

RECEIVED
JUL 18 2003

Department of Water Resources
Southern Region

Transfer No. 70701

Receipt No. 5025992

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

1. Applicant Information JOE MATHENEY
PO BOX 54
RICHFIELD ID 83349
(208)487-3191

And/or

MELISSA MATHENEY
PO BOX 54
RICHFIELD ID 83349
(208)487-3191

* fee based on
changing 10 acres
out of 121 acres
= \$250

Will this transfer result in an ownership change? ☒ Yes ☐ No
(Removes a former owner) J.E.

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
37-1125	AJC/Decreed	3.20			121.0	LITTLE WOOD RIVER
37-471	AJC/Decreed	2.00			121.0	LITTLE WOOD RIVER

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
37-1125	NO	NO	YES	NO	NO	NO
37-471	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes
Change acres to accomodate pivot.

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
NA

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

5. Total Amounts Transferred

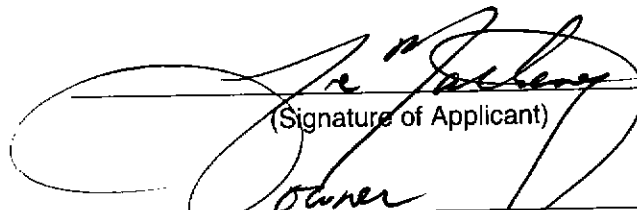
Rate	Acre Limit	Total Acres	Volume
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37-1125	3.20 cfs		121.0
37-471	2.00 cfs		121.0
TOTAL	5.20 cfs	121.0	121.0

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.

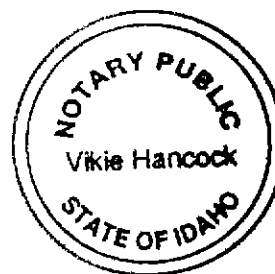

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 18th day of July, 2003.


(Notary Public)

My commission expires 5-7-2009



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

Current Water Right No. 37-1125

Priority Date: May 20, 1908

Origin: Adjudication Recommendation

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

<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	3.20 CFS		
	Total Diversion	3.20 CFS		

Source and Point(s) of Diversion:

LITTLE WOOD RIVER SWSWNE Sec. 4 Twp 05S Rge 19E LINCOLN 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	
05S	19E	4						2.0	31.0	10.0	7.1	29.0	7.9						87.0
							L 4												
05S	19E	5				5.0									15.0			14.0	34.0

Total Acres: 121

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 RIGHT NO. 37-471 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 121 ACRES IN A SINGLE IRRIGATION SEASON.

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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?

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

Moving acres around to accommodate 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

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

Current Water Right No. 37-471

Priority Date: April 30, 1884
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: LITTLE WOOD RIVER **Tributary:** MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

LITTLE WOOD RIVER SWSWNE Sec. 4 Twp 05S Rge 19E LINCOLN 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	
05S	19E	4						2.0	31.0	10.0	7.1	29.0	7.9						87.0
								L 4											
05S	19E	5				5.0									15.0			14.0	34.0

Total Acres: 121

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 RIGHT NO. 37-1125 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 121 ACRES IN A SINGLE IRRIGATION SEASON.

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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?
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

Changes acres to accommodate 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

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

Proposed Water Right No. 37-1125

Priority Date: May 20, 1908

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER

Tributary: MALAD RIVER

<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	3.20 CFS		
	Total Diversion	3.20 CFS		

Source and Point(s) of Diversion:

LITTLE WOOD RIVER SWSWNE Sec. 4 Twp 05S Rge 19E LINCOLN County

Describe the proposed diversion system

Point of Diversion # 1 APPELL #60 HEADGATE

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	
05S	19E	4								35.0	10.0	14.0	38.0						97.0
05S	19E	5				13.0											11.0		24.0

Total Acres: 121

Transfer No. 70701

Receipt No. 502599Z

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

Proposed Water Right No. 37-471

Priority Date: April 30, 1884

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

Source: LITTLE WOOD RIVER**Tributary:** MALAD RIVER

<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	2.00 CFS		
	Total Diversion	2.00 CFS		

Source and Point(s) of Diversion:

LITTLE WOOD RIVER SWSWNE Sec. 4 Twp 05S Rge 19E LINCOLN County

Describe the proposed diversion system

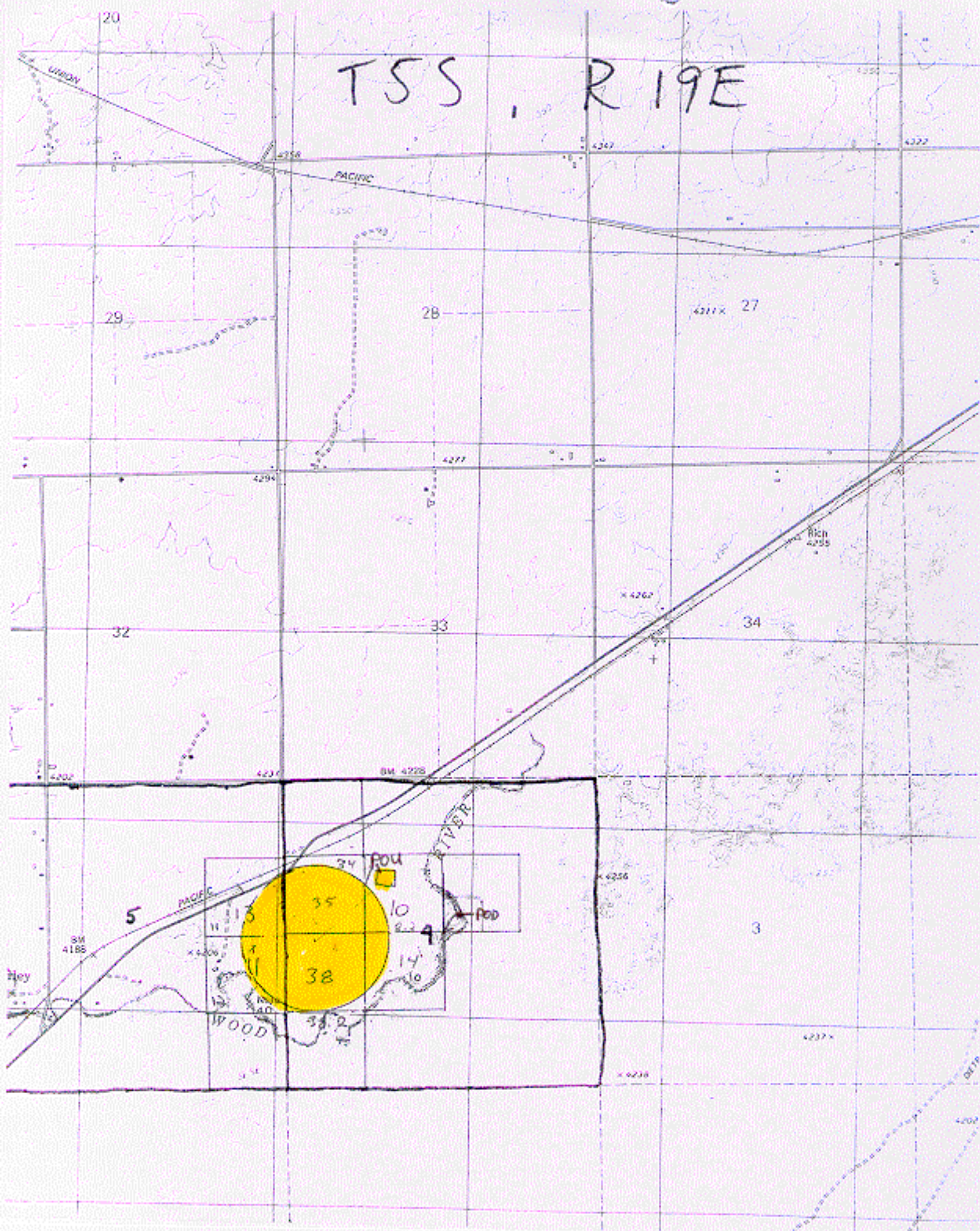
Point of Diversion # 1 APPELL #60 HEADGATE

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	
05S	19E	4								35.0	10.0	14.0	38.0						97.0
05S	19E	5				13.0											11.0	24.0	

Total Acres: 121

TSS R 19E



Recording Requested By and
When Recorded Return to:

Patrick V. Collins
Hawley Troxell Ennis & Hawley LLP
877 Main Street, Ste. 1000
Boise, ID 83702

Mail Tax Notices to:

Joe Matheney and Melissa Matheney
P.O. Box 54
Richfield, ID 83349

STATE OF IDAHO 173335
COUNTY OF LINCOLN
Recorded at the request of
LAND TITLE & ESCROW

SEP 19 2002

at 50 minutes past 2 P.M.
recorded by *Camille J. Harding*
Fee: 15.00 Return to: *Return to zone as above by hand*

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

FOR VALUE RECEIVED, Cynthia J. Biedebach, an unmarried person, whose address is 3863 North La Fontana Way, Boise, Idaho 83702 ("Grantor"), does hereby grant, bargain, sell and convey unto Joe Matheney and Melissa Matheney, husband and wife, whose address is P.O. Box 54, Richfield, Idaho 83349 (collectively, "Grantee"), all of Grantor's undivided 50% interest in that certain real property legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference.

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to all taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record or on the real property and all applicable zoning and use regulations affecting the above-described real property.

And the Grantor hereby binds itself and its successors to warrant and defend the title, as against all acts of the Grantor herein and no other, subject to the matters above set forth.

IN WITNESS WHEREOF, the undersigned has caused Grantor's name to be hereunto subscribed this 22nd day of August, 2002.

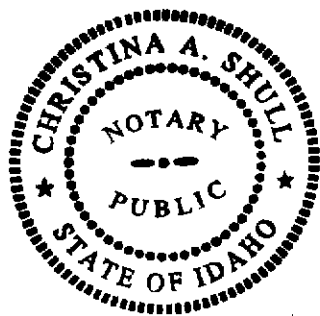

Cynthia J. Biedebach

STATE OF IDAHO)

County of Ada) ss.

On this 22nd day of August, in the year 2002, before me, a Notary Public in and for the State of Idaho, personally appeared Cynthia J. Biedeback, known or identified to me to be the person who executed 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 first above written.



Christina A. Shull

NOTARY PUBLIC for Idaho

Residing at Kuna, ID

My commission expires: 8/3/2005

EXHIBIT A

Legal Description Of Real Property

CONTINUATION**SCHEDULE A****Order Number: GL-03507****Parcel No. 1:**

// TOWNSHIP 5 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 5: A parcel of land more particularly described as follows:

Commencing at a 1980 brass cap marking the Southeast corner of said Section 5 and the TRUE POINT OF BEGINNING;
Thence South 89°51'51" West, 1,324.09 feet along the South boundary of said Section 5;
Thence North 00°11'26" East, 1,885.44 feet along the West boundary of the E½SE¼ of said Section 5;
Thence North 50°27'38" East, 281.86 feet to a ½ inch rebar;
Thence North 09°20'30" East, 1,170.81 feet to the South boundary of the Highway 93 right-of-way according to the Quitclaim Deed from Appell to State of Idaho, Idaho Department of Transportation Department recorded September 7, 1990 as Instrument Number 154245, Lincoln County records;
Thence North 66°22'31" East, 810.13 feet along the South boundary of said right-of-way to a brass cap stamped Idaho Transportation Department;
Thence 211.03 feet along a curve to the left with a central angle of 12°09'07", a radius of 995 feet and a long chord of 210.64 feet that bears North 60°17'58" East to the East boundary of said Section 5;
Thence South 00°13'57" West, 3,646.06 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO a 20 foot wide non-exclusive access easement described as follows:

Commencing at a 1980 Brass cap marking the South ¼ corner of said Section 5;
Thence North 89°51'51" East, 2,648.18 feet along the South boundary of said Section 5 to a 1980 brass cap marking the Southeast corner of said Section 5;
Thence North 28°05'28" West, 2,337.03 feet to a ½ inch rebar marking the Southeast corner of Lot 1, Appell Farm and the TRUE POINT OF BEGINNING;
Thence North 09°20'30" East, 1,170.81 feet along the boundary common to Lots 1 and 2, Appell Farm to the South boundary of the Highway 93 Right-of-Way, according to the Quitclaim Deed from Appell to State of Idaho, Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154245, Lincoln County records;

CONTINUED

CONTINUATION**SCHEDULE A****Order Number: GL-03507**

Thence North 66°22'31" East, 23.84 feet along the South boundary of said right-of-way;

Thence South 09°20'30" West, 1,183.78 feet;

Thence North 80°39'30" West, 20.00 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 4: SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$;

EXCEPTING therefrom the Highway 93 Right-of-Way as described in the Quitclaim Deeds from Appell to State of Idaho, Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154245, and Instrument Number 154247, Lincoln County records.

SUBJECT TO an easement for the purpose of construction and maintaining an 18 inch pipe siphon and headwall as set forth in the Grant of Easement from Appell to Idaho Transportation Department recorded September 7, 1990 as Instrument Number 154246, Lincoln County records. //