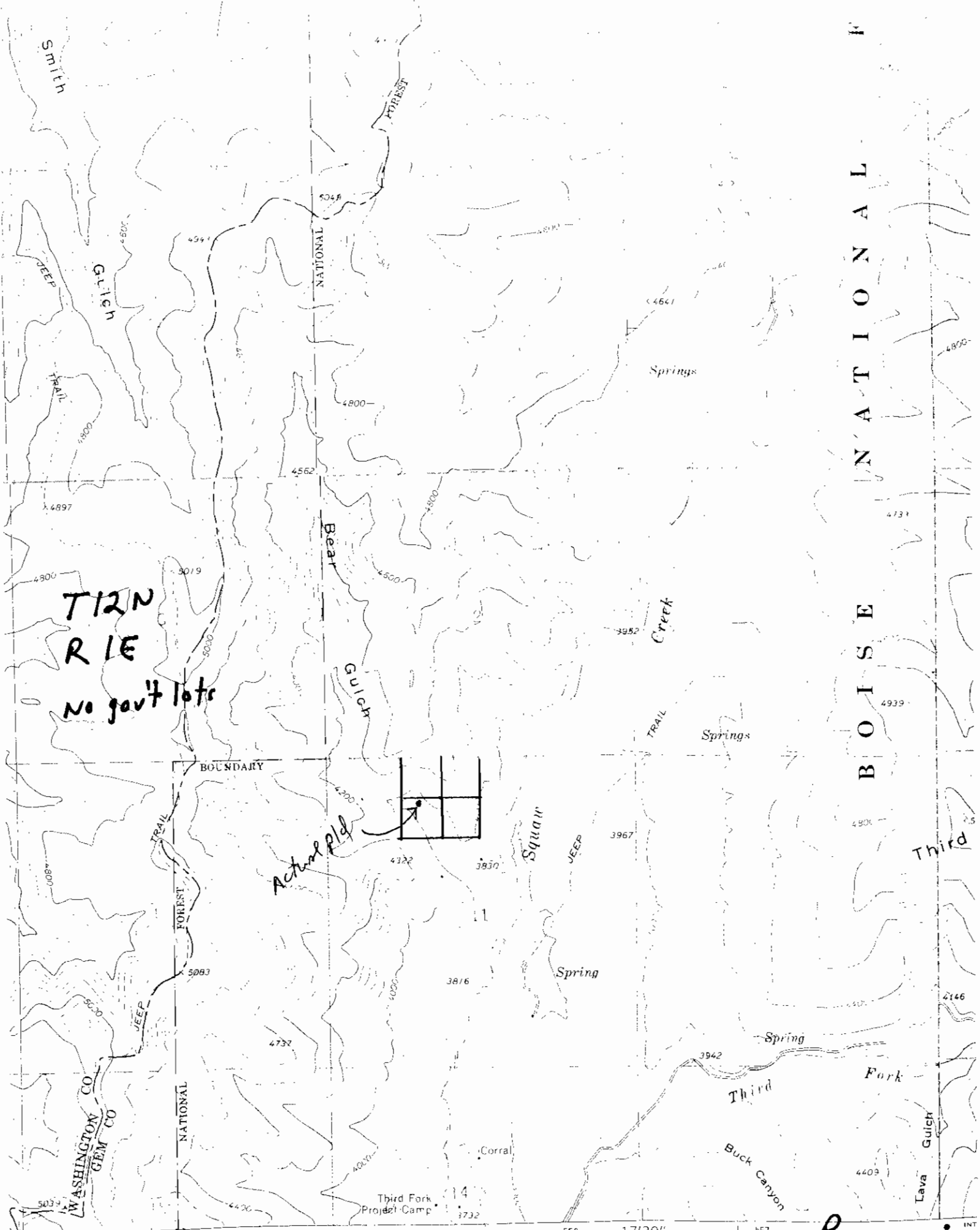
PROJECTION: UTM Zone 11

DATUM: NAD 83

S.Loros
10-22-2007

(map from Forest Service per
Attachment C)

ATTACHMENT B (2 pgs)



T12N
R1E
No gov't lots

Actual Pld

NATIONAL FOREST

BOISE

Third

(DODSON PASS)
2772 IV SE
SCALE 1:24 000

B2

INT
P 2 E



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2720-3

Date:

JAN 7 2008

JERRY BIRD USFS - Utah
1-801-236-3463

Ms. Carol A. Shultz
29950 Third Fork Road
Ola, ID 83657

Dear Ms. Shultz:

Enclosed is an Agriculture Irrigation and Livestock Watering System Easement for your pipeline and diversion facilities located in section 11, T. 12 N., R. 1 E., Emmett Ranger District, Boise National Forest.

We have noted a small discrepancy with your water right point of diversion (POD, Water Right No. 65-11254). Based on our field review and the GPS data collected by the ditch bill team, we believe that your POD is located approximately 1000 ft. in a northwesterly direction from the location depicted by the State of Idaho Department of Water Resources on their web page. The State notes that your POD for Bear Gulch Spring is located in the SE quarter of the NW quarter of Section 11, T. 12 N., R. 1 E. Our data indicate that this POD is actually in the NE quarter of the NW quarter of Section 11, T. 12 N., R. 1 E. We collected the following latitude and longitude coordinates for your POD: 44°23'41.08" N, 116°18'20.58" W. To initiate a change application for the location of your POD, please call the Idaho Department of Water Resources, Western Regional Office in Boise, ID at (208) 334-2190.

Please review the easement, including Exhibit A (map) and Exhibit B (Operation and Maintenance Plan). If you find the easement acceptable, sign and date the easement in the presence of a notary public. By signing the easement, you are acknowledging that you accept all the terms and conditions of the easement, including the Operation and Maintenance Plan. Please do not date the front page of the easement, which will be dated upon execution.

Once you have signed, dated, and had your signatures notarized, please return the easement to:

Mr. Jerry K. Bird
USDA Forest Service
125 South State Street
8236 Federal Building
Salt Lake City, UT 84138

"Question on Transfer!"
IF I Need Help
Feb. 15 returned my call

@ H2O RIGHT =
0.1 Cu. FT. per second
File Fee = \$100.00
She will send the paper work,
Feb. 18 - 2:15 PM Jan 8

Upon documentation of your change application with the State for your POD location, we will proceed with the processing of your easement. Once we receive the signed easement from you, it will be executed, recorded, and returned to you.

@ Called AGAIN 10:15 AM Feb. 15, 08 [Trans] + some of / He took my # + He '11 got in touch & the
I DOING THIS

ATTACHMENT C

(2 pgs)

Printed on Recycled Paper

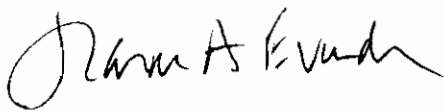


H2O Right or - Steve Lester

Caring for the Land and Serving People

We appreciate your patience and cooperation in regard to the easement. Please contact Jerry Bird, Ditch Bill Team Leader, at 801-236-3463, if you have questions regarding the easement or the steps needed to complete the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne A. Evenden". The signature is fluid and cursive, with the first name "Jeanne" being more prominent.

JEANNE A. EVENDEN
Director, Lands

Enclosures (3)