

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 86429

JUN 24 2022

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER RESOURCES
WESTERN REGION

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) Michael DavisonCheck 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Michael Davison Phone 208-868-3328
Mailing address 160 N Wylie Ln. Prairie Id. 83647 Email miked@ntci.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 _____ 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.

Michael Davison
Signature of Applicant or Authorized Representative

Michael Davison
Print Name and Title if applicable

6-24-22
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

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**.

Moving water rights from to a different piece of our property and adding another POD

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	63-34289	2.74	irrigation	4-1 to 11-1	Smith Cr
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 7.74 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.74 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 #
no	3		NW	SW	7	02N	07E	Elmore	Smith Cr	
no			NE	NW	7	02N	07E	Elmore	Smith Cr.	
yes		NW	SE	SE	15	02N	07E	Elmore	Smith Cr.	

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	
02N	07E	22							1		27	33	38	31					130
02N	07E	26									31					31			65
02N	07E	15													24				24
02N	07E	21													16			40	56
02N	07E	14									2								2
Total Acres (for irrigation use)																			277

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:

gravity system

- b. Who owns the property at the point(s) of diversion? State of Idaho Clyde Cook Pat Landers
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:

moving irrigation to different location on property

- 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

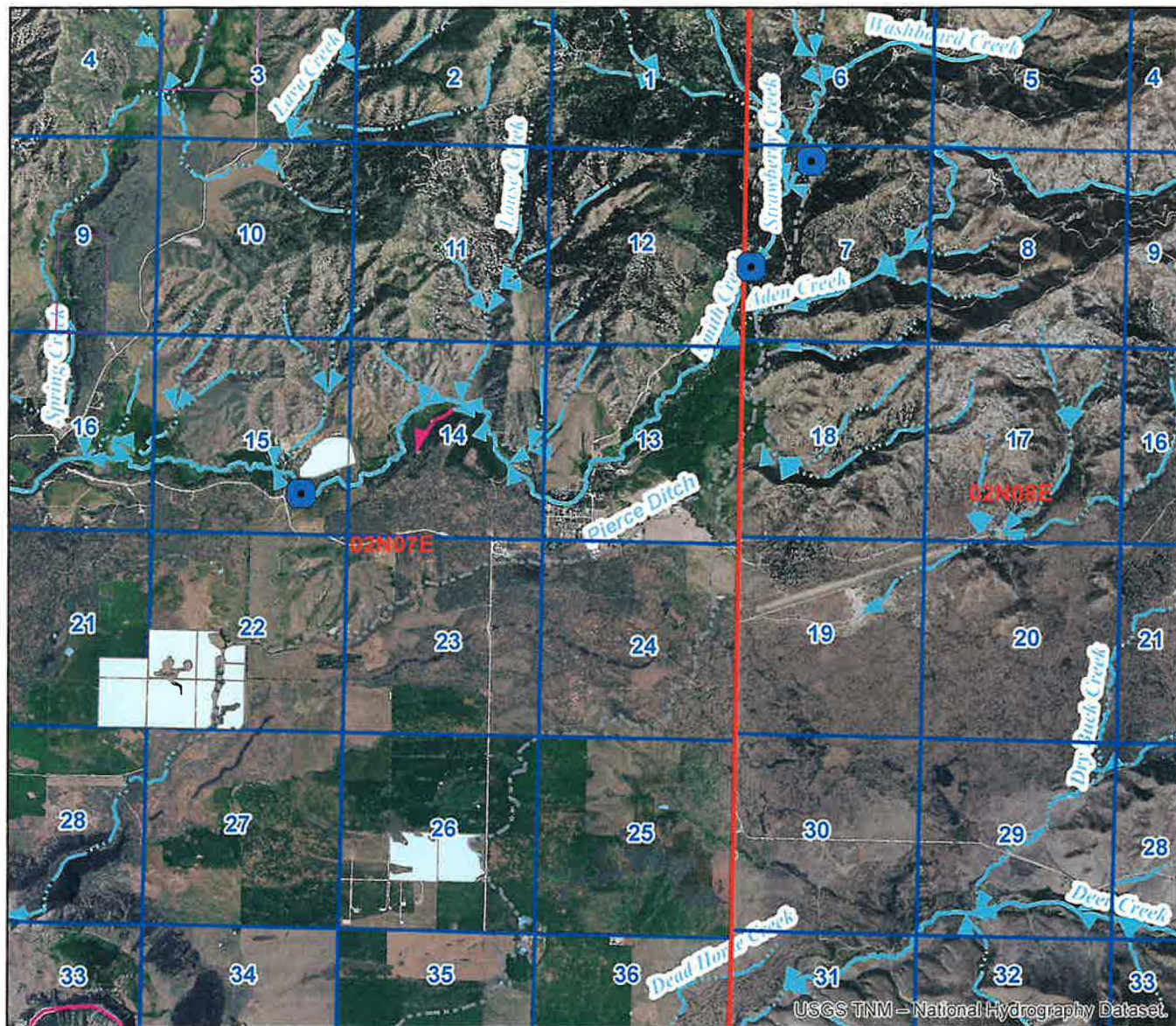
- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

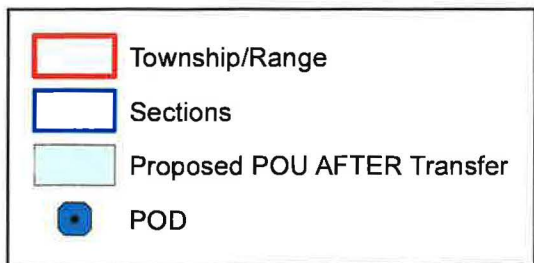
6429

Transfer Application

Attachment #7b



0 0.5 1 2 Miles



86409

2A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/24/2022

Water Right 63-34289

Owner Type **Name and Address**
Current Owner MICHAEL DAVISON
 160 N WYLIE RD
 PRAIRIE, ID 83647
 (208) 868-3328

Priority Date: 4/23/1963

Basis: Decreed

Status: Active

Source
SMITH CREEK

Tributary
SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	7.740 CFS	1,246.5 AF
	<u>Total Diversion</u>		7.740 CFS	1,246.5 AF

Source and Point(s) of Diversion:

SMITH CREEK	L3(NWSW)	Sec. 7, Twp 02N, Rge 08E, ELMORE County
SMITH CREEK	NENW	Sec. 7, Twp 02N, Rge 08E, ELMORE County

Place Of Use:

IRRIGATION within ELMORE 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	
02N	07E	22									6.0		38.0	31.0				34.0	109.0
02N	07E	23											35.0						35.0
02N	07E	26							35.0	33.0	34.0					31.0			133.0

POU Total Acres: 277.0

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. R43 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).
3. 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. 63B.
4. 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/24/2022

- administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
- | | | |
|----|-----|---|
| 5. | F01 | Water is delivered through the Trinity Canal and Pierce Ditch. |
| 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. |

Comments:

- | | | | |
|--|---------------|-----------|-------------------|
| 1 | nmiller | 10/7/2016 | Ownership Change |
| WR no. 63-3334 has been split by ownership change into WR nos. 63-3334 and 63-34289 | | | |
| | | | |
| 2 | nmiller | 10/7/2016 | CONVEYANCE LOSS |
| 0.3 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. | | | |
| | | | |
| 3 | nmiller | 10/7/2016 | POU |
| Updated Shape | | | |
| | | | |
| 4 | TSmith | 6/19/2020 | Updated Shape |
| Updated POD Shape | | | |
| | | | |
| 5 | TSmith | 6/22/2020 | Updated Shape |
| Updated POU Shape | | | |
| | | | |
| 6 | kthorneycroft | 7/31/2020 | Transferred Right |
| This is now an approved transfer. Transfer Number = 84094 | | | |

Dates and Other Information:

Decreed Date: 4/24/2003
State or Federal: S
Water District Number: 63B
Generic Max Rate Per Acre: 0.030
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

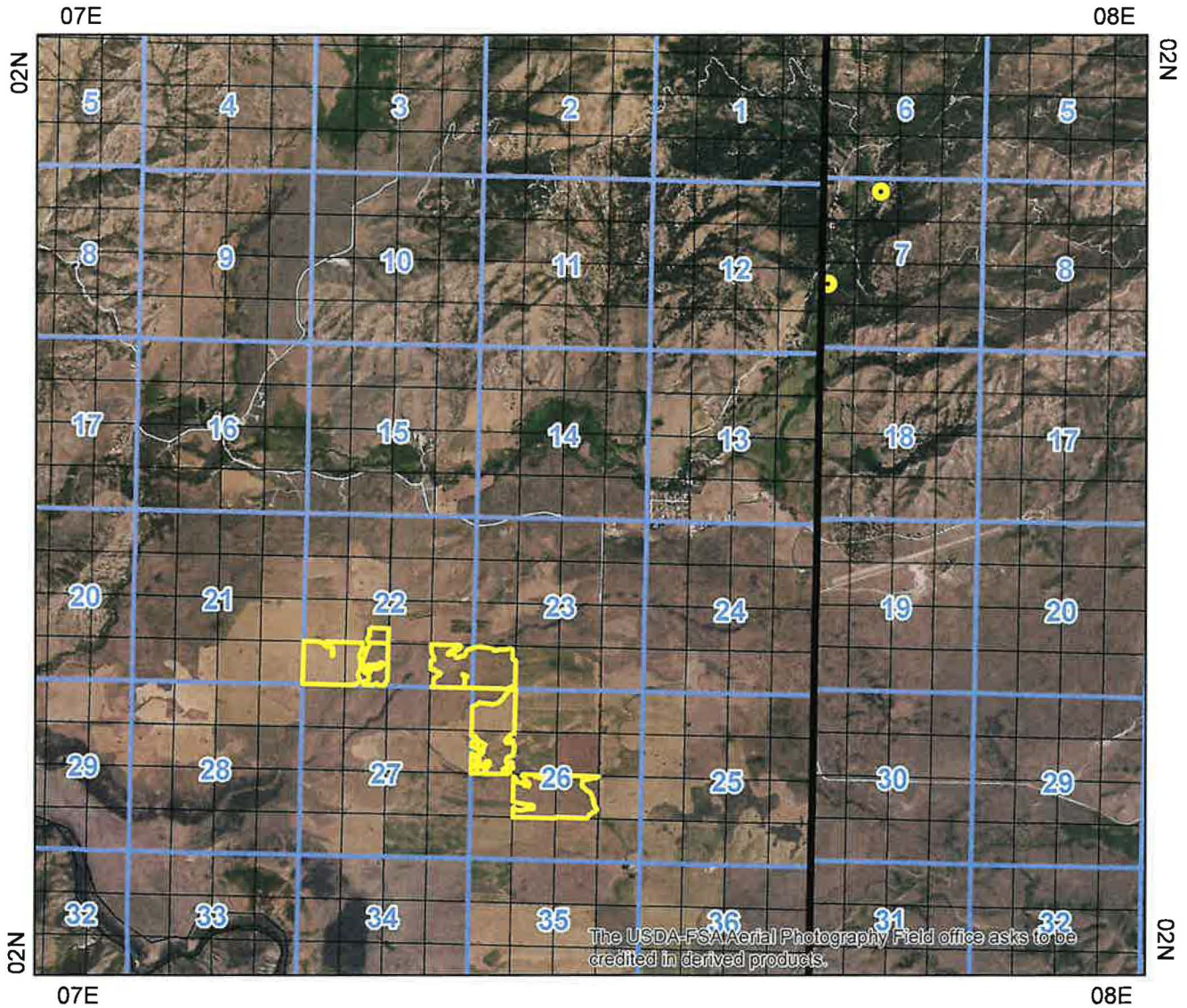
2A

State of Idaho
Department of Water Resources

Attachment to Water Right License

63-34289

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



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

0 0.5 1 2 Miles



63-34289



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 9, 2022

MICHAEL DAVISON
160 N WYLIE RD
PRAIRIE, ID 83647

RE: Transfer No. 86429
Water Right No(s). 63-34289

Dear Applicant(s):

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 MOUNTAIN HOME NEWS on 8/17/2022 and 8/24/2022. 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,

Jean Hersley
Technical Records Specialist

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86429

MICHAEL DAVISON, 160 N WYLIE RD, PRAIRIE, ID 83647 has filed Application No. 86429 for changes to the following water rights within ELMORE County(s): Right No(s). 63-34289; 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:

to add a point of diversion and change a portion of the current place of use or water right no(s). 63-34289. The proposed point of diversion is located in SESE Sec 15, T2N, R7E. The transfer proposes changing a portion of the place of use to acres located in SWNW Sec 22, T2N, R7E and NESE Sec 15, T2N, R7E and NESE and SESE Sec 21, T2N, R7E and NWSW Sec 14, T2N, R7E. The proposed place of use acres are approximately 1 mile west and 2 miles southwest of Prairie, ID.

For additional information concerning the property location, contact Western Region office at (208)334-2190. 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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/6/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/17/2022 and 8/24/2022

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, August 9, 2022 8:27 AM
To: Legal Dept
Subject: Transfer No. 86429; Water Right No(s). 63-34289
Attachments: Legal Notice Transfer 86429.docx

Please publish the enclosed legal notice in the Mountain Home News 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 the Western Region office before 9/6/2022. Your cooperation is appreciated.



*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 9, 2022

DEAN DAVISON
180 N WYLIE DR
PRAIRIE ID 83647-0000

JOE T ACARRIGUI
RT A BOX 57
MOUNTAIN HOME ID 83467

CLYDE J COOK TRUST
71 SMITH CREEK RD
PRAIRIE ID 83647

RE: Transfer No. 86429

Dear Interested Parties:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact the Western Region office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, August 9, 2022 12:49 PM
To: 'randy20219@msn.com'
Subject: Watermaster comments for Application for Transfer No. 86429
Attachments: tmpADC1.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to the Western Region office by September 6, 2022.

If the application is 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 by September 6, 2022, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact the Western Region office if you have any questions regarding the application.



Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942

JUN 29 2022

Nicole

From: Michael Davison <miked@rtci.net>
Sent: Monday, June 27, 2022 10:33 PM
To: nicole@rtci.net
Subject: Fwd: Transfer Application
Attachments: application-fee-schedule.pdf

WATER RESOURCES
WESTERN REGION

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From: Williams, Marcelina <Marcelina.Williams@idwr.idaho.gov>
Sent: Monday, June 27, 2022, 10:08 AM
To: miked@rtci.net <miked@rtci.net>
Subject: Transfer Application

Hello Mike,

I went to process your check for the transfer today and realized in my tired mental state I told you to write the wrong check amount.

Your application indicates you are requesting to transfer **2.74 CFS**. According to our fee schedule, the transfer fee will be \$660. My apologies for the miscommunication. I have attached the application for transfer fee schedule to this email for reference. If you could please mail in or drop off another check for \$160 that would get your application completed.

If you wish to mail it in, please send it to **2735 W AIRPORT WAY, BOISE ID 83705-5082** and add a note that says it's for a transfer under Michael Davison.

Thank you,

 **Marcelina M. Williams** | Water Resource Agent
IDWR Western Region | Office: (208) 605-4632
Email: Marcelina.Williams@idwr.idaho.gov

TO whom it may concern
Here is the remaining balance due for the
Application we were working on with
Marcelina on 6/24/22. Please call if you
could have any questions. (208) 598-0653
Thanks Nicole Davison