

Transfer No. 71522

Receipt No. 5027055

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information DENISE D MATTHEWS
 PO BOX 62
 ALBION ID 8331183350
 (208)673-2313
 And
 MIKE K MATTHEWS
 PO BOX 62
 ALBION ID 83311
 (208) 673-2313

RECEIVED
SEP 14 2004
 Department of Water Resources
 Southern Region

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-212	AJC/Decreed	0.24			39.1	
45-300	AJC/Decreed	0.40			39.1	HOWELL CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-212	☒ YES NO	YES	YES	NO	NO	NO
45-300	YES	YES	YES	NO	NO	NO

Describe the reason for the proposed changes

I want to irrigate some land around my new home with water from Howell Creek from a pump near the property.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

Rate	Acre Limit	Total Acres	Volume
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45-13874	0.02 cfs	3.1
45-13876	0.03 cfs	3.1
TOTAL	0.05 cfs	3.1

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

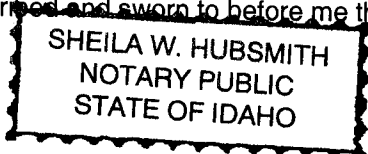
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mike K. Mathew / Denis O. Matthews
(Signature of Applicant)

Owners

(Title or Office)

Subscribed and sworn to before me this 14th day of Sept., 2004.



Sheila W. Hubsmith
(Notary Public)

My commission expires 2 - 2008

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

Current Water Right No. 45-212

Priority Date: April 12, 1892
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

RECEIVED
SEP 14 2004
 Department of Water Resources
 Southern Region

Source:

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.24 CFS		
	Total Diversion	0.24 CFS		

Source and Point(s) of Diversion:

NESWSE Sec. 9 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

<u>Twp</u> <u>Rge</u> <u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
12S 25E 9			3.1												36.0		39.1

Total Acres: 39.1

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 39.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-212 and 45-300.
- 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.
- The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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Documentation of Ownership of the Current Place of Use

IDWR RECORDS

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

~~NO~~ YES

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

It will no longer be irrigated.

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

NO

Transfer No. 71522

Receipt No. _____

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

Current Water Right No. 45-300**RECEIVED****SEP 14 2004**Department of Water Resources
Southern Region

Priority Date: March 31, 1882
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

Source: HOWELL CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.40 CFS		
	Total Diversion	0.40 CFS		

Source and Point(s) of Diversion:

HOWELL CREEK NESWSE Sec. 9 Twp 12S Rge 25E CASSIA 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	
12S 25E 9			3.1												36.0		39.1

Total Acres: 39.1

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 39.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 45-212 and 45-300.
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. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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Documentation of Ownership of the Current Place of Use

1 DWR RECORDS

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

~~NO~~ YES

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

It will no longer be irrigated.

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

NO

Transfer No. 71522

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

Proposed Water Right No. 45-13876

Priority Date: March 31, 1882

Origin:

Basis: Decreed

Status: Active

Source: HOWELL CREEK**Tributary:** MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.03 CFS		
	Total Diversion	0.03 CFS		

Source and Point(s) of Diversion:

HOWELL CREEK NENWSE Sec. 9 Twp 12S Rge 25E CASSIA County

Describe the proposed diversion system

Point of Diversion # 1 pump in Howell Creek

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	
12S	25E	9														2.0	1.1		3.1

Total Acres: 3.1

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

PORTION OF RIGHT No. 45-212 BEING TRANSFERRED

Priority Date: April 12, 1892

Origin:

Basis: Decreed

Status: Active

Source:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.02 CFS		
	Total Diversion		0.02 CFS		

Source and Point(s) of Diversion:

NESWSE Sec. 9 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	25E	9			3.1														3.1

Total Acres: 3.1

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

PORTION OF RIGHT No. 45-300 BEING TRANSFERRED

Priority Date: March 31, 1882

Origin:

Basis: Decreed

Status: Active

Source: HOWELL CREEK

Tributary: MARSH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.03 CFS		
	Total Diversion	0.03 CFS		

Source and Point(s) of Diversion:

HOWELL CREEK NESWSE Sec. 9 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S 25E 9			3.1														3.1

Total Acres: 3.1



Burley
MAC U1818-011
130 East Main
P.O. Box 38
Burley, ID 83318
208 678-1192
208 678-8770 Fax

Wells Fargo Bank, N.A.

September 8, 2004

Department of Water Resources
1341 Filmore Street, Suite 200
Twin Falls, ID 83301
ATTN: Jeannie Robertson

We at Wells Fargo Bank appreciate your service in monitoring the water rights of our customers and your desire for our input. We are aware of the Matthews' request for transfer of water on their property. Our understanding is that they desire you to transfer .02 CFS of water from water right #45-212 and .03 CFS from water right 45-300 for a total of .05 CFS. We acknowledge that the .02 CFS is transferring from water right #45-212 to 45-13874 and the .03 CFS is transferring from 45-300 to 45-13876. The .05 CFS covers a total of 3.1 acres.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Ray M. Koyle".

Ray M. Koyle
Assistant Vice President
Relationship Manager

August 13, 2003
JOB # 6683-03B1
MIKE K. MATTHEWS

PARCEL 1

L E G A L D E S C R I P T I O N

Part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9 of Township 12 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the East $\frac{1}{4}$ Section corner of Section 9 of T.12 S., R.25 E., B.M. said corner marked by a U.S. GLO iron pipe with brass cap; Thence South 89 degrees 54 minutes 52 seconds West along the north line of the SE $\frac{1}{4}$ for a distance of 1214.08 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning

THENCE South 00 degrees 14 minutes 41 seconds East for a distance of 376.46 feet to a $\frac{1}{2}$ " rebar;

THENCE South 89 degrees 54 minutes 52 seconds West for a distance of 297.68 feet to a $\frac{1}{2}$ " rebar;

THENCE North 06 degrees 52 minutes 54 seconds West for a distance of 297.49 feet to a $\frac{1}{2}$ " rebar;

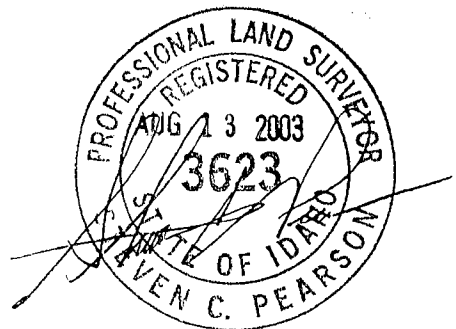
THENCE South 89 degrees 54 minutes 52 seconds West for a distance of 132.85 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 14 minutes 41 seconds West for a distance of 81.05 feet to a $\frac{1}{2}$ " rebar on the north line of the SE $\frac{1}{4}$;

THENCE North 89 degrees 54 minutes 52 seconds East along the north line of the SE $\frac{1}{4}$ for a distance of 464.92 feet to the Point of Beginning.

Said property contains 3.00 acres more or less and together with a right of ingress and egress over and across the following described property: (insert Access Easement description) and is is subject to any easements or right of ways, existing or of record.

Prepared by:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, Idaho 83318



August 13, 2003
JOB # 6683-03B1
MIKE K. MATTHEWS

ACCESS EASEMENT

L E G A L D E S C R I P T I O N

Part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9 of Township 12 South, Range 25 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the East $\frac{1}{4}$ Section corner of Section 9 of T.12 S., R.25 E., B.M. said corner marked by a U.S. GLO iron pipe with brass cap; Thence South 89 degrees 54 minutes 52 seconds West along the north line of the SE $\frac{1}{4}$ for a distance of 1679.00 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning

THENCE South 00 degrees 14 minutes 41 seconds East for a distance of 81.05 feet to a $\frac{1}{2}$ " rebar;

THENCE North 89 degrees 54 minutes 52 seconds East for a distance of 132.85 feet to a $\frac{1}{2}$ " rebar;

THENCE South 06 degrees 52 minutes 54 seconds East for a distance of 35.25 feet;

THENCE South 89 degrees 54 minutes 52 seconds West for a distance of 171.92 feet;

THENCE North 00 degrees 14 minutes 41 seconds West for a distance of 249.05 feet to the south right of way of the 950 South Road;

THENCE North 89 degrees 54 minutes 52 seconds East (East, rec.) along the south right of way of the 950 South Road for a distance of 35.00 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 14 minutes 41 seconds East (South, rec.) for a distance of 133.00 feet Point of Beginning.

Said property contains 0.31 acres more or less.

Prepared by:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, Idaho 83318

