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FEB 24 2004

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
HO Eastern Region

Transfer No. 71090

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Presbytery of Kendall^{Inc.} / c/o Larry Bull Phone 208-725-4582
Post Office address 5787 W. Portneuf RD., Pocatello, IDAHO, 83204

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 _____
UPGRADE FROM FLOOD IRRIGATION TO SPRINKLER SYSTEM

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>11-442 (PART)</u> | <u>6/1/1898</u> | <u>2.81 cfs</u> | <u>IRRIGATION</u> | <u>4/20</u> to <u>9/30</u> |
| <u>11-2003</u> | <u>11/18/1904</u> | <u>.70 cfs</u> | <u>IRRIGATION</u> | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 3.51 cubic feet per second and/or _____ acre-feet per annum
3. Source of water SODA CREEK tributary to BEAR RIVER
4. Point(s) of Diversion: _____

4. Point(s) of Diversion								
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	~~SW~~ SW	NW	24	8S	41E	CARIBON		

5. Lands irrigated or place of use:

[illegible]

Total acres 184.8

PART 1

6. General Information:

a. Description of diversion system Pumping System from Soda 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 No 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:

LAND WILL NOT BE IRRIGATED

d. Remarks:

LIMIT 11-442 TO 149.8^{AC} AND 11-2003 TO 35AC. WITHIN
184.8^{AC} PERMISSIBLE PLACE OF USE

EXISTING POND HOLDS 6.26^{AC} AT A DEPTH 0.61 FT AND A SURFACE AREA OF 10.2 AC.

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. 71090
Receipt No. _____

Current Water Right No. 11-442

Priority Date: 06/01/1898

Origin: Water Right

Basis: Decreed

Status: Active

Source: SODA CREEK

Tributary to: BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/20	9/30	3.00 CFS		
Total Diversion			3.00 CFS		

Source and Point(s) of Diversion:

SODA CREEK NW 08S 41E 13 CARIBOU

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	
08S 41E 13									X	X	X	X					
08S 41E 24					X	X											

Conditions/Remarks:

1. P/D, NW 1/4, SEC. 13. T. 8S, R. 41E, 5 MILE MEADOWS.
P/U, AC IRR=160.

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 effect on the current place of use for this water right if the place of use is changed pursuant to this transfer *BETTER LAND WILL BE IRRIGATED UNDER CENTER PIVOT*

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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PART 2

Transfer No. 71090

PART 11-442

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 2.81 cfs for IRR purposes from 4/20 to 9/30
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	
8S	41E	13									X	X		X					
		24					X	X											

Total acres 149.8 AC.

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

1. amount 0.19 cfs for WETLANDS / POND purposes from 4/20 to 9/30
 (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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	13	8S	41E	CARIBOU	

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	
8S	41E	13											10.2						10.2

Total acres 10.2

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

Current Water Right No. 11-2003

Priority Date: 11/18/1904

Origin: Water Right

Basis: License

Status: Active

Source: SODA CREEK SPRING

Tributary to: BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	/	/			
IRRIGATION	/	/	0.70 CFS		
Total Diversion			0.70 CFS		

Source and Point(s) of Diversion:

SODA CREEK SPRING SESE 08S 41E 14 CARIBOU

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	
08S 41E 14																	X
08S 41E 23	X																

Conditions/Remarks:

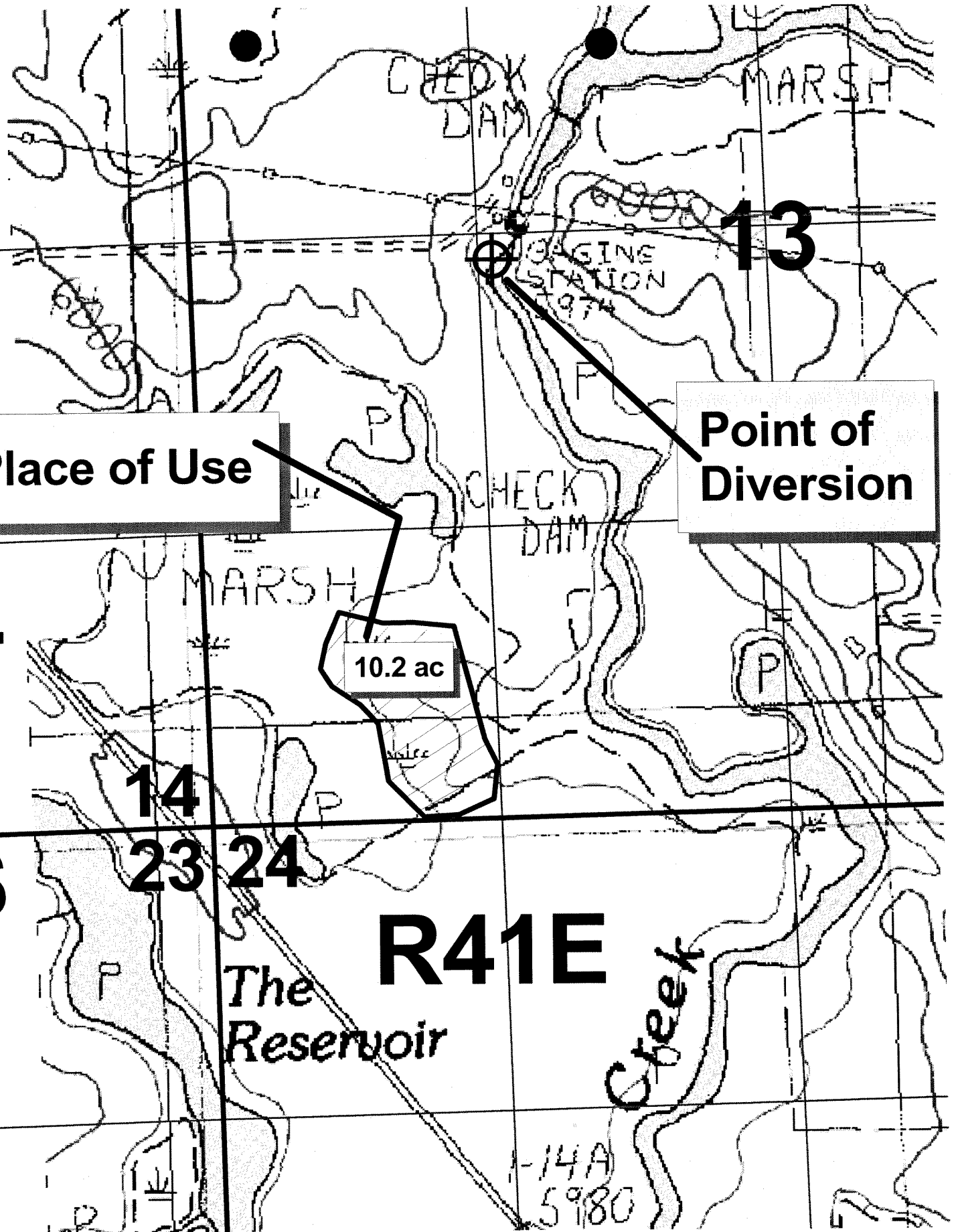
1. AC. IRR. UNKNOWN. *35 ac*

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*

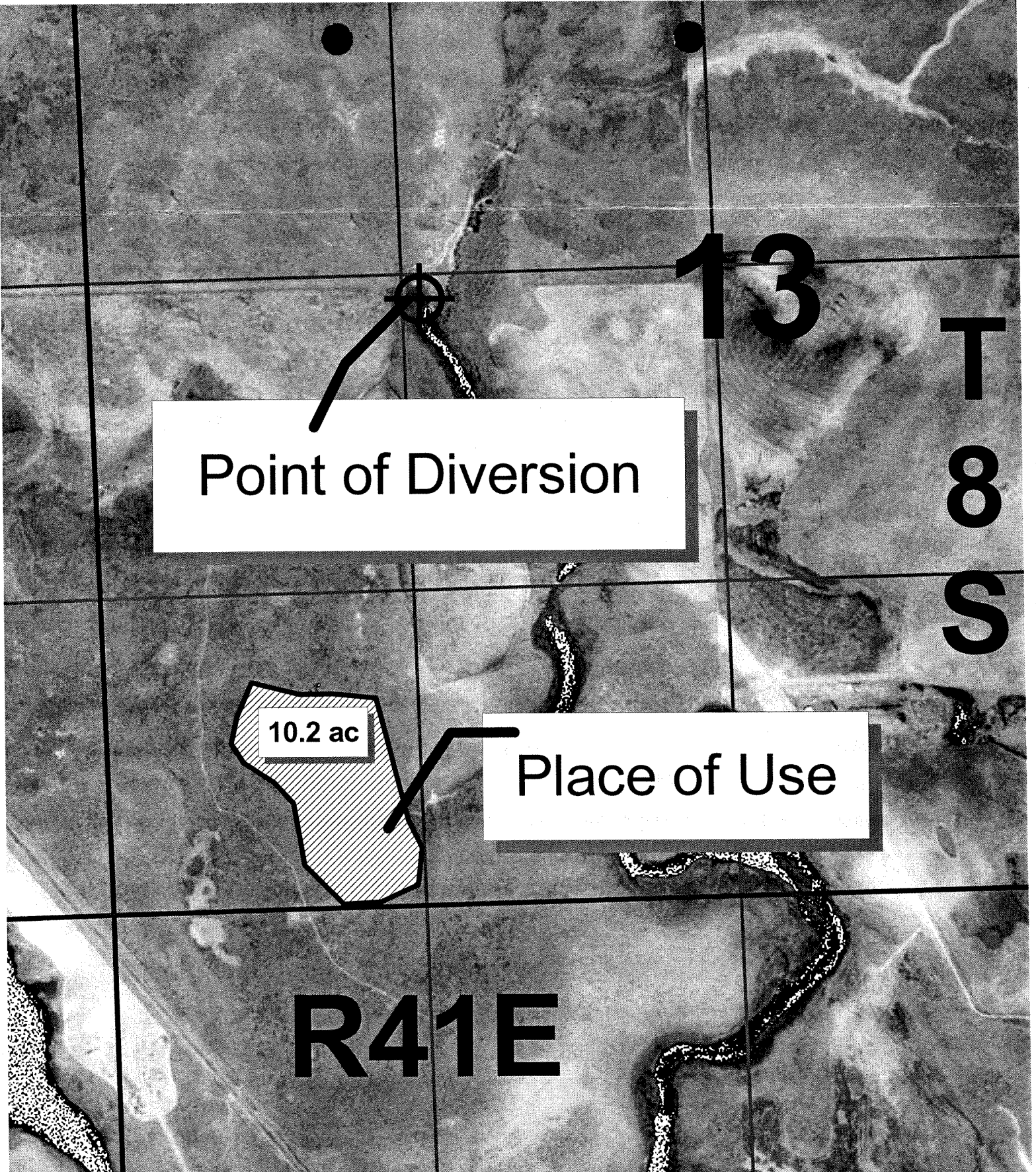
Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer *BETTER LAND WILL BE IRRIGATED UNDER CENTER PIVOT*

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



Remaining Part 11-442 (11-7520)

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Point of Diversion

10.2 ac

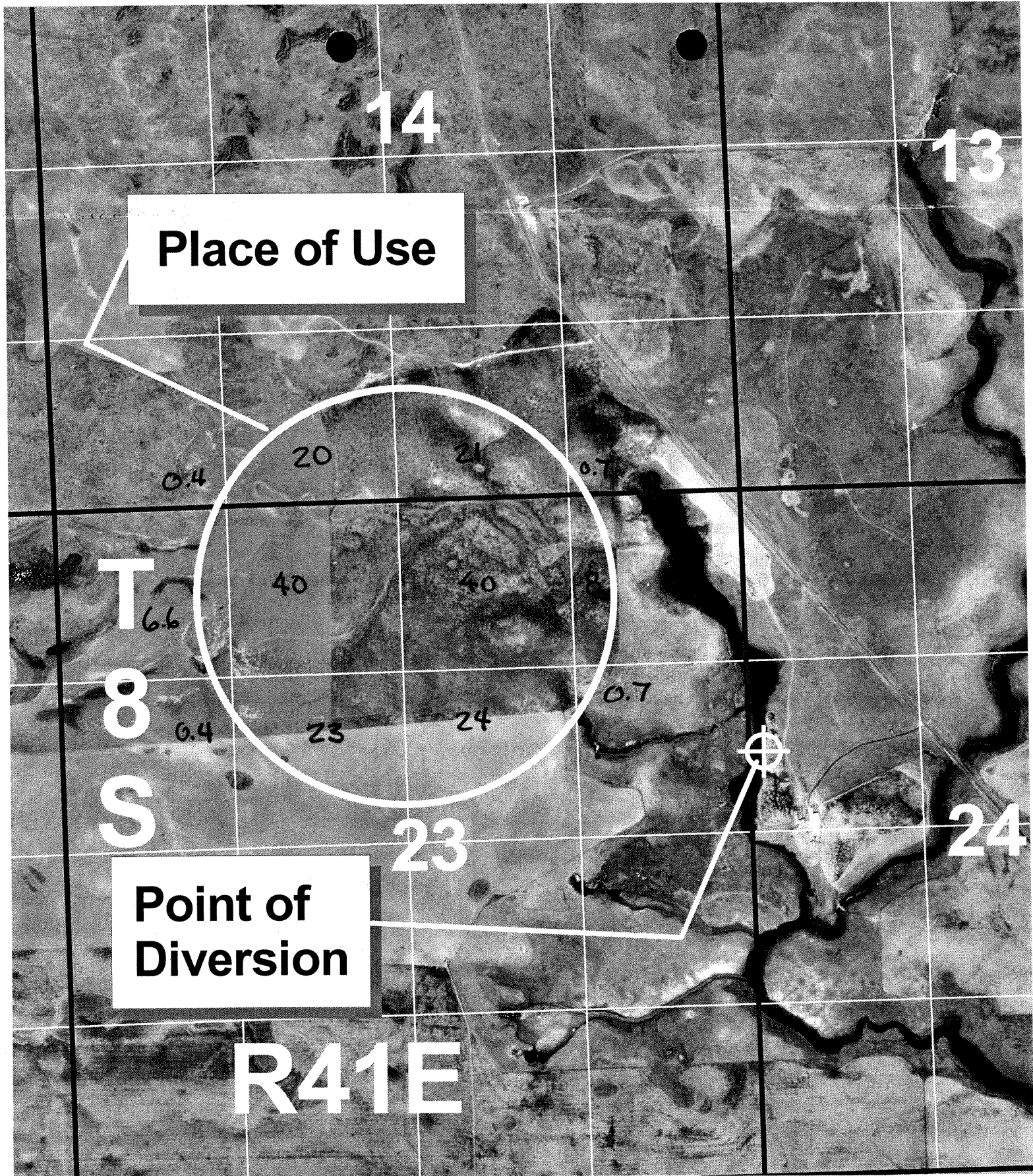
Place of Use

R41E

Remaining Part 11-0442(11-7520)

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Split Part 11-0442(11-7521)

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Place of Use

**T
8
S**

Point of Diversion

R41E

Place of Use 11-2003

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>11-442 (Part) Wildlife</u>	<u>0.19 cfs/35.71</u>	<u>95 DAYS</u>	<u>4/20</u> to <u>9/30</u>

2. Quantity and quality of return flows and location of discharge:

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

NO CHANGE, RESULTING POND WILL HOLD 6.2 ACF AT A DEPTH
OF 0.61 FT.

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.

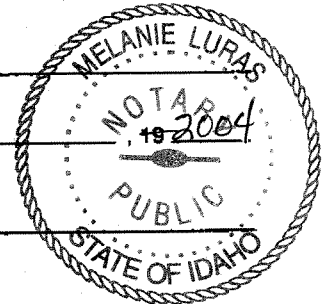
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 23rd day of February

Larry M. Bull
 (Signature of Applicant)

Melanie Luras
 (Notary Public)

My commission expires 2/28/07

**FOR DEPARTMENT USE ONLY**

Transfer contains 10 pages and _____ attachments

Received by SC Date 2/24/04

Protest filed by _____

Prelim. check by KCW 3-2-04 Fee 370.00

Received by SC Date 2/24/04

E029556

Published in Caribou Co. Sun. (Thurs.)

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on 3/8/04

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

No. C 6946 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than May 11, 2003 Annual Report Form 1. Mailing Address: (Can be the box, Capital City) PRESBYTERY OF KENDALL, INC. ELWOOD BECKER 128 NORTH 100 EAST JEROME, ID 83338 5426		2. Registered Agent and Office NO PO BOX ELWOOD BECKER 128 NORTH 100 EAST JEROME, ID 83338 3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Eddie W. Chew	18 Ash Avenue	Rexburg,	ID	83440
Secretary	Elwood Becker	128 North 100 East	Jerome,	ID	83338
Director	Barbara Corwin	P.O. Box 689	Ketchum,	ID	83340
Director	Paul C. Reeves	P.O. Box 523	Twin Falls,	ID	83303-0523
Director	Dr. Neil Cross	1237 E. 1010 South	Eden,	ID	83325
Director	Mazie Porter	P.O. Box 914	Soda Springs	ID	83276
Director	R. Coke McClure	P.O. Box 762	Pocatello,	ID	83204
5. Organized Under the Laws of: IDAHO C 6946		6. Signature <u>Elwood Becker</u> Date <u>3-10-03</u> (Typed or Name Printed) <u>Elwood Becker</u> Title <u>Sec/Treas.</u>			
Issued 03/03/2003		Do Not Tape or Staple			

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 T 71090
 ATTACHMENT 1 OF 4

STATE OF IDAHO } ss. 151365
County of Caribou }

I hereby certify that this instrument was filed at the request of Larry M. Bull on 11:00 o'clock P in this 57th day of December, 1995 in my office and duly

recorded in Microfilm Records

Recorder: Edie Izatt

By Debbie H. H. H.
Deputy Recorder

Deputy 900

DEED OF DISTRIBUTION
BY
TRUSTEE

THIS DEED is made by Larry M. Bull, as Trustee of the Hilda Thompson Revocable Trust, being a trust created under instrument dated June 25, 1986. Grantor, to the Presbytery of Kendall, Inc., an Idaho Corporation. Grantee, whose current address is 128 N. 100 E., Jerome, Idaho 83358.

WHEREAS, Grantor was named as successor Trustee of the Hilda Thompson Revocable Trust by Hilda Thompson, Grantor of said Trust and is now qualified and acting in said capacity; and

WHEREAS, the Grantee is determined to be the person entitled to distribution of the hereinafter-described real property, and Grantor is authorized to distribute the same to Grantee;

NOW, THEREFORE, Grantor conveys and releases to Grantee the real property described on the attached Exhibit "A", together with all tenements, hereditaments and appurtenances thereof belonging, but subject to easements and restrictions of record.

DATED this 12 day of December, 1995.

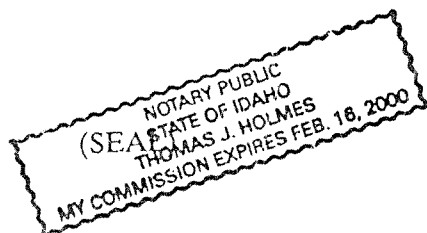
Larry M. Bull
Larry M. Bull, Trustee of the Hilda Thompson
Revocable Trust u/i/d June 25, 1986

151365

STATE OF IDAHO)
 :SS
County of Bannock)

On this 27 day of December, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared Larry M. Bull, known or identified to me to be the Trustee of the Hilda Thompson Revocable Trust u/i/d June 25, 1986 whose name is subscribed to the within instrument as Trustee of said Trust, and acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



NOTARY PUBLIC - STATE OF IDAHO
My Commission Expires: _____

151365

Caribou County, Idaho:

Township 8 South, Range 41 East of the Boise Meridian:

Section 13: SW~~1/4~~.

Section 14: SW~~1/4~~NE~~1/4~~, NW~~1/4~~, SE~~1/4~~.

Section 22: NW~~1/4~~NE~~1/4~~, SE~~1/4~~NE~~1/4~~, E~~1/2~~SE~~1/4~~.

Section 23: All.

Section 24: SW~~1/4~~NE~~1/4~~, NW~~1/4~~, NW~~1/4~~SW~~1/4~~, SW~~1/4~~SW~~1/4~~, NW~~1/4~~SE~~1/4~~.

Exhibit "A"

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ATTACHMENT 4 OF 4