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\$300

DEC 05 2023

42-221-PDD-07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☒ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Justin Allen Rose and Kelsey Beal Rose Phone 208-390-2504
 2. MAILING ADDRESS 3370 W. 2900 N. City Moore
 State ID Zip 83255 Email Kelsey.rose38@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-2397C

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.04 cubic feet per second and/or 7.0 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, Water Rights, Water Right Transfers, Modeling Resources.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SW	4	04N	26E	Butte	Ground Water	New Well

6. 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:

We will irrigate our yard from our domestic well. Our system is small enough, we don't need a measuring device at this time.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Kelsey Rose
Signature of applicant or authorized agent

Kelsey Rose
Print name and title if applicable

12/1/2023
Date

Dustin Rose
Signature of applicant or authorized agent

Dustin Rose
Print name and title if applicable

12-1-23
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid 300.00 Date 12-5-23 Receipted by M. Pettit Receipt # E049652

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

11/28/2023

Water Right 34-2397C

Owner Type **Name and Address**
Current Owner SETH E BEAL
2827 N 3375 W
MOORE, ID 83255-8766

Current Owner SHELLEY BEAL
2827 N 3375 W
MOORE, ID 83255-8766

Priority Date: 2/20/1961

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.500 CFS	262.5 AF
	<u>Total Diversion</u>		1.500 CFS	262.5 AF

Source and Point(s) of Diversion:

GROUND WATER SENW Sec. 9, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	4									36.0			39.0					75.0

POU Total Acres: 75.0

Conditions of Approval:

1. X35 Rights 34-62B, 34-738C and 34-2397C when combined shall not exceed a total diversion rate of 2.14 cfs and the irrigation of 75 acres.
2. R05 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. 34.
3. 214 Prior to the diversion and use of water under Transfer approval 83302, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/28/2023

4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 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. T19 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.

****Water rights 34-62B and 34-738C are also appurtenant to our property. We do not claim any ownership interest in these two rights. The rights can be adjusted to exclude our property.**

 12-1-23

Justin Rose

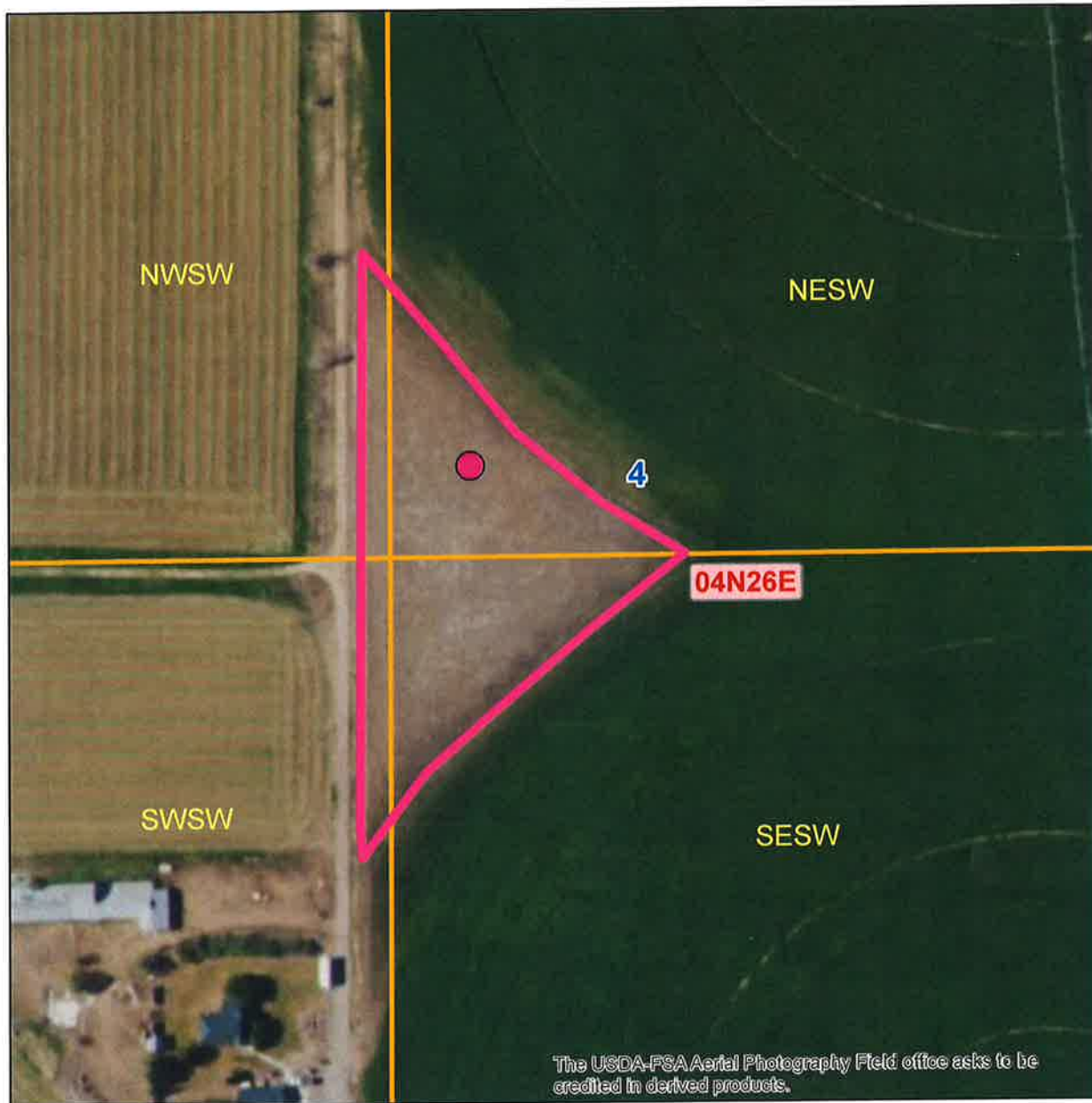
Date

 12/1/2023

Kelsey Rose

Date

Application for Transfer - Rose Water Right 34-2397C



2021 Aerial Imagery

-  Township/Range
-  Sections
-  QQ

0 125 250 500 Feet



Instrument # 60492 # Pages: 1
BUTTE COUNTY, Idaho
Jul 29, 2022 2:51:09 pm Fee: \$ 15.00
For: SETH BEAL
SHELLY BLACKNER, Recorder
KIM, Deputy

Warranty Deed

For value received, **Seth E. Beal and Shelley Beal, husband and wife,**

the grantor, does hereby grant, bargain, sell, and convey unto

Justin Allen Rose and Kelsey Beal Rose, husband and wife,

whose current address is **2875 N. 3375 W., Moore, ID 83255**

the grantee, the following described premises, in **Butte** County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 7/29/22

Seth E. Beal
Seth E. Beal

Shelley Beal
Shelley Beal

State of Idaho, County of Butte, ss.

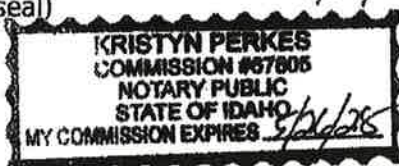
On this 29 day of July in the year of 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Seth E. Beal and Shelley Beal, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Kristyn Perkes

Notary Public

Residing In: Butte Co.

My Commission Expires: 5/24/28
(seal)





BEAL TO ROSE - 2.002 ACRES

Part of the east 1/2 of the southwest 1/4 of Section 4, Township 4 North, Range 26 East of the Boise Meridian, Butte County, Idaho, more particularly described as:

Commencing at the south 1/4 corner of Section 4 from which the southwest corner of said section bears S 89°36'22" W 2649.78 feet, the basis of bearings for this description;
Thence S 89°36'22" W 1324.89 feet along the south line of the east 1/2 of the southwest 1/4, from the point of commencement to the southwest corner thereof;
Thence N 00°29'37" W 1015.39 feet along the west line of said east 1/2 of the southwest 1/4 to the POINT OF BEGINNING, said point being marked by a 5/8" rebar with plastic cap inscribed "PLS 12222";
Thence continuing along said west line N 00°29'37" W 643.76 feet to a point being marked by a 5/8" rebar with plastic cap inscribed "PLS 12222";
Thence N 90°00'00" E 6.77 feet to a point being marked by a 5/8" rebar with plastic cap inscribed "PLS 12222", said point being the point of curvature of a curve to the left from which the radius point bears
N 65°07'20" E 673.04 feet;
Thence 484.77 feet southeasterly through a central angle of 41°16'05" along said curve to the left having a Chord Bearing of S 45°30'43" E and a Chord Distance of 474.36 feet, to the point of curvature of a non-tangent curve which is marked by a 5/8" rebar with plastic cap inscribed "PLS 12222" from which the radius point bears S 24°23'40" E 710.26 feet;
Thence 463.81 feet southwesterly through a central angle of 37°24'55" along said curve to the left having a Chord Bearing of S 46°53'53" W and a Chord Distance of 455.61 feet to a point being marked by a 5/8" rebar with plastic cap inscribed "PLS 12222";
Thence N 90°00'00" W 6.97 feet to the POINT OF BEGINNING.

Containing 2.002 acres and being attached to the following described Ingress/egress and utility easement:



1592 N. 775 E., Shelley ID, 83274

PHONE: 208-390-8643

www.cornerstonegeomatics.com

C:\Users\Beal\Downloads\Beal to Rose Boundary-R1 (1).docx



Commencing at the south 1/4 corner of Section 4 from which the southwest corner of said section bears S 89°36'22" W 2649.78 feet, the basis of bearings for this description;
Thence S 89°36'22" W 1299.89 feet along the south line of the east 1/2 of the southwest 1/4, from the point of commencement to the POINT OF BEGINNING;
Thence continuing along said south line S 89°36'22" W 25.00 feet to the southwest corner of the east 1/2 of the southwest 1/4;
Thence N 00°29'37" W 1015.39 feet along the west line of said east 1/2 of the southwest 1/4;
Thence N 90°00'00" E 6.97 feet to the point of curvature of a non-tangent curve from which the radius point bears S 61°48'35" E 710.26 feet;
Thence 35.92 feet northeasterly along a curve to the right through a central angle of 2°53'52", said curve having a Chord Bearing of N 29°38'22" E and a Chord Distance of 35.92 feet;
Thence S 00°29'37" E 1046.44 feet parallel with and 25.00 feet east of the west line of said east 1/2 of the southwest 1/4 to the POINT OF BEGINNING.



1592 N. 775 E., Shelley ID, 83274

PHONE: 208-390-8643

www.cornerstonegeomatics.com

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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

December 13, 2023

JUSTIN ALLEN ROSE
KELSEY BEAL ROSE
3370 W 2900 N
MOORE, ID 83255

RE: Transfer No. 88664
Water Right No(s). 34-2397C

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 12/21/2023 and 12/28/2023. 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,

A handwritten signature in blue ink, appearing to read "CH", is written over the word "Sincerely,".

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 13, 2023 11:10 AM
To: 'arcoadv@aol.com'
Subject: Legal Notice for Arco Advertiser
Attachments: 88664 Arco Advertiser.docx

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

RE: Transfer No. 88664
Water Right No(s). 34-2397C

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 1/8/2024. 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. 88664**

JUSTIN ALLEN ROSE and KELSEY BEAL ROSE, 3370 W 2900 N, MOORE, ID 83255 has filed Application No. 88664 for changes to the following water rights within BUTTE County(s): Right No(s). 34-2397C; 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. Proposed point of diversion is in NESW Sec 4 T04N R26E for 0.04 cfs from ground water.

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 1/8/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 12/21/2023 and 12/28/2023