

Transfer No. 73264

Name of Applicant CITY OF WESTON Phone (208) 747-3512
Post Office address 15 E. DEPOT ST., WESTON, ID 83286

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 ADDITION OF () ~~ONE~~ POINT OF DIVERSION
FOR A NEW MUNICIPAL GROUNDWATER WELL BEING
CONSTRUCTED AS PART OF THE CITY OF WESTON WATER
SYSTEM IMPROVEMENTS PROJECT.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
13-7453	7/11/1988	2.0 cfs	MUNICIPAL	1/01 to 12/31
				to
				to
				to

to RECEIVER

2. Total amount of water being transferred 2.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion: _____

OCT 23 2006
Department of Water Resources
Eastern Region

[illegible]

5. Lands irrigated or place of use: WITHIN THE CITY LIMITS OF WESTON

[illegible]

Total Acres

73264

PART 1

6. General Information:

a. Description of diversion system (3) THREE GROUND WATER WELLS WITH MIN. 6" DIAMETER STEEL CASINGS DRILLED TO VARIOUS DEPTHS HOUSING VERTICAL TURBINE PUMPS THAT PUMP WATER THROUGH TRANSMISSION PIPELINES TO THE CITY OF WESTON

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:

d. Remarks:

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

73264

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 13-7453 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water GROUND WATER tributary to _____4. Date or priority 7/11/1988

5. Water is used for the following purposes:

amount 2 cfs for MUNICIPAL purposes from 1/01 to 12/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	8	16S	38E	FRANKLIN	WELL # 1
		SW	NE	8	16S	38E	FRANKLIN	WELL # 2
		NE	SW	10	16S	38E	FRANKLIN	WELL # 3

8. Lands irrigated or place of use: WITHIN THE CITY LIMITS OF WESTON

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	

Total Acres _____

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

PART 2

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.)

1. amount _____ for _____ purposes from _____ to _____
 (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

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	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (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

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	

Total Acres _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-7453

WATER RIGHT NUMBER: 13-7453

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF WESTON 293 S 2ND E WESTON, ID 83286 (208)747-3985

Priority Date: 07/11/1988

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	1/01 to 12/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 8, Twp 16S, Rge 38E, B.M.
FRANKLIN County		

Place of Use

Conditions of Approval:

1. Place of use within the city limits of Weston.
Two points of diversion located in SWNE, S8, T16S, R38E.

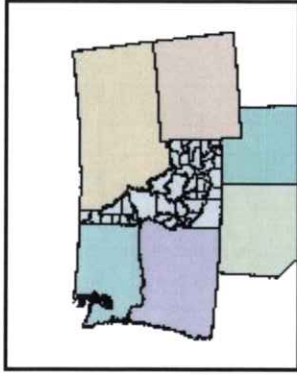
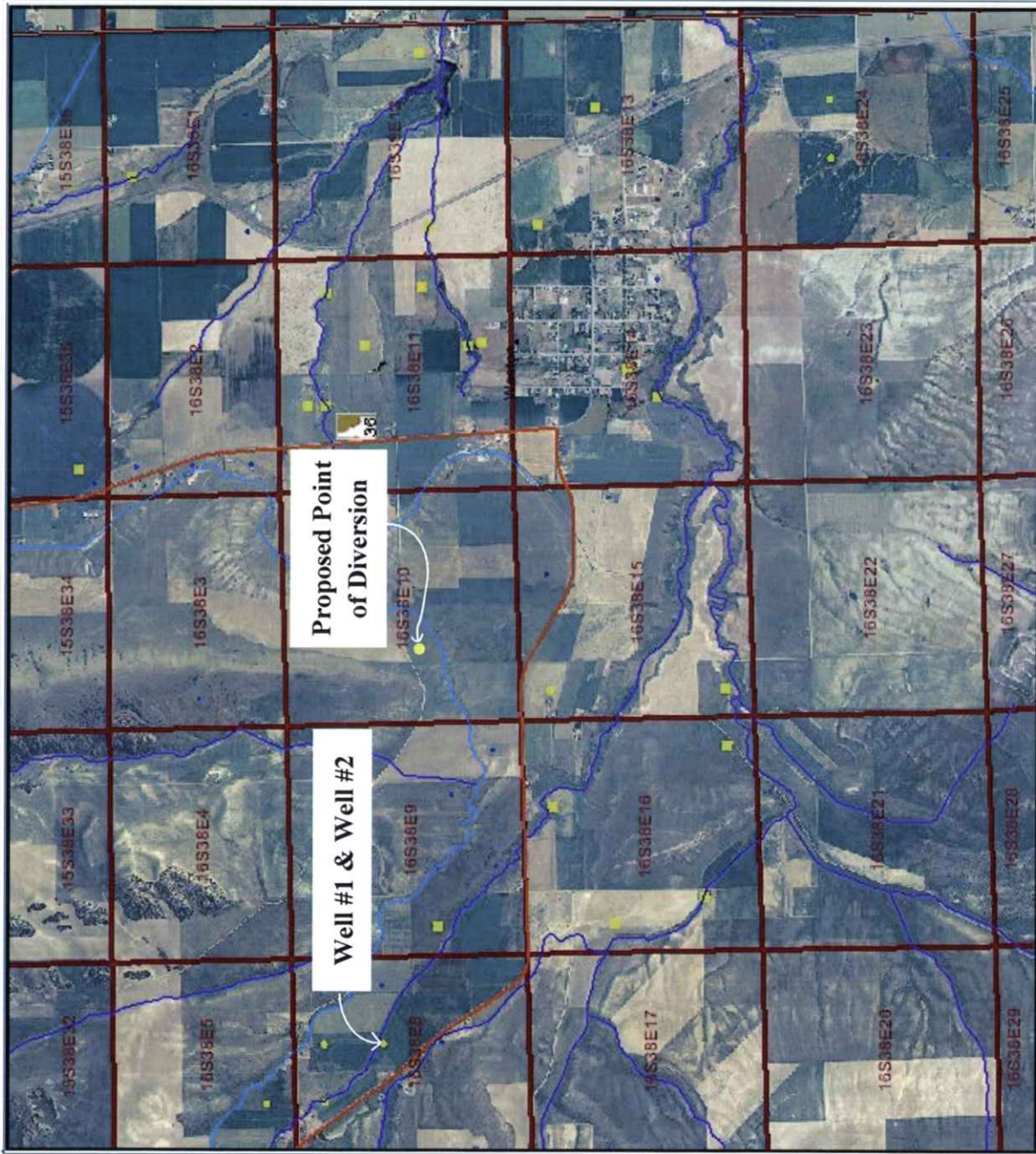
Remarks:

Comments:

Dates and Other Information:

Created: February 15, 2006

13-7453 Points of Diversion



- Legend**
- Major Roads
 - Interstate
 - U.S. Highway
 - State Highway
 - Other
 - Lakes
 - Major Rivers
 - Rivers
 - Canals
 - Rivers
 - Small streams
 - Streams
 - POD - Water Rights
 - Ground water
 - Surface water
 - PLS - Section
 - Counties
 - Wells
 - state
 - High Res. Color (NAIP)



Prepared by the ArcIMS Map Server at:



Idaho Department of Water Resources
322 E. Front Street, P.O. Box 83720
Boise, Idaho 83720-0098
Ph: (208) 387-4800
www.idwr.idaho.gov

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Please mark up.

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ 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:

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.

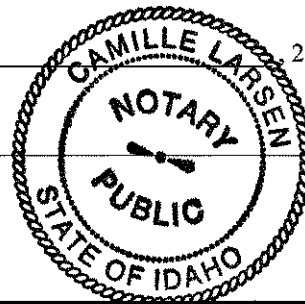
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Geo B Daley
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of Sept. 2006.

Camille Larsen
(Notary Public)

My commission expires 06/08/07



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 8 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 290-

Received by SC Date 10/27/06 E032345

Published in Preston Citizen 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 _____



FAX TRANSMITTAL

DATE: 4/2/07 FAX #: 525-7177
ATTENTION: TRENT COMPANY: IDWR
REFERENCE: CITY OF WESTON - OPTION TO PURCHASE
FROM: TOM BACKLW NO. OF PAGES: 1
(Including Cover Sheet)

Remarks:

Trent,

Here's a copy of the "Option to Purchase and Temporary Easement" for the City of Weston to install a new well.

The Agreement allows for a permanent easement if sufficient potable water is produced to meet the City of Weston's needs.

I've also included a Topozone map showing the location of the proposed well.

If you have any questions, please let me know

Thanks,

Tom

**OPTION TO PURCHASE
AND TEMPORARY EASEMENT**

This Option to Purchase Agreement entered into this 12th day of July, 2006, by and between **CHARLES W. BUTTARS** and **DONNA H. BUTTARS**, as Trustees of the **CHARLES W. BUTTARS and DONNA H. BUTTARS FAMILY TRUST** dated May 16, 1991, (hereinafter "SELLER") and **THE CITY OF WESTON**, a Municipal Subdivision of the State of Idaho, (hereinafter "BUYER").

WHEREAS, SELLER is the owner of certain real estate generally described in Exhibit "A" attached hereto, consisting of one acre of unimproved ground hereafter the ("Premises"); and

WHEREAS, BUYER is desirous of acquiring an option to purchase said real estate for the purpose of drilling a well for BUYER'S municipal culinary water system and SELLER has agreed to grant BUYER an Option to Purchase said Premises; and

WHEREAS, SELLER is willing to grant to BUYER a temporary easement for the purpose of access to the property for the drilling of a well, and if sufficient potable water is produced to meet BUYER'S needs, SELLER is further willing to grant to BUYER a permanent easement for a buried pipeline along the SELLER'S property boundary and fence line to a public road;

NOW, THEREFORE, in and for the consideration of the sum of \$50.00, the receipt of which is hereby acknowledged, the parties agree as follows:

1. OPTION. SELLER does hereby grant to BUYER the exclusive right and option to purchase, upon the terms and conditions hereinafter set forth, the real property generally described in Exhibit "A" attached hereto.

Option to Purchase and Temporary Easement - Page 1

T 73264
ATTACHMENT 2 OF 8

Received Time Apr. 2. 2:43PM

2. TERM OF OPTION. The term of this option shall expire ninety (90) days from the date this option agreement is executed.

3. MANNER OF EXERCISING OPTION. The option granted hereunder shall be exercisable by BUYER giving to SELLER written notice, either by delivering the same in person or by registered mail, postage pre-paid, should notice be given by registered mail, it shall be deemed given on the date the envelope was postmarked by the United States Post Office.

4. PURCHASE PRICE AND METHOD OF PAYMENT. The parties agree that the total purchase price to be paid by BUYER to SELLER for the aforementioned real estate shall be \$2,500.00, payable in cash within thirty (30) days from the date this option to purchase is exercised. The monies paid for this option shall be applied to the purchase price at the time of closing.

5. NECESSARY DOCUMENTS. The parties acknowledge and agree that to complete the transaction contemplated by this option agreement, it will be necessary to execute additional documents as may be mutually required by counsel for the parties or by a title company. The parties agree that they will execute all documents necessary to complete this transaction.

6. POSSESSION AND TEMPORARY EASEMENT. SELLER agrees to grant to BUYER an immediate easement for access to allow BUYER to drill a well on the property described in Exhibit "A" attached hereto for the purpose of determining whether sufficient portable water is available to meet the needs of BUYER. If the option is not exercised, BUYER agrees to make all reasonable efforts to restore the surface of the ground to its original condition. Should the BUYER not exercise this option to purchase and it is allowed to expire, the temporary easement shall be of no further force nor effect.

7. PERMANENT EASEMENT. Upon the exercise of this option and the closing of the purchase of the Premises, SELLER agrees to grant to BUYER a permanent easement for a buried pipeline for the purpose of constructing, excavating, laying, maintaining and repairing the same and reasonable access thereto for such purposes from the Premises described herein to the South along the western boundary of the property of

SELLER in the E1/2SW1/4 of Section 10, Township 16 South, Range 38 East of the Boise Meridian.

8. OPTION MONEY. In the event BUYER fails to exercise this option, the monies paid for this option shall remain the property of SELLER. In the event, the option is exercised, the consideration paid by BUYER for this option shall be applied to the purchase price of the property subject to the option.

9. TERMINATION OF OPTION. In the event BUYER fails to exercise the option as hereinbefore provided, all of its rights, title, and interest in and to this option agreement shall immediately terminated.

10. NOTICES. All notices to be given hereunder to either party by the other shall be sent by registered mail, postage prepaid, return receipt requested, respectively addressed as follows:

To BUYER:

CITY OF WESTON
c/o LEO DALEY, MAYOR
93 WEST 1ST SOUTH
WESTON, ID 83286

To SELLER:

CHARLES W. BUTTARS and DONNA BUTTARS
TRUSTEES OF THE CHARLES W. BUTTARS AND DONNA H. BUTTARS
FAMILY TRUST
214 EAST 1ST SOUTH
WESTON, ID 83263

11. TAXES. Taxes and any assessments shall be prorated as of the date closing of the purchase of the Premises.

12. ASSIGNMENT. The parties hereto agree that this option and/or any interest arising hereunder may not be assigned by the BUYER without the consent of SELLER having been first obtained. This option agreement shall be binding on the heirs, administrators, executors, representatives, successors and assigns of the parties hereto.

13. MODIFICATION. This option agreement may not be modified or changed except in writing and by an agreement executed by all the parties hereto.

14. SURVEY. BUYER and SELLER agree that the legal description set forth in Exhibit "A" attached hereto generally describes the property which is the subject of this option. Should BUYER exercise this option, BUYER agrees to have the property surveyed in the location as generally described herein.

IN WITNESS WHEREOF, the parties hereto have executed this option to purchase the day and year first herein above written.

DATED this 12th day of July, 2006.

SELLER

**CHARLES W. BUTTARS and DONNA
H. BUTTARS FAMILY TRUST**

By: Charles Buttars
CHARLES W. BUTTARS, Trustee

By: Donna H. Buttars
DONNA H. BUTTARS, Trustee

BUYER

**The City of Weston
A Municipal Subdivision of
the State of Idaho**

By: Len R. Daley
Mayor

Attest: Karrie Campbell
By: Secretary Clerk

STATE OF IDAHO

County of Franklin }

On this 12th day of June, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES W. BUTTARS and DONNA H. BUTTARS, known or identified to me to be the persons whose names are subscribed to the within instrument as Trustees of the Charles W. Buttars and Donna H. Buttars Family Trust and acknowledged to me that they executed the same as Trustees of the said Trust.

SUZANNE HADLEY
NOTARY PUBLIC
STATE OF IDAHO

Suzanne Hadley

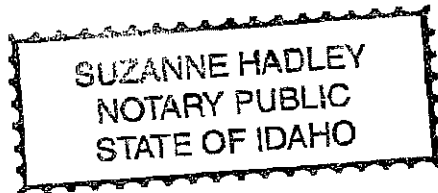
Option to Purchase and Temporary Easement - Page 4

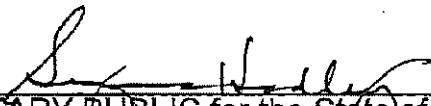
T 73264
ATTACHMENT 5 OF 8

NOTARY PUBLIC for State of Idaho
Residing at: Suan Lake ID
Comm. Expires: 8-11-09

STATE OF IDAHO }
County of Franklin } ss

On this 12 day of June, 2006, before me, a notary public, personally appeared LEO DALEY, known or identified to me to be the Mayor of the City of Weston, a Municipal Corporation of the State of Idaho that executed the said instrument, and acknowledged to me that such City of Weston executed the same.





NOTARY PUBLIC for the State of Idaho
Residing at: Suan Lake ID
Comm. Exp: 8-11-09

EXHIBIT "A"

Township 16 South, Range 38 East of the Boise Meridian

A one-acre parcel located in the Northwest corner of the E1/2SW1/4 of Section 10.

= NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$

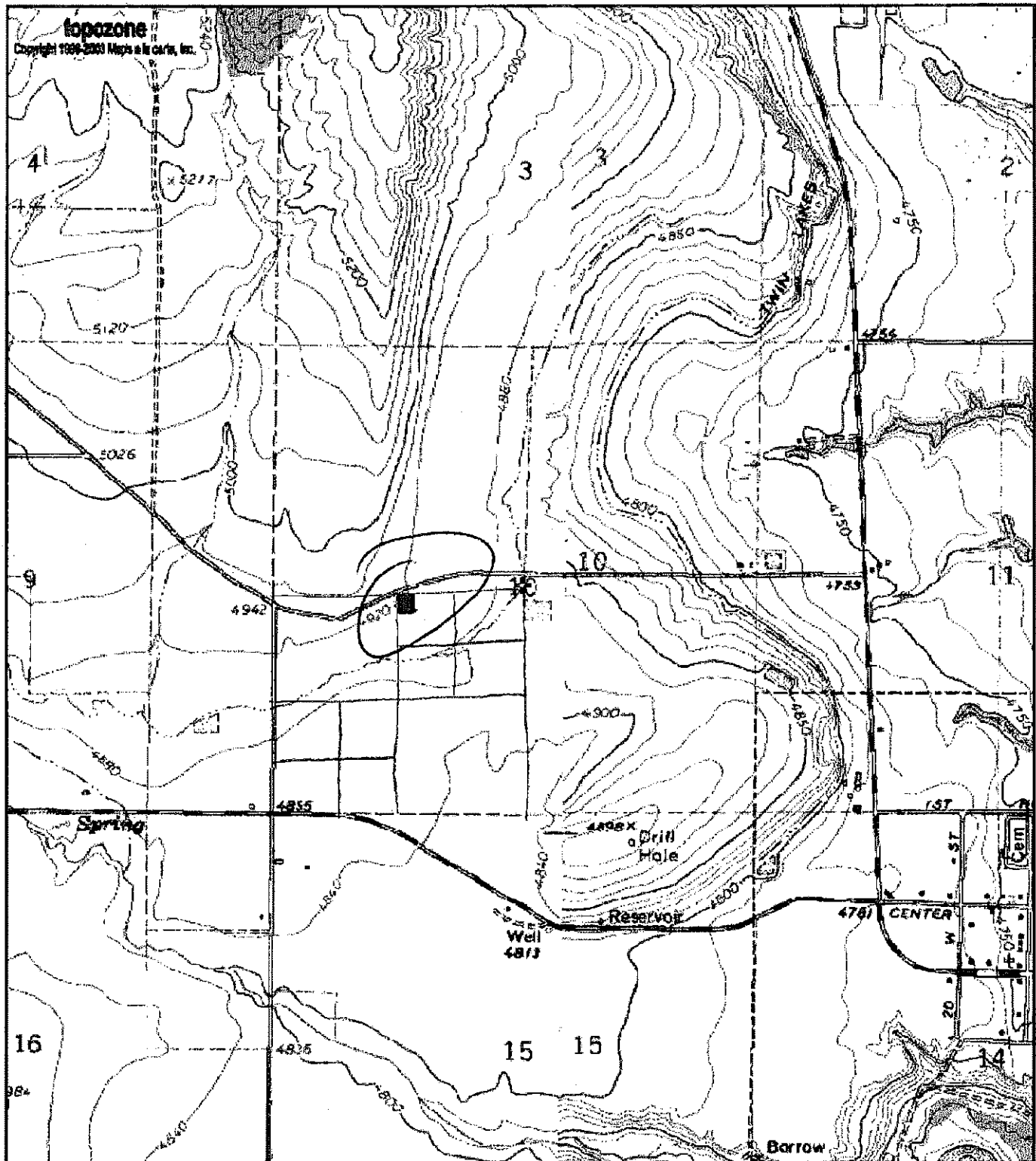
Sec. 10, T16S, R38E

RECEIVED JUL 28 2006

Option to Purchase and Temporary Easement - Page 6

ATTACHMENT T 73264
7 OF 8

Received Time Apr. 2. 2:43PM



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

UTM 12 417103E 4655525N (NAD27)
USGS Weston Canyon (ID,UT) Quadrangle
Projection is UTM Zone 12 NAD83 Data

M=13.616

T 73264
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ATTACHMENT