

24

Transfer No. 73630

Receipt No. ED 32983

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

1. Applicant Information DUFFY & CONNIE ENTERPRISES LLC
 C/O JAMES D MCFARLAND
 PO BOX 408
 REXBURG ID 83440
 (208)359-3036

Will this transfer result in an ownership change? X Yes No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
22-7605	WR/License	0.02	0.6			GROUND WATER

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
22-7605	NO	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

Correct the point of diversion and the place of use. Licensed with the wrong legal. Also, changing the ownership.

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

5. Total Amounts Transferred

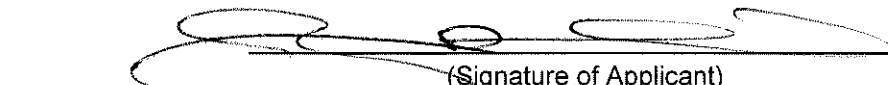
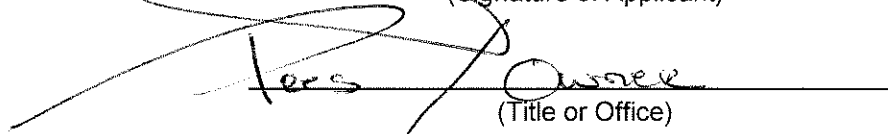
	Rate	Acre Limit	Total Acres	Volume
22-7605	0.02 cfs			0.6 af
TOTAL	0.02 cfs			0.6 af

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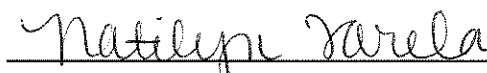
Department of Water Resources
 Eastern Region

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

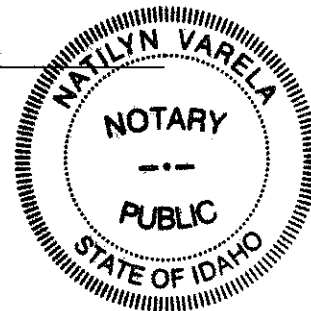
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 7th day of June, 2007.


(Notary Public)

My commission expires 3/31/2011



Total of 4 pages
attachments 3 pages
~~for~~ advertise in Rexburg Standard

764

Transfer No. 73630

Receipt No. _____

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

Current Water Right No. 22-7605

Priority Date: October 19, 1988

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/01 12/31	0.02 CFS	0.6 AFA	
Total Diversion		0.02 CFS	0.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NENE Sec. 27 Twp 06N Rge 39E MADISON County

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	39E	27	X																

Conditions/Remarks:

1. Commercial use is for a convenience store.

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?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NONE

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

NO

Receipt No. _____

Proposed Water Right No. 22-7605

Status: Active

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01 12/31	0.02 CFS	0.6 AFA	
	Total Diversion	0.02 CFS	0.6 AFA	

GROUND WATER SESE Sec. 23 Twp 06N Rge 39E MADISON County

Point of Diversion # 1 Well, convenience store

[illegible]

RX 33683

WHEN RECORDED RETURN TO:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

Instrument # 312126
REXBURG, MADISON, IDAHO
2004-05-20 01:23:00 No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN Fee: 9.00
Ex-Officio Recorder Deputy

WARRANTY DEED

JBW ENTERPRISES LLC, an Idaho limited liability company, of Rexburg, Idaho 83440, as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Duffy & Connie Enterprises, LLC, an Idaho limited liability company, whose mailing address is P.O. Box 408, Rexburg, Idaho 83440, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described real estate:

Described on attached Exhibit A

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

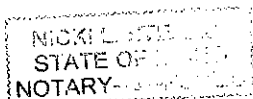
GRANTOR, for itself, its successors and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 14th day of May, 2004.

GRANTOR:

JBW ENTERPRISES LLC

By Jeff Webb
Jeff Webb, Member

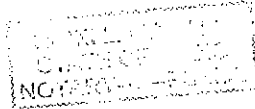


By Lois Webb
Lois Webb, Member

ATTACHMENT T 73630
/ OF 3

STATE OF IDAHO)
 :ss
County of Madison)

On this 14th day of May, in the year 2004, before me, a Notary Public, personally appeared Jeff Webb and Lois Webb, known or identified to me (or proved to me on the oath of _____), to be the members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.



Julie A. Stearns
Notary Public for Idaho
Residing at: Sugar City
My Commission Expires: 1-3-2006

WARRANTY DEED - Page 2

T 73630
ATTACHMENT 2 OF 3

EXHIBIT A

Real Property Description

Tract 1:

Commencing at a point South 89°54' West 160 feet from the Highway right of way and fence line, and from Southeast corner of Section 23, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North 160 feet; thence East to the property line 160 feet; thence South along the property line 160 feet and thence South 89°54' West 160 feet to the place of beginning. EXCEPT: State Highway 33 and County Road.

SUBJECT TO all existing easements, claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the foregoing described real property.

Tract 2:

Beginning at a point that is 160.00 feet S89°54'00"W and 61.50 feet N00°27'57"E of the Southeast corner of Section 23, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence N00°27'57"E 98.5 feet; thence South 89°54'00" West 15.00 feet; thence S00°27'57"W 98.5 feet; thence N89°54'00"E 15.00 feet to the point of beginning.

SUBJECT TO all existing easements, claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the foregoing described real property.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

November 15, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK &/OR LOIS WEBB
MOTHER HIBBARD'S COUNTRY STORE
11 N 2000 W
REXBURG ID 83440

RE: Water Right No. 22-07605

Dear Mr. & Mrs. Webb:

I recently received documentation from you identifying you as new owners of the above referenced licensed water right.

As I explained in our telephone conversation today, Jack, in Idaho, decreed, licensed, and claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water right unless extenuating circumstances exist. Water right statute does not provide a means for changing owner of record for licensed water rights; although, I have placed your correspondence in the water right file.

Since no action need be taken on this license, I am returning to you your checks #1219 and #1202, and your water quality testing information.

If you have any questions, please feel free to contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

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Department of Water Resources

22-07605
Ident. No. 22-07605

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Sold Mother Hibberd's to JBW Enterprises LLC, Jeff & Lois Webb
11 N 2000 W REXBURG 83440 (208) 356-4202

1. Name of applicant Glenn and/or Kaye Peterson Phone (208) 356-4202

Post office address PO Box 776, Rexburg, ID 83440

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____

Sec. 27 Township 6N Range 39E B.M. Madison County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well and pump.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is Existing Well inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? NO

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Commercial use is Mother Hibbard's
Country Store. water used for fountain and
(soda fountain) and restrooms.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	39E	27	C																

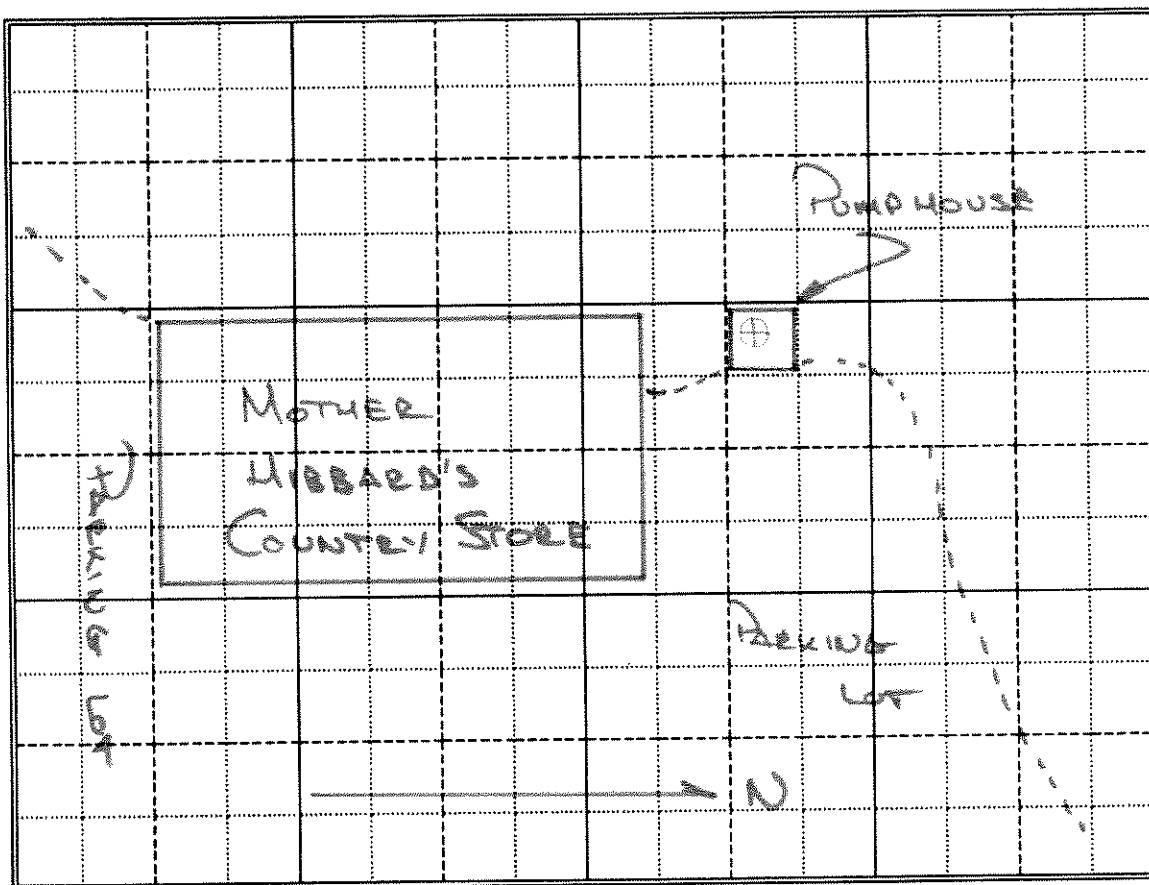
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Existing well, drilled in 1977.
Store address is 11 North 2000 West, Rexburg

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Catalog No. Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MICERS	1/2	S3052	MICERS	US10

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements: _____

APR 10 1994