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APR 11 2006

Department of Water Resources
Eastern Region

Transfer No. 74997

Page 1 of 6

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant David & Deanna G Fried Phone (208) 520-2130
Post Office address 251 Brent Way, Shelley, ID 83623 (208) 357-5476
892 E. 1000 N.

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 Land has been subdivided and applicant(s) have purchased
2. Describe the reason for the proposed changes Lot 6 Block 1 of Cox Mountainview Estates.

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

1. Right Number 27-12160 Priority 09/11/1974 Amount 0.09 cfs Nature of Use IRRIGATION Period of Use 03/15 to 11/15

2. Total amount of water being transferred 0.09 cubic feet per second and/or acre-feet per annum.
3. Source of water Ground water 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	01S	37E	Bingham	

5. Lands irrigated or place of use: AKA Lot 6 Block 1 Cox Mountain Estates

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	
01S	37E	9																5.0	5.0

Total acres 5.0

74197

PART 1

6. General Information:

a. Description of diversion system Well pump mainline to irrigation system for Lot 6 Block 1 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 _____ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change

d. Remarks:

Applicant purchased Lot 6 Block 1 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 _____

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
 3775 N YELLOWSTONE HWY
 IDAHO FALLS, ID 83401
 (208)529-6679

Priority Date: 09/11/1974

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.720 CFS	133.00 AF
	<u>Total Diversion:</u>	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:

PART 2

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 0.09 cfs for Irrigation purposes from 03/15 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	01S	37E	BINGHAM	

3. 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	
01S	37E	9																	5.0
																			5.0

Total Acres 5.0

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to
(cfs/ac-ft)

The remaining portion(s) has been filed on in other transfers.

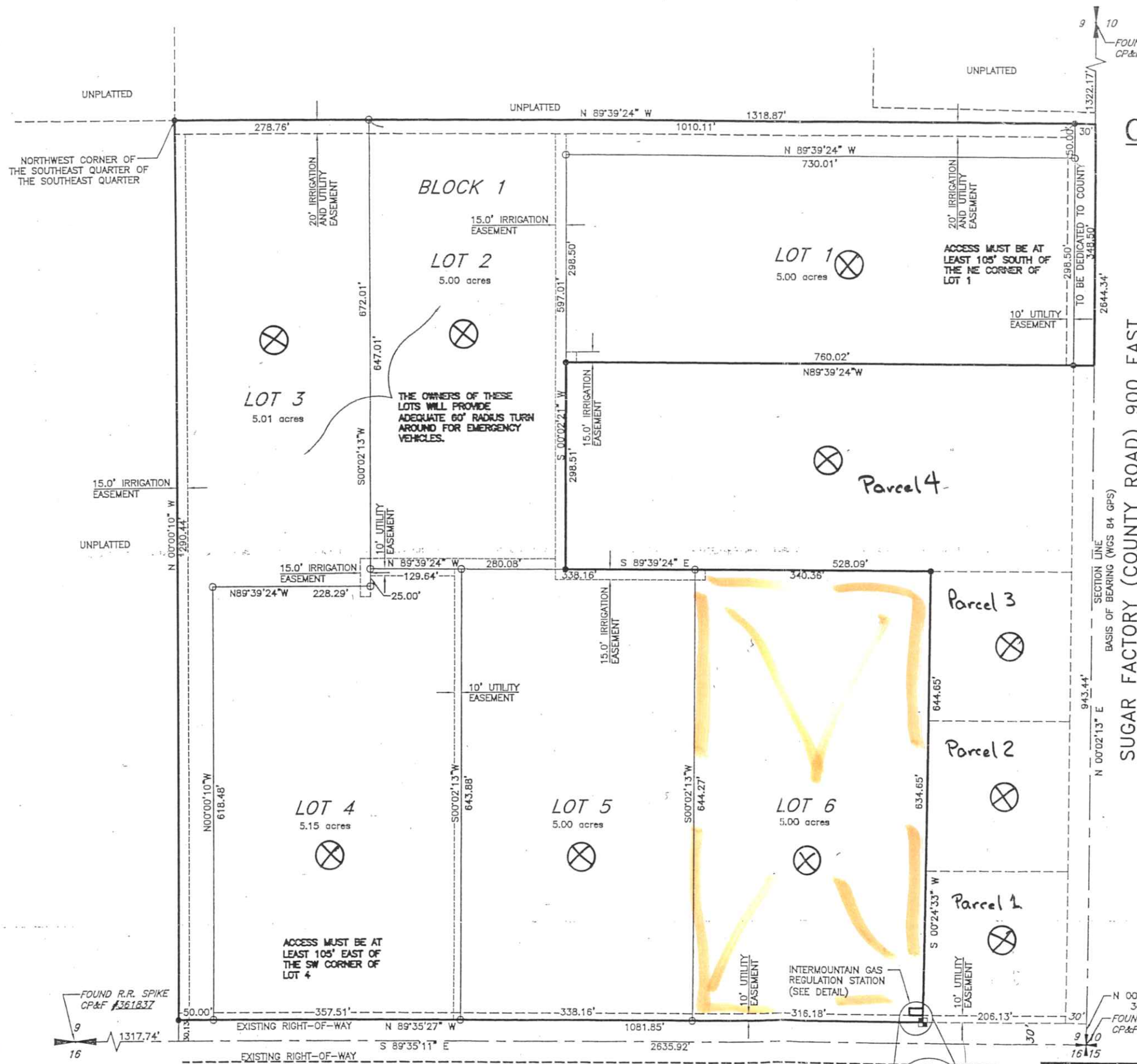
(cfs/ac-ft)

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	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	



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 TABLE		
LINE	LENGTH	BEARING
L1	10.00	S00°24'33"W
L2	20.00	N89°35'27"W
L3	10.00	S00°24'33"W
L4	20.00	N89°35'27"W



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft

LEGEND

- | | |
|---|--|
|  | <i>Boundary Line</i> |
|  | <i>Right-of-Way Line</i> |
|  | <i>Centerline</i> |
|  | <i>Lot Line</i> |
|  | <i>Section Line</i> |
|  | <i>Easement Line</i> |
|  | <i>Point of Beginning</i> |
|  | <i>Set 5/8"x30" Rebar with Plastic Cap - L.S. 4563</i> |
|  | <i>Set 1/2"x24" Rebar with Plastic Cap - L.S. 4563</i> |

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

SHEET 1 of 2

SCANNED
NOV 30 2005

MONROE (COUNTY ROAD) 1000 NORTH



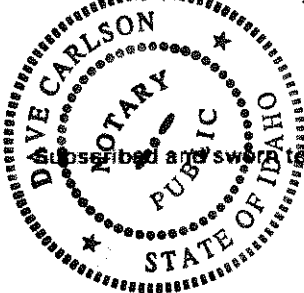
HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

985 N. CAPITAL AVE., P.O. BOX 50691, IDAHO FALLS, IDAHO 83405 (208) 524-0212

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.



[Signature]

(Signature of Applicant)

Subscribed and sworn to before me this May day of May, 19 2006.

[Signature]

(Notary Public)

My commission expires 2/28/2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee \$100-

Received by gc Date 4-11-06 E031773

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
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27-11990

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

3. Name and Address of Former Owner/Claimant(s)

BYARD COX, 3775 Yellowstone Hwy
Idaho Falls, Id 83401

4. New Owner/Claimant(s)

David + Deanna G Fried

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

892 E. 1000 N.

City, State and ZIP Code

Shelley, Id. 83274

New Telephone Number

(208) 357-5476

5. Date you acquired the property

7-28-05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number 27-11990

Water Use

Diversion Rate or Volume

Description

(cubic feet per second or acre-feet per annum)

(acres, number and type of stock, homes, etc.)

Irrigation

0.09 cfs

Total

0.09 cfs

7. Signature of New Owner(s) or Claimant(s)
 (include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish. IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____

ATTACHMENT 1 OF 2

T 74197

WARRANTY DEED

3820507309-5
556376

BYARD A. COX and SHIRLEY A. COX, husband and wife, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

DAVID FRIED and DEANNA G. FRIED, husband and wife, as GRANTEE,

whose address is 345 S. Byron #4, Shelley Id 83274, and Grantee's successors and assigns, all of the following described real property, to-wit:

Lot 6 in BLock 1 of Cox Mountainview Estates, Division No. 1, Bingham County, Idaho, according to the recorded plat thereof.

SUBJECT TO the 2005 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: July 28, 2005

Byard A. Cox
Byard A. Cox

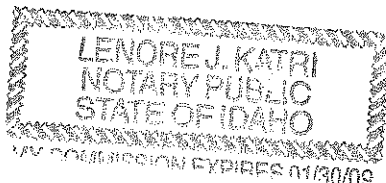
Shirley A. Cox
Shirley A. Cox

STATE OF IDAHO)
) ss
COUNTY OF Bonneville)

On July 28, 2005, before me, the undersigned, personally appeared
Byard A. Cox and Shirley A. Cox

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Lenore J. Katri
Notary Public for the State of Idaho
Commission Expiration Date: _____



556376

RECORDED AT THE REQUEST OF
AMERICA TITLE & ESCROW CO.
2005 JUL 29 PM 4:52
FEE 34 DEPT
BOOKED
INDEXED

AmeriTitle

ATTACHMENT

T 74197
2 OF 2