

Transfer No. 71910
Receipt No.S027611

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

1. Applicant Information ROCKY SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
(208)309-1235

And

TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
(208)788-4846

RECEIVED

APR 25 2005

Department of Water Resources
Southern Region

Will this transfer result in an ownership change? ✓ Yes

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-115D	AJC/Decreed	2.00			197.0	BIG WOOD RIVER
37-590A	AJC/Decreed	4.00			197.0	BIG WOOD RIVER

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
37-115D	NO	YES	NO	NO	YES	NO
37-590A	NO	YES	NO	NO	YES	NO

Describe the reason for the proposed changes

Change point of diversion from the District Canal to the Bypass Canal/Baseline Canal for land that we recently purchased south of Bellevue. The transfer also records the change of ownership. Also, the period of use is changed to the standard irrigation season for this area.

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

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

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5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
37-115D	2.00 cfs		197.0	
37-590A	4.00 cfs		197.0	
TOTAL	6.00 cfs	197.0	197.0	

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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.



Rocky T. Shoberine
(Signature of Applicant)

Rocky T. Shoberine
(Title or Office)

Subscribed and sworn to before me this 25th day of April, 2005.

J. F. Stanton
(Notary Public)

My commission expires 10-25-06

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

Current Water Right No. 37-115D

Priority Date: June 12, 1886
 Origin: Adjudication Claim
 Basis: Decreed
 Status: Active

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<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	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Twp 02N Rge 18E BLAINE 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 19E 5							19.0	18.0	40.0	40.0	40.0	40.0					197.0
							L 4	L 3									

Total Acres: 197

Conditions/Remarks:

1. ***** MEMO TO FILE ***** SPLIT BY DECREE OF FED. LAND
 BANK VS. UNION CENTRAL LIFE INSURANCE CO. DATED 11/14/1932.

Documentation of Ownership of the Current Place of Use

Warranty Deed

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
 N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
 NO

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Transfer No. 71910
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 37-590A

Priority Date: May 01, 1886
Origin: Adjudication Claim
Basis: Decreed
Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<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	4.00 CFS		
	Total Diversion		4.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Twp 02N Rge 18E BLAINE 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	19E	5							19.0	18.0	40.0	40.0	40.0	40.0					197.0
									L 4	L 3									

Total Acres: 197

Conditions/Remarks:

- ***** MEMO TO FILE ***** ORIGINALLY DECREEED TO
LINDAY R. ROGERS IN THE FROST DECREE.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

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

N/A

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

NO

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

Proposed Water Right No. 37-115D

Priority Date: June 12, 1886
 Origin: Adjudication Claim
 Basis: Decreed
 Status: Active

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER NWSESW Sec. 12 Twp 01N Rge 18E BLAINE County

Describe the proposed diversion system

Point of Diversion # 1 Headgate & Bypass Canal to Baseline Canal, headgate in Baseline Canal
 to
 pond, gravity & sprinkler irrigation

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	19E	5							19.0	18.0	40.0	40.0	40.0	40.0					197.0
									L 4	L 3									

Total Acres: 197

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

Proposed Water Right No. 37-590A

Priority Date: May 01, 1886
Origin: Adjudication Claim
Basis: Decreed
Status: Active

Source: BIG WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	4.00 CFS		
	Total Diversion	4.00 CFS		

Source and Point(s) of Diversion:

BIG WOOD RIVER SWNW Sec. 36 Twp 02N Rge 18E BLAINE County

Describe the proposed diversion system

Point of Diversion # 1 DISTRICT 45 CANAL, MAINLINE, 1 PIVOT & WHEEL LINES

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 19E 5							19.0	18.0	40.0	40.0	40.0	40.0					197.0
							L 4	L 3									

Total Acres: 197

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Order No. 19068

WARRANTY DEED

FOR VALUE RECEIVED

Vanoff Enterprises, LTD., a California limited partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

William T. Sherbine and Theresa L. Sherbine, husband and wife

GRANTEE(s) whose address is: 149 1/2 Baseline Road, Bellevue, ID 83313

the following described real property in Blaine County, Idaho, to wit:

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO:

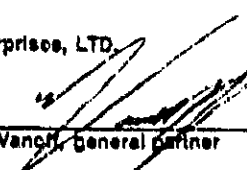
SECTION 5: All the SW1/4 and Lots 3 and 4

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 28, 1993

Vanoff Enterprises, LTD.

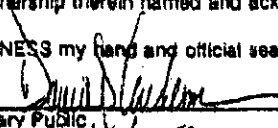

Nicholas E. Vanoff, General Partner

State of Idaho

County of Blaine

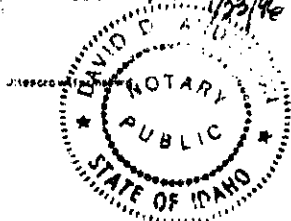
On this 6th August 1993, before me, the undersigned, personally appeared Nicholas E. Vanoff, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed the within instrument as general partner(s), on behalf of Vanoff Enterprises, LTD. the limited partnership therein named and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.


Notary Public

Residing at Idaho

Commission Expires 4/23/96

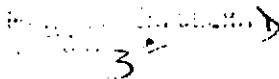


BLAINE CO. REQUEST

OF SAWTOOTH TITLE

1993 AUG -9 P 3:44

355532



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EXHIBIT "A"

PARCEL I

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 5: All the SW¼ and Lots 3 and 4

EXCEPTING THEREFROM

A parcel situated in Section 5, Township 1 South, Range 18 East,
Boise Meridian, more particularly described as follows:

COMMENCING at the NW corner of said Section 5; THENCE South
89°47'47" East along the North boundary of said Section 5 a
distance of 575.63 feet to the TRUE POINT OF BEGINNING;
THENCE South 89°47'47" East along the North boundary of said
Section 5 a distance of 1612.66 feet; THENCE South 89°54'28" East
along the North boundary of said Section 5 a distance of 39.00
feet; THENCE South 0°05'30" West a distance of 527.39 feet;
THENCE North 89°48'25" West a distance of 1651.66 feet; THENCE
North 0°05'30" East a distance of 527.62 feet to the TRUE POINT
OF BEGINNING.

PARCEL II

A parcel situated in Section 5, Township 1 South, Range 18 East,
Boise Meridian, more particularly described as follows:

COMMENCING at the NW corner of said Section 5; THENCE South
89°47'47" East along the North boundary of said Section 5 a
distance of 575.63 feet to the TRUE POINT OF BEGINNING;
THENCE South 89°47'47" East along the North boundary of said
Section 5 a distance of 1612.66 feet; THENCE South 89°54'28" East
along the North boundary of said Section 5 a distance of 39.00
feet; THENCE South 0°05'30" West a distance of 527.39 feet;
THENCE North 89°48'25" West a distance of 1651.66 feet; THENCE
North 0°05'30" East a distance of 527.62 feet to the TRUE POINT
OF BEGINNING.

TOGETHER WITH all water rights appurtenant thereto, including but not
limited to the following:

- a. Two Hundred inches of the Big Wood River, with priority of May 1,
1886, originally decreed to Lindsey Rogers on December 13, 1909.
- b. One Hundred inches of the Big Wood River, with priority of June 12,
1886, originally decreed to R. P. Buller and Rosa B. Buller on December
13, 1909;
- c. 3.94 c. f. s. with priority of October 13, 1954 under Idaho License
No. 37-2561 formerly No. 8-25224, dated October 18, 1960 and
- d. 640 shares of the Upper Big Wood River Users Association.

Grantor herein has served merely as a conduit of the title to the herein described
property and has never examined or inspected said property and has no knowledge
as to said property, and has therefore made no representations or warranties
expressed or implied, as to said property or the title, condition, use, opera-
tion or zoning thereof, and Grantor shall have no personal liability for any
of the covenants, agreements, terms and provisions of the within deed beyond
its interest in the herein described property as a conduit of title, and
Grantee herein agrees to look solely to the Grantor in the deed recorded con-
currently herewith for satisfaction of any covenants, agreements, terms and
provisions of this deed.

321333
BLAINE CO. REQUEST
Sgt. Valley Info Co.
Rec'd
79 JUL 3 AM 11 56
MARY GREEN, CLERK
FEES \$6.00

SCANNED
FEB 09 2007