

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 72759

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Rose H. Jones Family, LLC Phone (208) 522-1480

Post Office address **6565 East Iona Rd., Idaho Falls, Idaho 83401**

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 Change Name
2. Describe the reason for the proposed changes

Change names on water rights 15-2050 and 15-2070A to reflect the settlement of the estate of Rose H. Jones and formation of the Rose H. Jones Family, LLC. Correct existing point of diversion and place of use legal descriptions contained in water rights 15-2050 and 15-2070A. Combining place of use descriptions for water rights 15-2050 and 15-2070A establishing a permissible place of use for the combined water rights.

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

- | 1. <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------------|-----------------|---------------------------|----------------------|----------------------|
|------------------------|-----------------|---------------------------|----------------------|----------------------|

15-72A	15-2050	Sept. 23, 1958	0.43	Irrigation	4/1	to	10/15
	15-2070A	Dec. 12, 1966	1.50	Irrigation	4/1	to	10/15

2. Total amount of water being transferred 1.93 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to NA
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	NW	31	14S	36E	Oneida	George P. Jones Well

5. Lands irrigated or place of use:

[illegible]

RECEIVED

Total Acres 91

APR 12 2006

**Department of Water Resources
Eastern Region**

72259

PART 1

6. General Information:

a. Description of diversion system

Well 256 feet deep, 16 inch casing, 4 stage vertical turbine pump, 10" discharge, gear head, Deutz 6 cylinder diesel motor, 10" and 6" mainline, thunderbird wheel line sprinkler system.

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No change

d. Remarks:

This transfer is being submitted as a companion transfer for water rights 15-2050 and 15-2070B submitted by Lorin P. or Walter Jones INC. The two transfers both effect the water right 15-2050. The transfers are needed to correct the names of ownership, errors in legal descriptions of points of diversion, and errors in the legal description of the place of use. Because the water rights effected have overlapping places of use, this transfer will coordinate the place of use description into one composite description reflecting the overlapping water rights. This coordination is not intended to change the individual identity of the respective water rights or alter in any way the priority dates established by the original water rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-7279

WATER RIGHT NUMBER: 15-7279

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LORIN P JONES 2140 W HWY 38 MALAD, ID 83252 (208)766-2717
Current Owner	GEORGE P JONES MALAD CITY, ID 83252
Current Owner	WALTER JONES RFD BOX 17 MALAD CITY, ID 83252

Priority Date: 09/23/1958

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.430 CFS	
	<u>Total Diversion:</u>	0.430 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 31, Twp 14S, Rge 36E, B.M.
ONEIDA 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	
14S	36E	31			32.0														32.0

Total Acres: 32

Conditions of Approval:

Remarks:

72759

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-7279

Comments:

1. scox 4/27/2006 Split Ownership

Comment: This ownership change is due to transfer split.

Dates and Other Information:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

72759

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03/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-2050

WATER RIGHT NUMBER: 15-2050

Owner Type Name and Address
 Current Owner LORIN P JONES
 Current Owner GEORGE P JONES
 MALAD CITY, ID 83252

Priority Date: 09/23/1958

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.810 CFS	
	<u>Total Diversion:</u>	2.810 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4

Sec. 31, Twp 14S, Rge 36E, B.M.

ONEIDA 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	
14S 36E 31		32.0					20.0				40.0				40.0	37.0	169.0
15S 36E 6		40.0															40.0
		L 1															

Total Acres: 209

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date: 9/7/1962

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

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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03/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 15-2070A

WATER RIGHT NUMBER: 15-2070A

Owner Type Name and Address
 Current Owner WALTER JONES
 RFD BOX 17
 MALAD CITY, ID 83252
 Current Owner GEORGE P JONES
 MALAD CITY, ID 83252
 Current Owner LORIN JONES
 MALAD CITY, ID 83252

Priority Date: 12/12/1966

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	4/01 to 10/15	1.500 CFS	318.50 AF
	<u>Total Diversion:</u>	1.500 CFS	318.50 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4 Sec. 31,Twp 14S,Rge 36E, B.M. ONEIDA 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	
14S	36E	31	5.0	20.0	19.0	8.0	13.0			26.0									91.0

Total Acres: 91

Conditions of Approval:

1. TRANS. 2971.

Remarks:

Comments:

Dates and Other Information:

Licensed Date: 10/10/1972
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 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

Transfer No. 72759

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.)

Part of 15-2050

1. amount 0.43 for Irrigation purposes from 4/1 to 10/15
(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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	NW	31	14S	36E	Oneida	George P. Jones Well

3. 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	
14S	36E	31	5	20	7														32

Total Acres 32

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

1. amount 2.38 cfs for Irrigation purposes from 4/1 to 10/15
(cfs/ac-ft) Part of 15-2050
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NW	NW	31	14S	36E	Oneida	Lorin P. or Walter Jones INC. Airport well

3. 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	
14S	36E	31							20		40				40			37	137
15S	36E	06	40																40

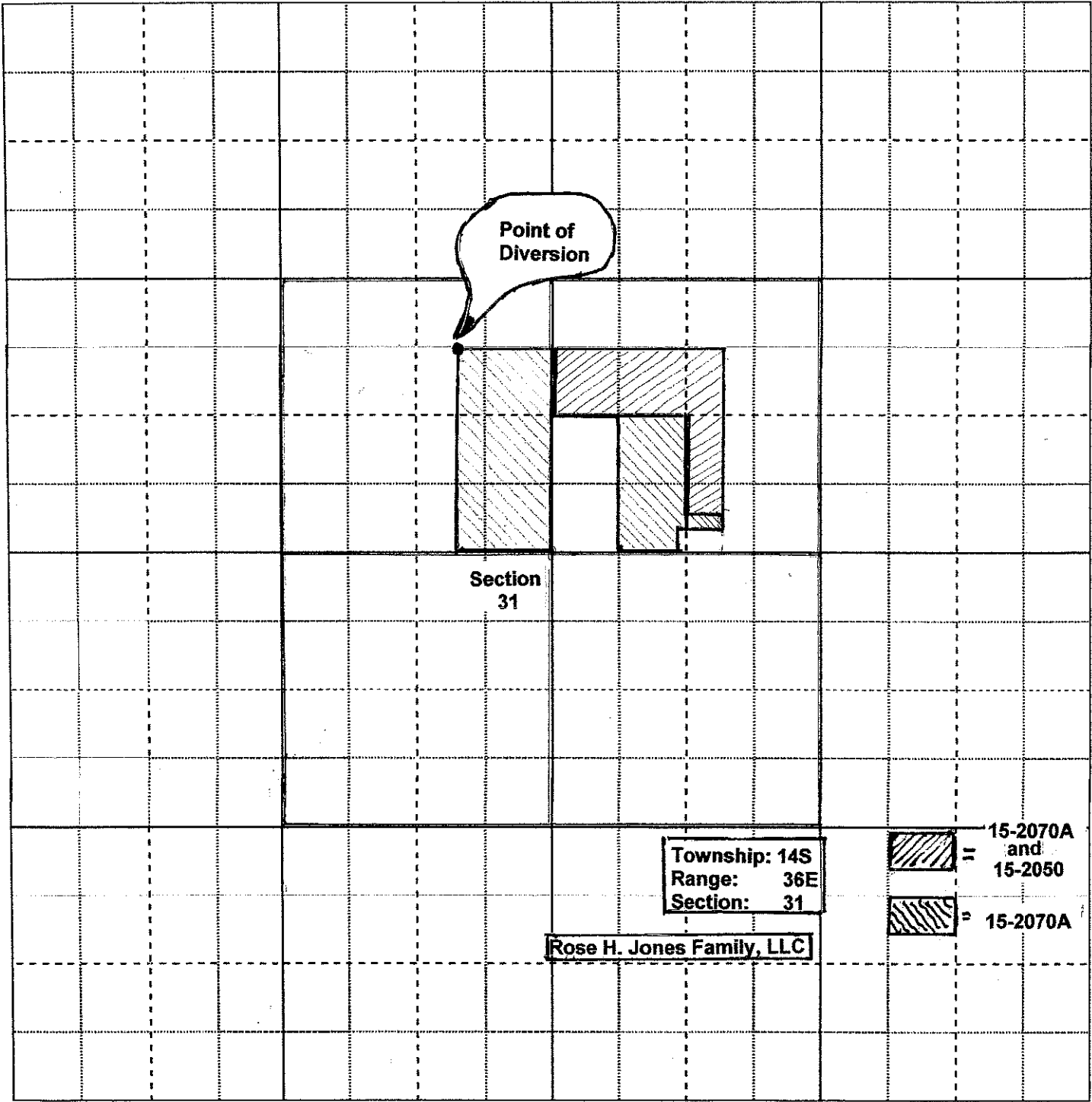
Total Acres 177

72759

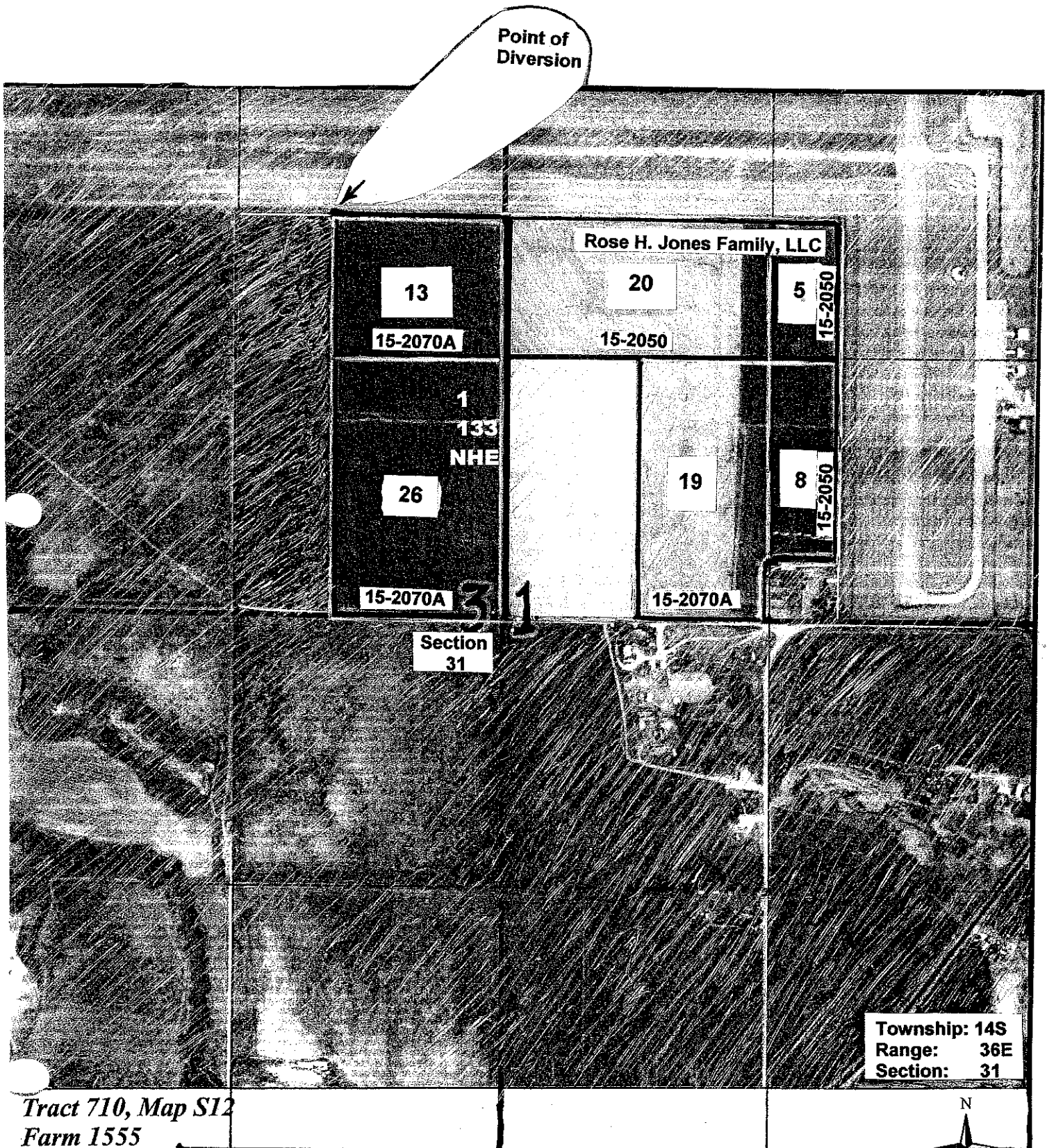
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



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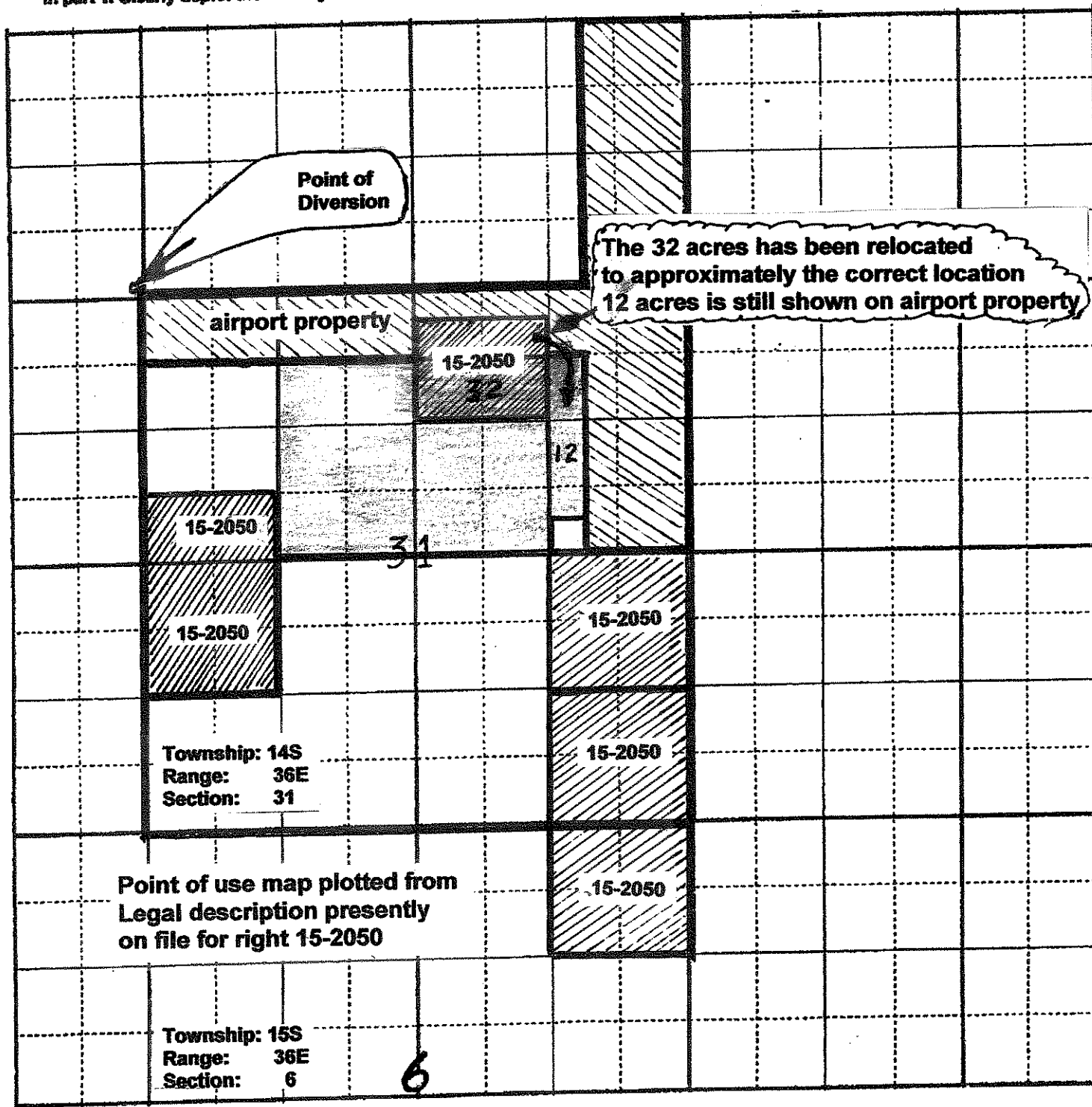
Tract 710, Map S12
Farm 1555
Oneida County

Township: 14S
Range: 36E
Section: 31

72759

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

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
None			to _____
			to _____
2. Quantity and quality of return flows and location of discharge: _____
None
3. Describe effects on other water uses resulting from the proposed change:
None

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.

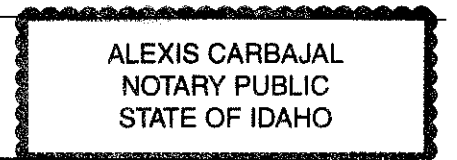
I understand that any willful misrepresentations made in this application may result in voiding its approval.

D Khalil Jones President
(Signature of Applicant)

Subscribed and sworn to before me this 13 day of April, 20 06.

Alexis Carbal
(Notary Public)

My commission expires 7/16/2010



FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 7 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 290-

Receipted by sc Date 4/18/06 E031776

Published in Idaho Enterprise Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

Rose H. Jones Family, LLC

%D Khalil Jones
6565 East Iona Rd.
Idaho Falls, Idaho 83401

72759

Date: March 11, 2006

Memo to file

Subject: Idaho Water Right **15-2050**

To whom it may concern

A error has been found in the legal description defining the point of use of a portion of the Idaho Water Right # 15-2050, as it is presently recorded. (March 11, 2006).

The present record for Idaho Water Right 15-2050 indicates a point of use, for irrigation of 32 acres, of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 31, range 36E, Township 14S.

In checking Oneida county land plat for Section 31, it is evident that the north half of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 31, range 36E, Township 14S is occupied by the West runway of the Malad City Airport and has been since the mid 1940's.

The water right in question was originally issued in 1958. This is after the airport was established so none of this water right was ever used for irrigation on that tract of land. The west runway of the airport was there when this permit was applied for.

This provides proof that the water from this permit has never been a part of or has ever been used to irrigate the north half of this parcel.

Upon further research it has been determined that in the original application for this water permit had the 12 acres in question listed as the following two parcels:

Parcel one

Five acres located in the northeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 31, Range 36E, township 14S.

Parcel two

seven acres located in the southwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 31 range 36E, township 14S.

This also agrees with the deeds to the property owned by George P. Jones at the time.

It is therefore assumed that a mistake was made plotting this property at the time that beneficial use was requested and the water right was established. One part of the attached transfer is intended to correcting this plotting error of this water right and correcting the associated legal description.

As supporting evidence of this error, a copy of the original permit application plot map is attached as well as the plot that was used when the water right was issued and the current plot map that shows evidence that an attempt was made to correct this error as some other time.

David Khalil Jones
Personal representative & executor
Of the Rose H. Jones estate and
President of the Rose H. Jones Family, LLC
6565 East Iona Rd.
Idaho Falls, Idaho 83401

T 72759
ATTACHMENT 1 OF 7

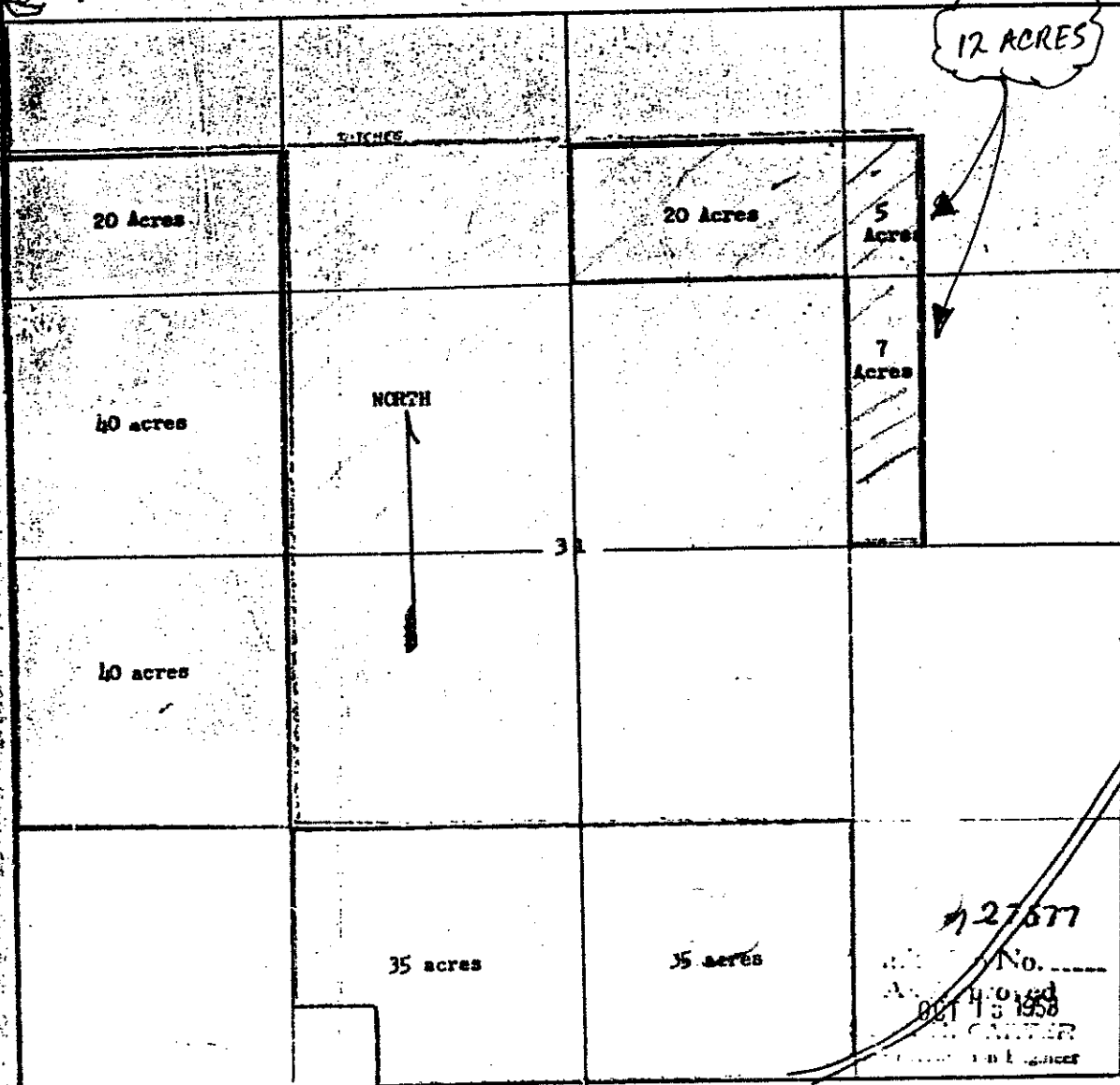
Original
Point of use map
Filed in 1958

This has the 12 acres
shown in the correct location

NAME OF APPLICANT:

George P. Jones
Walter Jones
Lynn E. Clark

Point of Diversion
Deep well, pump and overnite reservoir

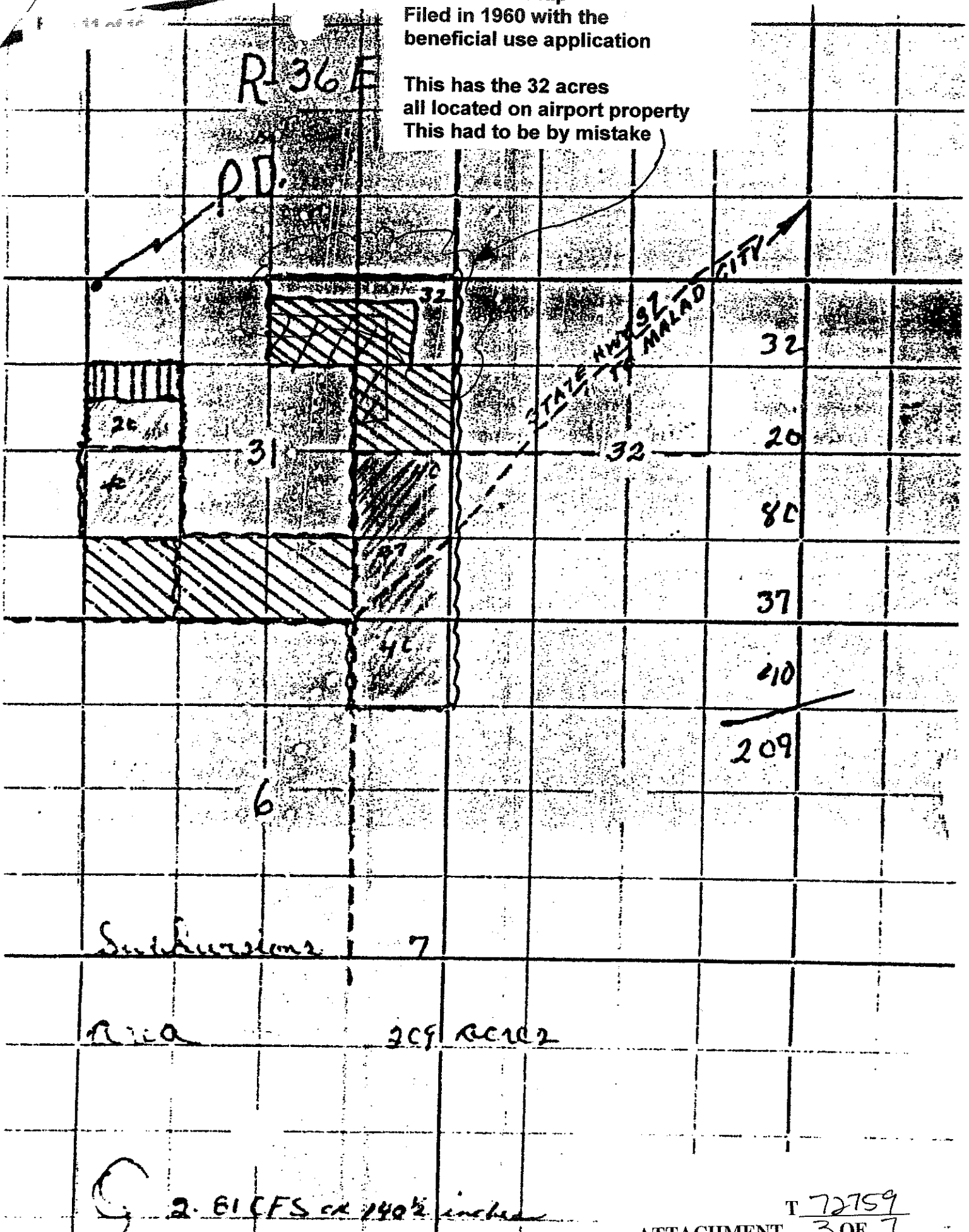


Scale: 1 inch = 40 rods
Section, 31, Township 14 South, Range 35 East, Boise Meridian
Cneida County, Idaho

21577

Point of use map
Filed in 1960 with the
beneficial use application

This has the 32 acres
all located on airport property
This had to be by mistake



CORRECTION WARRANTY DEED

1. Date

March 2, 2006.

2. Parties

Grantor:

Grantor:

Rose H. Jones Family Partnership, an
Idaho General Partnership
6565 East Iona Road
Idaho Falls, ID, 83401

Grantee:

Rose H. Jones Family LLC, an Idaho
Limited Liability Company
6565 East Iona Road
Idaho Falls, ID 83401

3. Correction

The is deed is being record to correct the legal
description in the Warranty Deed that was recorded on
February 15, 2006 as Instrument No. 138660

4. Property

Transferred Interest: All Grantor's undivided interest.

Idaho County: Oneida

Approximate acreage: 150 acres

Description:

SEE EXHIBIT A

Together with:

All improvements, water, water rights, ditches, ditch
rights, easements, tenements, hereditaments,
appurtenances, reversions, remainders, rents, issues,
and profits.

Subject to:

Rights of way for roads and ditches now existing on the
property plus all easements and rights-of-way of record,
if any, covenants, restrictions, reservations, applicable
building and zoning ordinances, use regulations and
restrictions, and accruing taxes.

Taxes and assessments for 2006 and all subsequent
years.

All facts, rights, claims and interest ascertainable by
inspection of the property or by inquiry of persons in
possession.

Unpatented mining claims, reservations and exceptions
and patents or in acts authorizing their issuance.

5. Consideration

Ten Dollars and other good and valuable consideration,
receipt of which is acknowledged.

6. Grant

Grantor, for the consideration listed above hereby
grants, bargains, sells, conveys and confirms to grantee,
its heirs, successors and assigns, the transferred
interest in the property described in this deed.

7. Warranties

Grantor, for its heirs, successors and assigns, covenants
with grantee's, heirs, successors, and assigns as
follows:

Grantor is currently the owner of the property as
described in this deed.

Grantor has good right to convey the property described
in this deed to grantee.

The property described in this deed is free from all
encumbrances, except as otherwise shown in this deed.

Grantor warrants and will defend the quiet and peaceful
possession of the property granted by this deed to
grantee, its heirs, successors and assigns against the
lawful claims of all persons.

Rose H. Jones Family Partnership

By D. Khalil Jones
Its D. Khalil Jones, Managing Partner

STATE OF IDAHO

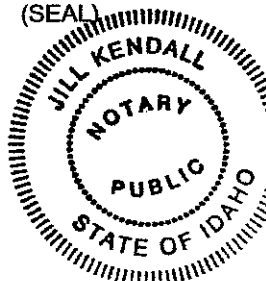
ss.

County of Bonneville

On March 2, 2006, before me Jill Kendall an
Idaho notary public, personally appeared D. Khalil
Jones, known or identified to me to be the Managing
Partner, of the Partnership that executed the instrument
or the person who executed the instrument on behalf of
said Partnership, and acknowledged to me that such
Partnership executed the
same.

Jill Kendall
Notary Public for Idaho
Residing At: Idaho Falls
Commission Expires: 11-13-2006

(SEAL)



Microfilm No. 138719
03 Day March 2006
At 9:30 O'clock A M
Shirley Blawie
Oneida Co. Recorder
Fee \$ 6.00 Deputy
Recorded at Request of
Khalil Jones

138719

Exhibit "A"

Item 1 of 4:

Malad Valley, Residence, Oneida County, Idaho (approximately 4 acres).

INCLUDING the residence, out buildings and four acres of land reasonably necessary for their use and enjoyment described as follows:

COMMENCING at the Southwest corner of the Southeast quarter of the Northeast quarter; Section 31, Township 14, Range 36 East. Boise Base and Meridian; thence East 20 rods; thence North 32 rods; thence West 20 rods; thence South 32 rods to THE POINT OF BEGINNING.

Parcel 2 of 4:

Malad Valley Farm, Oneida County, Idaho (approximately 131 acres).

The following real property located in Section 31, Township 14 South, Range 36 East, Boise Base and Meridian.

- a. COMMENCING at the Southwest corner of the Northeast quarter of the Northeast quarter; thence East 20 rods; thence North 40 rods; thence West 100 rods; thence South 40 rods; thence East 80 rods to the POINT OF BEGINNING;
- b. COMMENCING at the Northwest corner of the South half of the Northeast Quarter of the Northwest quarter; thence South 120 rods; thence East 26 $\frac{2}{3}$ rods; thence North 120 rods; thence West 26 $\frac{2}{3}$ rods to THE POINT OF BEGINNING.
- c. COMMENCING 53 $\frac{1}{3}$ rods East of the Northwest corner of the South half of the Northeast quarter of the Northwest quarter; thence South 120 rods; thence East 26 $\frac{2}{3}$ rods; thence North 120 rods; thence West 26 $\frac{2}{3}$ rods to the POINT OF BEGINNING.
- d. The West half of the Southwest quarter of the Northeast quarter (W/2 SW/4 NE/4)
- e. The East half of the Southwest quarter of the Northeast quarter (E/2 SW/4 NE/4);
- f. COMMENCING 26 $\frac{2}{3}$ rods East of the Northwest corner of the South half of the Northeast quarter of the Northwest quarter; thence South 120 rods; thence East 26 $\frac{2}{3}$ rods; thence North 120 rods; thence West 26 $\frac{2}{3}$ rods to THE POINT OF BEGINNING.
- g. COMMENCING 32 rods north of the Southeast corner of the Southwest quarter of the Northeast quarter; thence East 20 rods; thence North 48 rods; thence West 20 rods; thence South 48 rods to THE POINT OF BEGINNING.

Item 3 of 4:

Land at head of Malad, Oneida County, Idaho (Approximately 15 acres).

That part of Lot 4, Section 1, Township 12 South, Range 34 East Boise Base and Meridian. Oneida County, Idaho, that lies West of the County Road (approximately 15 acres -9 acres dry grazing).

Item 4 of 4:

Grazing rights

BLM permit No. 2706 for 164 AV.M. at 1.35 X 4 mo.



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for ROSE H. JONES FAMILY LLC](#)]

ROSE H. JONES FAMILY LLC

6565 E IONA RD
IDAHO FALLS, ID 83401

Type of Business: LIMITED LIABILITY COMPANY**Status:** EXISTING 27 Jan 2006**State of Origin:** IDAHO**Date of** 27 Jan 2006**Origination/Authorization:**

Current Registered Agent: GREGORY C CALDER
2105 CORONADO ST
IDAHO FALLS, ID 83404

File Number: W46918**Date of Last Annual Report:****Amendments:**

Amendment filed 27 Jan 2006 ARTICLES OF
ORGANIZATION

[View Document](#)
[Online](#)
[Download \(TIFF](#)
[format\)](#)

[Idaho Secretary of State's Main Page](#)[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

251

FILED EFFECTIVE



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

 2006 JAN 27 AM 8:50
 SECRETARY OF STATE
 STATE OF IDAHO

- The name of the limited liability company is:
Rose H. Jones Family LLC
- The street address of the initial registered office is:
2105 Coronado Street, Idaho Falls, Idaho 83404
and the name of the initial registered agent at the above address is:
Gregory C. Calder
- The mailing address for future correspondence is:
6565 East Iona Road, Idaho Falls, Idaho 83401
- Management of the limited liability company will be vested in:
Manager(s) ☒ or Member(s) ☐ (please check the appropriate box)
- If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
<u>D. Khalil Jones</u>	<u>6565 East Iona Road, Idaho Falls, ID 83401</u>
_____	_____
_____	_____
_____	_____
_____	_____

- Signature of at least one person responsible for forming the limited liability company:

Signature: *Gregory C. Calder*
 Typed Name: Gregory C. Calder
 Capacity: Organizer

Signature _____

Typed Name: _____

Capacity: _____

Secretary of State use only

 IDAHO SECRETARY OF STATE
 01/27/2006 05:00
 CK: 3194 CT: 1681 BN: 934642
 1 @ 100.00 = 100.00 ORGAN LLC # 2

W46918

**Application for Transfer of
Idaho State Water Right 15-2050 & 15-2070A:**

April 2006

Rose H. Jones Family, LLC

RECEIVED

APR 12 2006

Department of Water Resources
Eastern Region

**Prepared by;
David Khalil Jones
President
Rose H. Jones Family, LLC**

*Receipt
E031776*