

RECEIVED

Rev. 07/18

MAY 25 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87982

Department of Water Resources
Eastern Region
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) Louis and Terrisa Berg

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 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 25 2023

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Louis and Terrisa Berg Phone (208) 270-9577
Mailing address 4540 S 2nd Ave Pocatello, ID Email louisnberg@gmail.com

- ☐ 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

Louis N. Berg
Signature of Applicant or Authorized Representative

Louis N. Berg, Owner
Print Name and Title if applicable

05/25/2023
Date

Terrisa J. Berg
Signature of Applicant or Authorized Representative

Terrisa J. Berg
Print Name and Title if applicable

5-25-23
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.0.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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 **Part 1A.3**.
Restore surface water, fish, wildlife, and riparian vegetation to property. Pond outflow will become meandering stream channel and flow into old Portneuf River oxbow.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-8011	.20 cfs	Diversion to Storage	4/1 to 10/31	groundwater
☐ ☐		39.9 af	Wildlife Storage	4/1 to 10/31	groundwater
☐ ☐		.02 cfs/.4 af	Stockwater	1/1 to 12/31	groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .20 cfs and/or 40.3 acre-feet.

2. Total amount of water proposed to be transferred or changed .20 cubic feet per second and/or 39.9 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 #

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	
07S	35E	7			W										W	W			
					S										S	S		S	
Total Acres (for irrigation use)																			

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:

Pump from groundwater well. Will install measuring device if required.

- 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: No

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:

Restoration of surface water and riparian vegetation. Land currently irrigated will no longer be irrigated.

- 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:

n/a

- 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:

[illegible]

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/25/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-8011

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOUIS N BERG
Current Owner	TERRISA J BERG
	4540 S 2ND AVE
	POCATELLO, ID 83204-2250
	2082709577

Priority Date: 04/06/1990

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.2 CFS	84.7 AFA
STOCKWATER	01/01	12/31	0.02 CFS	0.4 AFA
Total Diversion			0.2 CFS	85.1 AFA

Location of Point(s) of Diversion:

GROUND WATER | SWSWNE | Sec. 07 | Township 07S | Range 35E | BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07S	35E	7		SWNE	0.5									
				NESE	16		NWSE	6.4		SESE	2.1			

Total Acres: 25

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:

Licensed Date:

Decreed Date: 03/22/2004

Permit Proof Due Date: 10/1/1991

Permit Proof Made Date: 10/9/1990

Permit Approved Date: 9/27/1990

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: 04/06/1990

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: EXC

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

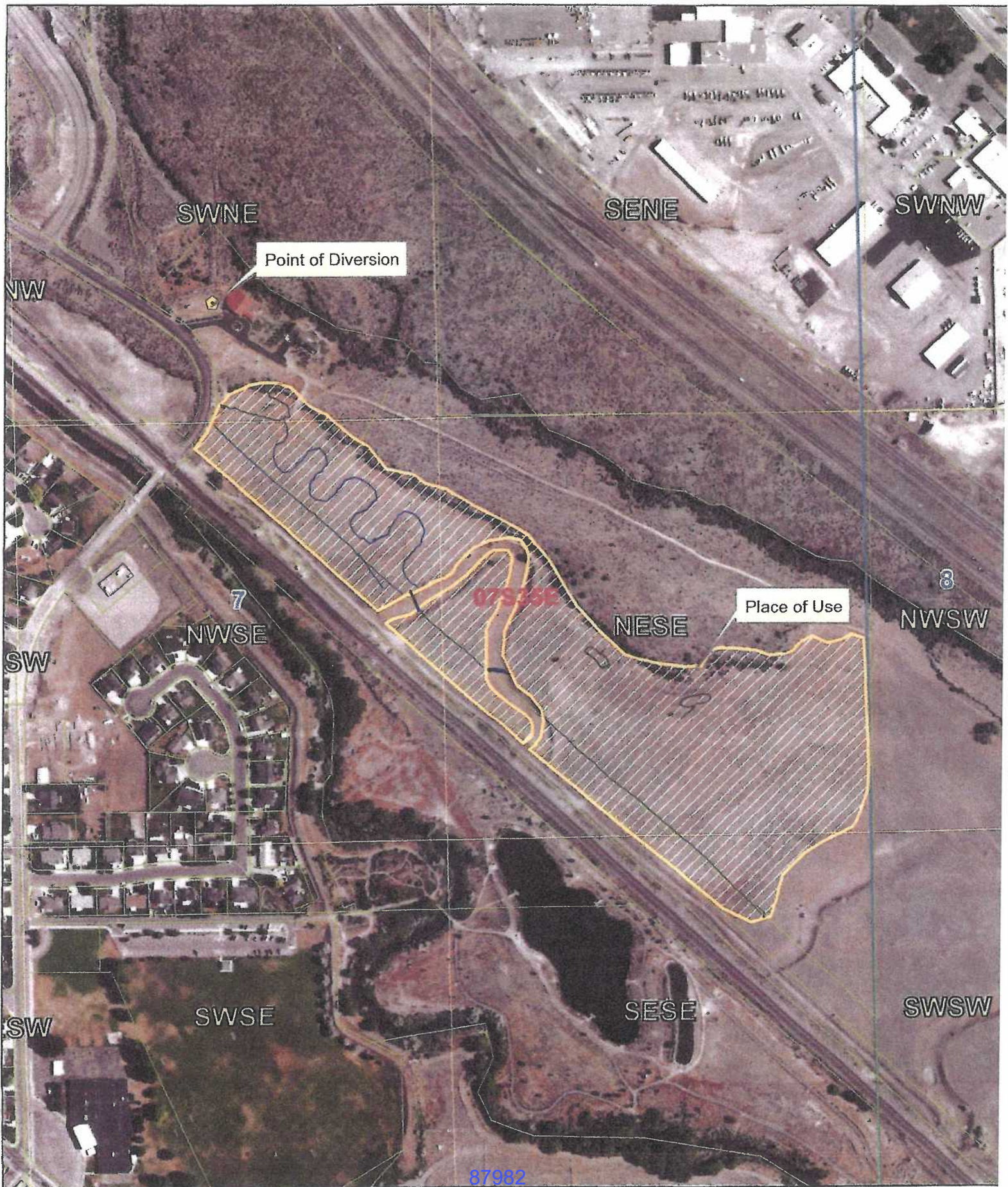
Swan Falls Dismissed:

DLE Act Number:

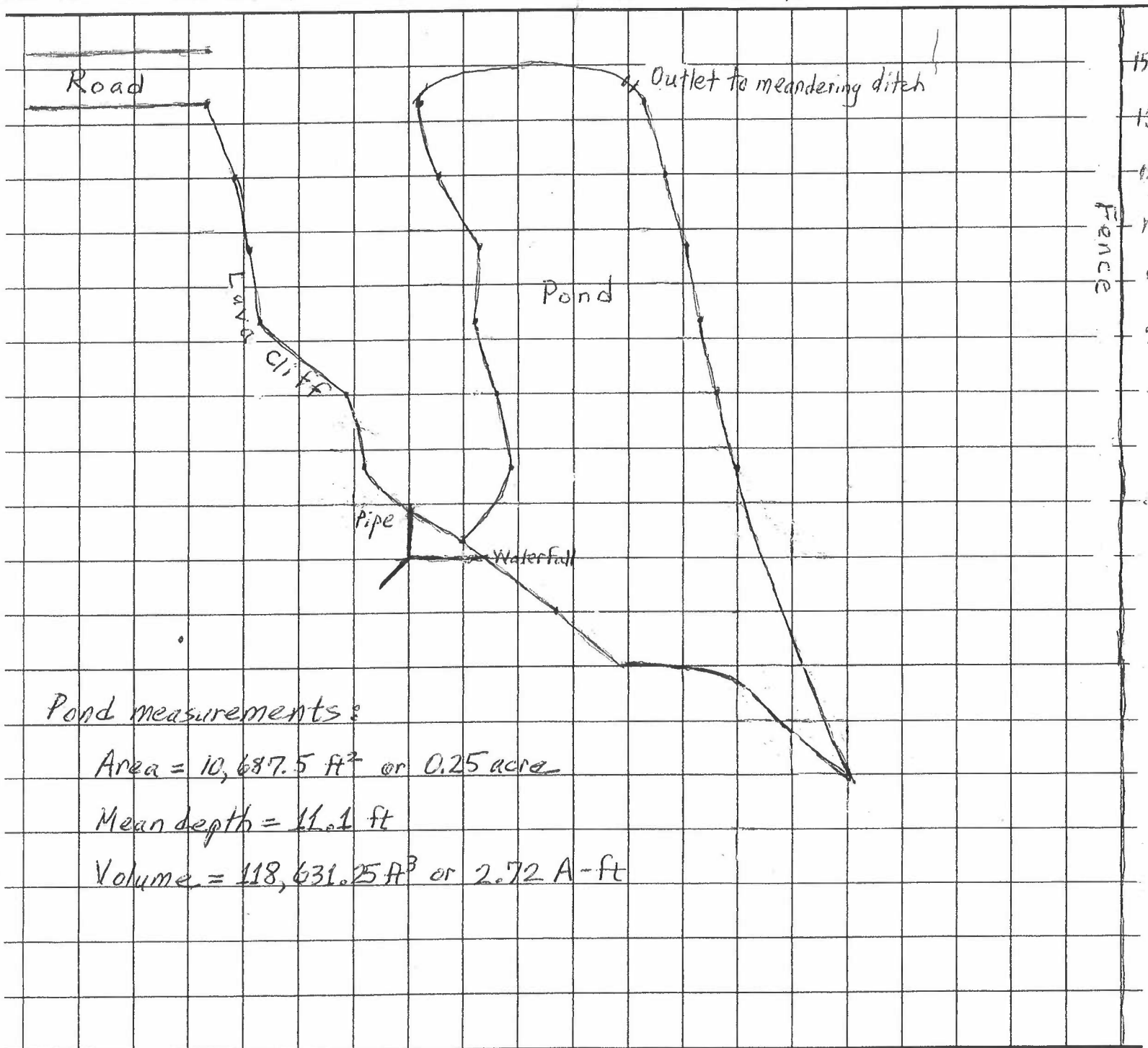
Cary Act Number:

Mitigation Plan: False

Map of Water Right 29-8011



300 285 270 255 240 225 210 195 180 165 150 135 120 105 90 75 60 45 30 15 0



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CONSERVATION EASEMENT

This deed of easement is made this 28th day of September, 2007, between R. Corey Snow and Nicole T. Snow, as Grantors, and the City of Pocatello, a municipal corporation of the State of Idaho, as Grantee, witnesseth:

WHEREAS, Grantors are the owners in fee simple of certain real property situated in Bannock County, Idaho, and more particularly described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the property has scenic, natural, and aesthetic value in its present state as a natural area which has not been subject to development or exploitation, and also provides protection for the City's aquifer, which travels directly below said property; and

WHEREAS, the Grantors are willing to grant a conservation easement over the property, thereby restricting and limiting the use of the land and contiguous water areas of the property, on the terms and conditions and for the purposes hereinafter set forth, and the Grantee is willing to accept such easement; and

WHEREAS, the Grantors and the Grantee recognize the scenic, natural, and aesthetic value of the property in its present natural state and the protection the property affords the City's aquifer, and have, by the conveyance of a conservation easement to the Grantee, the common purpose of conserving the natural values of the property, preserving the natural character of the property, and preventing the use or development of the property for any purpose or in any manner which would conflict with the maintenance of the property in its scenic, natural and agricultural condition;

NOW, THEREFORE, for good and valuable consideration paid to the Grantors, which Grantors acknowledge has been provided to Grantee by the Natural Resources Conservation Service (NRCS) pursuant to Grant Agreement No. 68-0211-6-115, the receipt of which is hereby acknowledged, and in further consideration of the mutual covenants, terms, conditions, and

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restrictions set forth, Grantors hereby grant and convey unto the Grantee, its successors and assigns in perpetuity an interest and conservation easement of the nature and character and to the extent set forth, in respect to the lands of the Grantors located in Bannock County, Idaho, and more particularly described in Exhibit "A", attached.

The terms, conditions, and restrictions of the conservation easement are as set forth:

1. No building, billboard or advertising material, or other structure shall be erected on the property.
2. There shall be no dumping of soil, ashes, waste or other unsightly or offensive material on the property.
3. There shall be no excavation, dredging or removal of loam, gravel, soil, rock, sand, or other material nor any building of roads or change in the general topography of the land, excepting the maintenance of existing foot trails, fire lanes, farm roads, or other accesses, or public safety/welfare improvements.
4. There shall be no removal, destruction, or cutting of trees, shrubs, or other vegetation except as may be necessary for (a) the maintenance of existing foot trails, fire lanes, or other accesses, (b) the prevention or treatment of disease, or (c) other good husbandry practices approved by the Grantee.
5. No advertising of any kind or nature shall be located on or within the property.
6. There shall be no activities, actions, or uses detrimental or adverse to aquifer protection, water conservation, erosion control, soil conservation, preservation of basalt cliff formations, and fish and wildlife or habitat preservation.
7. There shall be no subdivision of the property.

In the event a violation of these terms, conditions, or restrictions is found to exist, the Grantee, or its successor or assign, may, after a 30 day notice to the Grantors, or their successors or

assigns, institute a suit to enjoin by temporary and/or permanent injunction such violation, to require the restoration of the property to its prior condition, and/or for damages for the breach of covenant.

The Grantee, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the terms, conditions, and purposes of this conservation easement by a prior failure to act.

The Grantee, or its successor or assign, reserves the right to enter the property at all reasonable times for the purpose of inspecting the property to determine if the Grantors or their successors or assigns, are complying with the terms conditions, restrictions, and purposes of this conservation easement.

The Grantors expressly reserve for themselves , their successors or assigns, the right to continue the use of the property for all purposes not inconsistent with this conservation easement.

The Grantors agree that the terms, conditions, restrictions, and purposes of this conservation easement will be inserted by them in any subsequent deed, or other legal instrument, by which they divest themselves of either the fee simple title, to or of their possessory interest in the subject property.

To have and to hold unto the City of Pocatello, Grantee, and R. Corey Snow and Nicole T. Snow, Grantors, to the use of the Grantee, its successors and assigns forever. The covenants agreed to and the terms, conditions, restrictions, and purposes imposed as aforesaid shall not only be binding upon the Grantors, but also their agents, assigns and all other successors to it in interest and shall continue as a servitude running in perpetuity with the above described land.

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In witness whereof, the Grantors and the Grantee have hereunto set their hands and seals
on the day and year above written.

GRANTOR:

R. Corey Snow
R. COREY SNOW

Nicole T. Snow
NICOLE T. SNOW

GRANTEE:

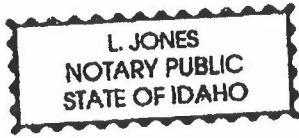
CITY OF POCA TELLO, a municipal
Corporation of the State of Idaho

Roger Chase
ROGER CHASE, Mayor

STATE OF IDAHO)
County of Bannock) ss:

On this 28th day of September, 2007, before me, the undersigned, a Notary Public for the State, personally appeared R. Corey Snow and Nicole T. Snow, known or proved to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



L. Jones
NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
My commission expires: 09-01-13

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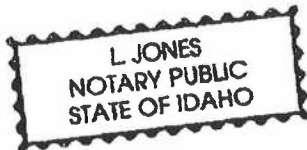
STATE OF IDAHO)

ss:

County of Bannock)

On this 28th day of September, 2007, before me, the undersigned, a Notary Public for the State, personally appeared Roger W. Chase, known to me to be the Mayor of the City of Pocatello, and acknowledged to me that he executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

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



A handwritten signature in cursive script, appearing to read "L. Jones", written over a horizontal line.

NOTARY PUBLIC FOR IDAHO

Residing in Pocatello, Idaho

My commission expires: 06-01-13

OFFICIAL RECORD BK# 899
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 24 DEPUTY MD

ALLIANCE TITLE & ESCROW

20723521

2007 SEP 28 P 3:51

CONSERVATION EASEMENT

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Conservation Easement No. 1

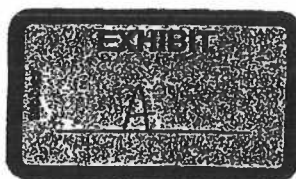
A parcel of land located in the east ½ of Section 7, T 7 S, R 35 E, Boise Meridian, Bannock County, Idaho, said parcel being more particularly described as follows (basis of bearings is City of Pocatello Survey datum):

Commencing at the northeast 1/16 corner of said Section 7, said corner being marked by a found Idaho Transportation Department brass cap set in a concrete post; thence N 89°43'48" W along the north 1/16 line of said Section 7, 450.32 feet to a point of non-tangency with a 5879.91 foot radius curve on the southwesterly right-of-way line of Interstate 15, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075", and said point being the True Point of Beginning; thence southeasterly along said right-of-way line of Interstate 15, along a curve to the left, said curve having a central angle of 14°56'33", a radius of 5879.91 feet, and a chord bearing of S 43°43'08" E, for an arc length of 1533.46 feet to a point of tangency; said point being marked by a found Idaho Transportation Department brass cap set in a concrete post; thence S 51°11'24" E, 911.09 feet to a point on the east line of Section 7, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 0°13'49" W along the east line of said Section 7, 172.65 feet to a point on the top of the lava rock cliff; thence northwesterly along the top of the lava rock cliff the following courses and distances;

N 50°04'57" W, 75.04 feet; thence N 83°41'16" W, 70.47 feet;
 thence N 72°07'48" W, 44.99 feet; thence N 59°04'14" W, 165.06 feet;
 thence N 60°35'19" W, 164.24 feet; thence N 89°41'19" W, 39.50 feet;
 thence N 60°16'42" W, 86.43 feet; thence N 83°29'38" W, 68.25 feet;
 thence N 72°34'37" W, 98.00 feet; thence N 46°09'56" W, 58.19 feet;
 thence N 54°15'04" W, 107.08 feet; thence N 66°45'58" W, 142.14 feet;
 thence N 37°01'56" W, 146.61 feet; thence S 83°05'56" W, 119.91 feet;
 thence N 60°32'00" W, 71.28 feet; thence N 36°43'22" W, 98.23 feet;
 thence N 82°36'08" W, 51.45 feet; thence N 45°27'51" W, 95.03 feet;
 thence N 77°03'58" W, 204.57 feet; thence N 59°08'29" W, 241.48 feet;
 thence N 40°30'37" W, 120.40 feet; thence N 36°53'05" W, 153.97 feet to a point leaving the top of the lava rock cliff;

thence N 41°45'29" E, 41.27 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 32°40'25" W, 799.24 feet to a point on the north 1/16 line of said Section 7, said point being marked by a set P-K nail with an aluminum washer stamped "PLS 8075"; thence S 89°43'48" E along said north 1/16 line, 652.51 feet to the true point of beginning.

Said parcel containing 27.7 acres, more or less.



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Conservation Easement No. 2

A parcel of land located in the east ½ of Section 7, T 7 S, R 35 E, Boise Meridian, Bannock County, Idaho, said parcel being more particularly described as follows (basis of bearings is City of Pocatello Survey datum):

Commencing at the northeast 1/16 corner of said Section 7, said corner being marked by a found Idaho Transportation Department brass cap set in a concrete post; thence N 89°43'48" W along the north 1/16 line of said Section 7, 1102.83 feet to a set P-K nail with an aluminum washer stamped "PLS 8075"; thence S 32°40'25" E, 799.24 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 41°45'29" W, 41.27 feet to a point on the top of the lava rock cliff, said point being the True Point of Beginning; thence southeasterly along the top of the lava rock cliff the following courses and distances;

S 36°53'05" E, 153.97 feet; thence S 40°30'37" E, 120.40 feet;
 thence S 59°08'29" E, 241.48 feet; thence S 77°03'58" E, 204.57 feet;
 thence S 45°27'51" E, 95.03 feet; thence S 82°36'08" E, 51.45 feet;
 thence S 36°43'22" E, 98.23 feet; thence S 60°32'00" E, 71.28 feet;
 thence N 83°05'56" E, 119.91 feet; thence S 37°01'56" E, 47.63 feet to a point leaving the top of the lava rock cliff, said point being marked by a set P-K nail with an aluminum washer stamped "PLS 8075"; thence S 32°18'08" W, 158.93 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 65°25'49" W, 398.73 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075";
 thence N 57°03'27" W, 378.12 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 20°05'47" E, 70.74 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 52°24'19" W, 287.65 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 43°40'53" W, 215.79 feet to a point on the northeasterly right-of-way line of South Second Avenue, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 56°42'43" E along said northeasterly right-of-way line, 44.61 feet to a point of tangency with a 265.50 foot radius curve, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence southeasterly along a curve to the right, said curve having a central angle of 13°59'01", a radius of 265.50 feet, and a chord bearing of S 49°43'12" E, for an arc length of 64.80 feet to a point of non-tangency, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 83°01'18" E, 78.13 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 57°52'08" E, 378.75 feet to a found 5/8-inch diameter rebar with a red plastic cap stamped "LS 9168"; thence S 59°59'50" E, 569.78 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 32°18'08" W, 93.18 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence S 56°02'08" E, 427.46 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 32°33'40" E, 343.98 feet to a point on the top of the lava rock cliff, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075";

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Conservation Easement No. 2, Cont'd.

thence southeasterly along the top of the lava rock cliff the following courses and distances;

thence S 72°34'37" E, 28.66 feet; thence S 83°29'38" E, 68.25 feet;

thence S 60°16'42" E, 86.43 feet; thence S 89°41'19" E, 39.50 feet;

thence S 60°35'19" E, 164.24 feet; thence S 59°04'14" E, 165.06 feet;

thence S 72°07'48" E, 44.99 feet; thence S 83°41'16" E, 70.47 feet;

S 50°04'57" E, 75.04 feet to a point leaving the top of the lava rock cliff on the east line of Section 7;

thence S 0°13'49" W along the east line of said Section 7, 1289.18 feet to a point which is 80 feet (measured at right angles) northeasterly of the northeasterly right-of-way line of the Union Pacific Railroad, said point being marked by a found ½-inch diameter rebar with a yellow plastic cap stamped "PELS 2341"; thence N 46°45'40" W parallel to the northeasterly right-of-way line of the Union Pacific Railroad, 2789.60 feet to a point of non-tangency with a 265.50 foot radius curve on the southeasterly right-of-way line of Cheyenne Avenue, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence northerly along said southeasterly right-of-way line along a curve to the left, said curve having a central angle of 82°57'07", a radius of 265.50 feet and a chord bearing of N 15°14'09" W, for an arc length of 384.39 feet to a point of tangency on the northeasterly right-of-way line of South Second Avenue, said point being marked by a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 56°42'43" W along said northeasterly right-of-way line, 112.46 feet to a set ½-inch diameter rebar with a red plastic cap stamped "PLS 8075"; thence N 41°45'29" E, 314.81 feet to the true point of beginning.

Said parcel containing 39.6 acres, more or less.





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

June 7, 2023

TERRISA J BERG
LOUIS BERG
4540 S 2ND AVE
POCATELLO, ID 83204-2250

RE: Transfer No. 87982
Water Right No(s). 29-8011

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 IDAHO STATE JOURNAL on 6/14/2023 and 6/21/2023. 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,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 7, 2023 3:37 PM
To: 'legalnotices@postregister.com'
Subject: RE: Legal Notice for Idaho State Journal
Attachments: 87982 Idaho State Journal.docx

Hello,

My apologies. I just realized that the system glitched and set a protest end date of 2/1/2023. Attached is a corrected version- the ONLY change made is in the final paragraph to update the date to 7/3/2023 (highlighted below.)Please replace the existing notice with this corrected one.

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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

The affidavit and bill should be sent to this office by 7/3/2021 as well.

Thank You,

Christina Henman
Administrative Assistant

From: Henman, Christina
Sent: Wednesday, June 7, 2023 3:01 PM
To: 'legalnotices@postregister.com' <legalnotices@postregister.com>
Subject: Legal Notice for Idaho State Journal

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 87982
Water Right No(s). 29-8011

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 2/1/2023. Your cooperation is appreciated.

Thank You,

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87982

TERRISA J BERG and LOUIS BERG, 4540 S 2ND AVE, POCA TELLO, ID 83204-2250 has filed Application No. 87982 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-8011; 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 nature of use and place of use. Applicant proposes to divert 0.20 cfs from ground water for wildlife storage (new) and stockwater. Proposed place of use for 39.9 af of wildlife storage is in SWNE, NESE, and NWSE Sec 7, T07S R35E.

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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/14/2023 and 6/21/2023