

(Internet)

Page 1 of 5STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70998

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Larman D and Ann S. Andersen Phone (208) 527-3329
Post Office address 3375 W 2780 N, Moore ID 83255

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
- Easier distribution of Water

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>34-2412C</u> | <u>4/13/1961</u> | <u>3.52 cfs</u> | <u>IRRIGATION</u> | <u>4/1</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 3.52 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
	NW	NE	SW	9	4N	26E	Butte	
	NW	SW	SW	4	4N	26E	Butte	added well

5. Lands irrigated or place of use:
- NO CHANGE

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	
4N	26E	4									38	4.0							42.0
		26					33	34.6	32.5										160.1

Total acres 142.1

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PART 1**6. General Information:**

a. Description of diversion system Two wells pumps mainline to sprinklers

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 affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE. Better distribution of water

d. Remarks:

Only 1.04 cfs will be diverted from ^{The existing} well in NWSW Sec 4, T 4N, R 26E

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. 70998
Receipt No. _____

Current Water Right No. 34-2412C

Priority Date: 04/13/1961
Origin: Adjudication Recommendation
Basis: License
Status: Active

Source: GROUND WATER

Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	3.52 CFS	522.6 AFA	
Total Diversion			3.52 CFS	552.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNESW 04N 26E 9 BUTTE

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	
04N 26E 4									38.0	4.0							42.0
04N 26E 16					33.0	34.6		32.5									100.1

Total Acres: 142.1

Conditions/Remarks:

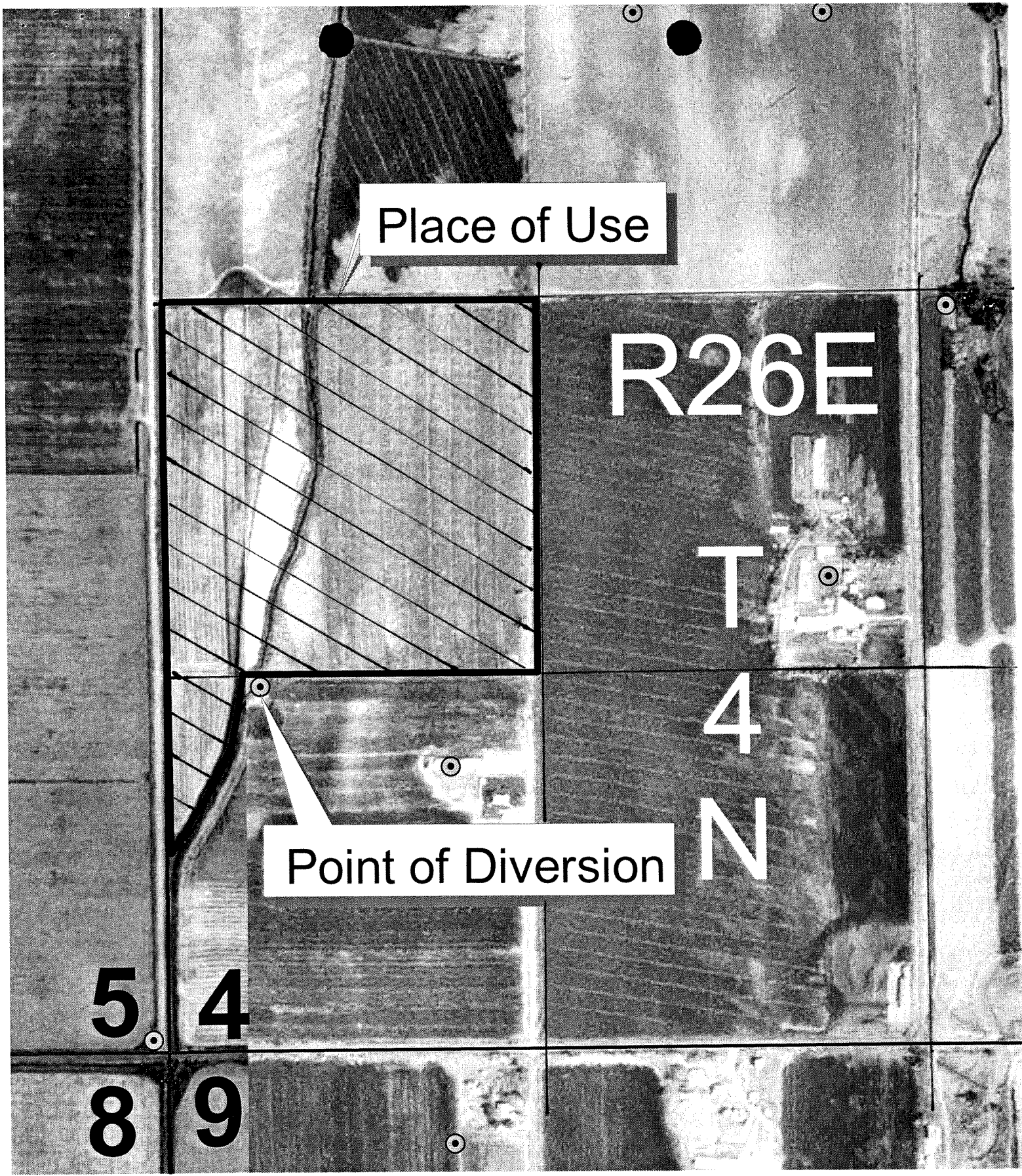
- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 142.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00259F, 34-00738E, 34-00060 AND 34-13562.
- RIGHT NO. 34-02412A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.

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? NONE. Better distribution of water.

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



Place of Use

R26E

T

4

N

Point of Diversion

5

4

8

9

PART 3

CHANGES IN NATURE OF USE

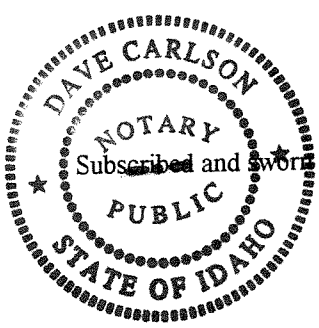
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
				to
				to

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.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of Dec, 20 03.

[Signature]
(Notary Public)

My commission expires 2/26/2008

FOR DEPARTMENT USE ONLY Fee based on only 1.04 cfs being diverted from well in Sect 4, KCW

Transfer contains 5 pages and 16 attachments

Received by KCW Date 12/5/03 Protest filed by _____

Prelim. Check by KCW Fee 290⁰⁰ E029397 _____

Receipted by KCW Date 12/5/03 _____

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☒ approval ☐ denial

_____ received _____ by ROC

Copy of transfer sent to lien holder _____

NO. 030210

RECORDED

MAY - 8 1996

BUTTE COUNTY RECORDER

THIS INDENTURE, Made this

30th

day of

April

in the year of our Lord one thousand nine hundred and seventy-nine

between ARVILLA W. ANDERSEN

of Moore

County of

Butte

State of Idaho

the party of the first part, and

LARMAN D. ANDERSEN and ANN S. ANDERSEN, husband and wife,

of Moore

County of

Butte

State of Idaho

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

TEN and No/100----- DOLLARS,
and other good and valuable consideration

of the United States of America, to her in hand paid by the

said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained

and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties

of the second part, and to their heirs and assigns forever, all the following described real estate,

situated in Butte

County

State of Idaho, to wit:

Tract One: The East Half (E $\frac{1}{2}$) of the Northwest Quarter of Section Sixteen (16), in Township Four (4) North, of Range Twenty-six (26) East of Boise Meridian, Butte County, Idaho, containing Eighty (80) acres.

Tract Two: Commencing at the Northwest corner of Section 16, in Township 4 North of Range 26 East of the Boise Meridian, in Idaho, and running thence South 79 rods; thence East 51 rods; thence North 14 rods; thence East 29 rods; thence North 65 rods; thence West 80 rods, more or less to the place of beginning, Butte County, Idaho.

Together with all water rights now used on said lands.

Tract Three: Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section four (4), in Township four (4) North of Range twenty-six (26) East of the Boise Meridian; thence East thirty-two (32) rods; thence South fifty (50) rods; thence Southwest thirty (30) rods, more or less, to a point 26 rods East of the Southwest corner of said Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section four (4); thence West 26 rods; thence North eighty (80) rods to the place of beginning, containing 15 acres, more or less; Together with 8 inches of water with date of priority of May 20, 1884 and 10 inches of water with date of priority of June 30, 1891, and 13 acre feet of storage right in the Mackay Reservoir.

Also a tract of land bounded and described as follows: Beginning at a point 16 rods East of the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) in Section four (4), Township four (4) North of Range twenty-six (26) East of the Boise Meridian; running thence West to the Northwest corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$); thence South 38 rods; thence in a Northeasterly direction running meanderingly, following a terrace-ridge, 41 rods to point of beginning, containing two (2) acres, more or less; Together with one (1) inch of water with date of priority of May 20, 1884 and one (1) inch of water with date of priority of June 30, 1891; records of Butte County, Idaho.

Tract Four: Commencing at the Northeast corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, Township 4 North, Range 26 East of the Boise Meridian, thence West 48 rods, thence South 50 rods, thence Southwesterly 30 rods more or less to a point 53 rods west of the Southeast corner of said NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, thence East 53 rods, thence North 80 rods to place of beginning, containing 24 acres more or less.

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ATTACHMENT 1 OF 6

Together with 12 inches of water with date of priority of May 20, 1884, and 15 inches of water with date of priority of June 30, 1891, and 20 1/2 acre feet of storage right in the Mackay Reservoir.

Tract Five: An undivided one-third interest in the following described real property: Beginning at a point 300 feet East of the Northwest Corner of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Nine (9), Township Four (4) North, Range Twenty-six (26) E.B.M., on the North Line of said quarter section; thence South 16 1/2 feet to the true point of beginning; thence East 16 1/2 feet; thence South 16 1/2 feet; point of beginning, containing one (1) square rod.

Together with all water and water rights, ditches and ditch rights thereunto appertaining.

SUBJECT to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said part y of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever. And the said part y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part, heirs and assigns, against the said part y of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Terry E. Grew } Arvilla W. Andersen [Seal]
[Seal] }
[Seal] }
[Seal] }

STATE OF IDAHO,
County of Bonneville } ss.

On this, 20th day of April in the year 1979, before me
a Notary Public

in and for said State, personally appeared ARVILLA W. ANDERSEN, a widow
dealing with her sole and separate property,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.

Terry E. Grew
Notary Public
Residing at Idaho Falls Idaho.

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ATTACHMENT

No. 30210

- WARRANTY DEED

ARVILLA W. ANDERSEN

-TO-

LARMON D. ANDERSEN AND ANN S.
ANDERSEN, HUSBAND AND WIFE

Dated APRIL 30, 1979

STATE OF IDAHO,

County of BUTTE

ss.

I hereby certify that this instrument was
filed for record at request of
LARMON D. ANDERSEN

at 40 minutes past 10
o'clock A.M., this 8th day
of MAY, A. D. 1979

In my office, and duly recorded in Book

DEEDS at page 30210
By [Signature] Deputy
County Recorder

Fees, \$9.00 pd.

SYNTHONY COMPANY, BOISE

8

9

Tract 2

NW

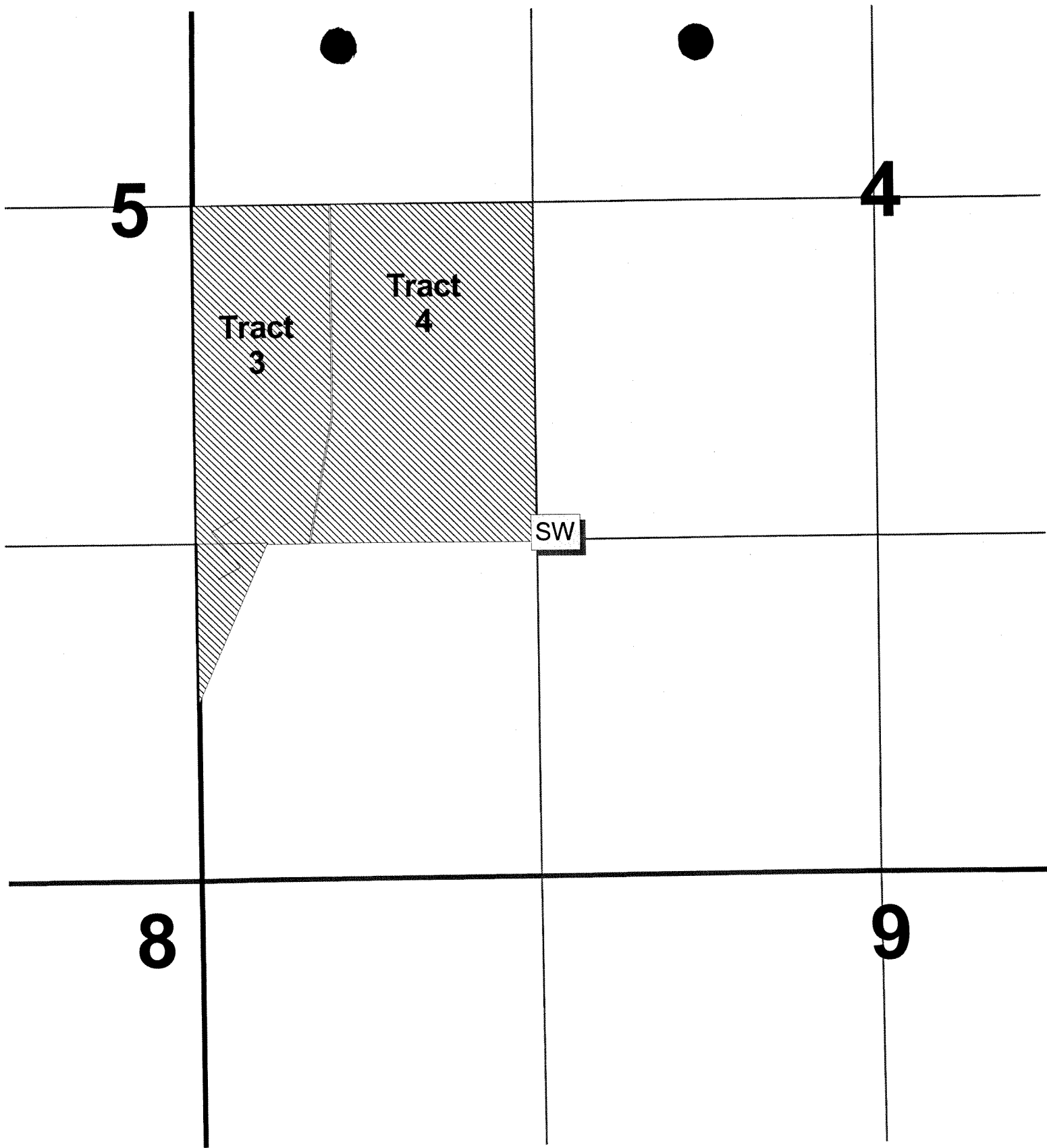
17

16

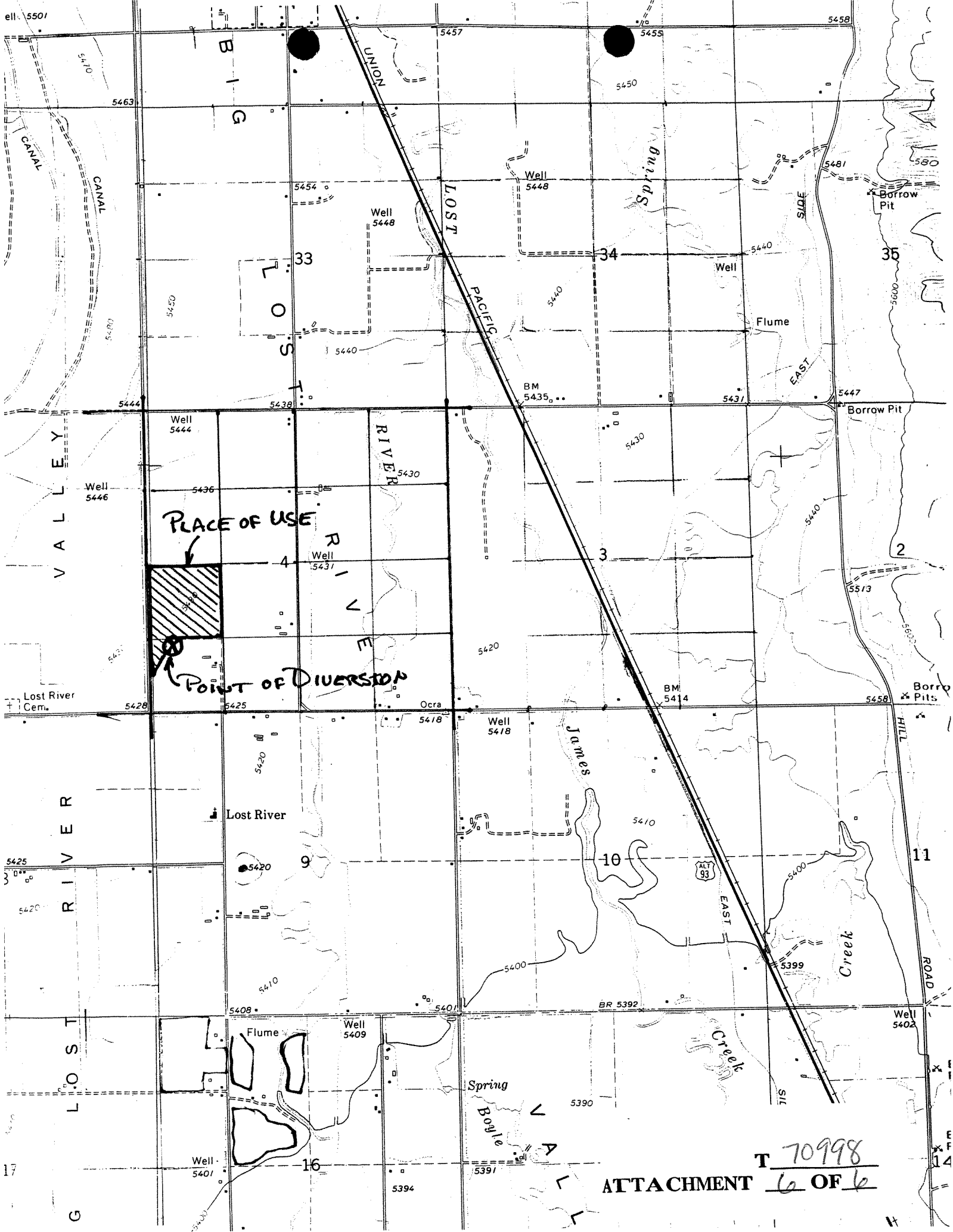
NW1/4 Sec 16, T04N, R26E
Larman Andersen Ownership

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34-2412C



SW1/4 Sec 4, T04N, R26E
Larman Andersen Ownership



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