

(Internet)

\$650

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

71665

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Gary Rogers Phone 208.527.4504 Home
Post Office address P.O. Box 476, Arco Idaho 208.390.2548 Cell

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. *The current system is experiencing declining water levels. Adding two points of diversion will allow me to divert my full decree at a point much closer to the place of use.*

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
34-7118B	11-24-1915	10.61	irrigation	4-01 to 11-01
				to
				to
				to

2. Total amount of water being transferred 10.61 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	SE	7	3N	26E	Butte	New POD
	NW	NW	SW	8	3N	26E	Butte	New POD
3	NW	NW	SW	7	3N	26E	Butte	
	SE	SW	SE	32	5N	26E	Butte	

5. Lands irrigated or place of use: SE NW SE Sec 32 T5N R 26E Butte County

[illegible]

Total acres 530

71645

PART 1

6. General Information:

a. Description of diversion system Wells, pump and sprinkler systems.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X 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:
none - the same ground will still be irrigated.

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 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

Water Right Report 34-7118B

WATER RIGHT NUMBER: 34-7118B

<u>Owner Type</u>	<u>Name and Address</u>
Security Interest	ZIONS FIRST NATIONAL BANK 2460 S 3270 W SALT LAKE CITY, UT 84119
Directors Report Owner	SOELBERG FARMS 1482 THREE FOUNTAINS DR IDAHO FALLS, ID 83404 (208)525-3327
Current Owner	GARY ROGERS PO BOX 476 ARCO, ID 83213 (208)527-4504

Priority Date: 11/24/1975

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	10.610 CFS	1,855.00 AF
	<u>Total Diversion:</u>	10.610 CFS	1,855.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE County		
GROUND WATER	L3 (NW1/4NW1/4SW1/4)	Sec. 7, Twp 03N, Rge 26E, B.M.
BUTTE County		

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	
03N	26E	7									37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	290.0
												L 3	L 4						
03N	26E	8									33.0	36.0	36.0	36.0	8.0	23.0	34.0	34.0	240.0

Total Acres: 530

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7118B

Conditions of Approval:

1. 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. WB4 The total instantaneous diversion of water from all points of diversion under Right 34-7118B shall not exceed 10.61 cfs, nor total combined annual volume of 1855 af.
10. X35 Rights 34-7118B, 34-7186A and 34-7186B when combined shall not exceed a total annual maximum diversion volume of 1855 af at the field headgate, and the irrigation of 530 acres.

Remarks:

Comments:

1. psdaggs 2/5/2003 3:04:17 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 69836

71665

6

5

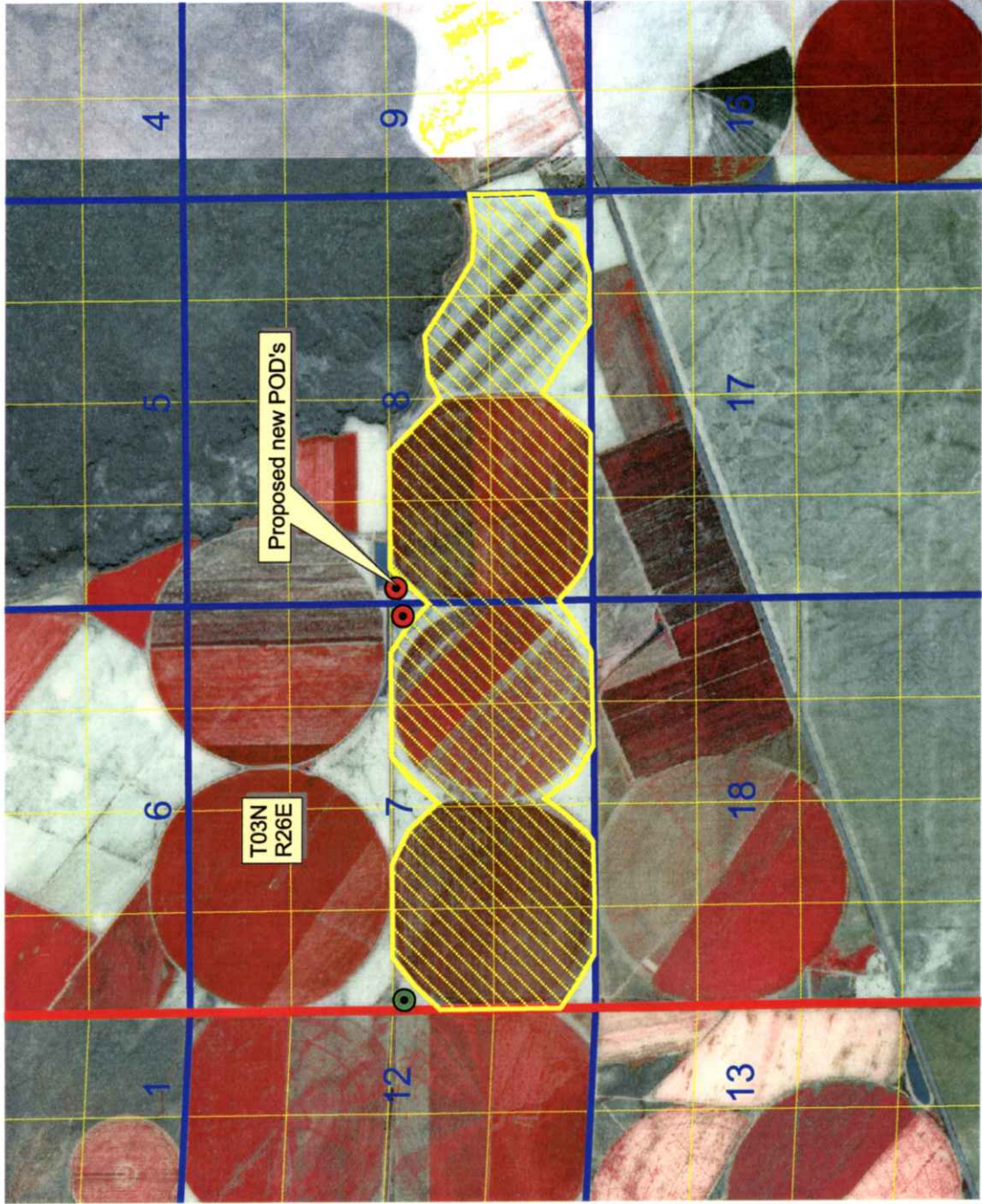
T3N
R26E

NEW
T.D.

POU
Section
8

POU
Section 7

Gary Rogers



- Proposed New POD's
- 34-7118B
- Existing POD
- Township/Range
- Sections
- QQ



1.6 Miles

0.8

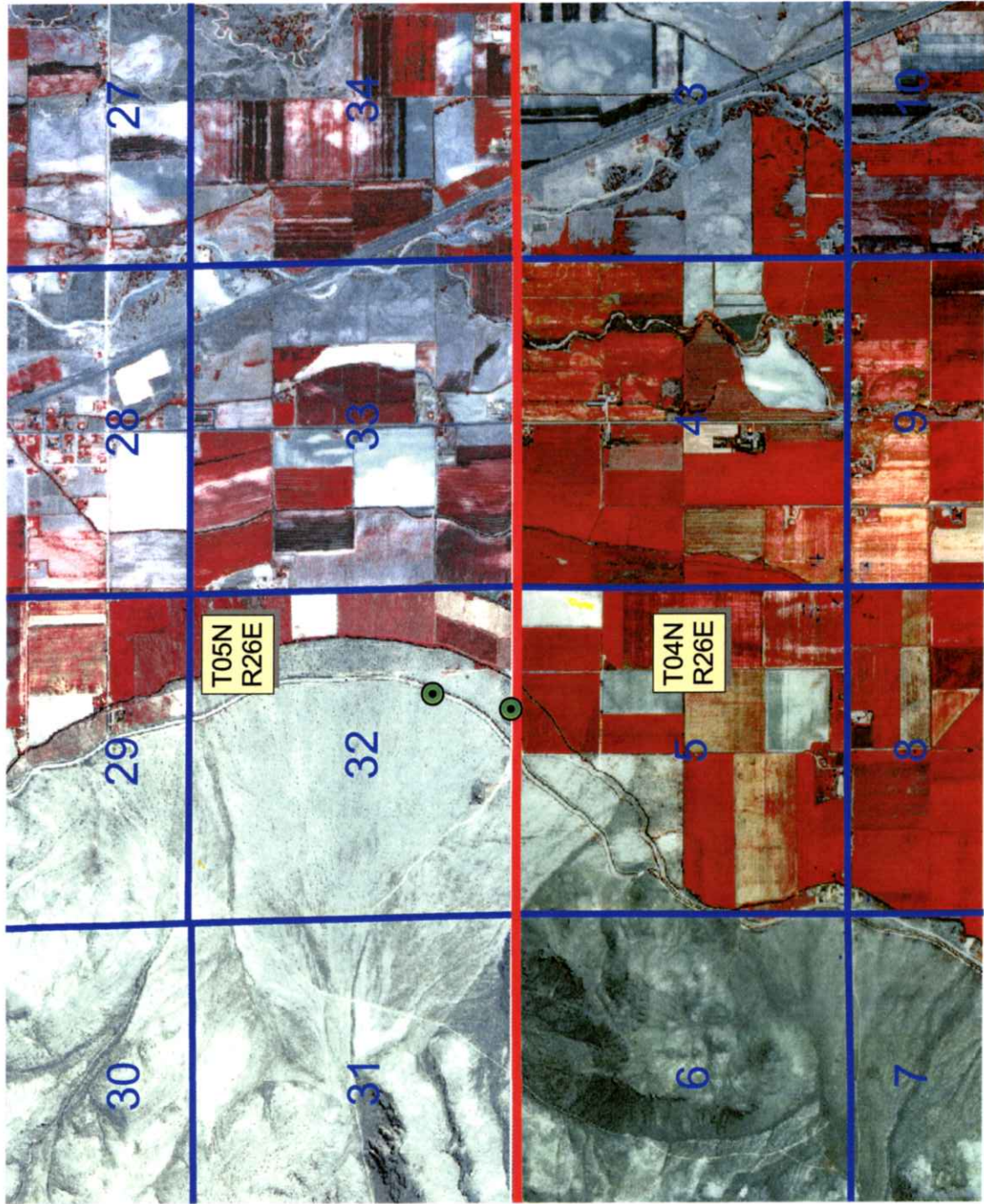
0

0.8

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Gary Rogers

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Theme24.shp } existing po's
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Township/Range
Sections



2 Miles

1

0

1

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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.

Subscribed and sworn to before me this 12 day of Nov, 19 2004

Dave Carlson
(Signature of Applicant)

Dave Carlson
(Notary Public)

My commission expires 2/26/2008



FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 2 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee 650 E030407

Received by DC Date 11/12/2004

Published in Arco Advertiser 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 _____

TRACT A:

Township 3 North, Range 26 E.B.M., Butte County Idaho
Section 7: S $\frac{1}{4}$ EXCEPT: County road.

TRACT B:

Township 3 North, Range 26 E.B.M., Butte County, Idaho

Section 8: S $\frac{1}{4}$, EXCEPTING THEREFROM: A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ described as: Beginning at the SE corner of said Section 8; thence S. 89°44'48" W. 366.67 feet along the Southerly boundary of said Section 8; thence N. 3°01'27" E. 456.03 feet; thence N. 69°41'36" E. 357.17 feet to a point on the Easterly boundary of Section 8; thence S. 0°45'28" E. 577.78 feet along the Easterly boundary of said Section 8 to the real point of beginning. EXCEPT: County road. ALSO EXCEPT: A tract of land generally described as being a portion of SE $\frac{1}{4}$ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Commencing at the SE corner of Section 8, Township 3 North, Range 26 E.B.M., from which the SW corner of the SE $\frac{1}{4}$ of said Section 8 (the S $\frac{1}{4}$ corner) bears S. 89°44'48" W. 2649.21 feet; thence along the South line of Section 8 and on or along the centerline of a County road, S. 89°44'48" W. a distance of 366.60 feet to the Point of Beginning; thence S. 89°44'48" W. 543.62 feet along said South line to a point; thence leaving said County road centerline and said South section line, N. 54°46'00" E. a distance of 417.68 feet to a point; thence N. 46°14'58" E. a distance of 313.61 feet to a point; thence S. 3°01'39" W. a distance of 456.07 feet to the point of beginning, said point lying on or along said centerline of County road and said South line of Section 4. EXCEPT: County road.

ALSO EXCEPT: A tract of land generally described as being a portion of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 3 North, Range 26 E.B.M., Butte County, Idaho, being more particularly described as follows: Beginning at the SW corner of the SE $\frac{1}{4}$ Section 8, Township 3 North, Range 26 E.B.M.; (The S $\frac{1}{4}$ corner); from which the SE corner of said Section 8 bears N. 89°44'48" E. 2649.21 feet and the SW corner of said Section 8 bears S. 89°44'54" W. 2628.05 feet; thence along the South line of the SW $\frac{1}{4}$ of Section 8 and on or along the centerline of a County road S. 89°44'54" W. a distance of 434.86 feet to a point; thence leaving said County road centerline and said South line N. 41°28'25" E. a distance of 608.02 feet to a point; thence N. 26°20'03" E. a distance of 264.21 feet to a point; thence S. 33°11'08" E. a distance of 307.50 feet to a point; thence S. 44°55'49" E. a distance of 112.45 feet to a point; thence S. 52°35'05" E. a distance of 325.07 feet to a point; thence S. 64°11'48" E. a distance of 349.15 feet to a point lying on or along the centerline of a County road and the South line of the SE $\frac{1}{4}$ of said Section 8; thence S. 89°44'48" W. a distance of 905.28 feet on or along said centerline and South line to the Point of Beginning. EXCEPT: County road.

EXHIBIT A

(To Warranty Deed - Shillington -
Rogers)

WARRANTY DEED

FOR VALUE RECEIVED WARREN SHILLINGTON & MARY ANN S. SHILLINGTON, husband and wife, and the ESTATE OF DEXTER DOUGLAS, deceased, and BERNADINE R. DOUGLAS, d/b/a MOCASSIN RIDGE FARMS, husband and wife, hereinafter called the Grantors, hereby grant, bargain, sell and convey unto W. GARY ROGERS & PAMELA A. ROGERS, husband and wife, hereinafter called the Grantees, whose address is 3403 North Highway 93, Moore, Idaho, the following described premises, in Butte County, Idaho, and more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof.

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

DATED: 10-29-1999

Warren Shillington
Warren Shillington

Mary Ann S. Shillington

DATED: 10-29-1999

Warren Shillington P.O.A.
Mary Ann S. Shillington, by Warren
Shillington, Attorney-in-Fact

ESTATE OF DEXTER DOUGLAS,
Deceased

DATED: 10-29-99

BY Bernadine R. Douglas P.R.
Bernadine R. Douglas, Dexter R. Douglas
Personal Representative

DATED: 10-29-99

Bernadine R. Douglas
Bernadine R. Douglas, Individually