

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71625

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Levin L. Spraker AND DRA Spraker Phone (208) 775-3410
Post Office address 745 N. Old Hwy 91, Tinkern, ID 83245

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 putting water on more
productive lands.

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

1. Right Number 29-7729 Priority 6/14/1983 Amount (cfs/ac-ft) 0.18 Nature of Use Irrigation Period of Use 4/15 to 10/15

2. Total amount of water being transferred 0.18 cubic feet per second and/or 31.50 acre-feet per annum.
3. Source of water Portneuf River tributary to S Snake River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	34	7S	36E	Bannock	Original
	NW	NW	SW	35	7S	36E	Bannock	New

5. Lands irrigated or place of use:

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	
7S	36E	34				5 1/4													5 1/4
7S	36E	35									3 3/4								3 3/4

Total acres 9

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PART 1**6. General Information:**

a. Description of diversion system pump from river to handlines

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.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

lands will dried up

d. Remarks:

water right 29-7209 pertains to portion of
remaining unchanged place of 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 said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-7729 V1

WATER RIGHT NUMBER: 29-7729 V1

Owner Type Name and Address
Current Owner IRVIN L SPRAKER
745 N OLD HWY 91
INKOM, ID 83245
(208)775-3410

Priority Date: 06/14/1983

Basis: License

Status: Active

Source Tributary
PORTNEUF RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.180 CFS	31.50 AF
	<u>Total Diversion:</u>	0.180 CFS	31.50 AF

Location of Point(s) of Diversion

PORTNEUF RIVER SE1/4NE1/4 Sec. 34, Twp 07S, Rge 36E, B.M.
BANNOCK County

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
07S 36E 34	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	9.0
					9.0

Total Acres: 9

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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.18 CFS. COMBINED RIGHT NOS.: 29-7729 AND 29-7209.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-7729 AND 29-7209.

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-7729 V1

Comments:

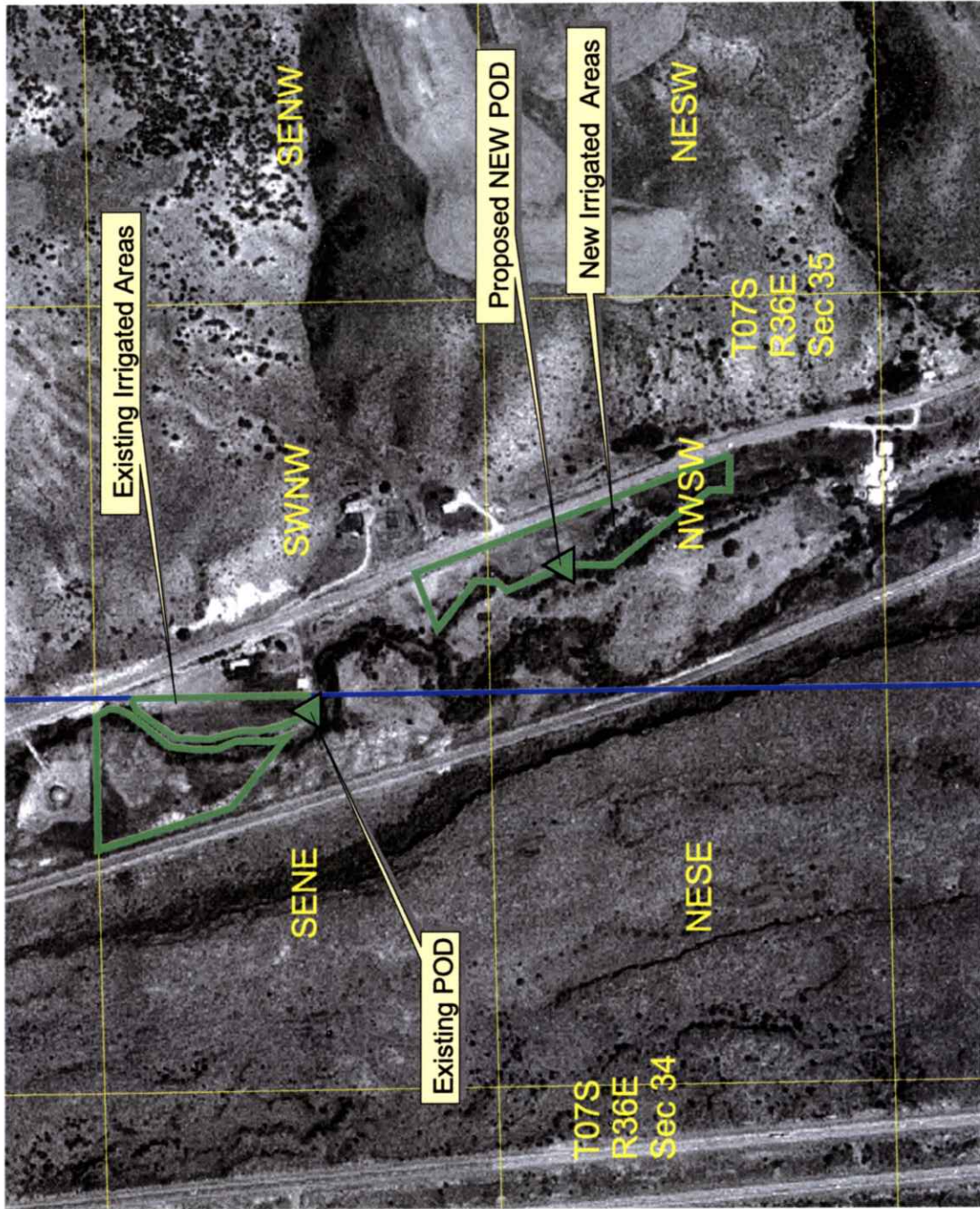
1. aruberry 3/25/2003 RECOMMEND
Comment: RECOMMENDED AS CLAIMED. CLAIMED AS LICENSED.

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29-7729

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- ▲ Diversion.shp
- 29-7729.shp
- Sections
- QQ



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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:

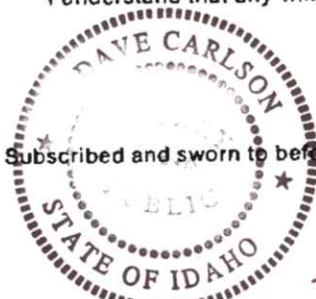
N/A

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

N/A

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.



Ora D. Spraker L Spraker
(Signature of Applicant)

Subscribed and sworn to before me this 28 day of Oct, 192004.

Dave Carlson
(Notary Public)

My commission expires

2/28/2008**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by WRWDate 11/3/04

Protest filed by _____

Prelim. check by _____

Fee 100.00Received by WRWDate 11/3/0413030391Published in Idaho State Journal

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 _____

FA#21740

WARRANTY DEED

546003213
96005691

2-1
For Value Received DENNIS LISH and BEVERLY A. LISH, husband and wife
also known as DENNIS D. LISH D.D.L.
Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

IRVIN SPRAKER and ORA SPRAKER, husband and wife

whose address is: 745 N. OLD HIGHWAY 91 INKOM, ID. 83245-1724

Hereinafter called the Grantee, the following described premises situated in BANNOCK County, Idaho, to-wit:

"SEE ATTACHED ADDENDUM A"

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 their 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.

Dated: APRIL 11, 1996

Dennis Lish
DENNIS LISH

Beverly A. Lish
BEVERLY A. LISH

STATE OF IDAHO)
COUNTY OF BANNOCK)

On This 11TH day of APRIL, in the year 1996, before me, a Notary Public in and for said State, personally appeared DENNIS LISH and BEVERLY A. LISH, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.



NOTARY SEAL

96005691
NO. 96005691 REQUEST OF
FIRST AMERICAN TITLE
APR 12 AM 9 09
OFFICIAL RECORD BOOK NO. 663
BANNOCK COUNTY IDAHO
LARRY W. RECORDER

Chris Brammell
Notary Public of Idaho
Residing at Pocatello, Id.
Commission Expires: 10/30/2000

T 71625
ATTACHMENT 1 OF 2

96005691

T-37

The SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 7 South, Range 36 East Boise Meridian, BANNOCK COUNTY, IDAHO, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 7 South, Range 36 East Boise Meridian, BANNOCK COUNTY, IDAHO, lying West of Highway 91-191:

EXCEPTING THEREFROM:

That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, all in Township 7 South, Range 36 East, Boise Meridian, BANNOCK COUNTY, IDAHO, described as follows:

Beginning at the North 1/16th corner of the East line of said Section 34; thence Westerly along the North 1/16th line of said Section, 62.5 feet to the Southwesterly right of way line of Highway 91-191, the TRUE POINT OF BEGINNING; thence Southeasterly along said Southwesterly right of way line 800 feet; thence Westerly parallel to the North 1/16th line of said Section 35 and 34, a distance of 575 feet, more or less, to intersect the Northeasterly right of way line of the Union Pacific Railroad, thence Northwesterly along said right of way line, 785 feet, more or less, to intersect the North 1/16th line of said Section 34; thence Easterly along said North 1/16th line, 510 feet, more or less, to THE TRUE POINT OF BEGINNING, including garage and barn.

ALSO:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of Highway 91-191, in Section 35, Township 7 South, Range 36 East, Boise Meridian, BANNOCK COUNTY, IDAHO:

EXCEPTING THEREFROM:

Part of the Southwest $\frac{1}{4}$ of Section 35, Township 7 South, Range 36 East, B.M., BANNOCK COUNTY, IDAHO, described as:

Beginning at a point that is North 00°02'00" West 1323.82 feet along the Section line to the South 1/16th Corner on the West line of said Section from the Southwest Corner of said Section 35 and running thence North 00°02'00" West 501.00 feet along the Section line; thence North 89°58'06" East 714.56 feet to the Westerly right-of-way of Highway 30 (U.S.P.W. Project No. NRH 15-A(1935) point being on a curve; thence Southerly 448.56 feet along said curve to the right Curve Data: Delta 9°05'51", Radius = 2825.00 feet; Chord Bearing South 13°11'27" East 448.09 feet to the P.T. of said curve being station (PT 791 + 82.8); thence South 08°38'31" East 97.40 feet along said Westerly right of way to a point of curve station (P.C. 792 + 80.2); thence Southerly 158.59 feet along a curve to the left on said Westerly right-of-way, Curve Data: Delta = 6°10'16", Radius = 1472.50 feet, Chord Bearing South 11°43'39" East 158.52 feet to the North line of Deed Instrument No. 94012776; thence along said Deed the following 4 courses (1) North 73°01'01" West 326.85 feet; (2) thence North 18°33'42" West 73.34 feet; (3) thence North 86°11'46" West 149.94 feet; (4) thence North 88°16'00" West 378.00 feet to the POINT OF BEGINNING.

PARCEL is subject to a 100 foot railroad right-of-way through the property, 50 feet East side of the main track.

