

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

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NOV 12 2004

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Lance Hess

Phone (208) 634-7803

Post Office address P.O. Box 732A, Lake Fork, Idaho 83635

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. Provide water for recreation and to maintain pond levels resulting from evaporative losses in the ponds.

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>65-3211B</u>	<u>12-12-1903</u>	<u>0.19</u>	<u>Recreation</u>	<u>5-1 to 9-15</u>
<u>65-3211B</u>	<u>12-12-1903</u>	<u>0.357</u>	<u>Irrigation</u>	<u>5-1 to 9-15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.19 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lake Fork tributary to North Fork Payette River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

5. Lands irrigated or place of use:

Twp.	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	N E ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			R/7	R/ 12.5													19.5

Total acres 19.5

6. General Information:

- a. Description of diversion system Water is delivered through west side ditch to property. Water will be delivered via ditch directly to ponds. The ponds are not interconnected to each other. The ponds are not connected to or discharge to any streams.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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: The 10.5 acres of land will be excavated to create the ponds.
- d. Remarks: This transfer seeks to convert 10.5 acres of irrigated land to 10.5 acres of pond. The water formerly used for irrigation will be used to maintain pond levels and temperatures stable, by offsetting evaporative losses. The initial filling of the pond will be by groundwater being appropriated in an application for permit filed in conjunction with this transfer.

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 _____, 20_____.

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

Current Water Right No. 65-3211B

Priority Date: 12/12/1903

Origin: Water Right

Basis: Decreed

Status: Active

Source: LAKE FORK

Tributary to: NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	9/15	0.55 CFS		
	Total Diversion		0.55 CFS		

Source and Point(s) of Diversion:

LAKE FORK NESENE 17N 03E 3 VALLEY

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	
17N	03E	15			15.0	15.0													30.0

Total Acres: 30

Conditions/Remarks:

1. WATER IS DELIVERED THROUGH WEST SIDE DITCH.
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. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 65-3211B

Documentation of Ownership of the Current Place of Use

WARRANTY DEED

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

NO

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

NO EFFECTS TO OTHER WATER USES ANTICIPATED

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

NO

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.)

The water right will not be split. This portion will be retired from irrigation

1. Amount 0.19 for recreation purposes from 5-1 to 9-15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			8	2.5													10.5

Total acres 10.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. Amount 0.357 for irrigation purposes from 5-1 to 9-15
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SE	NE	3	17N	3E	Valley	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
17N	3E	15			7	12.5													19.5

Total acres 19.5

PART 3A TRANSFER

Place of Use Map for Hess Application for Permit and Application for Transfer

(T17N R3E)

PONDS

NO
GOUT
ZOTS
DAN
12-28-04

B. CHANGES IN NATURE OF USE

- 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.

(Signature of Applicant)

day of November, 2004

(Notary Public)

My commission expires 11/26/08

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 1 attachments

Received by DAN Date 11-12-04 Protest filed by _____

Prelim. check by DAN Fee 100.00

Received by DAN FOR ST Date 10-3-04 10031780

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

For Value Received, Beverly A. Edwards, an unmarried woman
 the Grantors, do hereby grant, bargain, sell and convey unto
 Lance Clay Hess, an unmarried man
 whose address is: P.O. Box 732A, Lake Fork, Idaho 83635
 the Grantee, the following described premises, to-wit:

The N1/2 S1/2 S1/2 NE1/4 and the S1/2 S1/2 N1/2 S1/2 NE1/4 less highway
 right-of-way, Section 15, Township 17 North, Range 3 East, Boise
 Meridian, Valley County, Idaho.

Together with any and all water rights.

TO HAVE AND TO HOLD the 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 they are the owners
 in fee simple of said premises that said premises are free from all
 encumbrances except the 2000 taxes and assessments and that they will
 warrant and defend the same from all lawful claims whatsoever.

Dated: 3-16-00

Beverly A. Edwards
 Beverly A. Edwards

State of Idaho)
) ss
 County of Lewee)

On the 16 day of March, 2000 before me, _____
Marsha Hays a notary public in and for said State, personally
 appeared Beverly A. Edwards and known to me to be the persons whose
 names are subscribed to the within instrument, and acknowledged to me
 that they executed the same.

Marsha Hays
 Notary Public
 Residing at: Lewee
 Commission Expires: 2/3/04

246379
 TYPE: Deed
 VALLEY COUNTY RECORDER
 BY: Marsha Hays
 FEE: 3.00
 00 MAR 21 AM 10 59
 REQUESTED BY
 AMERITITLE
 RECORDED

Attach A