

Form 1-222
12-92STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

1. Name of Applicant Elmer D and/or Lida Carpenter Phone (208)657-2205

Mailing Address HC 63 Box 1782 Terretton, ID 83450

c/o W. Roger Warner, Rocky Mountain Environmental Associates, Inc.

ph. 208-524-2353

482 Constitution, Idaho Falls, Idaho 83402

fax 208-524-1795

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: Create PPU.

2. Describe the reason for the proposed changes: Lands were recently identified by the Watermaster as being irrigated without benefit of a water right. This transfer proposes to re-configure the place-of-use for compliance. This will be accomplished by drying up certain areas (ie corners).

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

1. Right Number Priority Amount Nature of Use Period of Use

31-2296	10/27/1949	3.68 cfs 644 af	Irrigation	4/1 to 10/31
		0.04 cfs	Domestic	1/1 to 12/31
31-10466	04/01/1964	0.73 cfs 128.1 af	Irrigation	4/1 to 10/31

2. Total amount of water being transferred 4.41 cubic feet per second and/or ____ acre-feet per annum.

3. Source of water GROUND WATER.

4. Point(s) of Diversion:

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local Name for Diversion
	NW	SW	SW	12	07N	33E	Jefferson	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total s
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	33E	12					16.4	16	38	37.	30.5	29.	21.5	30					220.6
								.3	.8	6		5							

Total Acres 220.6

73534

PART 1

8. General Information:

- a. Description of diversion system: Pump, mainline, Pivot irrigation sprinklers.
- 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: Lands will no longer be irrigated.
- d. Remarks: Both rights 31-2296 and 31-10466 are diverted from the same well (POD). This transfer will combine the two rights upon common ground for a total of 220.6 acres but limit them individually to their respective amounts. As a result, the total area of the authorized place of use will equal the sum of the two respective rights. No overlapping water rights.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20__

APPLICATION FOR TRANSFER OF WATER RIGHT**PART 2**

WATER RIGHT NO. 31-2296

Owner Type Name and Address

Current Owner ELMER D CARPENTER

Current Owner LIDA CARPENTER

HC 63 BOX 1782

TERRETON, ID 83450

(208)657-2205

Priority Date: 10/27/1949

Basis: Decreed Decreed Date: 02/22/2002

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

IRRIGATION 04/01 10/31 3.68 CFS 644 AFA

DOMESTIC 01/01 12/31 0.04 CFS

Total Diversion 3.68 CFS

Location of Point(s) of Diversion

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local Name for Diversion
	NW	SW	SW	12	07N	33E	Jefferson	

DOMESTIC Use:

Number of homes: 1

Place of Use Legal Description: IRRIGATION JEFFERSON County

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	33E	12					20	20	40	40	17	39	8						184

Total Acres: 184

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Conditions of Approval:

1. 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.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. RIGHT NO. 31-10466 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label documents as attachment A. Check appropriate box below:

1. ☐ Tax Notice ☒ Warranty Deed ☐ Other

2. Describe any other water rights used for the same purpose as described above

9. 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

APPLICATION FOR TRANSFER OF WATER RIGHT**PART 2**

WATER RIGHT NO. 31-10466

<u>Owner Type</u>	<u>Name and Address</u>
Current Owners	Attorney
ELMER D CARPENTER	BLAIR GROVER
LIDA CARPENTER	GROVER & ARCHIBALD
HC 63 BOX 1782	215 FARNSWORTH WAY
TERRETON, ID 83450	PO BOX 36
(208)657-2205	RIGBY, ID 83442-0036
	(208)745-6653

Priority Date: 04/01/1964

Basis: Decreed Decreed Date: 06/10/2002

Status: Active

Source Tributary
GROUND WATER

Beneficial Use From To Diversion Rate Volume
IRRIGATION 04/01 10/31 0.73 CFS 128.1 AFA
Total Diversion 0.73 CFS

Location of Point(s) of Diversion:

Lot	$\frac{1}{4}$	$\frac{1}{4}$	$\frac{1}{4}$	Sec.	Twp.	Rge.	County	Local Name for Diversion
	NW	SW	SW	12	07N	33E	Jefferson	

Place of Use Legal Description: IRRIGATION JEFFERSON County

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total s
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	33E	12									10.2		25.2	1.2					36.6

Total Acres: 36.6

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Conditions of Approval:

1. 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.
2. RIGHT NO. 31-02296 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label documents as attachment A. Check appropriate box below:

1. ☐ Tax Notice ☒ Warranty Deed ☐ Other

2. Describe any other water rights used for the same purpose as described above

9. 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



300 0 300 600 Feet

T07N, R33E



Carpenter Land

13534

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Transfer No. 73534

PART 3

B. CHANGES IN NATURE OF USE

No Change

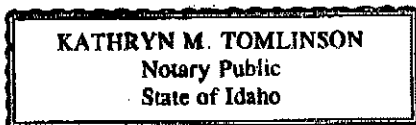
1. New Nature of Use Amount cfs Hours/days/year Period of use to
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

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 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.

Dean Payson
Lita Carpenter
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of April, 2007.



Kathryn M. Tomlinson
Notary Public
My Commission expires: 9-4-09

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments
Received by _____ Date _____ Protest filed by _____
Prelim check by _____ Fee 410.00
Receipted by sc Date 4/25/07 E032817
Published in Jefferson Star Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd _____ By _____
Copy of transfer sent to lien holder _____

Transfer No. _____

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Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

No Change

1. New Nature of Use Amount cfs Hours/days/year Period of use to
2. Quantity and quality of return flows and location of discharge:
3. Describe effects on other water uses resulting from the proposed change:

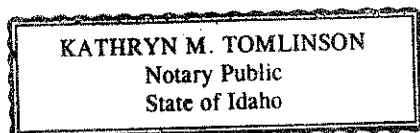
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

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

Dean Carpenter

Lita Carpenter
(Signature of Applicant)

Subscribed and sworn to before me this 25 day of April, 2007.



Kathryn M. Tomlinson
Notary Public

My Commission expires: 9-4-09

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments
 Received by _____ Date _____ Protest filed by _____
 Prelim check by _____ Fee _____
 Receipted by _____ Date _____
 Published in _____ Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
 _____ rec'd _____ By _____
 Copy of transfer sent to lien holder _____

WARRANTY DEED

THIS INDENTURE, Made this 30th day of April, 1974
by and between ANDREW J. BECKER, a single man

of the County of Jefferson, State of Idaho, the party of the first
part, and E. D. CARPENTER and LITA A. CARPENTER, husband and wife,

of the County of Jefferson, State of Idaho, the parties of the second
part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
-----SIXTY FIVE THOUSAND AND NO/100----- DOLLARS
lawful money of the United States of America, and other good and valuable considerations, to him
in hand paid by parties of the second part, the receipt whereof is hereby acknowledged, has
granted, bargained and sold, and by these presents do ES. grant, bargain, sell, convey and confirm
unto the said parties of the second part and to their heirs and assigns forever, all the follow-
ing described real estate, situate in the County of Jefferson, State of Idaho, to wit:

The Southwest Quarter (SW $\frac{1}{4}$); and the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), and the South Half of the North Half of the Northwest Quarter (S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twelve (12), in Township Seven (7) North of Range Thirty-three (33), East of the Boise Meridian, in Jefferson County, Idaho. EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND, to-wit: A strip of land being all of that portion of the West Half (W $\frac{1}{2}$) of Section 12, in Township 7 North of Range 33 East of the Boise Meridian, in Jefferson County, Idaho, lying situate West of a line 33 feet distant East and parallel to the following described center line of Highway as surveyed and shown on an official plat of the Montevue Road Survey on file in the office of the State Highway Department, Boise, Idaho. Beginning at Station 280 plus 70 of said Highway Survey which station is a point on tangent and coincident to the SW corner of Section 12, in Township 7 North of Range 33, East of the Boise Meridian, in Jefferson County, Idaho; thence running North 0° 30' East a distance of 4600 feet to station 326 plus 70 which station is a point on tangent and being 685' South 0° 30' West of the Northwest Corner of said Section 12.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reversions, remainder and remainders, 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 party of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, and their heirs and assigns against the said party of the first part and his 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 party of the first part has hereunto set his
hand and seal the day and year first above written.

Signed, sealed and delivered in the
presence of

Andrew J. Becker (SEAL)

_____ (SEAL)

STATE OF IDAHO

County of Bonneville. } ss.

On this 30th day of April, in the year 1974 before me

JOHN FEREBAUER

, a Notary Public in and for the State of Idaho, personally
appeared ANDREW J. BECKER, a single man

known to me to be the person whose name is subscribed to the within instrument, and
acknowledged to me that he 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 written.

JOHN FEREBAUER
NOTARY PUBLIC
IDAHO FALLS, IDAHO
MY COMM. EXPS. 9-22-74

John Ferebauer
Notary Public

Residing at Idaho Falls, Idaho

My Commission Expires _____, 19____

No. 170467

WARRANTY DEED

Recorded	TO
Computed	
Indexed	

Dated May 7, 1974
STATE OF IDAHO } ss.
County of _____

I hereby certify that this instrument
was filed for record at the request of

O'Jann

at 35 minutes past 9
o'clock A M., this 6

day of May, 1974
in my office and duly recorded in
Book _____ of _____, at
page 11

Christ Hemmon

Ex-Officio Recorder

By Anna

Deputy

Fees \$ 2.00

PLATTED BY
EARL C. CRYSTAL, Assessor
By Dec Deputy