

JUN 15 2005

Page 1 of 8STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources  
Eastern RegionTransfer No. 72038

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant City Of Bancroft Phone (208) 648-7648  
Post Office address P.O. BOX 39, BANCROFT, IDAHO 83217

## 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 AS PART OF A WATER SYSTEM UPGRADE,  
THE CITY OF BANCROFT IS APPLYING FOR A NEW POINT OF  
DIVERSION IN ORDER TO CONSTRUCT A MUNICIPAL WELL  
AT JOEL DAVIDS MEMORIAL PARK. ALSO SEE 6d. ON PAGE 2.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-560</u>	<u>11/18/1955</u>	<u>2.00 cfs</u>	<u>MUNICIPAL</u>	<u>Jan 1 to DEC 31</u>
<u>29-561</u>	<u>03/01/1935</u>	<u>0.36 cfs</u>	<u>MUNICIPAL</u>	<u>Jan 1 to Dec 31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0 cubic feet per second and/or \_\_\_\_\_ 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
	NW	NW	NE	22	8S.	39E	Caribou	RAILROAD WELL (EXISTING)
	NW*	SE	NW	22	8S.	39E	Caribou	CITY WELL (EXISTING)
		SW	NE	22	8S.	39E	Caribou	PROPOSED WELL - JOEL DAVIDS MEM. PARK

5. Lands irrigated or place of use: \* PLEASE NOTE CORRECTION - THIS LOCATION IS PER ADJUDICATION.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S.	39E	14										✓	✓						
		15												✓			✓		
		16							✓	✓	✓			✓					
		20													✓				
		21										✓							
		22	✓	✓	✓	✓	✓			✓	✓					✓			
		23						✓	✓										

Total acres \_\_\_\_\_

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**PART 1****6. General Information:**

- a. Description of diversion system BANCROFT WATER SYSTEM CONSISTS OF 200,000 GALLON RESERVOIR, SUPPLIED BY RAILROAD WELL AND CITY WELL, AND DISTRIBUTION LINES. THE PROPOSED WELL AT JOEL DAVIDS MEM. PARK IS INTENDED TO BE 12' DIAM, 210' DEPTH. THE WELL WILL SUPPLY WATER TO THE RESERVOIR.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. (SEE ATTACHED WARRANTY DEED FOR PROPOSED SITE.)
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
THE WATER RIGHTS LISTED IN THIS APPLICATION ARE FOR MUNICIPAL USE, AND ARE NOT TIED TO A PARTICULAR PARCEL OF LAND. AN ADDITIONAL POINT OF DIVERSION SHOULD NOT IMPACT ANY LAND IRRIGATION.
- d. Remarks:  
THE CITY OF BANCROFT REQUESTS THAT ALL POINTS OF DIVERSION BE TIED TO BOTH WATER RIGHTS LISTED IN B-1 OF PART 1 OF THIS APPLICATION.

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

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

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

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

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Page 1

Transfer No. 72038  
Receipt No. \_\_\_\_\_

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

**Current Water Right No.** 29-560

Priority Date: 11/18/1955

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

**Source:** GROUND WATER

**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
MUNICIPAL	01/01 12/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

GROUND WATER                      NWNWNE      08S 39E      22      CARIBOU

**PLACE OF USE:** MUNICIPAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 39E 14										X	X						
08S 39E 15												X			X	X	
08S 39E 16							X	X	X			X			X		
08S 39E 20													X				
08S 39E 21									X								
08S 39E 22	X	X	X	X	X		X	X						X			
08S 39E 23						X	X										

Conditions/Remarks:

1. Place of use is within the service area of the City of Bancroft municipal water supply system as provided for under Idaho Law.
2. 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.
3. Place of use is within the city of Bancroft and surrounding service area.

Documentation of Ownership of the Current Place of Use \_\_\_\_\_

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? \_\_\_\_\_

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

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No .

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Page 1

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

Transfer No. 72038  
Receipt No. \_\_\_\_\_  
29-561

Current Water Right No. 29-561

Priority Date: 03/01/1935

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From To	Diversion Rate	Volume	Subuse Code
MUNICIPAL	1/01 12/31	0.36 CFS		
Total Diversion		0.36 CFS		

Source and Point(s) of Diversion:

GROUND WATER

SWSENW 08S 39E 22 CARIBOU

PLACE OF USE: MUNICIPAL

PLEASE NOTE: CORRECT LOCATION IS NWSE NW -  
See Adjudication Document, CIVIL CASE No 39576.

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 39E 14									X	X							
08S 39E 15												X			X	X	
08S 39E 16							X	X	X			X					
08S 39E 20													X				
08S 39E 21									X								
08S 39E 22	X	X	X	X	X		X	X						X			
08S 39E 23						X	X										

Conditions/Remarks:

1. Place of use is within the service area of the City of Brancroft municipal water supply system as provided for under Idaho Law.
2. 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.

Documentation of Ownership of the Current Place of Use \_\_\_\_\_

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? \_\_\_\_\_

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

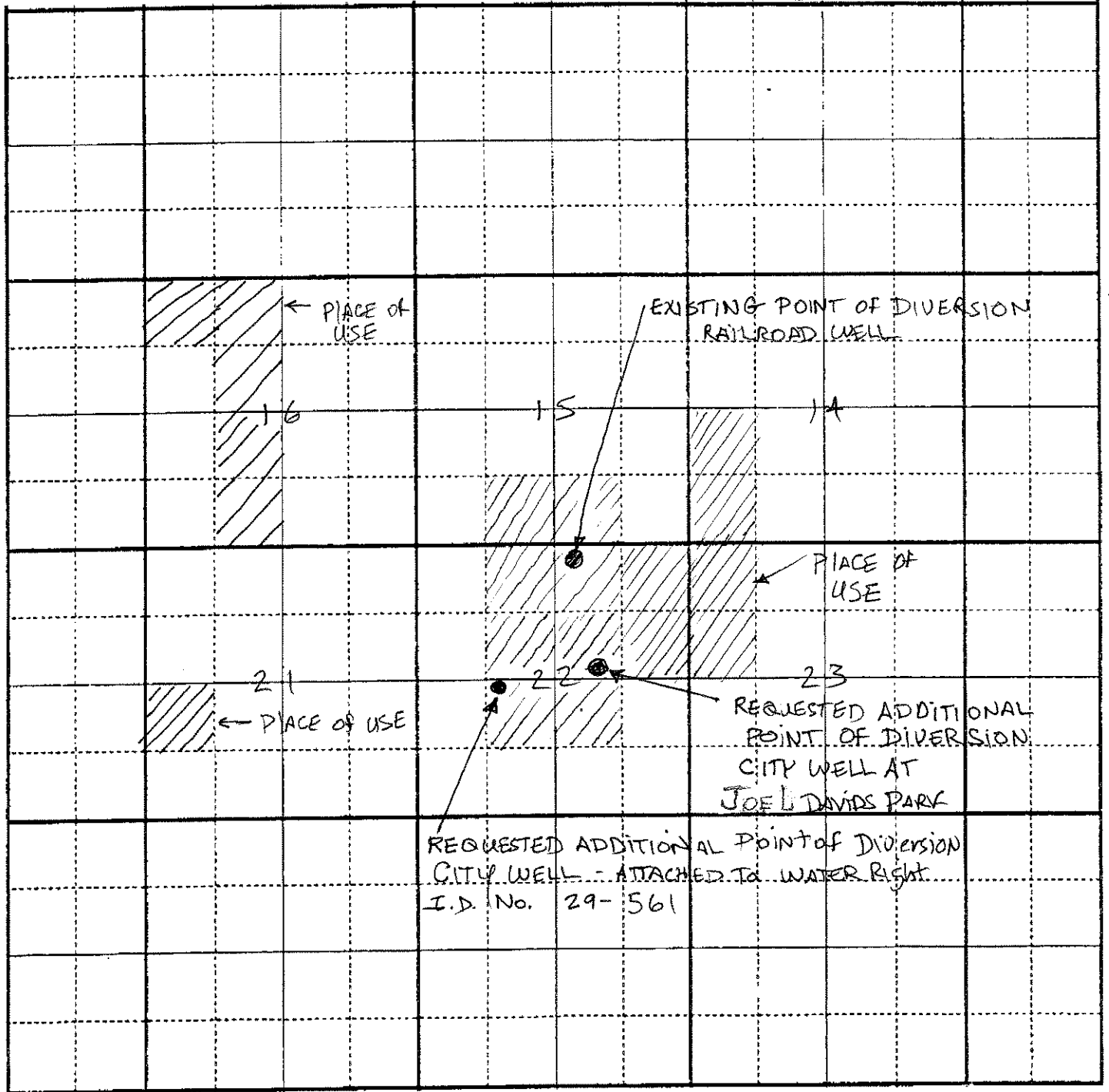
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? \_\_\_\_\_

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**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 rights described in part 1. Clearly depict the land by section, township and range number.

MAP FOR WATER RIGHT I.D. No 29-560



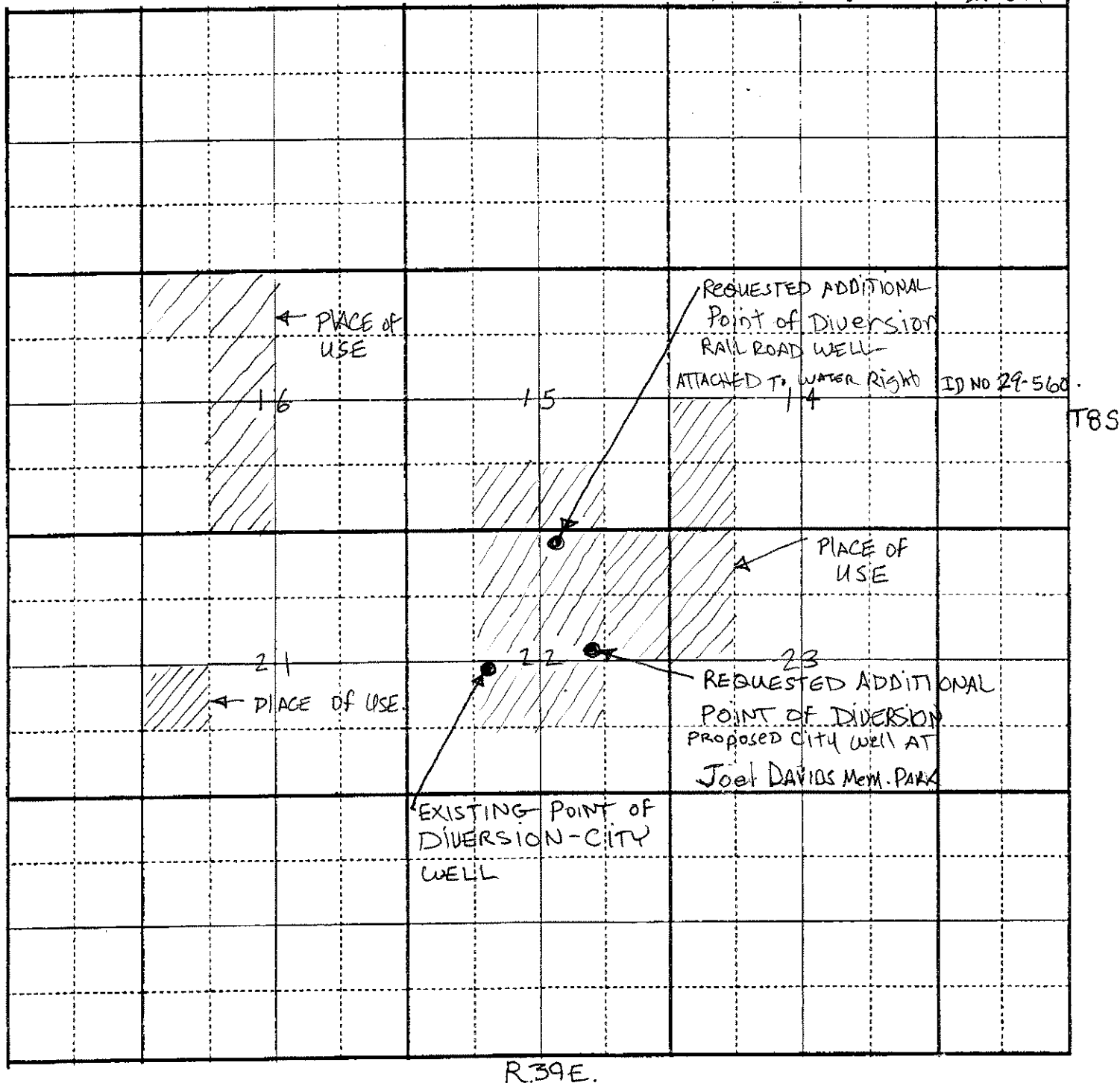
SCALE: 2 inches equal 1 mile. Draw plan in ink.

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 3**

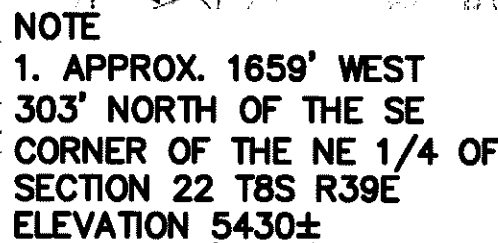
A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

MAP FOR WATER RIGHT I.D. NO 29-561



SCALE: 2 inches equal 1 mile. Draw plan in ink.

72038



**PART 3****B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>N/A</u>			to _____ to _____

2. Quantity and quality of return flows and location of discharge:

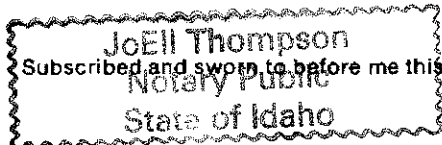
N/A

3. Describe effects on other water uses resulting from the proposed change:

PUMPING FROM THE PROPOSED POINT OF DIVERSION IS EXPECTED TO RESULT IN DRAW DOWN TO THE GROUNDWATER SYSTEM, BUT THE AMOUNT OF DRAWDOWN SHOULD NOT DIFFER SIGNIFICANTLY FROM THAT CAUSED BY PUMPING FROM EXISTING DIVERSION POINTS IF USED INSTEAD OF THE PROPOSED POINT.

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.



William [Signature] - Mayor  
(Signature of Applicant)  
13th day of June, 19 2005  
JoEll Thompson  
(Notary Public)

My commission expires 11/7/09

**FOR DEPARTMENT USE ONLY**

Transfer contains 8 pages and 3 attachments

Received by _____	Date _____	Protest filed by _____
Prelim. check by _____	Fee <u>330</u>	<u>EO30977</u>
Received by <u>DC</u>	Date <u>6/15/2005</u>	
Published in <u>Caribou Co. Sun</u>	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____	Date _____
Watermaster recommendation requested on _____	Recommended for <input type="checkbox"/> approval <input type="checkbox"/> denial	
_____ rec'd. _____	by _____	

Copy of transfer sent to lien holder \_\_\_\_\_



THIS INSTRUMENT FILED FOR RECORD BY  
CARIBOU LAND TITLE INC. AS AN  
ACCOMMODATION ONLY. IT HAS NOT BEEN  
EXAMINED AS TO ITS EXECUTION OR AS  
TO ITS EFFECT UPON THE TITLE

Mail Tax Notice to:  
City of Bancroft  
P.O. Box 39  
Bancroft, ID 83217

STATE OF IDAHO } ss  
County of Caribou }

167064

I hereby certify that this instrument was filed at the request  
of Caribou Title  
at 4:05 o'clock P m this 22nd day of  
Oct, 2002 in my office and duly

recorded official Records

Recorder Edie Izett

Signature

9.00 CT  
Deputy

## WARRANTY DEED

For Value Received EVA L. DAVIDS, as Trustee, and SUE D. BARFUSS, as Successor Trustee of the Joel Davids Family Trust, the grantor of Bancroft, Caribou County, Idaho, does hereby grant, bargain, sell and convey unto CITY OF BANCROFT, a municipal corporation, of Bancroft, Caribou County, Idaho, the grantees, the following described premises located in Caribou County, Idaho, to-wit:

For a complete description of said premises, see Exhibit "A" attached hereto, and by reference made a part hereof.

It is understood and agreed that the said premises shall be used as a park for the City of Bancroft.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that said trust is the owner in fee simple of said premises; that said premises are free from all encumbrances and that said trust will warrant and defend the same from all lawful claims whatsoever.

Dated: September 30, 2002.

THE JOEL DAVIDS FAMILY TRUST

By:

EVA L. DAVIDS, Trustee

By:

SUE D. BARFUSS, Successor Trustee

STATE OF IDAHO )

: ss.

County of Caribou )

On this 22nd day of October, 2002, before me the undersigned, a notary public in and for said County and State, personally appeared EVA L. DAVIDS, as trustee, and SUE D. BARFUSS, as successor trustee, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of said trust, and acknowledged to me that they executed the same for and on behalf of said trust.

NOTARY PUBLIC FOR THE STATE OF IDAHO  
Residing at: Soda Springs, Idaho  
My commission expires: 8/15/2003.

T 72038  
ATTACHMENT 1 OF 3

GEM 1930 IVINS ROAD  
VALLEY BANCROFT, ID 83217  
SURVEY 208-425-9035

167064

**LEGAL DESCRIPTION  
THE JOEL DAVIDS FAMILY TRUST  
TO  
THE CITY OF BANCROFT**

A parcel of land comprising portions of Lots 13 and 14 as depicted upon the plat of the Davids Subdivision recorded instrument No. 108818 in the records of Caribou County, Idaho, and also a portion of the lands located in the southwest quarter of the northeast quarter of Section 22, Township 8 South, Range 39 East, Boise Meridian, the same being owned by Joel Davids and recorded as instrument No. 135675 in the records of Caribou County, Idaho, more particularly described as follows:

Commencing at the East quarter corner of Section 22, Township 8 South, Range 39 East, Boise Meridian, the same being marked by a 2" Aluminum cap tagged, "A. A. Hudson, PLS 4735" per that Corner Perpetuation and Filing Record instrument no. 131664 in the records of said county, said corner being North 00°07'02" East from the southeast corner of said section 22, basis of bearings this description; Thence West for a distance of 2071.65 feet; Thence North 137.41 feet to a found 5/8" rebar marking the corner common to Lots 1 & 12 of the Davids Subdivision recorded instrument No. 108818 in the records of Caribou County, Idaho, the True Point of Beginning;

Thence North 32°05'25" East (South 32°05' West by record) along the easterly boundary line of said subdivision for a distance of 175.36 feet to a found 5/8" rebar marking the corner common to Lots 12 & 13 of said subdivision;

Thence North 06°24'25" East (South 06°24' West by record) for a distance of 7.27 feet to a 5/8" rebar with cap tagged, "GVS, LS 9169" set at the intersecting point of said boundary line and the extension of the southerly right-of-way line of Fourth South Street (Fifth Street by record);

Thence North 60°07'35" West along said extension through the lands of Lot 13 of said subdivision for a distance of 207.88 feet to a 5/8" rebar with cap tagged, "GVS, LS 9169" set at the intersection of said extension and the easterly right-of-way line of the cul-de-sac road in said subdivision;

Thence North 00°00'25" East along said right-of-way line for a distance of 74.33 feet to the point of intersection of said right-of-way line with the easterly right-of-way line of Second East Street as depicted upon the City of Bancroft Townsite Map recorded in book 5, page 227 of the records of said county;

Thence North 29°52'25" East (North 29°52' East by record) along the right-of-way line of said Second East Street for a distance of 29.33 feet to a 5/8" rebar with cap tagged, "GVS, LS 9169" set at the intersection of said right-of-way line and the extension of the northerly right-of-way line of Fourth South Street (Fifth street by record);

Thence South 60°07'35" East along said extension through the lands of Lot 14 of said subdivision for a distance of 202.24 feet to a 5/8" rebar with cap tagged, "GVS, LS 9169" set on the easterly boundary line of said Lot 14;

Joel Davids Memorial Park  
September 20, 2002  
Job No. 202039



T 72038  
ATTACHMENT 2 OF 3

GEM 1930 IVINS ROAD  
VALLEY BANCROFT, ID 83217  
SURVEY 200-425-8035

167064

**LEGAL DESCRIPTION  
THE JOEL DAVIDS FAMILY TRUST  
TO  
THE CITY OF BANCROFT  
(continued)**

Thence along the easterly boundary line of said subdivision for the following two (2) courses;  
(1) Thence North 06°24'25" East (South 06°24' West by record) for a distance of 131.19 feet to a found 5/8" rebar with cap tagged, "GVS, LS 9169";  
(2) Thence North 29°52'25" East (South 29°52' West by record) for a distance of 76.31 feet to a found 5/8" rebar with cap tagged, "GVS, LS 9169" marking the southwest corner of the lands owned by Sterling Delbridge in warranty deed instrument No. 166329 as recorded in said county;

Thence East along the southerly boundary line of said lands for a distance of 455.59 feet to a 5/8" rebar with cap tagged, "GVS, LS 9169";

Thence leaving said boundary line and coursing through the lands owned by Joel Davids and recorded as instrument No. 135675 in the records of Caribou County, Idaho, for the following two (2) calls;

- (1) Thence South 06°24'25" West 441.76' to a 5/8" rebar with cap tagged, "GVS, LS 9169";  
(2) Thence West 562.65' to the true point of beginning.

Contains 5.4 acres of land.

Joel Davids Memorial Park  
September 20, 2002  
Job No. 202039

T 72038  
ATTACHMENT 3 OF 3

