



June 22, 2022

Idaho Department of Water Resources
Attn: Cooper Fritz
900 N Skyline Dr. Ste A
Idaho Falls, ID 83404

RECEIVED RMEA 21-0211

JUN 23 2022

Department of Water Resources
Eastern Region

Re: Pending Transfer No. 85750 and Pending Permit App. 25-14512

Dear Cooper,

Please find enclosed amended pages for these applications reducing transferred and proposed acres by 1.0 acre. Due to ownership concerns that arose with the transferred portion of 35-12467B, the transferred portion of this right is proposed to be reduced from 21 acres to 20 acres.

Consequently, the proposed acres under Permit Application 25-14512 are also proposed to be reduced by 1.0 acre. The 1.0 acre that has been removed from the POU is within the open space. Originally, the transfer proposed 1.5 acres of irrigation in the open space, having excluded sidewalks and other anticipated footprints. This amendment reduces the proposed irrigation to 0.5 acre within the open space parcel. No change is proposed on the building lots.

No new signatures were obtained since we reduced the applications. Please let me know if they are required.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Amended App. for Transfer Pages 3 & 4, Part 2B, Attach #7b
Amended Application for Permit Pages 1 & 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

AMENDED**AMENDED**

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:
Three wells will be used for a public water supply system for the subdivision, providing both domestic water and irrigation water rights.
- b. Who owns the property at the point(s) of diversion? Applicant and Rocky Mountain Utility Company LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing wells are located on well lot in the name of Rocky Mountain Utility Co., owned by Jim Bernard, developer of subdivision, and the entity through which the water system is operated and maintained.
- 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:
Right 35-7720 - the lands will be retired from irrigation and the 5.0-acre overlapping portion of 1-7017 will be abandoned upon approval of the transfer. Right 35-12467B- The lands will be retired from ground water irrigation, but will continue to be irrigated by canal shares from the Osgood Canal.
- 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:
Water right 35-7720 shares a place of use with 1-7017 from the Snake River. Existing POD includes 35-13644, 35-14649, 35-14650, 35-7744. Right 35-12467B shares POU with 35-13294 (which are not stacked) and shares of Osgood Canal Co. Proposed POD-25-14497. Proposed POU has canal shares from Rudy Canal.
- 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:

DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED
PART 2B

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.

Right Number: 35-12467B

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

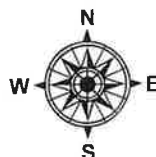
Total Acres (for irrigation use) 20



0 475 950 1,900 Feet

2021 NAIP

- POD 35-12467B QQ
- POU 35-12467B
- Purchase Acres
- Twp & Rng
- Section



AMENDED

From Location 35-12467B

J & L Holdings LLC

RMEA # 21-0211

by: KM

Date: 6/20/2022



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

AMENDED**RECEIVED**
AMENDED

JUN 23 2022

208-520-2580

Department of Water Resources
Eastern Region

1. Name of applicant(s) J & L Holdings LLC
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address PO Box 111 City Idaho Falls
State ID _____ ZIP 83428 Email silverck100@gmail.com
2. Name of representative, if any Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303 City Idaho Falls
State ID _____ ZIP 83402 Email kristin.rmea@gmail.com
- a. ☐ 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.
- b. ☒ 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.
3. Source of water supply Ground water which is a tributary of NA
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	38E	36			SE	SE	Jefferson	Ground water	Pepperwood Well #1
4N	38E	36			SE	SE	Jefferson	Ground water	Pepperwood Well #2
4N	38E	36			NE	SE	Jefferson	Ground water	Proposed New Well

5. Water will be used for the following purposes:
- Amount 0.5 cfs for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.5 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Existing groundwater wells located on Lot 9 Block 4 Pepperwood Crossing No. 1 and a new well located in Pepperwood Crossing No. 3
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 12 inches; proposed depth of well is 250 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 2006/2020; drilling firm Denning Well Drilling; well was drilled for (well owner) Landmark Development Properties; Drilling Permit No. _____
- Tags D0043838 and D0081365

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the [Municipal Water Right Application Checklist](#). _____
- Domestic; show number of households _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	38E	36													17	8			25

Total number of acres to be irrigated: 26

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Portion of rights 35-7720 and 35-12467B are being transferred in a companion application to mitigate the consumptive component of this application.
Shares in the Rudy Canal overlap, but the water is inadequate to support the needs of the subdivision.

11. a. Who owns the property at the point of diversion? Applicant owns one well; Rocky Mountain Utility owns two wells
b. Who owns the land to be irrigated or place of use? Applicant currently
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Rocky Mountain Utility is the delivery entity of the water rights; owned by Jim Bernard, partner in development

12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. See the attached narrative for additional information.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)