

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 19 2003

Department of Water Resources
Southern Region

August 19, 2003

Jim Stanton
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Transfer Application for Water Right 37-7745B
Transfer Application for Water Rights 37-20935, 20937, 20939,
20941, 20943 (f.k.a. 315B, 686B, 688D, 688E, 713C)

Jim:

The owner of the property described within is seeking to develop a subdivision with 4 domestic lots. Due to the reduction in irrigable area from construction of roads, houses and other improvements within the subdivision, it is estimated that the total irrigable area within the subdivision after project completion will be 35 acres in addition to allowable domestic exemptions of ½ acre per domestic lot. In order to create some flexibility of use, and arrange for the irrigation of any 35 acres within the subdivision, the applicant seeks to create a permissible place of use for the surface water and ground water rights appurtenant to the property.

The remaining 5 acres are being transferred from the Rhythm Ranch property to the Townsend property directly south as proposed in the companion transfer.

If you have any questions, don't hesitate to call.

Sincerely,

Jason C. Helms, E.I.T.

Attachments: Rosekrans Application for Transfer #1 (ground water to PPU)
Rosekrans Application for Transfer #2 (surface water to PPU)
Rosekrans Warranty Deed

Townsend Application for Transfer #1 (5 acres ground water)
Townsend Application for Transfer #2 (5 acres surface water)
Bill of Sale (5 acres Rosekrans water rights)
Townsend Warranty Deed
Brockway Check # 4515 for \$890.⁰⁰

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Kathleen Rosekrans Phone (208) 788-1124
Post Office address 26 Townsend Gulch Bellevue, Idaho 83333

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create P.P.O.
2. Describe the reason for the proposed changes Create a permissible place of use to meet the
irrigation needs of the planned subdivision.

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

1. Right Number 37-7745B** Priority 10/25/1978 Amount (cfs/ac-ft) 0.65/122.5* Nature of Use Irrigation Period of Use 04/01 to 11/01
2. Total amount of water being transferred 0.65 cubic feet per second and/or 122.5* acre-feet per annum.
3. Source of water Ground water tributary to Subterranean flow
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
A	NE	SE	SE	35	2N	18E	Blaine	Rhythm Ranch Well

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	
02N	18E	35													1.2	0.2	9.7	40	51.1

PART 1

6. General Information:

- a. Description of diversion system New well alongside slough with submersible pump.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
Proposed subdivision to create 4 lots, all water rights to be used to irrigate 35
acres within the entire subdivision. See companion transfers of 5 acres to
Townsend property.
- d. Remarks:
*Total annual volume under this right limited to 122.5 afa.
**This ground water right is supplemental to appurtenant surface water rights
37-20935, 37-20937, 37-20939, 37-20941, 37-20943. See companion transfers of
surface rights.
***Permissible place of use to be entire subdivision as it may differ according to
more accurate plat survey in the future

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 _____.

Page _____ of _____

Transfer No. _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 37-7745B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date of priority 10/25/1978

5. Water is used for the following purpose:

Amount 0.74/140 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.74 cubic feet per second and/or 140 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	SE	SE	35	02N	18E	Blaine	Existing well

8. 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	
02N	18E	35																40	40

Total acres 40

9. Describe any other water rights used for the same purpose as described above *This ground water right is
currently supplemental to water rights 20935, 20937, 20939, 20941, 20943.

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)

1. Amount 0.65/122.5 for Irrigation purposes from 04/1 to 11/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	SE	SE	35	2N	18E	Blaine	Existing well

3. 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	
2N	18E	35																35	35

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)Total acres 35

1. Amount 0.09/17.5* for Irrigation purposes from 04/1 to 11/1
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

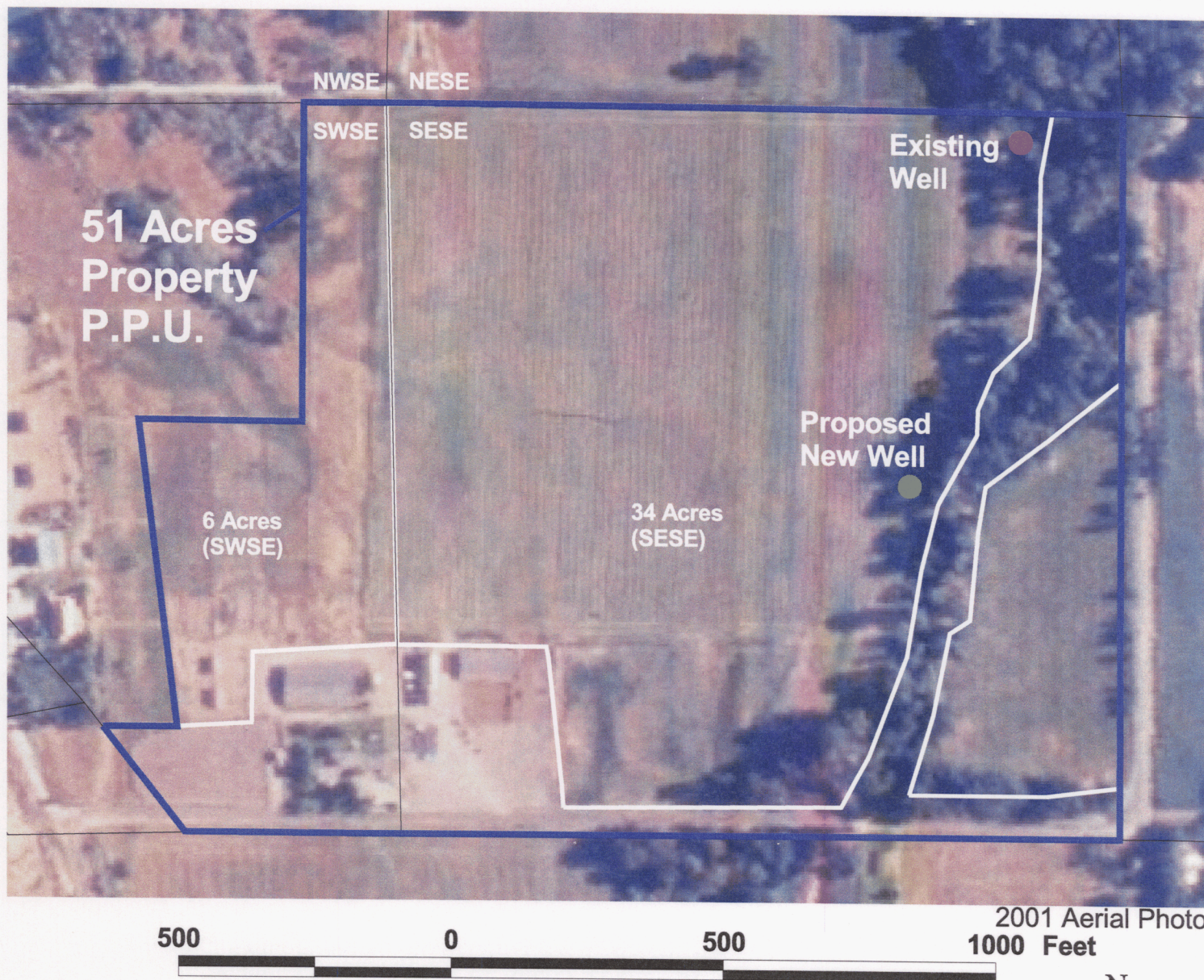
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	NE	SE	SE	35	2N	18E	Blaine	Existing well

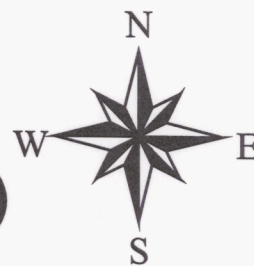
3. Lands irrigated or place of use:

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	
2N	18E	35																5	5

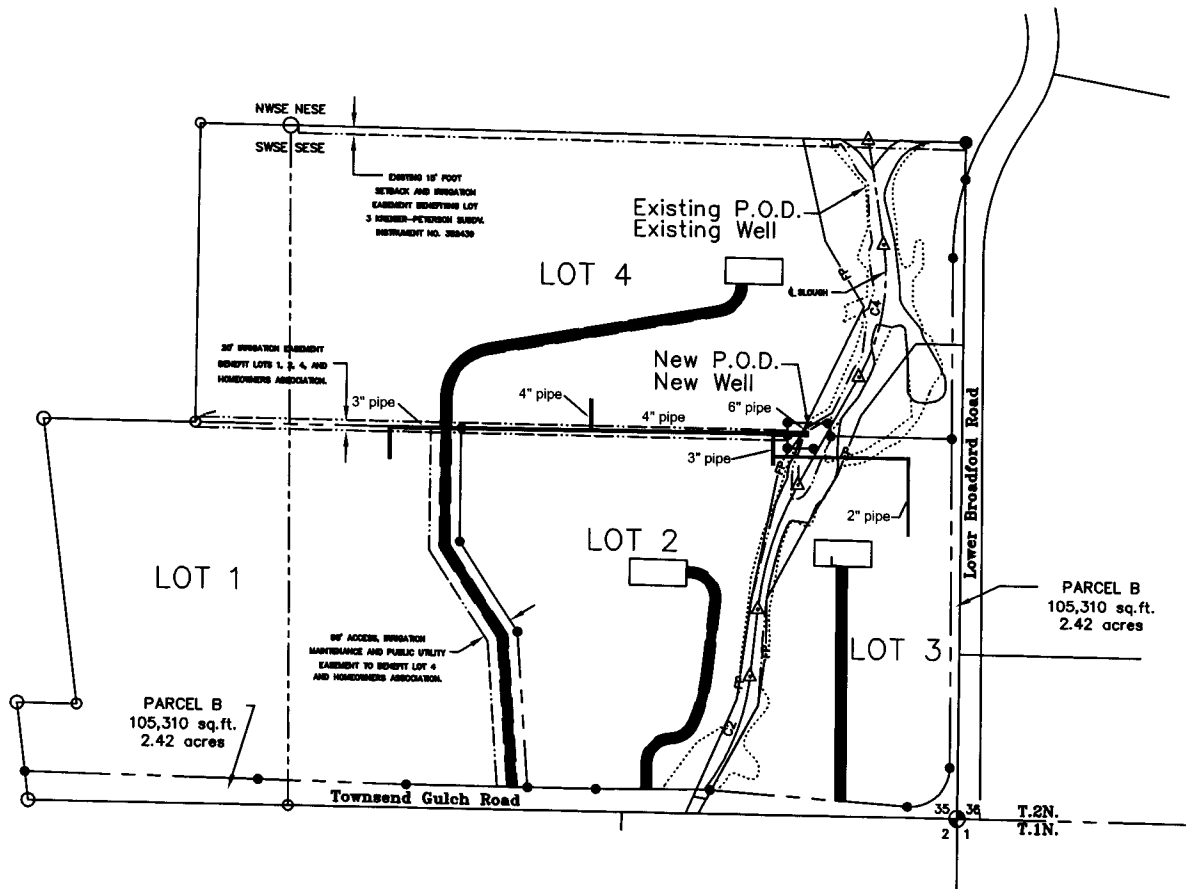
Total acres 5

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

**2N 18E Section 35
Kathleen Rosekrans (Rhythm Ranch)
Irrigated Area & Proposed P.P.U.**



DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3****Rhythm Ranch Subdivision
2N 18E, Section 35**

Total Property Area = 51 acres
Permissible Place of Use for Water Rights
37-315B, 686B, 688D, 688E, 713C & 7745B

8/15/03

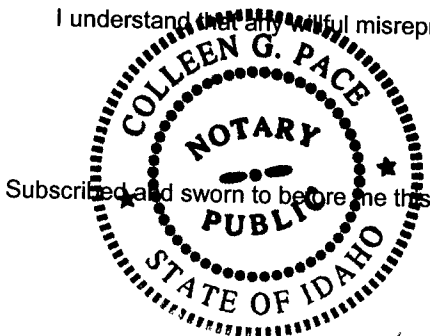
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe the 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 _____ day of _____, 2003.

30th

day of

(Signature of Applicant)

2003

Colleen Pace
 (Notary Public)

My commission expires 9/9/08

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Jo Date 8-18-03

Protest filed by _____

Prelim. check by _____ Fee \$250, 5026060

Receipted by J Date 8-20-03

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 _____

SVTC Order No. 01-17109

Instrument # 456824
HALEY, BLAINE, IDAHO
2001-10-19 04:13:00 No. of Pages: 2
Recorded for: SUN VALLEY TITLE
MARSHA RICHMAN Fee: \$6.00
Ex-Officio Recorder Deputy
Index to WTTTCORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

STEVEN P. DUININCK, an unmarried man, who acquired title as a married man

the grantor do hereby grant, bargain, sell and convey unto

KATHLEEN ^{EX} ROSEKRANS, an unmarried woman, formerly known as Kathleen R. Duinick

the grantee, whose current address is 26 Townsend Gulch RD
Bellevue, ID 83313

the following described premises, in BLAINE COUNTY, IDAHO, to wit:

Please see attached Exhibit "A"

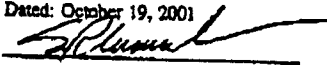
SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

Including any and all water rights appurtenant to said property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that the owner in fee simple of said premises; that they are free from all incumbrances

and that will warrant and defend the same from all lawful claims whatsoever.

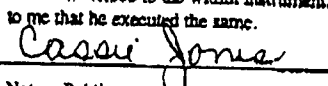
Dated: October 19, 2001


Steven P. Duinick

State of Idaho
County of Blaine

On this 19th day of October, 2001,
before me a Notary Public in and for said State,
personally appeared Steven P. Duinick

known or identified to me to be the person(s) whose name
is/are subscribed to the within instrument, and acknowledged
to me that he executed the same.


Cassie Jones

Notary Public

Residing at Hailey, ID

Comm expires 9-7-2006

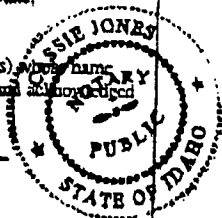


EXHIBIT "A"

TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO;

SECTION 35: A parcel of land more particularly described as follows:

Commencing at a square rock bolt witnessed by two G L O Brass caps marking the
southeast corner of said Section 35 which is the REAL POINT OF BEGINNING; thence

North 89°42'45" West, 1,939.19 feet along the South boundary of said Section 35 to a
5/8 inch rebar; thence

North 24°28'25" West, 206.72 feet to a 1/2 inch rebar on the South boundary of Tax Lot
6892; thence

South 89°33'59" East, 291.02 feet along the South boundary of said Tax Lot 6892 to a 1/2
inch rebar; thence

North 6°58'13" West, 566.27 feet along the East boundary of said Tax Lot 6892 to a 1/2
inch rebar; thence

South 89°34'34" East, 298.79 feet along the South boundary of Tax Lot 5591 and 6893
to a 1/2 inch rebar marking the southeast corner of said Tax Lot; thence

North 0°24'25" East, 589.02 feet along the East boundary of Tax Lots 5591 and 6893 to
a 1/2 inch rebar marking the northeast corner of said Tax Lot 6893; thence

South 89°33'35" East, 1,506.83 feet along the North boundary of the South 1/2 Southeast
1/4, Section to a 1/2 inch iron bar by Loren Adkins marking the northeast corner of SE 1/4
SE 1/4, Section 35; thence

South 0°18'40" West, 1,333.00 feet along the East boundary of said Section 35 to the
POINT OF BEGINNING.