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FEB 05 2007

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DEPARTMENT OF WATER RESOURCES
Eastern RegionTransfer No. 74194

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Kevin and Virginia Branin Phone 208-680-0280Post Office address 4440 S Wackerli, Idaho Falls ID 83406

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 Land has been subdivided and applicant owns Parcel 2 of Cox Mountainview Estates

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
<u>27-12158</u> <u>27-11990</u>	<u>9/11/1974</u>	<u>.02</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .02 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	9	1S	37E	Bingham	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	37E	9																1.0	1.0

Total acres 1.0

PART 1

6. General Information:

a. Description of diversion system Well pump mainline to irrigation system for Parcel 2 Cox Mountain Estates

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:
No change

d. Remarks:
Applicant owns Parcel 2 Cox Mountain Estates

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 _____, 19 _____

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02/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 27-11990

WATER RIGHT NUMBER: 27-11990

Owner Type Name and Address

Previous Owner EMMETT R NULPH

Current Owner ~~BYARD COX~~ *Byard Cox VB 1C D*
3775 N YELLOWSTONE HWY *3725 N Yellowstone VB 1C B*
IDAHO FALLS, ID 83401
(208)529-6679

Priority Date: 09/11/1974

Basis: License

Status: Active

Source

Tributary

GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.720 CFS	133.00 AF

Total Diversion: 0.720 CFS 133.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 Sec. 9, Twp 01S, Rge 37E, B.M. BINGHAM 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	
01S	37E	9																	38.0
																			38.0

Total Acres: 38

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 27-7044.
2. RIGHT 27-7044 WAS SPLIT AND THIS CLAIM WAS AMENDED TO MATCH THE PORTION OF THE SPLIT, 2/23/04 CB.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 2/17/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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PART 2

Transfer No. 74194

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 .02 for Irrigation purposes from 3/15/ to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	9	1S	37E	Bingham	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1S	37E	9																1.0	1.0

Total acres 1.0**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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

74194

COX MOUNTAINVIEW ESTATES

DIVISION NO. 1

A PART OF THE SOUTHEAST QUARTER OF
SECTION 9, TOWNSHIP 1 SOUTH, RANGE 37 EAST,
B.M., BINGHAM COUNTY, IDAHO

LINE	LENGTH	BEARING
L1	30.00	S087°43'17" W
L2	30.00	S087°43'17" W
L3	30.00	S087°43'17" W
L4	30.00	S087°43'17" W

GRAPHIC SCALE



LEGEND

- Boundary Line
- Right-of-Way Line
- Centerline
- Lot Line
- Section Line
- Easement Line

- Point of Beginning
- Set 5/8" x 20" Rebar with Plastic Cap - L.S. 4563
- Set 1/2" x 24" Rebar with Plastic Cap - L.S. 4563

NOTE: Utility Easements 10' wide along all street frontages.

SHEET 1 of 2



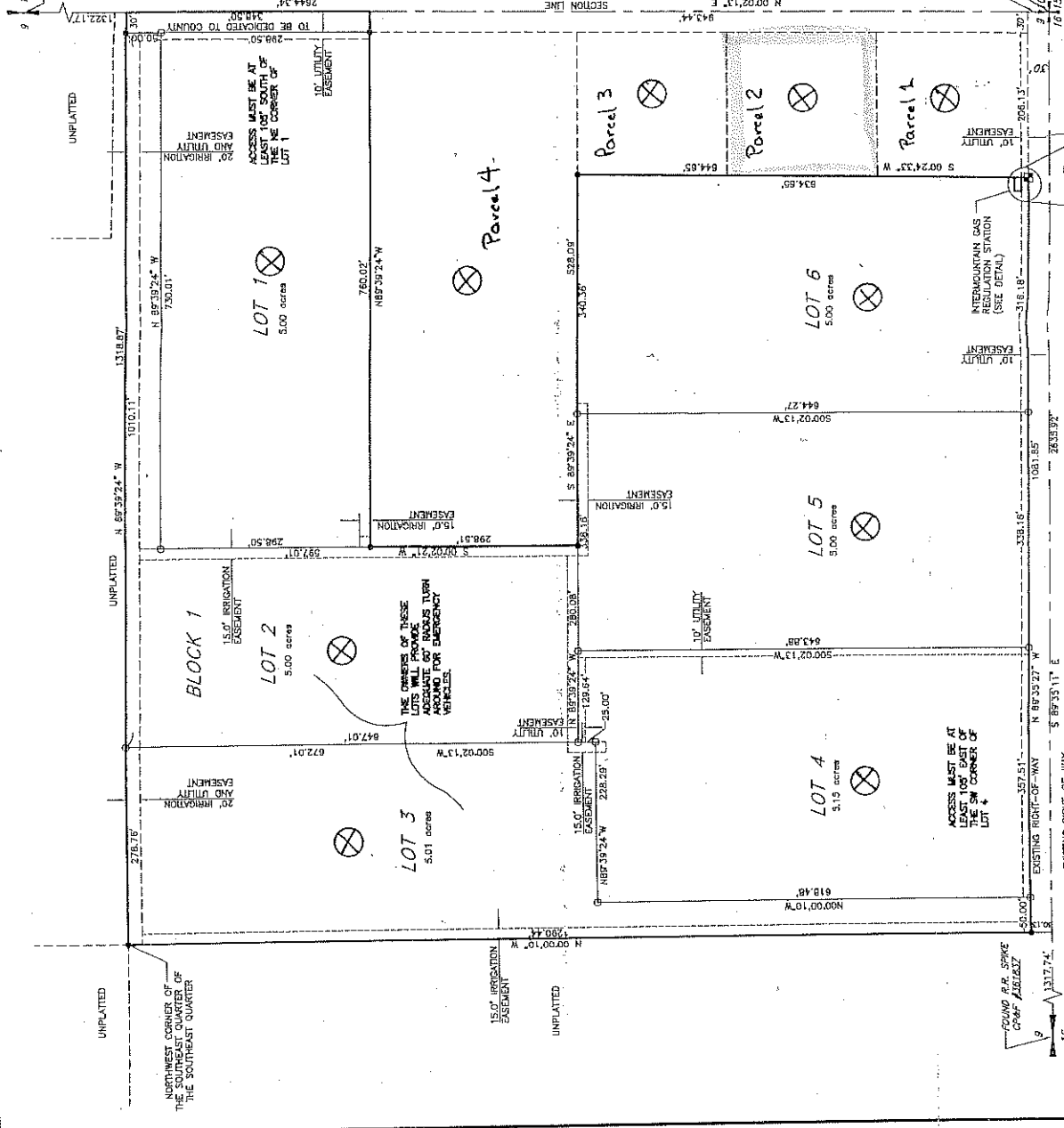
HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

985 N. CAPITAL AVE., P.O. BOX 50891, BOZEMAN, MONTANA 59717-0891 (406) 554-0212

FOUND ALUM. CAP
CP&F #135245

FOUND R.R. SPIKE
CP&F #135247

FOUND R.R. SPIKE
CP&F #135247



MONROE (COUNTY ROAD) 1000 NORTH

SUGAR FACTORY (COUNTY ROAD) 900 EAST

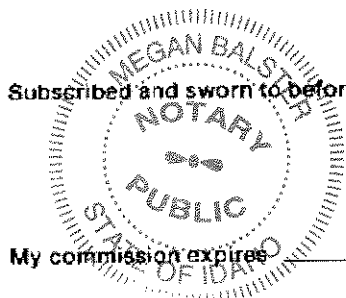
SCANNED

JUN 13 2005

PART 3

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.



Lugina Bianchi KB
(Signature of Applicant)

Subscribed and sworn to before me this 10 day of January, 192007

[Signature]
(Notary Public)

Residing in Jefferson County
Commission Expires: 08-23-11

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by _____ Date 2/10/07 Protest filed by EO32589

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in Morning News 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 _____



576082

ONLINE COUNTY OF
BLACKFOOT, IDAHO
FEE 6 DEP C

2007 JAN 10 PM 4:59

IDWD
Order No. 3020709445

RECORDED AT THE REQUEST OF

WARRANTY DEED

Alliance Title & Escrow Corp.

For Value Received,

Shirley Cox, a married woman dealing with her sole and separate property
AKA Shirley A. Cox
GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Kevin Branin and Virginia Branin, husband and wife

GRANTEE(s), whose address is: 440 S. Wackerli Idaho Falls ID 83406

the following described real property, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

TO HAVE AND TO HOLD the premises with its appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record and that they will warrant and defend the same from all lawful claims whatsoever.

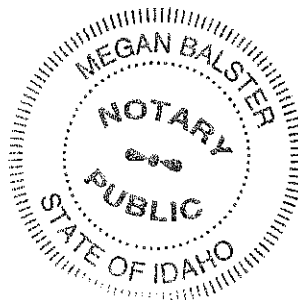
DATED this 10 day of January, 2007.

Shirley Cox
Shirley Cox

State of Idaho)
ss
County of Bonneville)

On this 10 day of January, 2007 before me the undersigned, a notary public in and for said State, personally appeared Shirley Cox known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Megan Balster
Notary Public
Residing at: Jefferson County
Commission Expires: 8-23-11



T 74194
ATTACHMENT 1 OF 2

EXHIBIT "A"

A portion of the Southeast Quarter of the Southeast Quarter of Section 9, Township 1 South, Range 37 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is North $00^{\circ}02'13''$ East 30.23 feet along the Section line and North $89^{\circ}35'27''$ West 30.00 feet to the North right of way line of Monroe Road and North $00^{\circ}02'13''$ East 214.96 feet along the West line of a County Road from the Southeast Corner of Section 9, Township 1 South, Range 37 East of the Boise Meridian, Bingham County, Idaho, running thence North $89^{\circ}39'24''$ West 204.73 feet; thence North $00^{\circ}24'33''$ East 214.96 feet; thence South $89^{\circ}39'24''$ East 203.34 feet to the said West line; thence South $00^{\circ}02'13''$ West 214.96 feet along said West line to the Point of Beginning.

576082