

Transfer No. 73469

Receipt No. 5029439

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

1. Applicant Information ELDEN LIND
16 S 950 E
DECLO ID 83323
(208)654-2511
and
MELBA JEAN LIND
16 S 950 E
DECLO ID 83323
(208)654-2511

**RECEIVED
MAY 02 2007
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
45-7100	WR/License	0.10	47.6			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
45-7100	NO	YES	YES	YES	NO	YES

Describe the reason for the proposed changes

Application filed to change a stock water and commercial water right for a dairy and feedlot operation to municipal use in Spring Creek Terraces Subdivision.

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**

Spring Creek Terraces Subdivision has a self contained sewer system so there will be no return flows.

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

None anticipated

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-7100	0.10 cfs			47.6 af
TOTAL	0.10 cfs			47.6 af

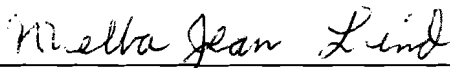
Transfer No. 73469

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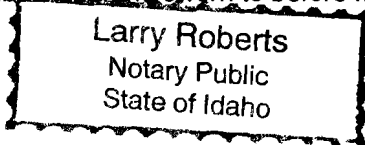
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

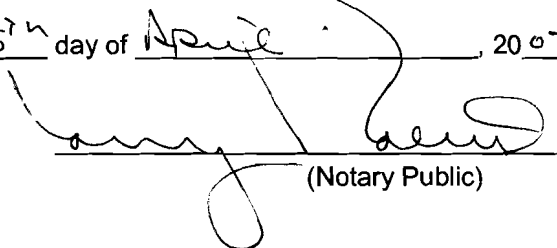
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)


(Signature of Applicant)

Subscribed and sworn to before me this 25th day of April, 2007.




(Notary Public)

My commission expires 6-30-09.

Transfer No. 73469

Receipt No. _____

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

Current Water Right No. 45-7100

Priority Date: July 17, 1972

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>
COMMERCIAL	01/01 12/31	0.04 CFS	28.9 AFA	
STOCKWATER	01/01 12/31	0.06 CFS	18.7 AFA	
Total Diversion		0.10 CFS	47.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESENE Sec. 26 Twp 10S Rge 24E CASSIA County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 24E 26				X													

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 24E 26				X													

Conditions/Remarks:

1. 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?

NO

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

Dairy & feedlot are no longer in operation so water will no longer be used for these purposes at this location.

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

NO

Proposed Water Right No. 45-7100

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01 12/31	0.10 CFS	47.6 AFA	
	Total Diversion	0.10 CFS	47.6 AFA	

GROUND WATER L4 (SESWSW) Sec. 29 Twp 10S Rge 24E CASSIA County

Point of Diversion # 2 Existing well

[illegible]

SPRING CREEK TERRACES, INC.

540 Terrace Drive
Burley, Idaho 83318

Phone 208-654-2130

April 24, 2007

Idaho Department of Water Resources
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

To Whom It May Concern:

Spring Creek Terraces, Inc., an Idaho corporation in good standing, permits and authorizes the transfer of Idaho Water Right 45-7100 from the current point of diversion and place of use to the proposed point of diversion and place of use as described in transfer #73469. Said transfer would be for municipal use within the Spring Creek Subdivision boundaries.

Sincerely,

A handwritten signature in black ink, appearing to read "Garald Price". The signature is fluid and cursive, with a large loop at the end.

Garald Price, Registered Agent
Spring Creek Terraces, Inc.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1363 FILLMORE STREET • TWIN FALLS, IDAHO 83301 • (208) 736-2190

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

April 20th, 2007

Keri Wilson
540 Terrace Dr.
Burley, ID 83318

RE: Spring Creek Terraces – Public Water System ID5160041

Dear Keri:

This letter certifies that Spring Creek Terraces is a Public Water System (PWS # ID5160041) regulated by the Idaho Department of Environmental Quality and is in substantial compliance with federal drinking water standards, as well as the Idaho Regulations for Public Drinking Water Systems. Monitoring of the system for Volatile Organic Compounds, Inorganic Contaminants, Synthetic Organic Compounds, Radiological Contaminants, and Bacteriological Contaminants is up to date, and no Maximum Contaminant Levels have been exceeded.

If you have any questions, please feel free to contact me at phone number (208) 736 – 2190.

Sincerely,

A handwritten signature in black ink that reads "R. Chad Chorney". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

R. Chad Chorney
Regional Drinking Water Program Coordinator

RCC

CONTRACT FOR SALE OF WATER RIGHT

COME NOW Elden Lind and Melba Jean Lind, of 16 South 950 East, Declo, Idaho, 83323, "the Seller", and Spring Creek Terraces, Inc., of 536 Terrace Drive, Burley, Idaho, 83318, "the Buyer", who hereby agree:

1. Sale: The Seller agrees to sell and the Buyer to purchase Water Right No. 45-7100.

2. Water Right: A true and correct copy of a water right report of the Idaho Department of Water Resources describing the right is attached as Exhibit A and incorporated by reference herein.

3. Purchase Price: The Buyer shall pay to the Seller the sum of \$23,500.00 for the water right in the manner hereafter set forth.

4. Ownership: Seller warrants that they are the owner of the water right, that the right is free from liens, encumbrances, and rights and claims of third parties; they are the lawful owner of the right and entitled to sell and convey it in accordance with Idaho law.

5. Status of Right: The right, and no part thereof, has not been abandoned, forfeited, or otherwise limited or invalidated.

6. Condition of Sale: This sale is conditioned upon the Seller preparing, filing, and gaining approval of a transfer of Water Right 45-7100 to Buyer and changing the water right as described in transfer #73469, a copy of which is attached as Exhibit B.

7. Escrow: At the date of the execution of this agreement, an escrow will be established at Land Title and Escrow, Inc. The sum of \$2,000.00 will be deposited into the escrow by the Buyer as earnest money. The escrow holder shall be instructed to hold the earnest money until the 1st day of March, 2008. If prior to the 1st day of March, 2008, the Seller provides to the escrow proof of a preliminary order approving the transfer and meeting

1 the condition of the preceding paragraph, the escrow holder will give notice to the Buyer, who
2 shall, within ten (10) days from the date of the notice, deposit the balance of the purchase
3 price. At that time, the \$23,500.00 will be delivered to the Seller.

4 8. Entire Agreement: This contract is intended to be the entire agreement between
5 the parties and all prior negotiations are merged herein.

6 9. Binding Affect: This contract shall be binding upon the heirs, successors, and
7 assigns of the parties.

8 10. Attorney Fees: In the event of default, the non-defaulting party shall be entitled to
9 its reasonable attorney fees and costs incurred in enforcing this agreement.

10 DATED this 25 day of April, 2007.

11 SELLER:

12 Elden Lind
13 Elden Lind

14 Melba Jean Lind
15 Melba Jean Lind

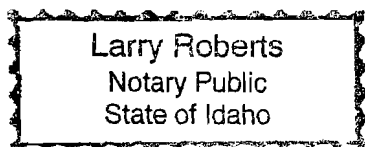
16 BUYER:

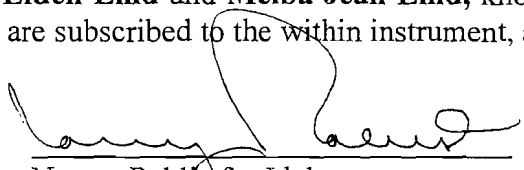
17 SPRING CREEK TERRACES, INC.

18 By: Garard E. Prew
19 Its: President

1
2
3 STATE OF IDAHO)
4 County of Cassia) ss

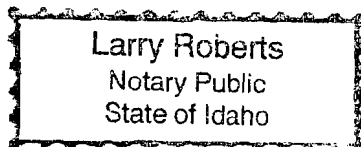
5 On this 25th day of April, in the year 2007, before me, the undersigned, a Notary
6 Public in and for said State, personally appeared **Elden Lind** and **Melba Jean Lind**, known
7 or identified to me to be the persons whose names are subscribed to the within instrument, and
8 acknowledged to me that they executed the same.




Notary Public for Idaho
Residing at Burley ID
My commission expires on 6-30-09

11
12
13
14 State of Idaho)
15 County of Cassia) ss

16 On this 25th day of April, in the year 2007, before me, the undersigned, a Notary
17 Public in and for said State, personally appeared Caralene Price, known or
18 identified to me to be the resident of Spring Creek Terraces, Inc. that executed the
19 instrument or the person who executed the instrument on behalf of said corporation and
20 acknowledged to me that Spring Creek Terraces, Inc. executed the same.



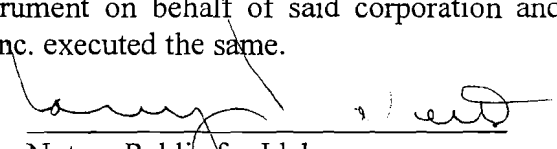

Notary Public for Idaho
Residing at Burley ID
My commission expires 6-30-09

EXHIBIT A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/07/2007

WATER RIGHT NO. 45-7100

Owner Type	Name and Address
Current Owner	ELDEN LIND
Current Owner	MELBA JEAN LIND
	16 S 950 E
	DECLO, ID 83323
	(208)654-2511

Priority Date: 07/17/1972

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	01/01	12/31	0.06 CFS	18.7 AFA
COMMERCIAL	01/01	12/31	0.04 CFS	28.9 AFA
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESENE	Sec. 26	Township 10S	Range 24E	CASSIA County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	24E	26		SENE										

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	24E	26		SENE										

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.
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Dates:

Licensed Date:

Decreed Date: 05/13/2005

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

EXHIBIT B

Page 1

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Receipt No. _____

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

1. Applicant Information ELDEN LIND
16 S 950 E
DECLO ID 83323
(208)654-2511

and

MELBA JEAN LIND
16 S 950 E
DECLO ID 83323
(208)654-2511

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-7100	WR/License	0.10	47.6			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
45-7100	NO	YES	YES	YES	NO	YES

Describe the reason for the proposed changes

Application filed to change a stock water and commercial water right for a dairy and feedlot operation to municipal use in Spring Creek Terraces Subdivision.

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

Spring Creek Terraces Subdivision has a self contained sewer system so there will be no return flows.

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

None anticipated

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-7100	0.10 cfs			47.6 af
TOTAL	0.10 cfs			47.6 af

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**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.

(Signature of Applicant)

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

Transfer No. 73469

Receipt No. _____

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

Current Water Right No. 45-7100

Priority Date: July 17, 1972

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>
COMMERCIAL	01/01 12/31	0.04 CFS	28.9 AFA	
STOCKWATER	01/01 12/31	0.06 CFS	18.7 AFA	
Total Diversion		0.10 CFS	47.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESENE Sec. 26 Twp 10S Rge 24E CASSIA County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 26				X													

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 24E 26				X													

Conditions/Remarks:

1. 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 4

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?

NO

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

Dairy & feedlot are no longer in operation so water will no longer be used for these purposes at this location.

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

NO

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

Proposed Water Right No. 45-7100

Priority Date: July 17, 1972

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>
MUNICIPAL	01/01 12/31	0.10 CFS	47.6 AFA	
	Total Diversion	0.10 CFS	47.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER L4 (SESWW) Sec. 29 Twp 10S Rge 24E CASSIA County

GROUND WATER L4 (SESWSW) Sec. 29 Twp 10S Rge 24E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 Existing well

Point of Diversion # 2 Existing well

PLACE OF USE: MUNICIPAL

[illegible]

10S24E29

MUNICIPAL
PLACE
OF
USE

2 wells

