STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 86191

This is to certify that: DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

### Summary of Water Rights Before the Proposed Changes

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 75-2034 | WR/DECREED | 2/28/1913 | 1.250 cfs | N/A | N/A | 127.5 | GORLEY CREEK |
| 75-4105 | WR/DECREED | 4/1/1935 | 0.480 cfs | N/A | N/A | 20.0 | SPRINGS |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 75-2034 | NO | NO | YES | NO | NO | NO |
| 75-4105 | NO | NO | YES | NO | NO | NO |

### Summary Of Water Rights After the Approved Change

| Existing Right | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| 75-2034 | 75-2034 | 1.250 cfs | N/A | N/A | 127.5 | N/A | N/A | N/A | N/A | N/A |
| 75-4105 | 75-4105 | 0.480 cfs | N/A | 20.0 | 127.5 | N/A | N/A | N/A | N/A | N/A |
| **COMBINED TOTALS** | | **1.730 cfs** | **N/A** | **127.5** | **127.5** | | **N/A** | **N/A** | **N/A** | **N/A** |

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 19th day of September, 2022.

Regional Manager

SUPPORT DATA
IN FILE # 75-4105

Transfer No. 86191

SCANNED
SEP 26 2022

# WATER RIGHT NO. 75-2034

## As Modified by Transfer No. 86191

In accordance with the approval of Transfer No. 86191, Water Right No. 75-2034 is now described as follows:

**Right Holder:** DALE EDWARDS AND
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

**Priority Date:** 2/28/1913

**Source:** GORLEY CREEK **Tributary:** SALMON RIVER

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 1.250 cfs |
| | | | | 1.250 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

| | | |
|---|---|---|
| GORLEY CREEK | NWSE | Sec 23 Twp 21N Rge 21E LEMHI County |
| GORLEY CREEK | NWNESW | Sec 23 Twp 21N Rge 21E LEMHI County |

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 21N | 21E | 25 | | | | | | | | | 19.5 | | | 40.0 | | 24.0 | 32.0 | | 115.5 |
| 21N | 21E | 36 | | 12.0 | | | | | | | | | | | | | | | 12.0 |

POU Total Acres: 127.5

**CONDITIONS OF APPROVAL**

1. Rights 75-2034 and 75-4105 when combined shall not exceed the irrigation of 127.5 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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SEP 26 2022

## WATER RIGHT NO. 75-2034

## As Modified by Transfer No. 86191

**CONDITIONS OF APPROVAL**

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



SCANNED
SEP 26 2022

# WATER RIGHT NO. 75-4105

## As Modified by Transfer No. 86191

In accordance with the approval of Transfer No. 86191, Water Right No. 75-4105 is now described as follows:

**Right Holder:** DALE EDWARDS AND
LAURA EDWARDS
PO BOX 846
SALMON, ID 83467

**Priority Date:** 4/1/1935

**Source:** SPRINGS **Tributary:** GORLEY CREEK

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| IRRIGATION | 04/01 | to | 10/31 | 0.480 cfs |
| | | | | 0.480 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

SPRINGS NWSE Sec 25 Twp 21N Rge 21E LEMHI County

**PLACE OF USE: IRRIGATION**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 21N | 21E | 25 | | | | | | | | | 19.5 | | | 40.0 | | 24.0 | 32.0 | | 115.5 |
| 21N | 21E | 36 | | 12.0 | | | | | | | | | | | | | | | 12.0 |

Right Acre Limit: 20.0
POU Total Acres: 127.5

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 20.0 acres within the authorized place of use in a single irrigation season.
2. Rights 75-2034 and 75-4105 when combined shall not exceed the irrigation of 127.5 acres.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75A.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 86191

SCANNED
SEP 26 2022

## WATER RIGHT NO. 75-4105

## As Modified by Transfer No. 86191

**CONDITIONS OF APPROVAL**

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

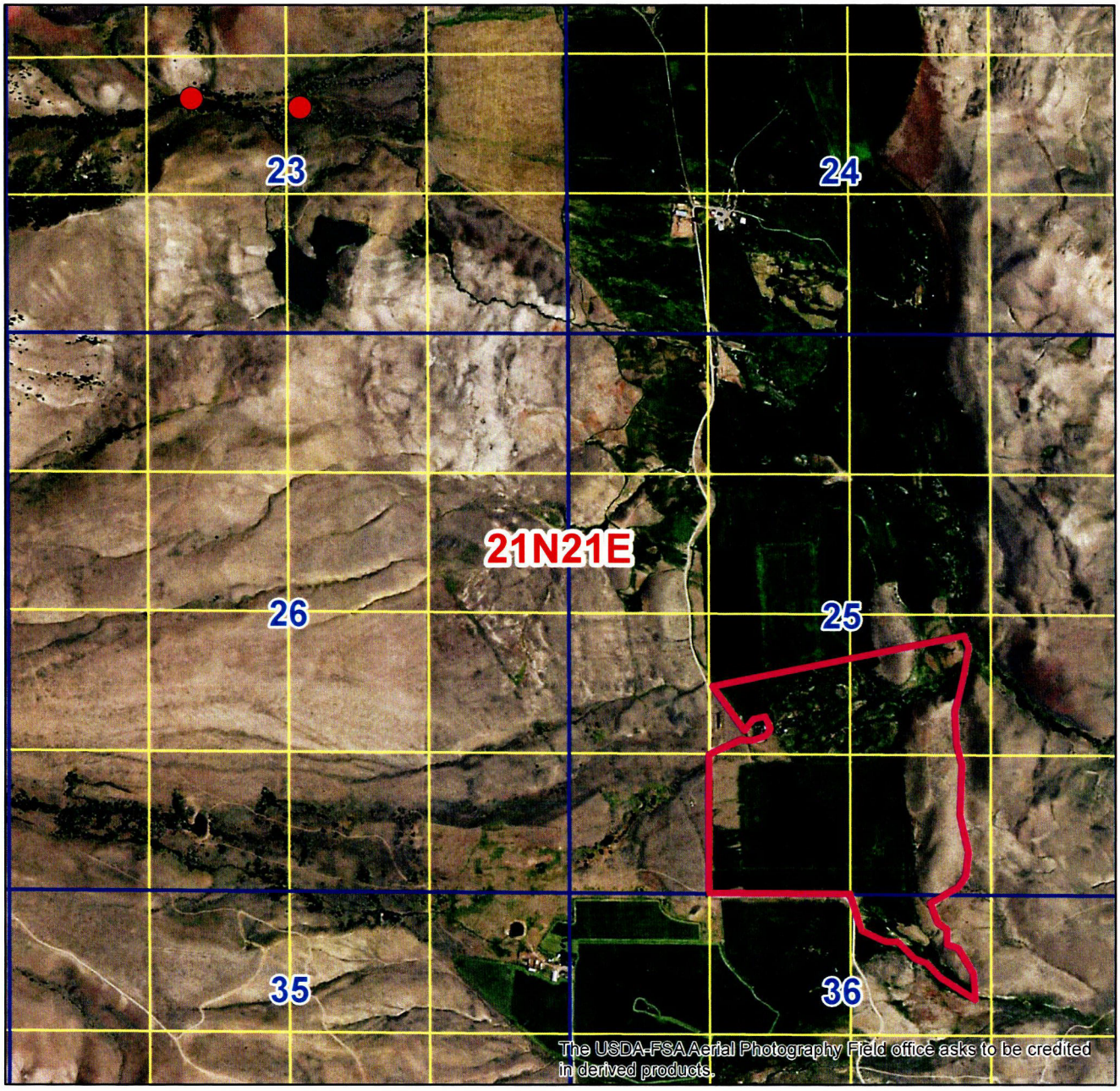
8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



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SEP 26 2022

# Attachment to Transfer Approval 86191

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.




**Legend**

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 0.1250.25 0.5 Miles

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W E
S

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SEP 26 2022

Date: 9/19/2022

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Department of Water Resource
Eastern Region

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) Dale Edwards and Laura Edwards Phone 208-756-3932

Mailing address PO Box 846, Salmon, Idaho 83467 Email gorley@centurytel.net

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☑ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☑ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Randall C. Budge, Attorneys Phone 208-232-6101

Mailing address PO Box 1391, Pocatello, Idaho 83204-1391 Email randy@racineolson.com

☐ Send all correspondence for this application to the representative and not to the applicant.
**OR**
☑ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
**OR**
☑ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**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 Authorized Representative | Print Name and Title if applicable | Date |
|---|---|---|
| Randall C. Budge | Randall C. Budge – Attorney/POA | 4/6/2022 |
| | | |

## 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 Change ownership to Applicants

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.
   (1) Change ownership of all listed water rights to Applicant; (2) Split 75-2034;
   (3) Change the place of use for 75-4105 and 75-2034 to Applicant's property.
   This Transfer is consistent with the Transfer Application of WDS Mountain Springs Ranch, LLC.



86191

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SEP 19 2022

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1. All | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | | Source & Tributary |
|---|---|---|---|---|---|---|---|
| ☑ | ☐ | 75-4105 | 0.48 cfs | Irrigation | 04/01 | to 10/31 | Springs/Gorley Creek |
| ☐ | ☑ | 75-2034 | 1.25 cfs | Irrigation | 04/01 | to 10/31 | Gorley Creek/Salmon River |
| ☑ | ☐ | 75-10050 | 0.04 cfs* | Domestic (*Change Ownership Only) | 01/01 | to 12/31 | Groundwater |
| ☑ | ☐ | | | | | to | |
| ☑ | ☐ | | | | | to | |
| ☑ | ☐ | | | | | to | |
| ☑ | ☐ | | | | | to | |
| ☑ | ☐ | | | | | to | |
| ☑ | ☐ | | | | | to | |

Total authorized under rights 1.77 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.77 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☑ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |
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4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| 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 | |
| 21N | 21E | 25 | | | | | | | | | 25 | | | 40 | | 15 | 25 | | 105 |
| 21N | 21E | 36 | | 12 | | | | | | | | | | | | | | | 12 |
| | | | | | | | | | | | | | | | | | | | |
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SUPERCEDED

**Total Acres** (for irrigation use) 117



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1. All or Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|---|---|---|---|---|---|
| ☐ ☐ | | | | to | |
| ☐ ☐ | | | | to | |
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Department of Water Resources
Eastern Region

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Department of Water Resources
Eastern Region

Total authorized under rights _____ cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|---|
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4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| 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 | |
| 21N | 21E | 25 | | | | | | | | | 19.5 | | | 40 | | 24 | 32 | | 115.5 |
| | | 36 | | 12 | | | | | | | | | | | | | | | 12 |
| | | | | | | | | | | | | | | | | | | | |
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AMENDED

**Total Acres** (for irrigation use) 127.5



86191 (Edmonds)

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SEP 19 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The existing historic diversion and delivery system remains unchanged. See Map Attachment 6.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
**If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
**If yes,** ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Unchanged. See Transfer Application of WDS Smith Mountain Springs Ranch, LLC

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

| Yes | No | |
|---|---|---|
| ☐ | ☑ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☑ | currently leased to the Water Supply Bank, |
| ☐ | ☑ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☑ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

**If yes,** describe:



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

### B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☑ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 75-2034

1. amount 1.25 cfs (cfs/ac-ft) for Irrigation purposes from 04/01 to 10/31
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____
   amount ____ (cfs/ac-ft) for ____ purposes from ____ to ____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

**(See Attached Water Right Report for 75-2034)**

| 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 | |
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| | | | | | | | | | | | | | | | | | | Total Acres (for irrigation use) | |



SCANNED
SEP 19 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 3

### A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

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**FOR DEPARTMENT USE ONLY**

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

Fee paid $580.00 (#655 check) Date 4/20/22 Receipted by CA bk Receipt # E048034

Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



SCANNED
SEP 19 2022

**INDEX OF ATTACHMENTS**

1. Special Power of Attorney for Water Rights
2. Corrected Warranty Deed Instrument No. 301725
3. Warranty Deed Instrument No. 326846 (Edwards to WDS)
4. Edwards' Retained Property – Description and Survey Plat
5. Water Right Reports and Maps
6. Map of Places of Use after transfer

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SEP 19 2022

# ATTACHMENT 1

SCANNED
SEP 19 2022

## SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON, PLLP, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204 (the "Firm"), its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow the Firm to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on our behalf.

DATED this 29 day of March, 2022.

Dale Edwards

Laura Edwards

STATE OF IDAHO )
: ss.
County of Bannock )

This record was acknowledged before me on this 29th day of March, 2022, by Dale Edwards and Laura Edwards.

NOTARY PUBLIC FOR IDAHO
My Commission Expires: 10/11/2024

(Seal) RANDALL C. BUDGE NOTARY PUBLIC Comm. No. 13585 STATE OF IDAHO

SCANNED
SEP 19 2022

# ATTACHMENT 2

SCANNED
SEP 19 2022

rument # 301725 # Pages: 4
LEMHI COUNTY, Idaho
May 03, 2016 2:54:12 pm Fee: $ 19.00
For: LAURA EDWARDS
TERRI J. MORTON, Recorder
JEDWARDS. Deputy

# CORRECTED WARRANTY DEED

This Corrected Warranty Deed corrects and supersedes Warranty Deed recorded in Lemhi County on April 13, 2016 with Recorder's Instrument No. 301563.

| Grantor | Grantee |
|---|---|
| Myrtle C. Edwards, Individually and as Personal Representative of the Estate of Edgar S. Edwards, and Myrtle C. Edwards and Dale C. Edwards, Co-Trustees of the Edgar S. Edwards and Myrtle C. Edwards Revocable Trust P.O. Box 299 Salmon, Idaho 83467 | Dale C. Edwards and Laura Edwards, Husband and Wife P.O. Box 846 Salmon, Idaho 83467 |

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantors hereby sell and forever transfer an undivided ten percent interest (10%) in the following parcels of real property (the "Property") to the Grantee, including the Grantors' right, title and interest therein. Following this transfer, Grantee shall own an undivided one hundred percent (100%) interest in the Property.

**Parcel 1:**

The West Half of the Southeast Quarter (W1/2SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 21 North, Range 21 East of the Boise Meridian

Excepting there from Tax #3667, more particularly described as follows, to wit;

A fraction of the NW ¼ of the SE ¼ of Section 14 Township 21 North Range 21 East Boise Meridian, Lemhi County, Idaho. Containing 5 acres. Commencing at the Center of Section 14, the Point of Beginning. Thence South 209 feet, Thence East 1,045 feet, Thence North 209 feet, Thence West 1,045 feet to the Point of Beginning.

Together with;

The East Half (E1/2) of Section 23, Township 21 North, Range 21 East of the Boise Meridian.



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Also together with;

A portion of the South Half (S1/2) of the Northwest Quarter (NW1/4) of Section 12, Township 21 North, Range 21, East of the Boise Meridian, being the Southerly 1012 feet thereof, and all fo the Southwest Quarter (SW1/4) of Section 12, Township 21 North, Range 21, East of the Boise Meridian;

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 13, Township 21 North, Range 21 East, East of the Boise Meridian;

The South Half of the Southwest Quarter (S1/2SW1/4) of Section 11, Township 21 North Range 21 East of the Boise Meridian;

The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4); the Southwest Quarter (SW1/4); the Northwest quarter of the Northeast Quarter (NW1/4NE1/4); the South Half of the Northwest Quarter (S1/2NW1/4); the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4); the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 24, Township 21 North, Range 21 East of the Boise Meridian;

The West Half of the Southeast Quarter (W1/2SE1/4); the East Half of the Southwest Quarter (E1/2SW1/4); the West Half of the Northeast Quarter (W1/2NE1/4) and the Northwest Quarter (NW1/4) of Section 25, Township 21 North, Range 21 East of the Boise Meridian;

The Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 36, Township 21 North, Range 21 East of the Boise Meridian.

**Parcel 2: An undivided 50% interest in the following:**

The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 13, Township 21 North, Range 21 East.

The East Half of the Northeast Quarter (E1/2NE1/4) and the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 14, Township 21 North, Range 21 East of the Boise Meridian.

(Note: Remaining 50% interest owned by Paul W. Edwards.)

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantees and their successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantees that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the



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Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, the Grantors hereunto set their hands this 03 day of ~~April~~ MAY 2016.

Myrtle C. Edwards
MYRTLE C. EDWARDS, Individually and as Personal Representative of the Estate of Edgar S. Edwards.

EDGAR S. EDWARDS AND MYRTLE C. EDWARDS REVOCABLE TRUST

By: Myrtle C. Edwards
MYRTLE C. EDWARDS, Co-Trustee

By: Dale C. Edwards
DALE C. EDWARDS, Co-Trustee



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STATE OF IDAHO )
: ss
County of Lemhi )

On the 03 day of ~~April~~ MAY, 2016, before me, a Notary Public in and for said state, personally appeared **Myrtle C. Edwards**, individually and as Personal Representative of the Edgar S. Edwards Estate, known or identified 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.




NOTARY PUBLIC FOR IDAHO,
Residing at: Lemhi County
My Commission Expires: 12MAY2020

STATE OF IDAHO )
: ss
County of Lemhi )

On the 03 day of ~~April~~ MAY, 2016, before me, a Notary Public in and for said state, personally appeared **Myrtle C. Edwards** and **Dale C. Edwards**, known or identified to me to be the persons whose names are subscribed to the within instrument as Co-Trustees of the Edgar S. Edwards and Myrtle C. Edwards Revocable Trust, and acknowledged to me that they executed the same as such Co-Trustees.

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 FOR IDAHO,
Residing at: Lemhi County
My Commission Expires: 12MAY2020



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# ATTACHMENT 3

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Instrument # 0000326846 # Pages: 5
LEMHI COUNTY, Idaho
Dec 21, 2021 02:21 PM Fee:$ 15.00
For: Lemhi Title Co
BRENDA ARMSTRONG, Recorder

WHEN RECORDED MAIL TO:

WDS Mountain Springs Ranch, LLC
c/o Woody Smith
1707 North 4000 West
Rexburg, ID 83440

# WARRANTY DEED

| Grantor | Grantee |
|---|---|
| DALE C. EDWARDS and LAURA EDWARDS, individually and as TRUSTEES OF THE DALE C. AND LAURA EDWARDS FAMILY TRUST, whose address is P.O. Box 846, Salmon, Idaho 83467 | WDS Mountain Springs Ranch, LLC, an Idaho limited liability company, c/o WOODY SMITH, whose address is 1707 North 4000 West, Rexburg, ID 83440 |

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantor hereby sells and forever transfers the following parcels of real property and water rights (the "Property") to the Grantee, including the Grantor's right, title and interest therein:

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY REFERENCE**

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO all Schedule B Exceptions as set forth in the First American Title ALTA Commitment for Title Insurance dated December 16, 2021 issued by Lemhi Title Co., ALTA Universal ID: 1041654, Commitment No: 5290, Property Address: 287 Sunrise Road Salmon, Idaho 83467

IN WITNESS WHEREOF, the Grantors hereunto set their hands this 21st day of December, 2021.



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**DALE C. AND LAURA EDWARDS FAMILY TRUST**

By: _____
Dale C. Edwards, individually and as Trustee

By: _____
Laura Edwards, individually and as Trustee

STATE OF IDAHO )
: ss.
County of Lemhi )

This record was acknowledged before me on this 21st day of December, 2021, by Dale C. Edwards and Laura Edwards, individually and as Trustees of Dale C. and Laura Edwards Family Trust.

_____
NOTARY PUBLIC FOR IDAHO
My Commission Expires:

(SEAL)

ANGELA MORTON
Notary Public - State of Idaho
Commission Number 20203462
My Commission Expires 09-08-2026



Instrument # 0000326846

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## EXHIBIT A

All that certain real property situated in Lemhi County, State of Idaho, and described as follows:

**Parcel 1**

The South Half of the Southwest Quarter (S1/2SW1/4) of Section 11, Township 21 North Range 21 East of the Boise Meridian.

Also;
A portion of the South Half (S1/2) of the Northwest Quarter (NW1/4) of Section 12, Township 21 North, Range 21, East of the Boise Meridian, being the Southerly 1012 feet thereof, and all of the Southwest Quarter (SW1/4) of Section 12, Township 21 North, Range 21, East of the Boise Meridian;

Also;
The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) and the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 13, Township 21 North, Range 21 East, East of the Boise Meridian.

Also;
The West Half of the Southeast Quarter (W1/2SE1/4) and the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 14, Township 21 North, Range 21 East of the Boise Meridian

Less:
A fraction of the NW4 of the SE4 of Section 14 Township 21 North Range 21 East Boise Meridian, Lemhi County, Idaho. Containing 5 acres. Commencing at the center of Section 14, the POINT OF BEGINNING. Thence South 209 feet, thence East 1,045 feet, thence North 209 feet, thence West 1,045 feet to the POINT OF BEGINNING.

Also;
The East Half (E1/2) of Section 23, Township 21 North, Range 21 East of the Boise Meridian.

Also;
The Southwest Quarter of the Southeast Quarter (SW1/4SE1/4); the Southwest Quarter (SW1/4); the Northwest quarter of the Northeast Quarter (NW1/4NE1/4); the South Half of the Northwest Quarter (S1/2NW1/4); the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4); the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 24, Township 21 North, Range 21 East of the Boise Meridian.



Instrument # 0000326846

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Also:

A parcel of land being a portion of Section 25, T.21N., R.21E., B.M., Lemhi County, Idaho and more particularly described as follows:

**BEGINNING** at an aluminum cap marking the northwest corner of said Section 25:

Thence South 89°57'43" East 2667.02 feet along the North line of said Section 25 to the North 1/4 corner of said Section 25 marked by an aluminum cap on an iron pin;
Thence continuing along said North line, South 89°57'43" East 1333.51 feet to the East 1/16 corner common to Sections 24 and 25, marked by an aluminum cap on an iron pin;
Thence South 00°01'13" East 2636.74 feet along the East line of the West 1/2 of the NE 1/4 of said Section 25 to the Center-East 1/16 corner of said Section 25, marked by an aluminum cap on an iron pin;
Thence South 00°00'48" West 293.43 feet along the East line of the West 1/2 of the SE 1/4 of said Section 25 to a plastic cap on an iron pin;
Thence South 83°19'46" West 2676.14 feet to a plastic cap on an iron pin on the West line of the East 1/2 of the SW 1/4 of said Section 25;
Thence North 00°04'14" West 610.40 feet along said West line of the East 1/2 of the SW 1/4 of Section 25 to the Center-West 1/16 corner of said Section 25;
Thence North 89°52'07" West 1327.57 feet along the North line of the West 1/2 of the SW 1/4 of said Section 25 to an aluminum cap marking the West 1/4 corner of said Section 25;
Thence North 00°19'40" West 2630.28 feet along the Westerly line of said Section 25 to the **POINT OF BEGINNING**, comprising 269.01 acres, more or less.

SUBJECT TO:
A roadway right-of-way and easement fifty feet (50') in width for the existing road commonly known as Sunshine Road as depicted on the official public road map of Lemhi County, together with any other easements of record.

**Parcel 2: An undivided 50% interest in the following:**

The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), Section 13, Township 21 North, Range 21 East.

The East Half of the Northeast Quarter (E1/2NE1/4) and the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 14, Township 21 North, Range 21 East of the Boise Meridian.

(Note: Remaining 50% interest owned by Paul W. Edwards.)



Instrument # 0000326846
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## WATER RIGHTS

1.25 cfs of water right no. 75-2034 and

All of water right nos.:
75-2
75-2035
75-2162
75-10046
75-10047
75-10103
75-14254
75-10048
75-10049
75-10051
75-10052
75-15016



Instrument # 0000326846
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# ATTACHMENT 4

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**Attachment 4:**
**Edwards Retained Property**

**Parcel 1:**

A parcel of land being a portion of Section 25, T.21N., R.21E., B.M., Lemhi County, Idaho and more particularly described as follows:

**Commencing** at an aluminum cap marking the southeast corner of said Section 25,
Thence South 89°56'49" West 1327.48 feet along the South line of said Section 25 to East 1/16 corner common to Sections 25 and 36 marked by an aluminum cap on an iron pin, the REAL **POINT OF BEGINNING**:

Thence continuing along said South line of Section 25, South 89°56'49" West 1327.48 feet to the South 1/4 corner of said Section 25 marked by an aluminum cap on a iron pin;
Thence continuing along said South line of Section 25, South 89°56'49" West 1327.48 feet to the West 1/16 corner common to Sections 25 and 36, marked by an aluminum cap on an iron pin;
Thence North 00°04'14" West 2042.00 feet along the West line of the East 1/2 of the SW 1/4 of said Section 25 to a plastic cap on an iron pin;
Thence North 83°19'46" East 2676.14 feet to the East line of West 1/2 of the SE 1/4 of said Section 25 to a plastic cap on an iron pin;
Thence South 00°00'48" West 2350.41 feet along said East line of West 1/2 of the SE 1/4 of said Section 25 to the **POINT OF BEGINNING**, comprising 133.94 acres, more or less.

SUBJECT TO:
Any easements of record or appearing on the above-described parcel of land.

**Parcel 2:**

NW1/4 of the NE1/4 of Section 36, T.21N., R.21E., B.M., Lemhi County, Idaho

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# ATTACHMENT 5

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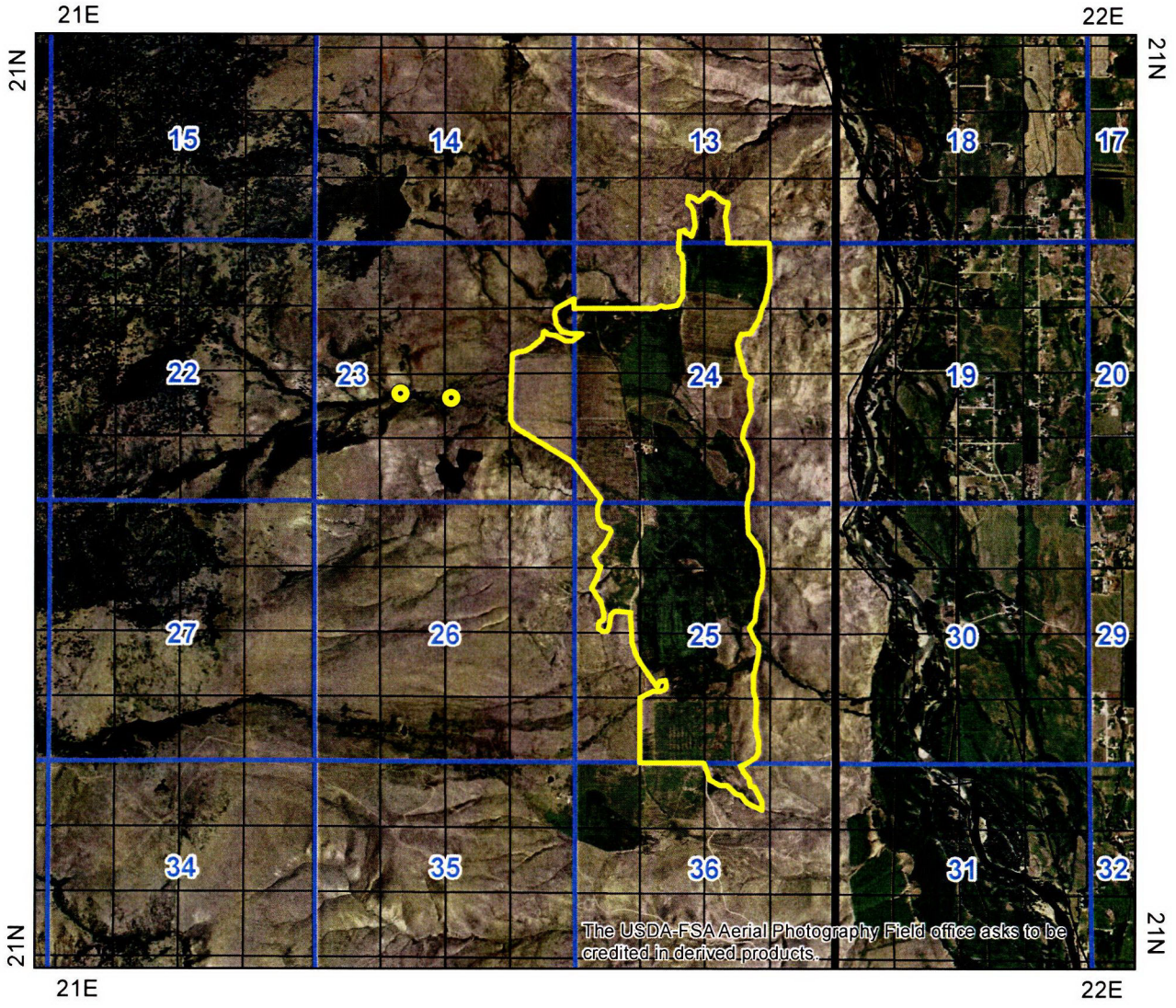
State of Idaho
Department of Water Resources

# Water Right

## 75-2034

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.




Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.425 0.85 1.7 Miles

N

Map produced on March 16, 2022

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# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

3/16/2022
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 75-2034

| Owner Type | Name and Address |
|---|---|
| Current Owner | MYRTLE EDWARDS<br>PO BOX 299<br>SALMON, ID 83467<br>2087564728 |
| Current Owner | DALE EDWARDS |
| Current Owner | LAURA EDWARDS<br>PO BOX 846<br>SALMON, ID 83467<br>2087563932 |
| Original Owner | EDGAR S EDWARDS<br>PO BOX 299<br>SALMON, ID 83467<br>2087564728 |

Priority Date: 02/28/1913
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| GORLEY CREEK | SALMON RIVER |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 04/01 | 10/31 | 2.5 CFS | |
| IRRIGATION STORAGE | 01/01 | 12/31 | | 50 AFA |
| IRRIGATION FROM STORAGE | 04/01 | 10/31 | | 50 AFA |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 2.5 CFS | |
| Total Diversion | | | 2.5 CFS | |

Location of Point(s) of Diversion:

| | | | | | |
|---|---|---|---|---|---|
| GORLEY CREEK | NWNESW | Sec. 23 | Township 21N | Range 21E | LEMHI County |
| GORLEY CREEK | NWSE | Sec. 23 | Township 21N | Range 21E | LEMHI County |

IRRIGATION Use:
Acre Limit: 410

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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21N | 21E | 13 | | SESW | 6 | | | | | | | | | |
| | | | | SWSE | 10 | | | | | | | | | |
| | | 23 | | NENE | 0.8 | | SENE | 22 | | | | | | |
| | | | | NESE | 38 | | SESE | 5.2 | | | | | | |
| | | 24 | | NWNE | 39 | | SWNE | 26 | | | | | | |
| | | | | NENW | 14 | | SWNW | 40 | | SENW | 40 | | | |
| | | | | NESW | 40 | | NWSW | 40 | | SWSW | 35 | | SESW | 40 |
| | | | | NWSE | 27 | | SWSE | 28 | | | | | | |
| | | 25 | | NWNE | 30 | | SWNE | 33 | | | | | | |
| | | | | NENW | 40 | | NWNW | 24 | | SWNW | 21 | | SENW | 40 |
| | | | | NESW | 36 | | NWSW | 1.5 | | SESW | 40 | | | |
| | | | | NWSE | 31 | | SWSE | 32 | | | | | | |
| | | 36 | | NWNE | 12 | | | | | | | | | |

Total Acres: 791.5

Conditions of Approval:

| | | |
|---|---|---|
| 1. | 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. |
| 2. | E56 | The rights listed below are limited to the irrigation of a combined total of 962.8 acres in a single irrigation season. Combined Right Nos.: 75-2, 75-2162, 75-10046, 75-2034, 75-2035, 75-14254 and 75-10047. |
| 3. | K06 | This right is limited to the irrigation of 410 acres within the place of use described above in a single irrigation season. |
| 4. | C05 | Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. |
| 5. | E52 | The rights listed below are limited to a total combined diversion rate of 28.88 cfs. Combined Right Nos.: 75-2, 75-2162, 75-10046, 75-2034, 75-2035, 75-14254 and 75-10047. |

Dates:

Licensed Date:

Decreed Date: 11/17/2008

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

SCANNED
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Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: And/Or
Water District Number: 75A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 962.8
Combined Volume Limit:
Combined Rate Limit: 28.88
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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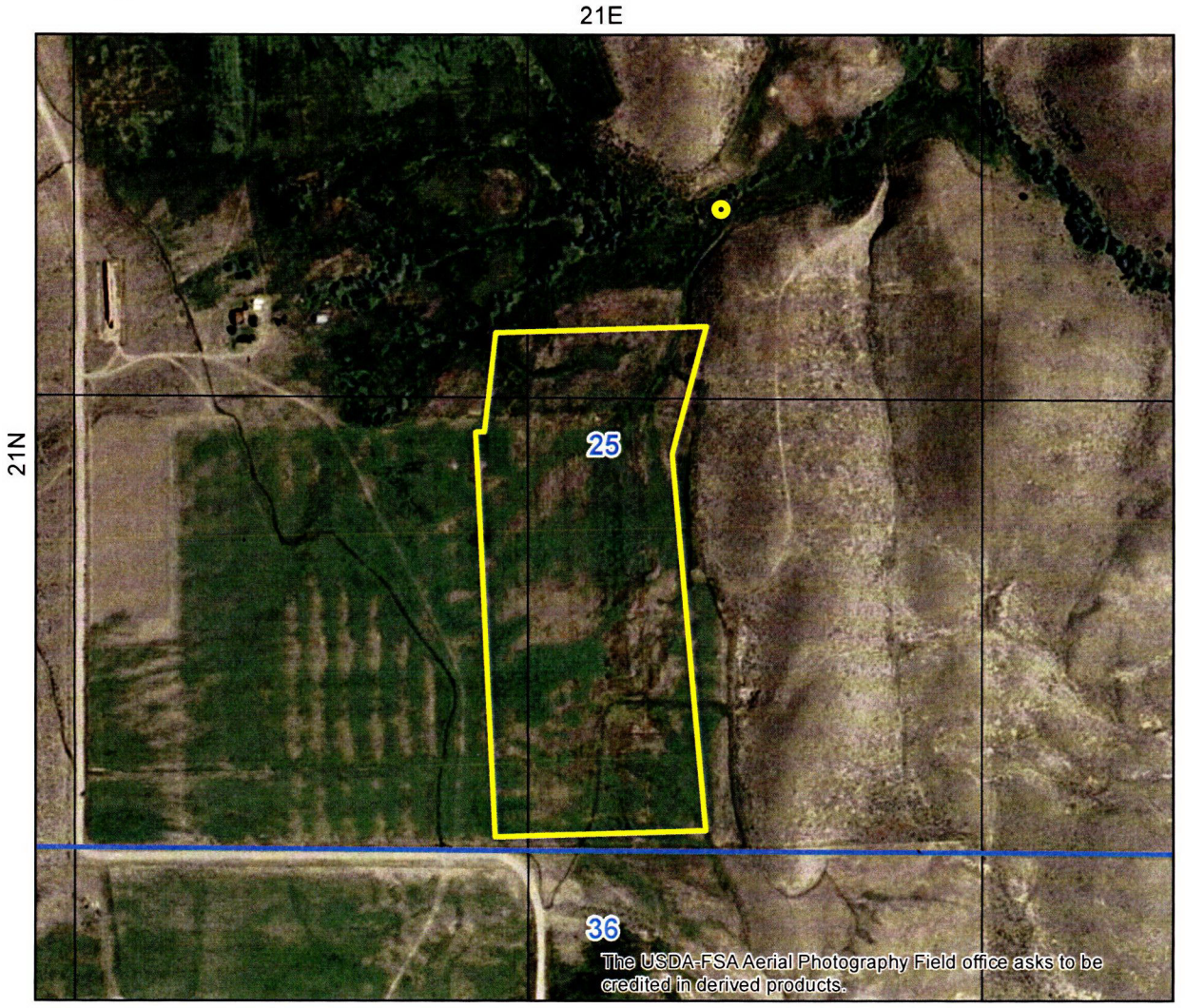
State of Idaho
Department of Water Resources

# Water Right

## 75-4105

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.




Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.05 0.1 0.2 Miles

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SEP 19 2022

N

Map produced on March 29, 2022

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

3/29/2022
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 75-4105

| Owner Type | Name and Address |
|---|---|
| Current Owner | EDGAR S EDWARDS |
| Current Owner | MYRTLE EDWARDS |
| | PO BOX 299 |
| | SALMON, ID 83467 |
| | 2087564728 |

Priority Date: 04/01/1935
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| SPRINGS | GORLEY CREEK |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 04/01 | 10/31 | 0.48 CFS | |
| Total Diversion | | | 0.48 CFS | |

Location of Point(s) of Diversion:

| | | | | |
|---|---|---|---|---|
| SPRINGS | NWSE | Sec. 25 | Township 21N | Range 21E | LEMHI County |

Place(s) of use:
Place of Use Legal Description: IRRIGATION LEMHI County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21N | 21E | 25 | | NESW | 0.5 | | SESW | 3.2 | | | | | | |
| | | | | NWSE | 2.3 | | SWSE | 14 | | | | | | |

Total Acres: 20
Conditions of Approval:

| | | |
|---|---|---|
| 1. | 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:

SCANNED
SEP 19 2022

Licensed Date:
Decreed Date: 11/17/2008
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: 75A
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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State of Idaho
Department of Water Resources

# Water Right

## 75-10050

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.




Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.045 0.09 0.18 Miles

N

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Map produced on March 29, 2022

# IDAHO DEPARTMENT OF WATER RESOURCES

## WATER RIGHT REPORT

3/29/2022
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 75-10050

| Owner Type | Name and Address |
|---|---|
| Current Owner | EDGAR S EDWARDS |
| Current Owner | MYRTLE EDWARDS |
| | PO BOX 299 |
| | SALMON, ID 83467 |
| | 2087564728 |

Priority Date: 10/01/1956
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| DOMESTIC | 1/01 | 12/31 | 0.04 CFS | |
| Total Diversion | | | 0.04 CFS | |

Location of Point(s) of Diversion:

| | | | | |
|---|---|---|---|---|
| GROUND WATER | SWNESW | Sec. 25 | Township 21N | Range 21E | LEMHI County |

Place(s) of use:
Place of Use Legal Description: DOMESTIC LEMHI County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21N | 21E | 25 | | NESW | | | | | | | | | | |

Conditions of Approval:

| | | |
|---|---|---|
| 1. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 2. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 3. | | RP 21N21E250601A |

Dates:
Licensed Date:

SCANNED
SEP 19 2022

Decreed Date: 09/15/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

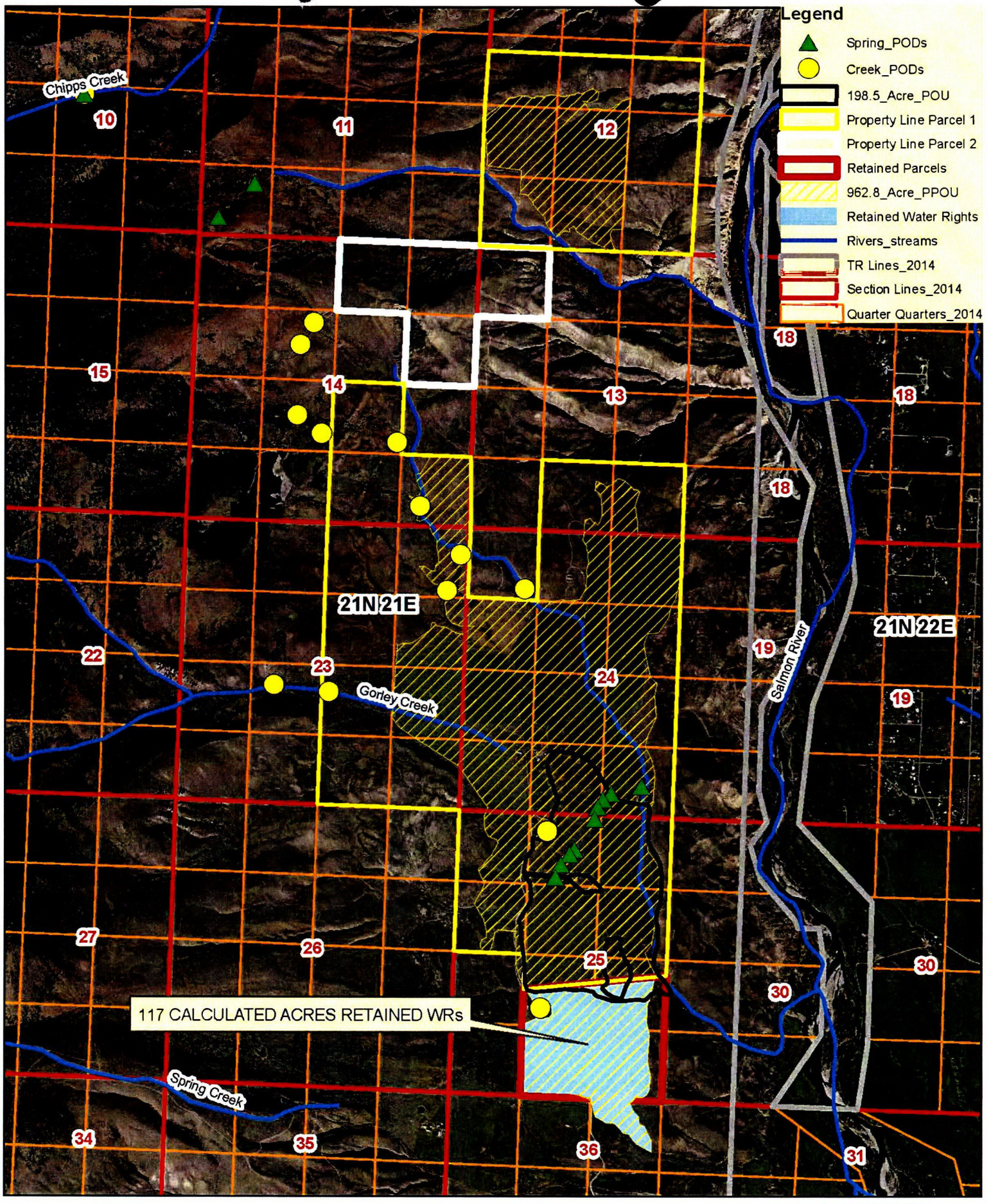
Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: EXC
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plantiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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# ATTACHMENT 6

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WDS/EDWARDS PURCHASE




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RACINE OLSON
ATTORNEYS

**RANDALL C. BUDGE**
randy@racineolson.com

April 18, 2022

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

**Re: Dale Edwards and Laura Edwards**
**Notice of Change in Water Right Ownership**
**Transfer Application**

Dear James:

On behalf of Dale and Laura Edwards we are submitting the following for filing and processing:

1. Original and two copies of Notice of Change in Water Right Ownership.
2. Original and two copies of Application for Transfer of Water Rights.
3. Check in the amount of $655 for the combined filing fees.
4. Stamped and addressed return envelopes to the Applicants and to me.

Please file and process the original of both the Notice of Change and Application for Transfer and conform stamp and return the extra copies to the Applicants and to me.

A companion Notice of Change of Water Right Ownership and Application for Transfer is also being filed on behalf of WDS Mountain Springs Ranch, LLC. Both relate to the recent sale of the Edwards Ranch to WDS to accomplish the change of ownership on all water rights and a change in the place of use for all irrigation rights.

Thank you for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,

Randall C. Budge

RANDALL C. BUDGE

RCB:ts
Enclosures
c: Dale and Laura Edwards

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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 Gary Spackman**

September 19, 2022

DALE EDWARDS
LAURA EDWARDS
PO BOX 846
SALMON ID 83467

Re: Transfer No: 86191
Water Right No(s).: 75-2034, 75-4105

**Transfer Approval Notice**

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

RANDALL C BUDGE
PO BOX 1391
POCATELLO ID 83204-1391

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## CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 86191**
**Water Right No(s).: 75-2034, 75-4105**

**DALE EDWARDS**
**LAURA EDWARDS**
**PO BOX 846**
**SALMON ID 83467**

**RANDALL C BUDGE**
**PO BOX 1391**
**POCATELLO ID 83204-1391**

**Christina Henman**
**Administrative Assistant**

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# EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

## PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

## EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

## REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

## ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.



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## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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# MEMORANDUM

**Date:** June 17, 2022

**To:** Transfer 86191

**From:** Cooper Fritz

**Re:** Review & Evaluation of Sufficiency of Information

This transfer creates a 127.5 acre combined place of use for water right 75-4105 and a portion of water right 75-2034. The remaining portion of water right 75-2034 (right 75-15039) is updated in companion Transfer 86107.

Authority to File:

The applicants, Dale and Laura Edwards, have the authority to file. The applicants are the current owners of record. The applicants conveyed a large portion of the existing place of use for water right 75-2034 to WDS Mountain Springs Ranch LLC, as described in companion Transfer 86107. That deed authorized the applicants to remove 1.25 cfs of 75-2034 from WDS Mountain Springs Ranch's property. The applicants own the remainder of the existing and proposed places of use.
The application was signed by Randall Budge, attorney for the applicants.

Water Right Validity:

The water rights are valid for transfer. They were decreed in 2008. The applicants asserted, via their attorney in an email dated August 29, 2022, that they have irrigated all of the place of use at least once per year. Aerial imagery shows consistent irrigation of the property

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The Watermaster for Water District 75A was notified of the transfer and did not comment.

Enlargement of Use:

No enlargement of use will result from this transfer's approval. The portion of water right 75-2034 being changed in this transfer is being unstacked from six overlapping water rights. As a result, 127.5 acres will be dried up under those rights. Water right 75-2034 will be combined with water right 75-4105. The rate per acre will increase slightly for water right 75-2034, but is still less than 0.02 cfs per acre.

Half of the irrigation rate of 75-2034 was retained by Edwards in the sale to WDS Mountain Springs Ranch LLC. The other elements of the right (irrigation storage, irrigation from storage) go to WDS and are addressed in the companion transfer. The 205 acres associated with the Edwards portion of the right, comprising half of 75-2034, as decreed were consolidated onto 127.5 acres to improve the rate per acre. When viewed in concert with Transfer 86107, rate nor irrigated acres are authorized to increase.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

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SEP 19 2022

## Fritz, Cooper

**From:** Randy Budge <randy@racineolson.com>
**Sent:** Monday, August 29, 2022 5:35 PM
**To:** Fritz, Cooper
**Cc:** Randy Budge; Dale and Laura Edwards (gorley@centurytel.net)
**Subject:** RE: WDS and Edwards Transfers -- Amended Places of Use

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

Hi Cooper,

I checked with the Edwards and it is their intend that all of the Gorley Creek storage right go to WDS. They also confirmed that the reservoir is all on the WDS property.

Randy

**Randall C. Budge**
Attorney

201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

racineolson.com

**CONFIDENTIALITY NOTICE** - This email and its attachments may contain information that is confidential, privileged, or otherwise protected from disclosure. If you believe this email may have been sent to you in error, please notify the sender immediately.

**From:** Fritz, Cooper <Cooper.Fritz@idwr.idaho.gov>
**Sent:** Monday, August 22, 2022 2:15 PM
**To:** Randy Budge <randy@racineolson.com>
**Subject:** WDS and Edwards Transfers -- Amended Places of Use

Hi Randy,

Attached is my interpretation of the place of use proposed by the two transfers.

The 11 water rights are considered stacked for the purposes of this transfer, so they division of ½ of 75-2034 into the group of eight other water rights on the WDS Mountain Springs Ranch, LLC, property and the other half combining post-transfer with 75-4105 and 75-10050 should not be an issue.



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In all, then, the two places of use should add up to 962.8 acres. The only change in the place of use comes in the Section 25 NESW and NWSE, where the rights are being split. In the proposed place of use, my calculations are based on aerial photography via ArcMap.

If you agree with the places of use, the primary information remaining is: Are the Edwards' keeping all of the storage component of 75-2034, or selling half of it?



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**From:** Randy Budge <randy@racineolson.com>
**Sent:** Thursday, July 28, 2022 5:34 PM
**To:** Fritz, Cooper <Cooper.Fritz@idwr.idaho.gov>
**Cc:** Randy Budge <randy@racineolson.com>; Dale and Laura Edwards (gorley@centurytel.net) <gorley@centurytel.net>
**Subject:** RE: WDS Mountains Springs Ranch, LLC, Water Right Transfer

Fritz,

I just reached Edwards by phone. They have been vacationing and Laura had a knee replacement the reasons for the delayed response. Discussing by phone they have reiterated that in low water years there might not be sufficient water to fully irrigate the property, but that they always get one irrigation on all acres in the identified POU. They will be home from Boise tomorrow and will go back and double check the maps and legal to re-confirm.

Randy

**Randall C. Budge**
Attorney

RACINE OLSON
ATTORNEYS | PROBLEM SOLVED

201 E. Center Street / P.O. Box 1391
Pocatello, Idaho 83204
(208)232-6101 - Phone
(208)232-6109 - Fax

racineolson.com

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# MEMORANDUM

**Date:** June 16, 2022

**To:** Transfer 86191

**From:** Cooper Fritz

**Re:** Legal Notice Not Required

Legal Notice Not Required
6/16/2022

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

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SEP 19 2022

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 86191

# MINIMUM REQUIREMENTS CHECKLIST
## TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Dale Edwards and Laura Edwards

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part 1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☑ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☑ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application -** Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☑ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☑ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☑ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☑ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☑ ☐ #10 Other. Please describe: See Notice of Change of Water Right Ownership attached.



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SEP 19 2022

## Fritz, Cooper

**From:** Fritz, Cooper
**Sent:** Thursday, May 26, 2022 4:51 PM
**To:** clintanders77@outlook.com
**Subject:** Notice of Proposed Water Right Transfer (Place of Use Change)
**Attachments:** Transfer 86107.pdf; Transfer 86191.pdf; Water Master Comment 86107.docx; Water Master Comment_86191.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the attached water right transfer applications. Please review the applications, then complete the enclosed recommendation form and return them to this office within 14 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Please contact Cooper Fritz at the Eastern Regional office (208 715 0559) if you have any questions regarding the application.

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