

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73624APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant MICHAEL W. SEIBERT & KATHLEEN SEIBERT Phone 208-233-1665Post Office address 1665 POCA TELLO CREEK RD. POCA TELLO, ID. 83201

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 _____

2. Describe the reason for the proposed changes NOT PRACTICAL TO CONTINUE IRRIGATION OF THE CURRENT PLACE OF USE WITH IN THE CITY AND WOULD LIKE TO TRANSFER THE IRRIGATION WATER RIGHT TO OTHER PROPERTY WE OWN.

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

1. Right Number 29-7060 Priority 12/12/1970 Amount (cfs/ac-ft) .18 CFS 31.00 AF Nature of Use IRRIGATION Period of Use 05/01 to 10/15
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred .180 cubic feet per second and/or 31.00 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
	NE	NE	SW	13	6S	34E	BANNOCK	POCA TELLO CREEK RD.

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	
6S	34E	13									8.75								8.75

Total Acres 8.75

73624 Actual 8.75

PART 1

6. General Information:

a. Description of diversion system EXISTING 8 INCH WELL, NEW SUBMERGED PUMP AND SPRINKLER IRRIGATION PIPE LINES.

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:
NONE - IT IS NOT PRACTICAL TO CONTINUE IRRIGATION OF THIS PASTURE FIELD IN THIS AREA OF THE CITY.

d. Remarks:
WOULD LIKE TO TRANSFER THE WATER RIGHT TO ANOTHER PARCEL OF LAND THAT REQUIRES IRRIGATION AND CONTINUE THE BENEFICIAL USE.

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

73624

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Page 1

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05/31/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7060

WATER RIGHT NUMBER: 29-7060

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH H FRANK 4300 TECH FARM RD POCATELLO, ID 83204 (208)232-8585
Previous Owner	RUTH A FRANK LIVING TRUST C/O RUTH A FRANK 4300 TECH FARM RD POCATELLO, ID 83204-3710 (208)232-8585
Current Owner	MICHAEL W SEIBERT 1665 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-1665
Current Owner	KATHLEEN SEIBERT 1665 POCATELLO CREEK RD POCATELLO, ID 83201 (208)233-1665

Priority Date: 10/12/1970

Basis: Decreed

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	05/01 to 10/15	0.180 CFS	31.00 AF
	<u>Total Diversion:</u>	0.180 CFS	31.00 AF

Location of Point(s) of Diversion

GROUND WATER L2 (NW1/4SW1/4NW1/4) Sec. 7, Twp 07S, Rge 35E, B.M.
BANNOCK 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	
07S	35E	7							8.7										8.7
									L 2										

Total Acres: 8.7

Conditions of Approval:

73624

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-7060

1. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Comments:

1. csaxton 2/4/2002 POU
Comment: City of Pocatello Tax Lot information is incorrect. location of Frank property and Pieper switched.
2. csaxton 2/4/2002 Water Use
Comment: Claimant contacton 2/3/02 and confirmed that domestic well dry and no longer used. That is why domestic and stock use not claimed.
3. csaxton 2/4/2002 POD
Comment: Licensed with two wells. Domestic and stock well dry and is no longer used.
4. csaxton 2/4/2002 Acreage
Comment: Actual irrigated acres is 8.75.
5. csaxton 2/4/2002 Diversion Volume
Comment: Claimant claimed diversion volume less than licensed. Seems to be a math error since Domestic and Stock volumes were subtracted. Recommend licensed diversion volume.

Dates and Other Information:

Licensed Date:
Decreed Date: 3/22/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	2/4/2002 11:18:45 AM	csaxton			Closed
Source	2/4/2002 11:28:46 AM	csaxton			Closed

Page 5 of 6

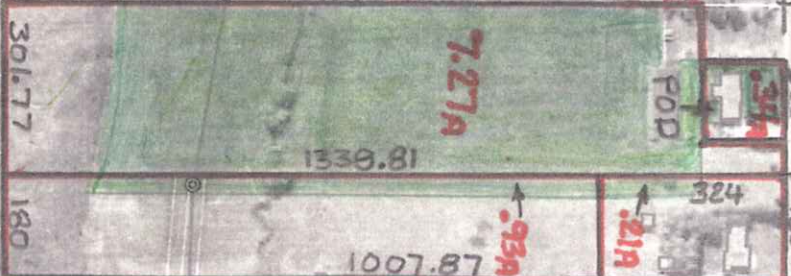
73624

12"

NE 1/4 SW 1/4

1191.68

144.37



306.77

180

180

1330.81

1007.87

1331.87

93A

21A

324

MERIDIONAL CENTER LINE

SOUTH 1/6 LINE

1/4 CORNER
SEC. 13
T. 6 S.
R. 34 E. B.M.



73624

PART 3

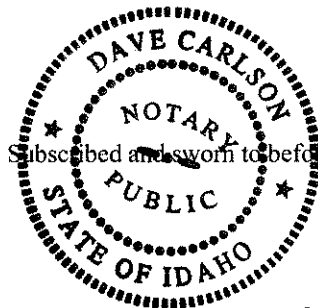
B. CHANGES IN NATURE OF USE

1. NEW NATURE OF USE Amount(cfs/af-ft) Hours/days/year Period of Use
SAME _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:
NO EFFECT _____

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.



Michael W. Gilbert
Kathleen Gilbert
(Signature of Applicant)

Subscribed and sworn to before me this 31 day of MAY, 20 07.

Dave Carlson
(Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee \$100 E032949

Received by DK Date 5/3/2007

Published in ID State Journal 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 _____

73624

Warranty Deed

93012250

For Value Received LORIN M. GOLD and KATHELEEN GOLD, husband and wife,

the grantor, do hereby grant, bargain, sell and convey unto

MICHAEL W. SEIBERT and KATHLEEN SEIBERT, husband and wife,

whose current address is

1665 Pocatello Creek Road
Pocatello, Idaho 83201

the grantee, the following described premises, in BANNOCK County Idaho, to wit:

A parcel of land located in the Northeast 1/4 of the Southwest 1/4, Section 13, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, more Particularly described as follows:

Beginning at the center of Section 13; thence South 89°11'00" West along the Center Latitudinal Line 360.00 Feet to the True Point of Beginning; thence South 00°20'23" East, 1338.81 Feet to the Southerly 1/16 line of said Section; thence South 89°42'59" West along said 1/16 line 301.77 Feet; thence North 00°07'31" West, 1191.68 Feet; Thence North 87°17'21" East, 235.76 Feet; thence North 00°30'17" West, 136.54 Feet to the Center Latitudinal Line of Said Section; thence North 89°11'00" East, 62.19 feet, more or less, along said center latitudinal line of said section to the true point of beginning.....

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 2, 1993

Lorin M. Gold

LORIN M. GOLD

Kathleen Gold

KATHELEEN GOLD

STATE OF IDAHO, COUNTY OF

On this 2nd day of August, 1993,
before me, a notary public in and for said State, personally appeared

LORIN M. GOLD

KATHELEEN GOLD

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Kelcie Smith
Notary Public
Residing at St. Anthony, Idaho
Comm. Expires 1-17-96

93012250

NO. 93012250

Mike Seibert

'93 AUG -2 P3:50

CFE
LABOR & CO
FEE 3.00 *Seibert*

Published by the AMERICAN LAND TITLE COMPANY, INC.

ATTACHMENT A
20515352

AFTER RECORDING MAIL TO:

20515352

Michael W Seibert and Kathy Seibert
1745 Pocatello Creek Road
Pocatello, ID 83201

RECORDED AT REQUEST OF

FEE 6.00 DEPUTY mw

FIRST AMERICAN TITLE

2005 JUL 29 AM 8 56

OFFICIAL RECORD BK# 870

RECORDER

BANNOCK COUNTY IDAHO

2-1

WARRANTY DEED

File No.: 121533-P (sg)

Date: July 28, 2005

*MW
KS*
For Value Received, **Advocate Community, Inc. trustee for the The Franciscan Family Life Center**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Michael W Seibert and Kathy Seibert, husband and wife**, hereinafter called the Grantee, whose current address is (mailing): 1665 Pocatello Creek Road, Pocatello, ID 83201, the following described premises, situated in **Bannock County, Idaho**, to-wit:

A PARCEL OF LAND LOCATED IN THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SECTION 13; THENCE SOUTH 89°11'00" WEST ALONG THE CENTER LATITUDINAL LINE OF SAID SECTION A DISTANCE OF 422.19 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON SAID CENTER LATITUDINAL LINE SOUTH 89°11'00" WEST 136.63 FEET; THENCE SOUTH 00°36'38" EAST 141.09 FEET; THENCE NORTH 87°17'21" EAST 136.51 FEET; THENCE NORTH 00°30'17" WEST 136.54 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Advocate Community, Inc. trustee for the The
Franciscan Family Life Center

T 73624
ATTACHMENT 2 OF 5

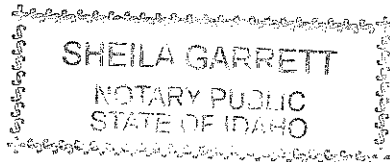
2-2

20515352

Sister Janice Otis, F.S.E.
By: Sister Janice Otis, F.S.E., Resident
Agent

STATE OF Idaho)
ss.
COUNTY OF Bannock)

On this **Twenty-eighth day of July, 2005**, before me, a Notary Public in and for said State, personally appeared **Sister Janice Otis, F.S.E.**, known or identified to me to be the **Resident Agent** of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Sheila Garrett
Notary Public for the State of Idaho
Residing at: Inkom, ID
My Commission Expires: 9-17-2005

WARRANTY DEED

ALLIANCE TITLE & ESCROW
RECORDED AT REQUEST OF

Order No.:3010210171

FEE 2.60 DEPUTY [Signature]

FOR VALUE RECEIVED

Jack L. Rucker and M. Olah Rucker, Husband and Wife

2003 DEC 31 PM 1 18

OFFICIAL RECORD BK# 842
LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Mike Seibert and Kathy P. Seibert, husband and wife

whose current address is

1665 Pocatello Creek Rd Pocatello, ID 83201

the grantee(s), the following described premises, in Bannock County, Idaho, TO WIT:

A parcel of land being the North 324' West 180' East 360' of the NE¼, SW¼, Section 13, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, and more particularly described as follows:

Beginning at the center quarter corner of Section 13, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho;

Thence South 89°27' West along the latitudinal center line of said Section 13, 360.00 feet to the True Point of Beginning;

Thence South 00°20' East, 324.00 feet;

Thence North 89°27' East, 180.00 feet;

Thence North 00°20' West, 324.00 feet;

Thence South 89°27' West, 180.00 feet, more or less, to the True Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/30/2003

Jack L. Rucker M. Olah Rucker
Jack L. Rucker M. Olah Rucker

State of Idaho

}

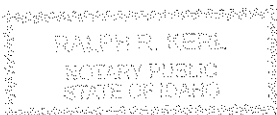
} ss.

County of Bannock

On this 30th day of December, 2003, before me, a Notary Public in and for said state, personally appeared Jack L. Rucker and M. Olah Rucker

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

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



Ralph R. Kerl
Notary Public for the State of Idaho
Residing at: Pocatello
Commission Expires: 9/16/06

Warranty Deed

93017542

For Value Received JACK L. RUCKER and OLAH RUCKER, husband and wife,

the grantor, do hereby grant, bargain, sell and convey unto

MICHAEL W. SEIBERT and KATHLEEN SEIBERT, husband and wife

whose current address is

1665 Pocatello Creek Road

Pocatello, Idaho 83201

the grantee, the following described premises, in BANNOCK County Idaho, to wit:

Beginning at the center quarter corner of Section 13, Township 6 South, Range 34, E.B.M., Bannock County, Idaho; thence S.89°27'W. along the latitudinal center line of said Section 13, 180.00 feet to the TRUE POINT OF BEGINNING; Thence South 1331.87 feet, more or less, to the South 1/16 line of said Section 13; thence N.89°58'W. 180.00 feet; thence North 1330.83 feet, more or less, to the latitudinal center line of said Section 13; thence N.89°27'E. 180.00 feet, to the TRUE POINT OF BEGINNING; **EXCEPTING THEREFROM the North 324.00 feet of parcel herein described.** Same being part of the ~~W1/2, E1/2, NE1/4, SW1/4~~, Section 13, Township 6 South, Range 34 East Boise Meridian.

J. L. R.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 19, 1993

Jack L. Rucker
JACK L. RUCKER

Olah Rucker
OLAH RUCKER

STATE OF IDAHO, COUNTY OF *Bannock*
On this *19th* day of *OCTOBER*, 19*93*
before me, a notary public in and for said State, personally appeared

Jack L. Rucker and
Olah Rucker

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Mary A. Burchell
Notary Public
Residing at *Pocatello*, Idaho
Comm. Expires *6-13-95*

93017543

NO. 93017543
RECORDED BY RECORDING
MICHAEL SEIBERT
'93 OCT 20 AIO:14

OFFICIAL RECORD BOOK NO. 598
BANNOCK COUNTY, IDAHO
LARRY W. GHAN RECORDER
FEE 3.00 DEPUTY ps-ca

NOTARY SEAL

Financed by the AMERICAN LAND TITLE COMPANY, INC.