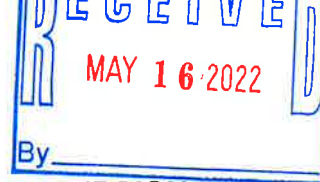


**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**



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)** Bryon Cottrell and Tiffani Cottrell Phone 208-680-0757

2. **MAILING ADDRESS** 195 Centennial St City Blackfoot

State ID Zip 83221 Email eimtc449@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)** 34-14081, 34-14083

- ☐ 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 0.22 cubic feet per second and/or 38.5 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SE	SW	10	05N	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:

Ground water well with pump. New system will be installed with a flow meter.

- 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.

[Signature]
Signature of applicant or authorized agent
[Signature]
Signature of applicant or authorized agent

Bryan Cottrell
Print name and title if applicable
Tiffani Cottrell
Print name and title if applicable

5/16/22
Date
5/16/22
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 \$500.00 Date 5/12/22 Receipted by Cott Receipt # E048147

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)

5/16/2022

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/16/2022

3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Rights 34-14081 and 34-14083 when combined shall not exceed the irrigation of 11 acres.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
6. 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 lands above.
7. X27 This right is limited to the irrigation of 6 acres within the place of use described above in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. 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.
12. WB4 The total instantaneous diversion of water from all points of diversion under Rights 34-14081 and 34-14083 shall not exceed 0.22 cfs, nor a total combined annual volume of 38.5 af.
13. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

Water Right 34-14083

Owner Type **Name and Address**
 Current Owner BRYON G COTTRELL
 195 CENTENNIAL ST
 BLACKFOOT, ID 83221-3972

Current Owner TIFFANI A COTTRELL
 195 CENTENNIAL ST
 BLACKFOOT, ID 83221-3972

Priority Date: 4/10/1961

Basis: Decreed

Status: Active

Source
 GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.100 CFS	18.1 AF
	Total Diversion		0.100 CFS	18.1 AF

Source and Point(s) of Diversion:

GROUND WATER	NWNENE	Sec. 9, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NWNENW	Sec. 10, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NESW	Sec. 10, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NWSW	Sec. 10, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NWNWSW	Sec. 10, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	NENWSW	Sec. 10, Twp 05N, 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	
05N	26E	10												11.0					11.0

Right Acre Limit: 5.00
 POU Total Acres: 11.0

Conditions of Approval:

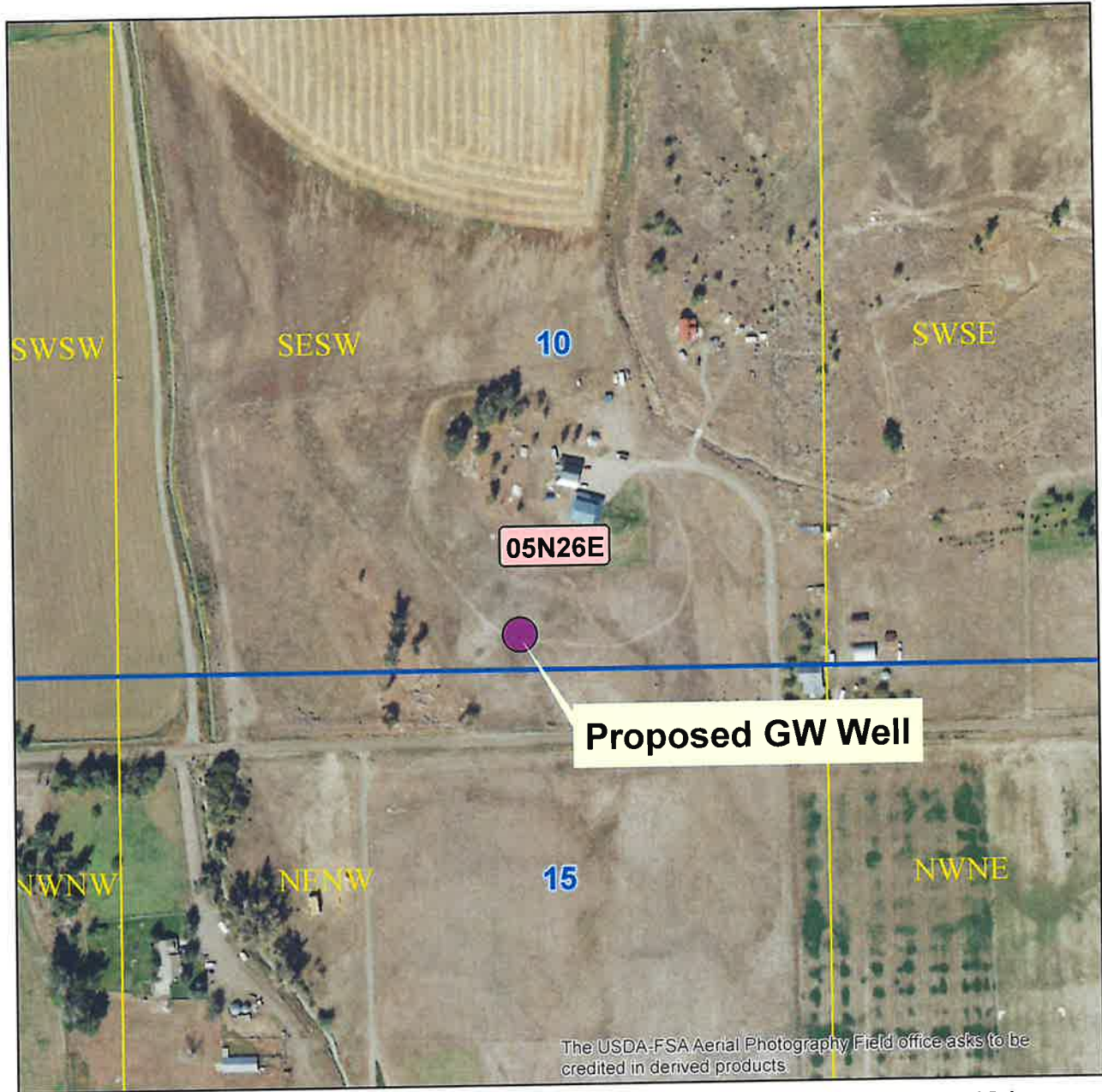
1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 34, Big Lost River.
2. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

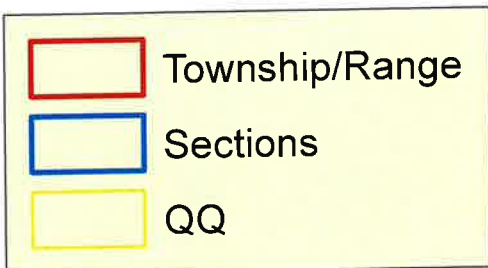
5/16/2022

- general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. WB4 The total instantaneous diversion of water from all points of diversion under Rights 34-14081 and 34-14083 shall not exceed 0.22 cfs, nor a total combined annual volume of 38.5 af.
 5. 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 lands above.
 6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
 7. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
 8. Rights 34-14081 and 34-14083 when combined shall not exceed the irrigation of 11 acres.
 9. The combined diversion rate limit described in this right does not apply to the delivery of storage water to the place of use described in this right by the Big Lost River Irrigation District.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 11. 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.
 12. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
 13. X35 Rights 34-14079, 34-14081, 34-14083 and 34-14085 when combined shall not exceed a total diversion rate of 0.25 cfs, a total annual maximum diversion volume of 38.5 af at the field headgate, and the irrigation of 11 acres.
 14. X27 This right is limited to the irrigation of 5 acres within the place of use described above in a single irrigation season.

Cottrell - Change in POD



2013 Imagery



0 200 400 800 Feet



86304



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 8, 2022

BRYON G COTTRELL
TIFFANI A COTTRELL
195 CENTENNIAL ST
BLACKFOOT, ID 83221-3972

RE: Transfer No. 86304
Water Right No(s). 34-14081, 34-14083

Dear Applicants:

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 6/16/2022 and 6/23/2022. 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,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 8, 2022 2:38 PM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 86304 Arco Advertiser.docx

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

RE: Transfer No. 86304
Water Right No(s). 34-14081, 34-14083

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 7/5/2022. 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. 86304**

BRYON G COTTRELL and TIFFANI A COTTRELL, 195 CENTENNIAL ST, BLACKFOOT, ID 83221-3972 has filed Application No. 86304 for changes to the following water rights within BUTTE County(s): Right No(s). 34-14081, 34-14083; 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 SESW Sec 10 T05N R26E for 0.22 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 7/5/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/16/2022 and 6/23/2022