

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

RECEIVED
AUG 09 2004

RECEIVED
JUL 20 2004

DEPARTMENT OF
WATER RESOURCES

To change point of diversion, place of use or purpose of use

Department of Water Resources
Eastern Region

Name of Applicant Darrell C. Neville & Theda C. Neville Phone 208-356-3633

Post Office Address % Rigby Thatcher Andrus Rigby & Moeller, Chartered P.O. Box 250
Rexburg, ID 83440

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Due to drought and other related conditions, applicant has leased this water right to Lawrence Jensen at place of use described below for use during 2004 season. Jensen is tenant upon lands to be transferred and has use of existing well and pump with existing water right no. 22-07280A

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
22-2178 5-17-1960 3.680^{1.98} cfs irrigation 4-01 to 11-01
to
to
to
to
2. Total amount of water being transferred 3.680^{1.98}* cubic feet per second and/or 644 acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SW	SW	11	5N	40E	Madison	Rowan Well 22-07280A

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	SAME	AS 22-07280A																	
5N	40E	10													12				
5N	40E	11									12	19							

ACRES INDICATED OWNED BY ROWAN

* Acres reduced to claimed (99) acres and rate reduced to 0.02 cfs/ac claimed (99 x 0.02 cfs = 1.98 cfs)

Total Acres Not to exceed 184 ⁹⁹

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right written lease (see attached copy)
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Recently sold for development and will no longer require irrigation
- d. Has the water right sought to be transferred been used this year? not yet If yes, explain. _____
It will be necessary to use it immediately due to demand of water being made by
- e. Absent the changes, how would the right be used for the remainder of the year? _____ 22-07280B.
It would not be used at all
- f. Describe other water rights used for the same purpose.
22-07280A and Permit 22-07792
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

John G. Gentry atty for Applicant
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 7/20/04 Fee 50⁰⁰
Receipted Kaw 7/29/04 # E030090 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-10

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 30th day of July, 2004.

[Signature]
For the Director

Ident No TC-22-10

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DEPARTMENT OF WATER RESOURCES

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And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 30th day of July, 2004

[Signature]
For the Director

Water Supply Bank No. RECEIVED
Water Right No. 22-2178 MAY 22 2006
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Darrell C. Neville Phone 208-356-6178

Post office address 2263 W 1000 N, Rexburg, ID 83440

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____ (Name of court)
- b. License No. 22-2178 issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: ALL 3.68 cubic feet per second &/or
644 acre-feet per annum
- b. Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range
_____, B.M. in _____ County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Darrel Neville applied for a water right on May 17, 1960, and proof of
beneficial use was submitted on April 12, 1963. The license was issued
07/25/1979. Mr. Neville sold the land to which this right appertains, but
reserved the water rights to himself. (See attached warranty deed).

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

A claim was filed on 22-2178 in the Snake River Basin Adjudication in 1988,
making it ineligible for forfeiture. Also, in 2004, this right was leased
temporarily because of a drought emergency and used by Lawrence Jensen for
irrigation in Madison County. The land to which this right appertains
was sold, and this right has not been used for irrigation for four years,
except for the lease in 2004.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Not Applicable

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

The land to which this right appertains was recently sold and developed,
thus, no other water rights with the same purpose and place of use exist.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

Not Applicable

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

 X For lease for a period from May 15, 2006 to November 1, 2006
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

5-16-06
Date

David C. Neville
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

99 *for change*
50 *for claim*
7/49. *By August 15th*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-02178
Date Received: 7/06/1988
Receipt No: E002454
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARRELL C. NEVILLE 208-356-6178
Address: 945 N. 2000 W.
REXBURG, ID 83440
OR
Name: THEDA C. NEVILLE 208-356-6178
Address: 945 N. 2000 W.
REXBURG, ID 83440

A2202178

2. Date of Priority: MAY 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	29	SE	SW			MADISON

5. Description of diverting works:
WELL/APPROXIMATELY 280' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.680		644.00

7. Total Quantity Appropriated is:
3.680 C.F.S. (and/or) 644.00 A.F.A.

8. Total consumptive use is 247.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-02178

Page 1

Date: 07/06/88

650130
AUG 2 1988
Department of Water Resources
Eastern District Office

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	29	SW	SW		IRR	29.0
			SE	SW		IRR	30.0
					Section Acres		59.0
		32	NE	NW		IRR	40.0
					Section Acres		40.0
					Total Acres		99.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. THE REMAINDER
HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.

15. Basis of Claim: LICENSE
Water Right Number: 28717

OCT 23 1988

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): David C. Merrill Date: 8-8-88
Phida C. Merrill Date: 8-8-88

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of August 19 88

Bonnie E. Baume
Notary Public

Seal

Residing at Rexburg

My Commission Expires 9/13/94

RECEIVED
OCT 28 1988

WARRANTY DEED

THIS INDENTURE, made this 1st day of May, 1975,
between DARRELL C. NEVILLE and THEDA C. NEVILLE, husband and wife,
of Route #1, Rexburg, County of Madison, State of Idaho,
the part ies of the first part and VILDA ORGILL CLARK, a married woman, dealing
as to her sole and separate property, with the rents, issues and profits
thereof to remain sole and separate of St. Anthony,
County of Fremont, State of Idaho, the part ies of the second part,
WITNESSETH, that the said part ies of the first part, for and in consideration of the sum of
-----Ten and No/100-----Dollars
lawful money of the United States of America and other valuable consideration,
to them in hand paid by the part ies of the second part, the receipt whereof is hereby acknowledged,
ha ve granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said part ies of the second part, and to their heirs and assigns, forever, all the following described
real estate, situated in the County of Madison,
State of Idaho, to-wit: ---Beginning at a point that is East 2,083.0 feet
from the Northwest Corner of the Southwest Quarter of
Sec. 29, Twp. 6 N., Rge. 40 E.B.M.; said point of beginning
falls on the North corner common to Lots 6 and 7, Block 2
of the Neville Valleyview addition; going thence East 561.5 feet
to the Northeast Corner of said Southwest Quarter; thence
South 1516.0 feet; thence West 1326.0 feet, more or less,
to the West line of the Northeast Quarter of the Southwest
Quarter of said Sec. 29; thence North 973.0 feet to the
West common corner of Lots 1 and 2 of Block 3 of the Neville
Valleyview Addition; thence East 199.5 feet to the centerline
of Fourth East Street; thence South 132.0 feet; thence
East 463.0 feet; thence North 538.0 feet; thence East 100.0
feet; thence North 137.0 feet to the point of beginning.
Contains 36.1 acres more or less.

Reserving all water rights in first party.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part ies of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the part ies of the second part, and to their heirs and assigns forever.
And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said part ies of the second part, their heirs and assigns, against the said part ies
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part ies of the first part ha ve hereunto set their hands
and seal S the day and year first above written.

Executed and Delivered in the Presence of

Darrell C. Neville

[SEAL]

[SEAL]

Theda C. Neville

[SEAL]

[SEAL]

STATE OF IDAHO,
County of Madison } ss.

On this 8th day of May in the year 1975, before me
the undersigned DARRELL C. NEVILLE and THEDA C. NEVILLE, a Notary Public in and for said State, personally appeared

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged
to me that he Y executed the same.

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

Ray W. Rigby
Notary Public for the State of Idaho,
Residing at Bozeman, Idaho.
My Commission Expires: Life

No. **156056**

WARRANTY DEED

Darrell C. Neville &
Theda C. Neville
TO
Ulda Orrell Clark

Dated May 1, 1975

STATE OF IDAHO, } ss.

County of Madison

I hereby certify that this instrument
was filed for record at request of
Reggie Thatcher & Anders
at 50 minutes past 10
o'clock A. M., this 12th day of
May, 1975, in my
office, and duly entered in Book
of _____
at page 156056.

Nellie H. Hansen
By Ray W. Rigby Deputy.
Ex-Officio Recorder.

Fees, \$ 2.00

Mail to Reggie Thatcher & Anders
P.O. Box 437, Bozeman, Idaho
At Peter Palmer - Bozeman