

RECEIVED

AUG 23 2023

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)** STUARTS COOK & ELIZABETH DONALDSON Phone 512-461-7345
2. **MAILING ADDRESS** 633 BUFFALO JUNCTION LOOP #14 City DRIGGS
State ID Zip 83422 Email SSCOOKTX@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) 22-13814

- ☐ 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 .02 cubic feet per second and/or 5.3 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*.

[illegible]

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:

DOMESTIC WELL WILL BE DRILLED FOR THE HOME AND IRRIGATION

- 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. 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 ¼ ¼ 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.

Stuart S Cook

Signature of applicant or authorized agent

STUART S. COOK

Print name and title if applicable

8/23/23

Date

Elizabeth Donaldson

Signature of applicant or authorized agent

Elizabeth Donaldson

Print name and title if applicable

8/23/23

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

\$200. - for this app.

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$400.- Date 8/23/2023

Received by JB

Receipt # E049442

Preliminary review by _____

Date _____

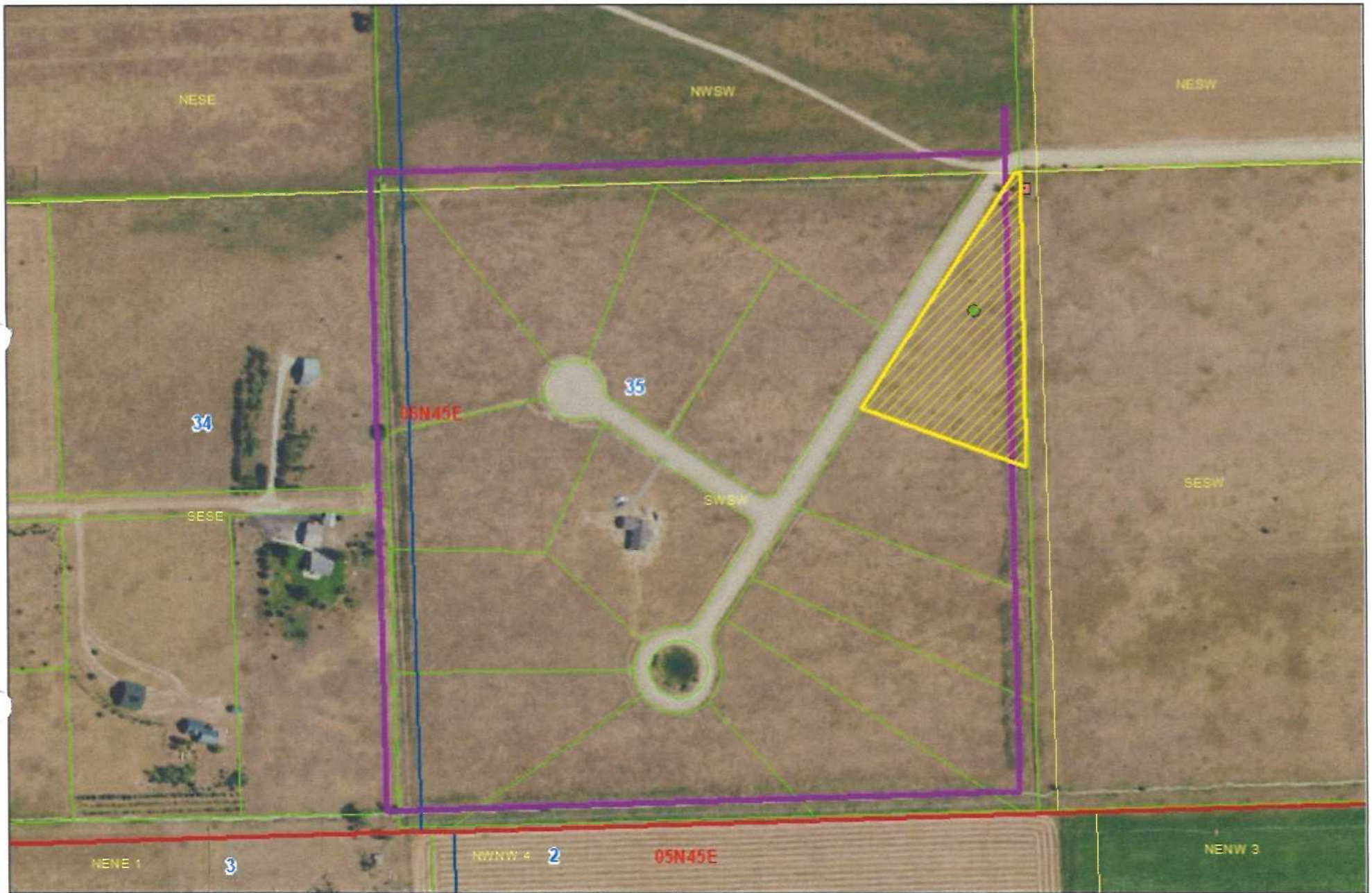
Active in the Water Supply Bank? Yes ☐ No ☐

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)



Legend

- | | | | |
|--|----------------------|---|------------------------|
|  | Parcels |  | Active Water Right POD |
|  | 22-13814 SPLIT |  | Proposed POD |
|  | Current POU 22-13814 | | |



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/28/2023

Water Right 22-13814

Owner Type **Name and Address**
Current Owner BMCS DEVELOPMENT LLC
 C/O BERIC CHRISTIANSEN PO BOX
 1508
 GYPSUM, CO 81637

Priority Date: 7/5/1967
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	06/01	10/01	0.350 CFS	84.9 AF
	Total Diversion		0.350 CFS	84.9 AF

Source and Point(s) of Diversion:
GROUND WATER NWSESW Sec. 35, Twp 06N, Rge 45E, TETON County

Place Of Use:
IRRIGATION within TETON 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	
06N	45E	35												40.0					40.0

POU Total Acres: 40.0

Conditions of Approval:

1. S37 The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before June 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. This right is a split from former right 22-7002A.
3. E56 The rights listed below are limited to the irrigation of a combined total of 40 acres in a single irrigation season. Combined Right Nos.: 22-13814 22-13816.
4. F05 Right No. 22-7002B is also diverted through point of diversion described above.
5. 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/28/2023

entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information:

Decreed Date: 11/26/2008
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		40.0	22-13814 ,22-13816

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 23 2023

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
22-13814 <i>transfer</i>	Yes ☒	Yes ☐		Yes ☐	Yes ☐
22-13816	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: BMCS DEVELOPMENT LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): SMARTS COOK & ELIZABETH DONALDSON
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or
- 633 BUFFALO JUNCTION LOOP DRUGGS ID 83422
Mailing address City State Zip
- 512-461-7345 #14 SSCOOKTX@GMAIL.COM
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: _____
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
☐ If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
☐ \$25 per undivided water right.
☐ \$100 per split water right.
☐ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9

8. Signature: Stuart Scott 8/23/23
Signature of new owner/claimant Title, if applicable Date
- SMARTS COOK
Print name
- Signature: Elizabeth Donaldson 8/23/23
Signature of new owner/claimant Title, if applicable Date
- Elizabeth Donaldson
Print name

Received by JB Date 8/23/2023 For IDWR Office Use Only: \$200. - for this app
 Receipt No. E049442 Receipt Amt. \$400. -

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:402679

FOR VALUE RECEIVED

BMCS Development, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Randy Davis and Michele W Davis, husband and wife

whose current address is

109 Bocage Ct
Hattiesburg, MS 39402

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Lot 1 Final Plat The Vistas Subdivision, Teton County, Idaho, as per the recorded plat on September 26, 2007, as Instrument No. 191918.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 27, 2018

BMCS Development, LLC

Beric Christiansen, Managing Member

State of Colorado ss
County of LaPlata

On this 27 day of July, 2018, before me, Teresa Minnett, a Notary Public in and for said state, personally appeared Beric Christiansen known or identified to me to be the Managing Member in the Limited Liability Company known as BMCS Development, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

Teresa Minnett
Notary Public for the State of Colorado
Residing at: 205 Chamber Eagle
Commission Expires: June 7, 2019

TERESA MINNETT
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #20044003655
MY COMMISSION EXPIRES 06/07/2019

Instrument # 279512

TETON COUNTY, IDAHO
 02-08-2023 13:28:00 No. of Pages: 1
 Recorded for: ALLIANCE TITLE - DRIGGS OFFICE
 KIM KEELEY Fee: \$16.00
 Ex-Officio Recorder Deputy, Kim Keeley
 Index to: DEED, WARRANTY

**WARRANTY DEED**

Alliance Title & Escrow, LLC Order No. 630018

FOR VALUE RECEIVED

Randy Davis and Michele W Davis, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Stuart Cook and Elizabeth Donaldson, husband and wife

whose current address is

633 Buffalo Junction Loop Unit 14
 Driggs, ID 83422

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

Lot 1 Final Plat The Vistas Subdivision, Teton County, Idaho, as per the recorded plat on September 26, 2007, as Instrument No. 191918.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 1, 2023

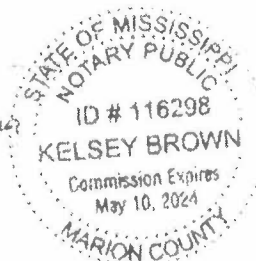
Randy Davis

Michele W Davis

State of Mississippi) ss
 County of Lamar)

On this 1 day of February, 2023, before me, Kelsey Brown, a Notary Public in and for said state, personally appeared Randy Davis and Michele W Davis, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Kelsey Brown
 Notary Public for the State of Mississippi
 Residing at: 1210 Marina St Columbia MS 39424
 Commission Expires: 05/10/2024





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

August 30, 2023

STUART S COOK
ELIZABETH DONALDSON
633 BUFFALO JUNCTION LOOP #14
DRIGGS, ID 83422

RE: Transfer No. 88383
Water Right No(s). 22-13814

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 TETON VALLEY NEWS on 9/6/2023 and 9/13/2023. 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, August 30, 2023 10:16 AM
To: legalnotices@postregister.com
Subject: Legal Notice for Teton Valley News
Attachments: 88383 Teton Valley News.docx

LEGAL NOTICE DEPARTMENT
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 83422

RE: Transfer No. 88383
Water Right No(s). 22-13814

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 9/25/2023. 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. 88383**

STUART S COOK and ELIZABETH DONALDSON, 633 BUFFALO JUNCTION LOOP #14, DRIGGS, ID 83422 has filed Application No. 88383 for changes to the following water rights within TETON County(s): Right No(s). 22-13814; 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 SWSW Sec 35 T06N R45E for 0.02 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 9/25/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/6/2023 and 9/13/2023