

Transfer No. 74503

Receipt No. 502992

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

**1. Applicant Information** DIANE SAWYER MEEKS

6 S 800 E  
 JEROME ID 83338  
 (208)324-3188

And

JAMES D MEEKS  
 6 S 800 E  
 JEROME ID 83338  
 (208)324-3188

**RECEIVED****FEB 06 2008****DEPT. OF WATER RESOURCES**  
**SOUTHERN REGION**Will this transfer result in an ownership change? \_\_\_\_\_ Yes X No**2. Current Water Right****Part 2 Attached for Each Right**

|         | Origin/Basis | Rate | Volume | Acre Limit | Total Acres | Source       |
|---------|--------------|------|--------|------------|-------------|--------------|
| 36-7032 | WR/Decreed   | 2.56 | 932.0  |            | 233.0       | GROUND WATER |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right   | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---------|-------|-----|-----|---------|---------------|---------------|
| 36-7032 | NO    | NO  | YES | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

To change the authorized place of use to remove appurtenant water rights from land that will be split and sold at a future date without water rights.

**4. FOR CHANGES IN NATURE OF USE ONLY****A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

**B. Describe the effects on other water uses resulting from the proposed change**

N/A

**5. Total Amounts Transferred**

|         | Rate     | Acre Limit | Total Acres | Volume   |
|---------|----------|------------|-------------|----------|
| 36-7032 | 2.56 cfs |            | 233.0       | 932.0 af |
| TOTAL   | 2.56 cfs |            | 233.0       | 932.0 af |

Transfer No. 74503

Receipt No. \_\_\_\_\_

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

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 D. Fisher  
(Signature of Applicant)

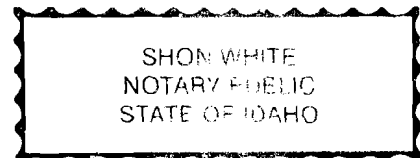
Shane Sawyer Mack  
(Signature of Applicant)

Subscribed and sworn to before me this 6<sup>th</sup> day of February, 2008.

[Signature]

(Notary Public) Shon A. White  
Twin Falls, ID

My commission expires 11/22/2010



Transfer No. 74503

Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 36-7032

Priority Date: September 14, 1968

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01 11/01            | 2.56 CFS              | 932.0 AFA     |                    |
|                       | Total Diversion       | 2.56 CFS              | 932.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER                      SENESE                      Sec. 19 Twp 08S   Rge 18E JEROME 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   |        |
| 08S 18E 19  | 40.0 |    |    | 33.0 |    |    |    |    |    |    |    |    | 40.0 | 40.0 | 40.0 | 40.0 | 233.0  |

Total Acres: 233

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED ~~EARLY OR LATE IRRIGATION USE~~ AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. 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.

Documentation of Ownership of the Current Place of Use

IDWR records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

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

Approximately 21 acres will no longer be irrigated.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 74503

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No. 36-7032**

Priority Date: September 14, 1968

Origin: Water Right

Basis: Decreed

Status: Active

**Source: GROUND WATER**

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01 11/01     | 2.56 CFS              | 932.0 AFA     |                    |
|                       | Total Diversion | 2.56 CFS              | 932.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER                      SENESE                      Sec. 19 Twp 08S   Rge 18E   JEROME County

Describe the proposed diversion system

Point of Diversion # 1 WELL AND PUMP

**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   |        |
| 08S | 18E | 19  | 40.0 |    |    | 38.5 |    |    |    |    |      |    |    |    | 38.5 | 34.0 | 34.0 | 34.0 | 219.0  |
| 08S | 18E | 20  |      |    |    |      |    |    |    |    | 14.0 |    |    |    |      |      |      |      | 14.0   |

Total Acres: 233

995913

RECORDED AT REQUEST  
OF THE  
NOTARY PUBLIC  
& ESCROW, INC.

Nov 22 4 11 PM '99

JEROME COUNTY, IDAHO

ESQ. OF DEP. CLERK

J-28849

**WARRANTY DEED**

FOR VALUE RECEIVED,

**CHARLES L. MECHAM and BARBARA F. MECHAM**, husband and wife, the "Grantors," do hereby grant, bargain, sell and convey unto **JAMES D. MEEKS and DIANE SAWYER MEEKS**, husband and wife, whose address is 800 East 6 South, Jerome, Idaho, the "Grantees", the following described premises located in Jerome County, Idaho, to wit:

Parcels of land located in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17 and in Section 20 of Township 8 South, Range 18 East, Boise Meridian, Jerome County, Idaho and more particularly described as follows:

**PARCEL 1**

**SECTION 17:**

Commencing at the Southeast corner of said Section 17, from which the South One-Quarter (S $\frac{1}{4}$ ) corner of said Section 17 bears N89°54'30"W-2649.76 feet, said Southeast corner of said Section 17 being the TRUE POINT OF BEGINNING:

THENCE N89°54'30"W along the South boundary of the SE $\frac{1}{4}$  of said Section 17 for a distance of 782.12 feet to a point in the center of an existing county road;

THENCE along the center of the county road on the following courses:

N11°30'51"E for a distance of 284.57 feet;

N12°36'19"E for a distance of 110.01 feet to the point of curvature of a curve right;

Northeasterly along the arc of the curve right for a distance of 172.77 feet to the point of tangent, said arc having a radius of 220.32 feet and a long chord bearing and distance of N51°08'00"E-168.37 feet;

N73°14'34"E for a distance of 142.88 feet to the point of curvature of a curve left;

Northeasterly along the arc of the curve left for a distance of 185.34 feet to the point of tangent, said arc having a radius of 317.84 feet and a long chord bearing and distance of N49°57'31"E-182.73 feet;

N34°45'58"E for a distance of 29.76 feet;

THENCE leaving the center of the county road on a bearing of S89°51'15"W for a distance of 555.77 feet;

THENCE S12°02'54"W for a distance of 688.50 feet to a point on the South boundary of the SE $\frac{1}{4}$  of said Section 17;

THENCE N89°54'30"W along the South boundary of the SE $\frac{1}{4}$  of said Section 17 for a distance of 1673.74 feet to the South One-Quarter (S $\frac{1}{4}$ ) corner of said Section 17;

THENCE N00°02'32"W along the West boundary of the SE¼ of said Section 17 for a distance of 1321.43 feet to the Northwest corner of the S½SE¼ of said Section 17;

THENCE S89°52'48"E along the North boundary of the S½SE¼ of said Section 17 for a distance of 2651.11 feet to the Northeast corner of the S½SE¼ of said Section 17;

THENCE S00°00'58"W along the east boundary of the S½SE¼ of said Section 17 for a distance of 1320.12 feet to the TRUE POINT OF BEGINNING.

*CONTAINING 76.11 acres, more or less*

**TOGETHER WITH**

1-An easement for the use and maintenance of an irrigation holding pond, irrigation pump and buried irrigation pipelines, said easement being on, over and across a parcel of land that is encompassed by the following described boundary:

COMMENCING at the Southeast corner of said Section 17, THENCE N89°54'30"W along the South boundary of the SE¼ of said Section 17 for a distance of 782.12 feet, THENCE N11°30'51"E for a distance of 284.57 feet, THENCE N12°36'19"E for a distance of 54.32 feet to the TRUE POINT OF BEGINNING:

THENCE N79°20'04"W for a distance of 106.45 feet;

THENCE S62°37'00"W for a distance of 105.05 feet;

THENCE N12°02'54"E for a distance of 63.86 feet;

THENCE N74°48'46"E for a distance of 154.70 feet;

THENCE S84°47'03"E for a distance of 56.57 feet to a point in the center of an existing county road, said point being on the arc of a curve left;

THENCE Southwesterly along the arc of the curve left for a distance of 17.34 feet to the point of tangent, said arc having a radius of 220.32 feet and a long chord bearing and distance of S30°55'28"W-17.34 feet;

THENCE S12°36'19"W for a distance of 55.69 feet to the TRUE POINT OF BEGINNING.

**AND**

**SUBJECT TO:**

1-A 25.0 foot wide county road easement along the South boundary of the before described parcel.

2-A 50.0 foot wide county road easement for an existing county road that traverses through the Southeasterly corner of the before described parcel, said easement being centered on the center of the existing county road.

3-An easement for the use and maintenance of a septic system drain field, said easement boundary shall include the existing drain field area and a reasonable area outside the drain field for maintenance and/or repair.

**PARCEL 2**

**SECTION 20:**

COMMENCING at the Northeast corner of said Section 20, from which the North one-quarter (N¼) corner of said Section 20 bears N89°54'30"W-2649.76 feet, THENCE N89°54'30"W along the North boundary of the NE¼ of said Section 20 for a distance of 1324.88 feet to the Northeast corner of the W½NE¼ of said Section 20 and being the TRUE POINT OF BEGINNING:

THENCE S00°12'03"W along the East boundary of the W½NE¼ of said Section 20 for a distance of 2255.61 feet to a point in the center of the "L" canal;

THENCE along the center of the "L" canal on the following courses:

S45°06'30"W-7.42 feet;

S59°02'40"W-123.86 feet;

S49°46'27"W-105.18 feet;

S03°30'03"W-118.18 feet;

S30°46'10"E-119.28 feet;

S15°15'10"E-19.85 feet to a point on the South boundary of the W½NE¼ of said Section 20;

THENCE N89°27'00"W along the South boundary of the W½NE¼ of said Section 20 for a distance of 2526.48 feet to the Northeast corner of the NW¼SW¼ of said Section 20;

THENCE S00°27'21"W along the East boundary of the NW¼SW¼ of said Section 20 for a distance of 1306.95 feet to the Southeast corner of the NW¼SW¼ of said Section 20;

THENCE N89°13'49"W along the South boundary of the NW¼SW¼ of said Section 20 for a distance of 1324.96 feet to the Southwest corner of the NW¼SW¼ of said Section 20;

THENCE N00°30'32"E along the West boundary of said Section 20 for a distance of 3905.60 feet to the Northwest corner of said Section 20;

THENCE S89°51'40"E along the North boundary of the NW¼ of said Section 20 for a distance of 2642.70 feet to the North one quarter (N¼) corner of said Section 20;

THENCE S89°54'30"E along the North boundary of the NW¼NE¼ of said Section 20 for a distance of 1324.88 feet to the TRUE POINT OF BEGINNING.

CONTAINING 277.25 acres, more or less

**SUBJECT TO:**

1-A 25.0 foot wide county road easement along the North and West boundaries of the before described parcel.

2-An easement to the canal company for the use and maintenance of the "L" canal along a portion of the East boundary of the before described parcel.

**EXCEPTING THEREFROM:**

A parcel of land located in the SE¼SE¼ of Township 8 South, Range 18 East, Boise Meridian, Jerome County, Idaho and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 17, from which the South one quarter (S¼) corner of said Section 17 bears N89°54'30"W-2649.76 feet, THENCE N89°54'30"W along the South boundary of the SE¼ of said Section 17 for a distance of 782.12 feet to a point in the center of an existing county road, THENCE N11°30'51"E along the center of the county road for a distance of 284.57 feet, THENCE N12°36'19"E along the center of the county road for a distance of 54.32 feet to the TRUE POINT OF BEGINNING:

THENCE N79°20'04"W for a distance of 106.45 feet;

THENCE S62°37'00"W for a distance of 105.05 feet;

THENCE N12°02'54"E for a distance of 378.75 feet;

THENCE N89°51'15"E for a distance of 555.77 feet to a point in the center of an existing county road;

THENCE along the center of the existing county road on the following courses:

S34°45'58"W for a distance of 29.76 feet to the point of curvature of a curve right;

Southwesterly along the arc of the curve right for a distance of 185.34 feet to the point of tangent, said arc having a radius of 317.84 feet and a long chord bearing and distance of S49°57'31"W-182.73 feet;

S73°14'34"W for a distance of 142.88 feet to the point of curvature of a curve left;

Southwesterly along the arc of the curve left for a distance of 172.77 feet to the point of tangent, said arc having a long chord bearing and distance of S51°08'00"W-168.37 feet;

S12°36'19"W for a distance of 55.69 feet to the TRUE POINT OF BEGINNING.

CONTAINING 2.77 acres, more or less

**SUBJECT TO:**

1-An easement for the use, maintenance, repair and/or replacement of an existing septic system drainfield that is located Westerly of the West boundary of the before described parcel.

AND

**SUBJECT TO:**

1-A 25.0 foot wide county road easement along the Easterly boundary of the before described parcel.

2-An easement for the use and maintenance of an irrigation water holding pond, irrigation pump and buried irrigation pipelines, said easement being on, under, over and across a parcel of land that is encompassed by the following described boundary:

COMMENCING at the Southeast corner of said Section 17, THENCE N89°54'30"W along the South boundary of the SE¼ of said Section 17 for a distance of 782.12 feet, THENCE N11°30'51"E for a distance of 284.57 feet, THENCE N12°36'19"E for a distance of 54.32 feet to the TRUE POINT OF BEGINNING:

THENCE N79°20'04"W for a distance of 106.45 feet;

THENCE S62°37'00"W for a distance of 105.05 feet;

THENCE N12°02'54"E for a distance of 63.86 feet;

THENCE N74°48'46"E for a distance of 154.70 feet;

THENCE S84°47'03"E for a distance of 56.57 feet to a point in the center of an existing county road, said point being on the arc of a curve left;

THENCE Southwesterly along the arc of the curve left for a distance of 17.34 feet to the point of tangent, said arc having a radius of 220.32 feet and a long chord bearing and distance of S30°55'28"W-17.34 feet;

THENCE S12°36'19"W for a distance of 55.69 feet to the TRUE POINT OF BEGINNING.

**FURTHER EXCEPTING:**

A parcel of land located in the SE¼SE¼ of Township 8 South, Range 18 East, Boise Meridian, Jerome County, Idaho and more particularly described as follows:

COMMENCING at the Southeast corner of said Section 17, from which the South one quarter (S¼) corner of said Section 17 bears N89°54'30"W-2649.76 feet, THENCE N89°54'30"W along the South boundary of the SE¼ of said Section 17 for a distance of 782.12 feet to a point in the center of an existing county road and being the TRUE POINT OF BEGINNING:

THENCE continuing N89°54'30"W along the south boundary of the SE¼ of said Section 17 for a distance of 193.90 feet;

THENCE N12°02'54"E for a distance of 309.75 feet;

THENCE N62°37'00"E for a distance of 105.05 feet;

THENCE S79°20'04"E for a distance of 106.45 feet to a point in the center of an existing county road;

THENCE S12°36'19"W along the center of the county road for a distance of 54.32 feet;

THENCE S11°30'51"W along the center of the county road for a distance of 284.57 feet to the TRUE POINT OF BEGINNING.

CONTAINING 1.48 acres, more or less

SUBJECT TO:

1-A 25.0 foot wide county road easement along the South and Easterly boundaries of the before described parcel.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. Taxes for 1999 and subsequent years, which are a lien, but not yet due and payable.
2. Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided. (Assessments Paid Current)
3. Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.
4. Easement for power line within the NW1/4NE1/4 of Section 29, beginning approximately 1050 feet, together with the right of ingress and egress and the right to trim trees, granted to the Idaho Power Company by Instrument dated October 24, 1935; filed January 9, 1936, and recorded in Book 107, Page 366, Jerome County records.
5. Easement for power line within the E1/2NE1/4 of Section 29, together with the right to trim trees and the right of ingress and egress, granted to the Idaho Power Company by Instrument dated May 2, 1950, and filed June 10, 1950, and recorded in Book 142, Page 224, Jerome County records.
6. Easement for power line over and across the SE1/4SE1/4 of Section 17, together with the right of ingress and egress and the right to trim trees, granted to the Idaho Power Company by Instrument dated May 6, 1952, filed August 26, 1953, and recorded in Book 150, Page 305, Jerome County records.
7. Easement for power line over and across SW1/4NE1/4 of Section 20, together with right of ingress and egress and the right to trim trees, granted to the Idaho Power Company by Instrument dated June 1, 1955, filed July 13, 1956, and recorded in Book 2, Page 336, Jerome County records.

8. Power Line Easement given by Charles L. Mecham, Barbara Mecham, and Ruth M. Mecham, Charles Lawrence Mecham to Idaho Power Company, a corporation, dated August 6, 1980, recorded January 26, 1981, as Instrument Number 254804, Jerome County records, affecting a parcel of land in the SE1/4SE1/4 Section 17, Township 8 South, Range 18 East Boise Meridian.

9. Subject to Easement (to be created) for the use and maintenance of a septic system drain field.

10. County road right of way disclosed by record of survey recorded August 31, 1999, as Instrument Number 994523, Jerome County records.

11. Canal easement for the "L" Canal disclosed by record of survey recorded August 31, 1999, as Instrument Number 994524, Jerome County records.

DATED this 19<sup>th</sup> day of November, 1999.

Charles L. Mecham  
CHARLES L. MECHAM

Barbara F. Mecham  
BARBARA F. MECHAM

STATE OF IDAHO )  
County of Jerome ) ss. John Fuller

On this 19<sup>th</sup> day of November, 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES L. MECHAM and BARBARA F. MECHAM known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

Frances E. Clifton  
NOTARY PUBLIC for Idaho  
Residing at: Sum Falls  
Commission Expires: 11/20/2004

18

17

T08S  
R18E

19

20

PROPOSED  
PLACE  
OF  
USE

WELL

30

29