

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 25 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Donald W. Cain, Sr. and Carolyn R. CainMailing Address 3230 N US Hwy 93, Moore, ID 83255Email* dcain@atcnet.net Phone 208-589-0099

Name of Representative (if any) _____

Mailing Address _____

Email* _____ Phone _____

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1E.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as **Attachment 2C**. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☒ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Applicants has purchased water right 34-14317 and seeks to move the water right to a new location.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part		Right Number	Amount (cfs/af)	Nature of Use	Period of Use		Source
☒	☐	34-14317	0.05 cfs	Irrigation	5/1	to 10/15	Big Lost River
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	
☐	☐					to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.05 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topographic maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
N	5N	26E	4			SE	SE	Butte	Big Lost River	Moore Canal

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	26E	21							0.6		1.1	0.6							2.3

Total Irrigated Acres: 2.3

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

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Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

There are 13 rights currently associated with the McLaughlin Ditch.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

There are 335 rights currently associated with the Moore Canal.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 34. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Right 34-14315 shares the same 6-acre PPU, but is limited to 3.2 acres. Also, BLRID storage.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

No other water rights at the proposed place of use.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

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Department of Water Resources
Eastern Region

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

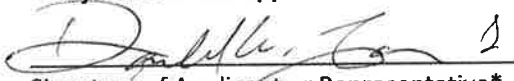
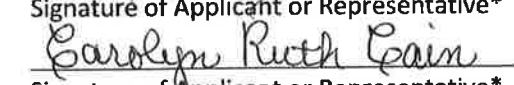
Water will be diverted into the Moore Canal and we will use a portable pump
to deliver water to the place of use.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Representative*

Signature of Applicant or Representative*

Donald W. Cain, Sr.
Print Name and Title, if applicable
Carolyn R. Cain
Print Name and Title, if applicable

11-15-2024
Date
11/15/2024
Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 225.- Receipt #: E050497 Date: 11/25/24 Received by: JB
Add'l Paid: \$ _____ Receipt #: _____ Date: _____ Received by: _____

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Water Right Report : 34-14317(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	BRASWELL, DENNIS L	2131 N 2900 W	ARCO	ID	83213-8724
Current Owner	BRASWELL, TRUDY I	RT 1 BOX 215	ARCO	ID	83213
Original Owner	JONES, WALTER L			ID	

Water Right Status

Priority Date : 10/2/1885
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BIG LOST RIVER		SINKS	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BIG LOST RIVER	03N	26E	12	0	NE	NW	SE	BUTTE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	05/01	10/15	0.05 CFS	
TOTAL			0.05 CFS	

Places of Use

[Portable View](#) [Paged View](#)

Place of Use Legal Description : IRRIGATION (BUTTE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
03N	27E	18			NE	SE	6

Irrigation Totals

Total Acres	Acre Limit
6.00	2.30

Conditions

Code Conditions

- WATER IS DELIVERED THROUGH MC LAUGHLIN DITCH.
- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE:
USE OF THIS RIGHT WITH RIGHT NO. 34-14315 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 6 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
- C18 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.

Dates

Other Information

Decreed Date : 12/14/2001
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Water District Number : 34
Generic Max Rate Per Acre : 6.
Generic Max Volume Per Acre : 4
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

8/25/2024

Cain Transfer



0 400 800 1,600 Feet

Legend

- Proposed POD
- Township/Range
- Sections
- QQ



Cain Transfer



0 400 800 1,600 Feet

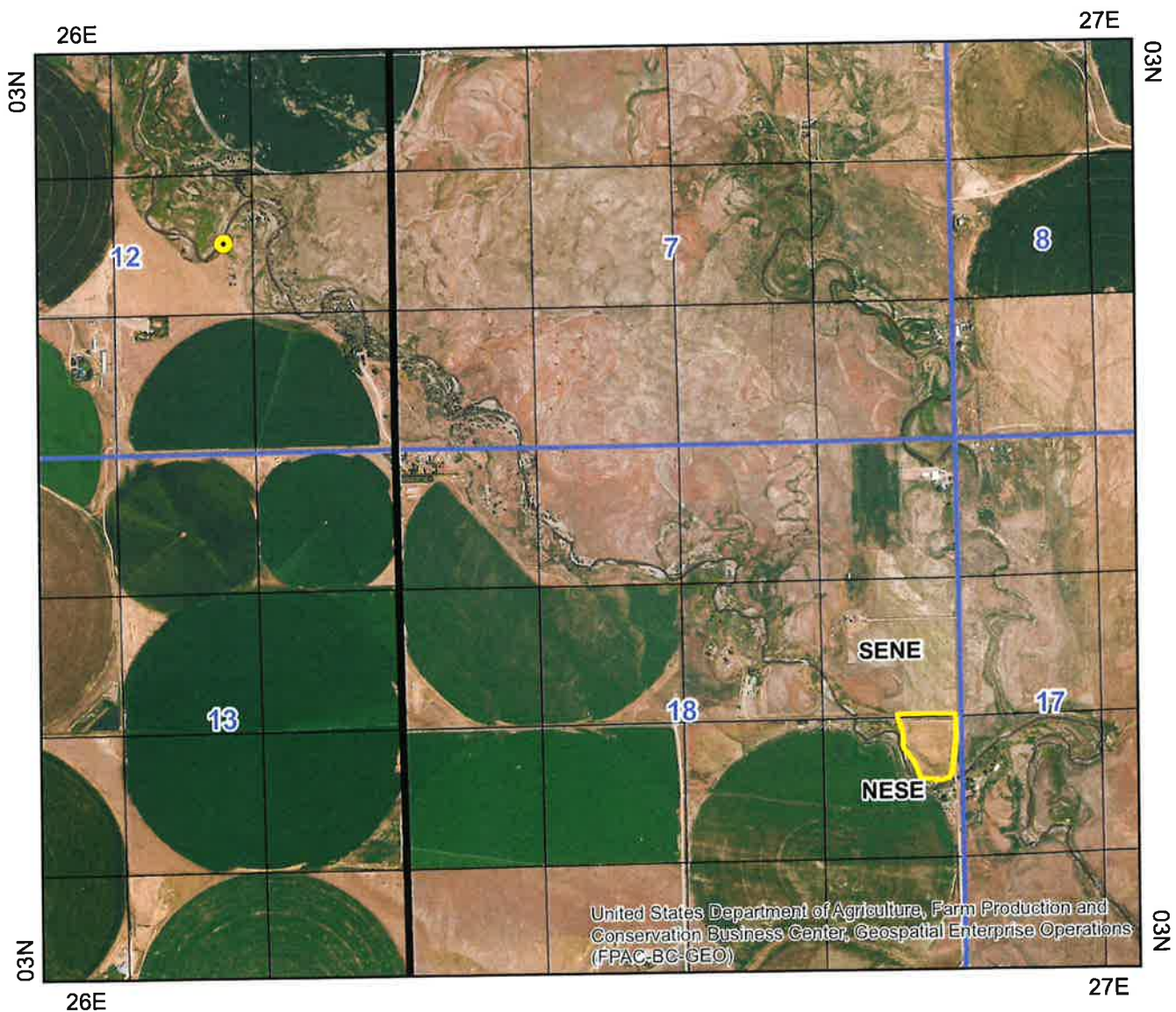


Legend

-  Proposed POU
-  Township/Range
-  Sections
- QQ

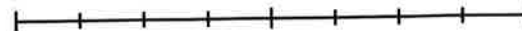
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34-14317



United States Department of Agriculture, Farm Production and
Conservation Business Center, Geospatial Enterprise Operations
(FPAC-BC-GEO)

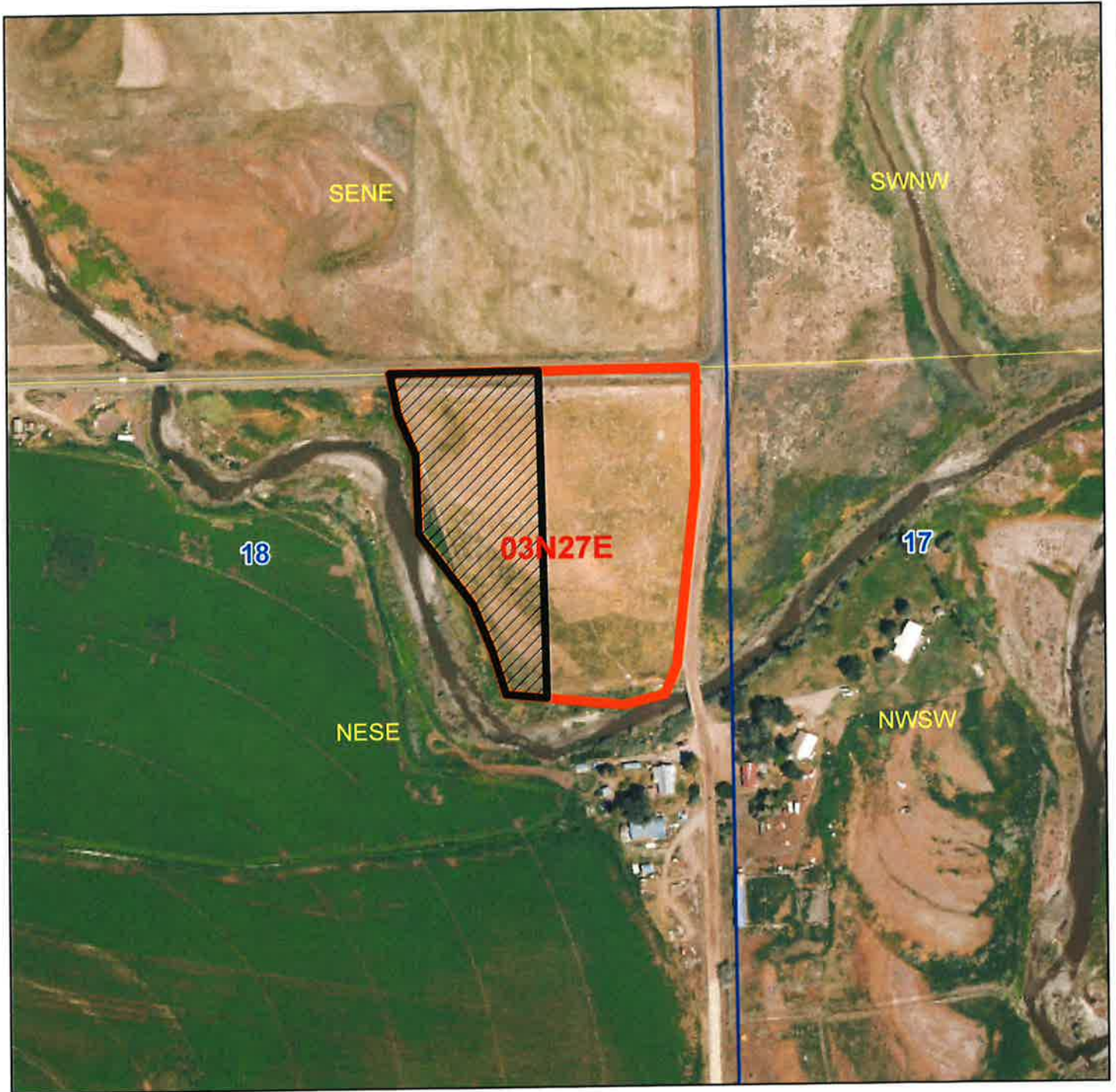
0 0.2 0.4 0.8 Miles



-  Place Of Use Boundary (CURRENT)
-  Point of Diversion (CURRENT)
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Cain Transfer



Legend

-  Acres to be dry
-  Current POU
-  Township/Range
-  Sections
- QQ

0 300 600 1,200 Feet



Alan R. Harrison - (ISB#: 6589)

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arh.law.idaho.com

Filed: 06/08/2023 16:58:38
Seventh Judicial District, Butte County
Shelly Blackner, Clerk of the Court
By: Deputy Clerk - Tessmer, Heidi

Attorney for Applicant

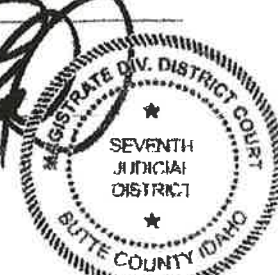
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, COUNTY OF BUTTE

IN THE MATTER OF THE ESTATES OF	)	CV12-23-0048
	)	CASE NO. _____
	)	
Dennis Lynn Braswell,	)	LETTERS TESTAMENTARY
Iselle Trudy Braswell,	)	
	)	
Decedents.	)	
	)	
	)	

1. Ana Ruiz Goetsch was duly appointed and qualified as personal representative of the estates of the decedents, Dennis Lynn Braswell and Iselle Trudy Braswell, by the Court with all authority pertaining thereto, to be able to act alone and independently without bond.
2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said Personal Representative.

WITNESS, my signature and the Seal of this Court on

6/8/2023
Judge 


NOTICE OF SERVICE

I certify that on this day I served a true and correct copy of the foregoing document in accordance with Rule 5(b) of the Idaho Rules of Civil Procedure on the following by the method of service indicated:

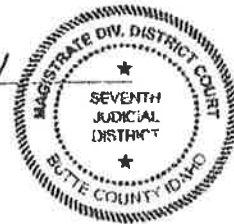
Alan R. Harrison
1070 Riverwalk Dr Suite 257
Idaho Falls, Idaho 83402

☒ E-Filing *arh@aharrisonlaw.com*

Date: **6/12/2023 1:23:43 PM**

Clerk of the Court

Shelbi Carey
Deputy Clerk



Mail Property Tax Notice To:
Billie Jo Norton
2131 N 2900 W
Arco, Idaho 83213

Instrument # 61743 # Pages: 4
BUTTE COUNTY, Idaho
Mar 28, 2024 11:08:58 am Fee: \$ 19.00
For: BILLIE NORTON
SHELLY BLACKNER, Recorder
BILLEE, Deputy

Be Recorded w/ to Signature of personal Rep

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, is made by Ana Ruiz Goetsch, as Personal Representative of the Estates of Dennis Lynn Braswell, aka Dennis L. Braswell, and Iscelle Trudy Braswell, aka Trudy Braswell, deceased, Grantor, to Billie Jo Norton, an individual, Grantee, whose address is 2131 N 2900 W, Arco, Idaho 83213.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Case No. CV12-23-0048 in Butte County, Idaho; (See Letters Testamentary attached hereto and incorporated herein by this reference); and

WHEREAS, Grantee is entitled to the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee, all of Decedents and the Estates right, title and interest in the following described real property in Butte County, Idaho:

TOWNSHIP 3 NORTH, RANGE 27 EAST OF THE BOISE MERIDIAN:

See Exhibit A
~~SECTION 18, South Half of the Southeast Quarter (S 1/2 SE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4).~~

Together with all appurtenances and hereditaments thereunto appertaining, including, but not limited to: Decreed Irrigation Water Rights, to-wit: 40 inches Big Lost River, priority date of 10/2/85, and 55 inches Big Lost River, with priority date of 9/24/1900, and 1111 inches of storage, Mackay Dam.

SUBJECT TO: All liens, easements, assessments, encumbrances, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and accruing taxes all of record or existing upon or relating to said property.

TO HAVE AND TO HOLD the said premises, unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that it will warrant and defend the same from all claims whatsoever.

Instrument # 61935 # Pages: 6
BUTTE COUNTY, Idaho
Jul 15, 2024 11:55:22 am Fee: \$ 25.00
For: BILLIE JO NORTON
SHELLY BLACKNER, Recorder
KIM, Deputy

Instrument # 61914 # Pages: 6
BUTTE COUNTY, Idaho
Jul 01, 2024 11:03:03 am Fee: \$ 25.00
For: BILLIE NORTON
SHELLY BLACKNER, Recorder
KIM, Deputy

EXHIBIT A

Parcel A

Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho
Section 18: Part of the N1/2NE1/4, more particularly described as follows:

Commencing at the E1/4 corner of Section 18, from which the Southeast corner of said Section bears S.00°15'04"E. 2649.23 feet; thence S.00°15'04"E., 16.00 feet, along the East line of said Section to its intersection with the Southerly county road right-of-way, being recorded as Quit Claim Deed, Instrument Nos., 19937 and 19940, said point being the Point of Beginning; thence continuing along said East line, S.00°15'04"E., 1020.59 feet; thence S.89°44'56"W., 97.01 feet, to a point being marked by a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence N.22°03'44"W., 206.93 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence N.40°22'01"W., 189.04 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222, being in an existing fence line; thence N.89°55'06"W., 243.45 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222, being in an existing fence corner; thence N.14°25'34"W., 700.02 feet, along an existing fence line to its extension into said Quit Claim Deed (Southerly county road right-of-way); thence N.89°26'35"E., 710.58 feet, along said right-of-way to the Point of Beginning.

Parcel contains 11.16 acres, more or less, and is subject to a county road right-of-way along the East side as well as the following Irrigation Pivot Ingress/Egress Easement:

240.00 Ft. Irrigation Pivot Ingress/Egress Easement

Part of the NE1/4SE1/4 of Section 18, Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho, described as a 240.00 foot strip of land along the curve of an Irrigation pivot, more particularly described as follows:

Beginning at the Southeast corner of Section 18, being an iron rod and referenced as Corner Perpetuation and Filing Record, Instrument No. 49001; thence N.00°15'04"W., 1277.07 feet, along the East line of said Section; thence S.89°44'56"W., 1334.00 feet, to the center of an irrigation pivot; thence N.13°43'29"E., 1041.70 feet, along a radial line from said center point, to a point being 240.00 feet from the end of said irrigation pivot, said point being the Point of Beginning; thence N.13°43'29"E., 240.00 feet, along said radial line to the end of said pivot; thence along a non-tangent horizontal curve to the right, having the following curve data: Radius = 1281.70 feet, Length = 1361.13 feet, Delta = 60°50'47", Chord Bearing = S.45°51'07"E., and Chord Distance = 1298.06 feet; thence S.74°34'16"W., 240.00 feet, along a radial line, to the center of said Irrigation pivot to a non-tangent horizontal curve to the left, having the following curve data: Radius = 1041.70 feet, Length = 1106.26 feet, Delta = 60°50'47", Chord Bearing = N.45°51'07"W. and Chord Distance = 1055.00 feet to the Point of Beginning.

Parcel B

Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho
Section 18: Part of the N1/2SE1/4, more particularly described as follows:

Commencing at the E1/4 corner of Section 18, from which the Southeast corner of said Section bears S.00°15'04"E., 2649.23 feet; thence S.89°26'35"W., 710.67 feet, along the North line of the SE1/4; thence S.00°33'25"E., 16.00 feet to a point on the South right-of-way of a county road, said point being the Point of Beginning; thence S.14°25'34"E., 191.68 feet to a point being marked by a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence S.82°08'30"W., 261.39 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence N.42°32'34"W., 176.81 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence N.00°01'10"E., 20.52 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence S.89°26'16"W., 527.43 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222; thence N.02°26'15"W., 67.46 feet to a 1/2" iron rod with plastic cap stamped HLE PLS 12222, being on said county road right-of-way; thence N.89°26'35"E., 861.03 feet, more or less, along said right-of-way to the Point of Beginning.

Parcel contains 2.34 acres, more or less, and is subject to the attached Irrigation Pivot Ingress/Egress Easement.

240.00 Ft. Irrigation Pivot Ingress/Egress Easement

Part of the NE1/4SE1/4 of Section 18, Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho, described as a 240.00 foot strip of land along the curve of an irrigation pivot, more particularly described as follows:

Beginning at the Southeast corner of Section 18, being an iron rod and referenced as Corner Perpetuation and Filing Record, Instrument No. 49001; thence N.00°15'04"W., 1277.07 feet, along the East line of said Section; thence S.89°44'56"W., 1334.00 feet, to the center of an irrigation pivot; thence N.13°43'29"E., 1041.70 feet, along a radial line from said center point, to a point being 240.00 feet from the end of said irrigation pivot, said point being the Point of Beginning; thence N.13°43'29"E., 240.00 feet, along said radial line to the end of said pivot; thence along a non-tangent horizontal curve to the right, having the following curve data: Radius = 1281.70 feet, Length = 1361.13 feet, Delta = 60°50'47", Chord Bearing = S.45°51'07"E., and Chord Distance = 1298.06 feet; thence S.74°34'16"W., 240.00 feet, along a radial line, to the center of said irrigation pivot to a non-tangent horizontal curve to the left, having the following curve data: Radius = 1041.70 feet, Length = 1106.26 feet, Delta = 60°50'47", Chord Bearing = N.45°51'07"W., and Chord Distance = 1055.00 feet to the Point of Beginning.

Parcel C

Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho
Section 18: A portion of the SW1/4SE1/4, more particularly described as follows:

Beginning at the Southeast corner of said Section 18, from which the E1/4 corner of Section 18 bears N.00°15'04"W., a distance of 2649.23 feet, the basis of bearings for this description; thence S.89°37'50"W., a distance of 1852.06 feet, to a 1/2" iron rod and the Point of Beginning of this parcel of land; thence N.56°50'05"W., a distance of 546.00 feet, to a 1/2" iron rod; thence N.34°02'37"W., a distance of 546.00 feet, to a 1/2" iron rod, said point being on the West line of the SE1/4 of said Section 18; thence S.00°20'27"E., a distance of 772.01 feet, to the S1/4 corner marked with a 5/8" iron rod with a 2.5" aluminum cap with PLS 1222 on said iron rod; thence N.89°37'50"E., a distance of 758.24 feet, to the Point of Beginning of said parcel.

Parcel contains 5.25 acres, more or less.

WITNESS the hands of said Grantor on 3/27/2024

Ana Ruiz Goetsch

Ana Ruiz Goetsch
Personal Representative of the Estates of
Dennis Lynn Braswell, aka Dennis L. Braswell, and
Iselle Trudy Braswell, aka Trudy Braswell,

STATE OF IDAHO Idaho)
) ss.
County of Bonneville)

On 3/27/24, before me, the undersigned Notary Public, personally
appeared Ana Ruiz Goetsch, known to me to be the person whose name is subscribed to
the within and foregoing instrument as Personal Representative of the Estates of Dennis
Lynn Braswell, aka Dennis L. Braswell, and Iselle Trudy Braswell, aka Trudy Braswell,
and acknowledged to me that she executed the same as such Personal Representative.

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

[Seal]



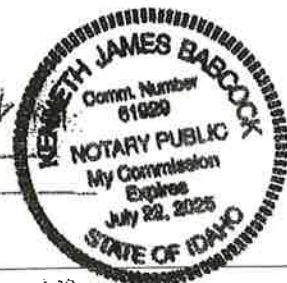
Ana Ruiz Goetsch
Notary Public
Residing at: Bonneville County

Ana Ruiz Goetsch
Ana Ruiz Goetsch

State of Idaho
County of Butte

This record was signed before me on 11 July 2024
Ana Ruiz Goetsch

Kenneth James Babcock
Notary
Residing at: Moore, ID



Instrument # 61963 # Pages: 2
BUTTE COUNTY, Idaho
Jul 29, 2024 9:35:47 am Fee: \$ 15.00
For: JAMES LAWRENCE
SHELLY BLACKNER, Recorder
BILLEE, Deputy

Space Above the Line Intentionally Left Blank for Recorder's Use

WARRANTY DEED

FOR VALUE RECEIVED, Billie Jo Norton (an Individual), the Grantor(s), do(es) hereby grant, bargain sell and convey unto J&M Lawrence Enterprises LLC (An Arkansas Limited Liability Company), the Grantee, whose current address is 332 Mount Olive Rd, Plumerville, Arkansas, 72127 the following described premises, in Butte County, Idaho, TO WIT:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Billie Jo Norton
Billie Jo Norton
2131 N 2900 W
Arco, Idaho, 83213

7-26-24
Date

NOTARY ACKNOWLEDGMENT

STATE OF IDAHO,
COUNTY OF BUTTE,

On this 26th day of July, 2024, before me personally appeared Billie Jo Norton, whose name is signed to the foregoing instrument, and who is known to me (or satisfactorily proved to be such person), acknowledged before me on this day that, being informed of the consideration, uses, and purposes of the instrument, they, executed the same voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 26th day of July, 2024,

My Commission Expires:

06/05/2030

Chris Chapman
Notary Public

(SEAL)

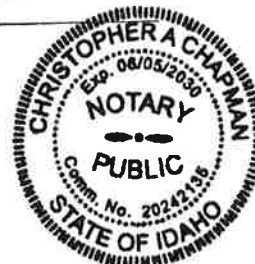


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thence S.14°25'34"E., 191.68 feet to a point being marked by a 1/4" iron rod with plastic cap stamped HLE PLS 12222;

thence S.82°08'30"W., 261.39 feet to a 1/4" iron rod with plastic cap stamped HLE PLS 12222;

thence N.42°32'34"W., 176.81 feet to a 1/4" iron rod with plastic cap stamped HLE PLS 12222;

thence N.00°01'10"E., 20.52 feet to a 1/4" iron rod with plastic cap stamped HLE PLS 12222;

thence S.89°26'16"W., 527.43 feet to a 1/4" iron rod with plastic cap stamped HLE PLS 12222;

thence N.02°26'15"W., 67.46 feet to a 1/4" iron rod with plastic cap stamped HLE PLS 12222, being on said county road right-of-way;

thence N.89°26'35"E., 861.03 feet, more or less, along said right-of-way to the Point of Beginning.

Parcel contains 2.34 acres, more or less, and is subject to the attached Irrigation Pivot Ingress/Egress Easement.

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thence N.00°15'04"W., 1277.07 feet, along the East line of said Section;

thence S.89°44'56"W., 1334.00 feet, to the center of an Irrigation pivot;

thence N.13°43'29"E., 1041.70 feet, along a radial line from said center point, to a point being 240.00 feet from the end of said irrigation pivot, said point being the Point of Beginning;

thence N.13°43'29"E., 240.00 feet, along said radial line to the end of said pivot;

thence along a non-tangent horizontal curve to the right, having the following curve data:

Radius = 1281.70 feet, Length = 1361.13 feet, Delta = 60°50'47", Chord Bearing = S.45°51'07"E., and Chord Distance = 1298.06 feet;

thence S.74°34'16"W., 240.00 feet, along a radial line, to the center of said Irrigation pivot to a

non-tangent horizontal curve to the left, having the following curve data:

Radius = 1041.70 feet, Length = 1106.26 feet, Delta = 60°50'47", Chord Bearing = N.45°51'07"W., and Chord Distance = 1055.00 feet to the Point of Beginning.

Quitclaim Deed

FOR VALUE RECEIVED, J & M Lawrence Enterprises LLC (signee) James Lawrence, of 322 Mount Olive Rd, Plumerville, AR 72127, USA, (collectively the "Grantor"), does hereby convey, release, and remise, as well as quitclaims, unto Donald W. Cain, Sr., married, of 3230 N US-93, Moore, ID 83255, USA, and CAROLYN R. CAIN, married, of 3230 N US Highway 93, Moore, Idaho 83255, (collectively the "Grantee"), the following described water right:

WATER PURCHASE AND TRANSFER #34-14317.

known as WATER RIGHT #34-14317. as noted with the Department of Water Resources, Idaho Falls, Idaho 83402

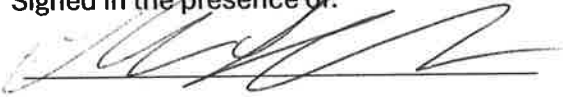
This water right is intended to convey to the Grantee all right, title, and interest of the Grantor in and to the said water right, now owned or acquired after this deed has been executed.

TO HAVE AND TO HOLD unto the said Grantee, forever.

Prior instrument reference: Book _____, page _____, document No. 61963, of the recorder of BUTTE County, Idaho.

Dated this first day of November, 2024.

Signed in the presence of:



J & M Lawrence Enterprises / Signee – James Lawrence

Grantor Acknowledgement

STATE OF IDAHO

COUNTY OF BUTTE

On this 1st day of November 2024, before me, a notary public in and for the State of Idaho, personally appeared J & M Lawrence Enterprises LLC (signee) James Lawrence known to me, or proven on the basis of satisfactory evidence, to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public for the State of Idaho

County of Butte

Residing at: Anco Id

My commission expires: 7-27-30





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 27, 2024

DONALD W CAIN SR
CAROLYN R CAIN
3230 US HWY 93 N
MOORE, ID 83255

RE: Transfer No. 89468
Water Right No(s). 34-14317

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 12/5/2024 and 12/12/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, November 27, 2024 1:48 PM
To: 'arcoadv@aol.com'
Subject: Legal Notice for Arco Advertiser
Attachments: 89468 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 89468
Water Right No(s). 34-14317

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/23/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89468**

DONALD W CAIN SR and CAROLYN R CAIN, 3230 US HWY 93 N, MOORE, ID 83255 has filed Application No. 89468 for changes to the following water rights within BUTTE County(s): Right No(s). 34-14317; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SESE Sec 4 T05N R26E (Moore Canal) for 0.05 cfs from Big Lost River. Proposed place of use is in SWNW, NESW and NWSW Sec 21 T05N R26E for 2.3 acres.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 12/23/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 12/5/2024 and 12/12/2024