

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 71141

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant DEL LINDA WILKINS Phone (208) 483-4655

Post Office address P.O. Box 96, SWAN VALLEY, IDAHO 83449

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 Want to maintain pond levels and irrigate surrounding pond vegetation (trees).

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>23-48B</u>	<u>6/01/1893</u>	<u>0.22 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
<u>23-48B</u>	<u>01/27/1916</u>	<u>0.21 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
<u>23-48B / 98B</u>	<u>6/01/1893</u>	<u>0.02 cfs</u>	<u>diversion to storage</u>	<u>4/15</u> to <u>10/31</u>
<u>23-48B / 98B</u>	<u>6/01/1893</u>	<u>1. AF</u>	<u>Recreation Storage</u>	<u>4/15</u> to <u>10/31</u>

2. Total amount of water being transferred 0.45 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Rainey Creek tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	NE	NE	7	01N	44E	Bonneville	EXISTING
	NE	NE	SW	6	01N	44E	Bonneville	NEW, NEXT TO HOUSE

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	6																	13
01N	44E	6																	1.7
01N	44E	6																	0.3
01N	44E	6																	R
01N	44E	6																	R

Total Acres 15.0

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6. General Information:

a. Description of diversion system Diverted from Paring Creek into ditch. Headgate from ditch to Pond. Pump from the pond to irrigate trees surrounding pond. Areas surrounding residence are irrigated by pump located directly in Paring Creek.

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:
Will dry-up 3.0 acres of previously irrigated ground.

d. Remarks:
Pond generally subs in naturally. Only during drought has it been low or required supplemented. Therefore, seepage through bottom not considered significant. One acre of ground to cover 0.27 acres of pond area plus seepage estimated to be adequate.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

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

Current Water Right No. 23-48B

Priority Date: 06/01/1893
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: RAINEY CREEK **Tributary to:** SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.24 CFS		
Total Diversion		0.24 CFS		

Source and Point(s) of Diversion:

RAINEY CREEK SWNENE 01N 44E 7 BONNEVILLE

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	
01N 44E 6										16.0							16.0
										L 6							

Total Acres: 16

Conditions/Remarks:

1. 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.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 16.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00048B, 23-00098B.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 23-00048B, 23-00098B.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~12.0~~ ^{12.0} ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Transfer No. 71141
Receipt No. _____

Current Water Right No. 23-48B

Documentation of Ownership of the Current Place of Use

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

No.

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

See page 2

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

No

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Transfer No. 71141
Receipt No. _____

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

Current Water Right No. 23-98B

Priority Date: 01/22/1916
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: RAINEY CREEK

Tributary to: SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 10/31	0.21 CFS		
	Total Diversion	0.21 CFS		

Source and Point(s) of Diversion:

RAINEY CREEK SWNENE 01N 44E 7 BONNEVILLE

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	
01N	44E	6																16.0	
																		L 6	

Total Acres: 16

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2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 16.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00048B, 23-00098B.
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 71141
Receipt No. _____

Current Water Right No. 23-98B

Documentation of Ownership of the Current Place of Use

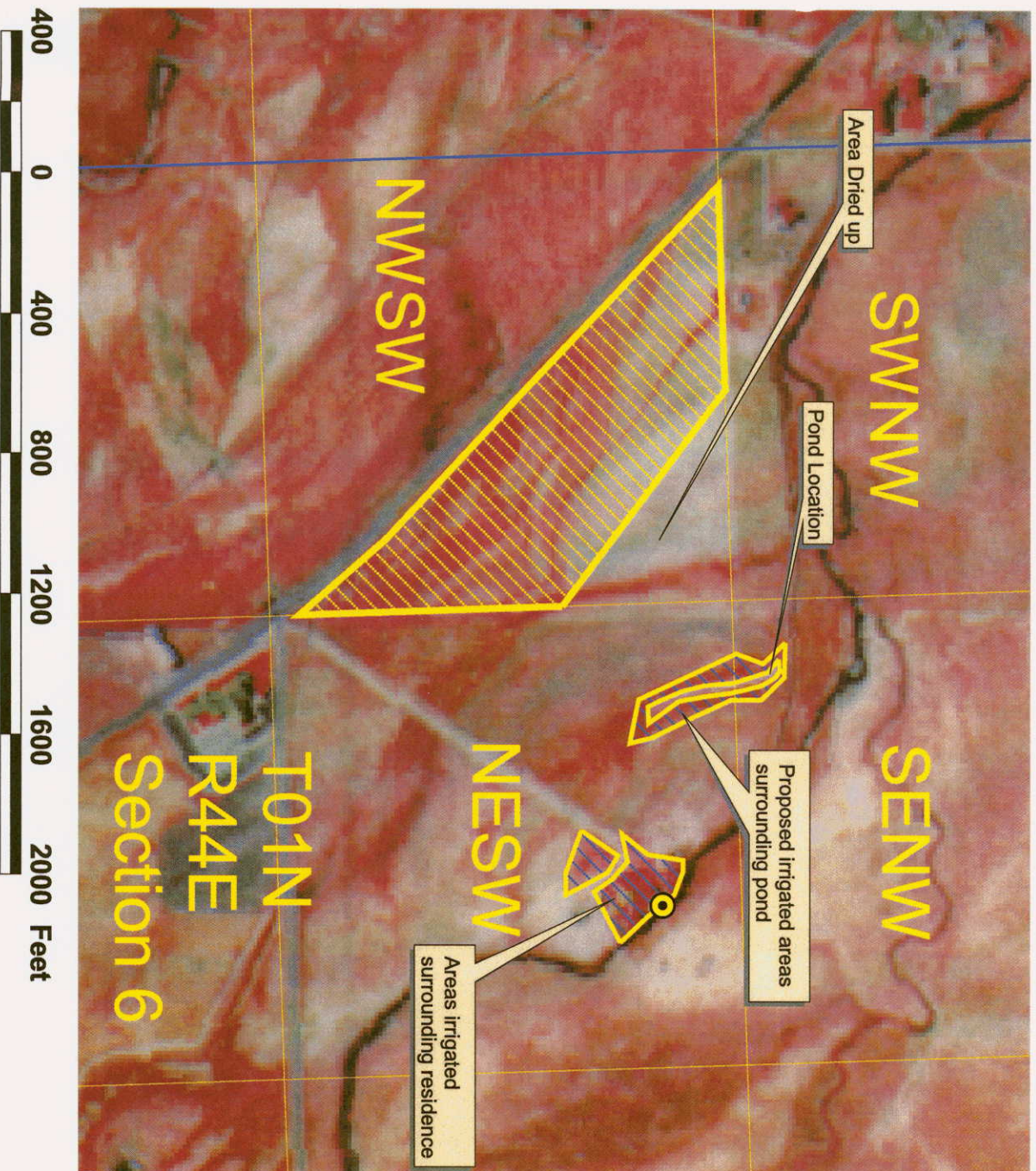
Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
See page 2

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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Wilkins Transfer



-  Remaining/ original Place of Use
-  Diversion.shp
-  Proposed new place of use
-  Sections
-  qq



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PART 3

3. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
<u>Recreation</u>	<u>0.02 / 3.5 af/yr</u>	<u>4 hr/week for 10 wks</u>	<u>4/15 to 10/31</u>
2. Quantity and quality of return flows and location of discharge:
NONE
3. Describe effects on other water uses resulting from the proposed change:
 - End of ditch system. No outcropated change.
 - Irrigation around house has occurred for a length of time. No adverse effects from continued use anticipated.

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.

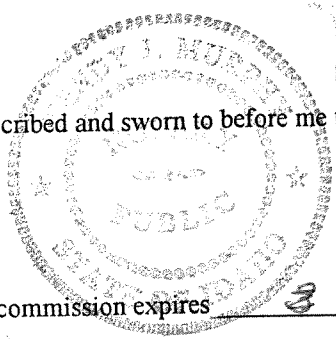
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Del Wilkins Lydia R Wilkins
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of March, 20 04.

Wendy J. Murphy
(Notary Public)

My commission expires 3 6/23/06



FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments

Received by WRW Date 3/18/04 Protest filed by _____

Prelim. Check by _____ Fee 100.00 Receipt No. ED29630

Received by WRW Date 3/18/04

Published in Post Register Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

FILE No. 20,163

INSTRUMENT No.

664259

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED DONNA SHURTLEFF, a widow

the Grantor

does hereby grant, bargain, sell and convey unto DEL F. WILKINS and LINDA R. WILKINS,
husband and wife the Grantee,

whose current address is

the following described real estate situated in Bonneville County,

State of Idaho, to-wit:

Beginning at a point that is South along the Section line 2626.34 feet, thence South 46°57'20" East 1789.20 feet from the NW Corner of Section 6, Township 1 North, Range 44, East of the Boise Meridian, running thence North 0°2'10" East 1526.37 feet, thence South 81°47' East 440.83 feet, thence South 43°22' East 816.78 feet, thence South 9°41'30" East 942.06 feet, thence South 89°50'40" West 870.84 feet, thence North 80°20' West 266.25 feet, thence North 53°23'20" West 29.0 feet to the point of beginning.

SUBJECT TO: All Easements, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to end with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED: June 4, 1984

Donna Shurtleff
Donna Shurtleff

STATE OF IDAHO, County of
On this 4th day of June, 1984
before me, _____, a Notary
Public in and for the said State personally appeared
Donna Shurtleff

Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same

Residing at Idaho Falls
Comm. Expires

Notary Public
Idaho

- THIS SPACE FOR COUNTY RECORDER'S USE ONLY

INSTRUMENT NO. 664259
DATE 6-6-84
FISC. CODE 556
FICHE NO. 2512-15
FILE

STATE OF IDAHO
COUNTY OF BOISE
I hereby certify that the within instrument was duly filed

Notary Public
Idaho

IDAHO TITLE & TRUST COMPANY
Escrows • Title Insurance

P.O. Box 307, Idaho Falls, Idaho 83402 (208)522-7895

ATTACHMENT

T 71141
1 OF 4

12-16

14-13072-MP
417C

867996

CORPORATION DEED

For Value Received

RENELL WEEKS FARMS, INC.

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

DEL WILKINS AND LINDA WILKINS

whose current address is

151 RAINEY CREEK ROAD SWAN VALLEY ID 83449

the following described real estate, to-wit:

SEE ATTACHED EXHIBIT "A"

94 JUN 4 PM 4 17

BONNEVILLE COUNTY
RECORDER

867996

TOGETHER WITH: .5/10 SECOND FOOT OF LOWER RAINEY CREEK WATER RIGHTS DATED JUNE 1, 1893. ALSO, TOGETHER ALL MINERAL AND MINERAL RIGHTS APPURTENANT THERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s their heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this

JANUARY 4, 1994

By

Renell Weeks

RENELL WEEKS
PRESIDENT.

ATTEST:

SECRETARY.

STATE OF IDAHO, COUNTY OF BONNEVILLE
ON THIS 4TH day of JANUARY 1994
before me, a notary public, and for said State, personally appeared
RENELL WEEKS XAM
known to me to be
the President ~~XXXXXX~~ of the corporation that executed this in-
strument or the persons who executed the instrument on behalf of said
corporation, and acknowledged to me that such corporation executed
the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first above written.
James A. 3/16/94
Notary Public
Residing at IDAHO FALLS, Idaho
Comm. Expires 07/06/99

INSTRUMENT NO. 867996
DATE 1-4-94
TIME 4:17 PM
7/23-21
6:00
BONNEVILLE, ID
I hereby certify that the within
instrument was recorded.
Paula [Signature] Deputy

EXHIBIT A

From the Northwest Corner of Section 6, Township 1 North, Range 44 East, Boise Meridian, Bonneville County, Idaho, run South $00^{\circ}04'$ West 2570.03 feet and South $45^{\circ}00'$ East 79.10 feet to the True Point of Beginning; running thence South $89^{\circ}56'20''$ East 1235.61 feet, thence South $00^{\circ}02'10''$ East 1315.00 feet, thence North $32^{\circ}48'$ West 77.03 feet to a point of curve, thence 412.20 feet along the arc of said curve to the left, said curve having a radius of 1949.76 feet, intersection angle of $12^{\circ}22'$, thence North $45^{\circ}10'$ West 1312.10 feet to the True Point of Beginning.
Excepting therefrom State Highway 26.

