

AMENDED

Department of Water Resources

DEC 13 2021

42-222 POD - 07/18

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)** Seeley Farms by Alvin H. Seeley Phone 208-652-3262
2. **MAILING ADDRESS** Box 654 City Ashton
State Idaho Zip 83420 Email _____

- ☐ 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)** 21-170, 21-171

- ☐ 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 4.14* cubic feet per second and/or _____ acre-feet per annum.
*Limited to 1.00 cfs at proposed POD (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 #
Yes			SE	NE	15	09N	42E	Fremont	Willow Creek	
No		SE	SW	NW	11	09N	42E	Fremont	Willow Creek	
No		SW	SW	SE	11	09N	42E	Fremont	Willow Creek	
No		NE	SW	SE	11	09N	42E	Fremont	Willow Creek	

RECEIVED

DEC 06 2021

42-222 POD-07/18
SUPERCEDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION
Department of Water Resources
Eastern Region

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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) SEELEY FARMS by ALVIN H. SEELEY Phone 208 652-3262
 2. MAILING ADDRESS Box 654 City Ashton
 State Idaho Zip 83420 Email _____

- ☐ 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.
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4. TOTAL AMOUNT OF WATER transferred is 4.14 ^{0.94} cubic feet per second and/or _____ 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 #
Yes			SE	NE	15	09N	42E	Fremont	Henrys Fork	
No		SE	SW	NW	11	09N	42E	Fremont	Willow Creek	
No		SW	SW	SE	11	09N	42E	Fremont	Willow Creek	
No		NE	SW	SE	11	09N	42E	Fremont	Willow Creek	

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:

Will put water meter in mainline at diversion point when pump is installed.

- 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.

Seeley Farms by Alvin H. Seeley SEELEY Farms by ALVIN H. SEELEY Nov 21, 2021
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent

Print name and title if applicable

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

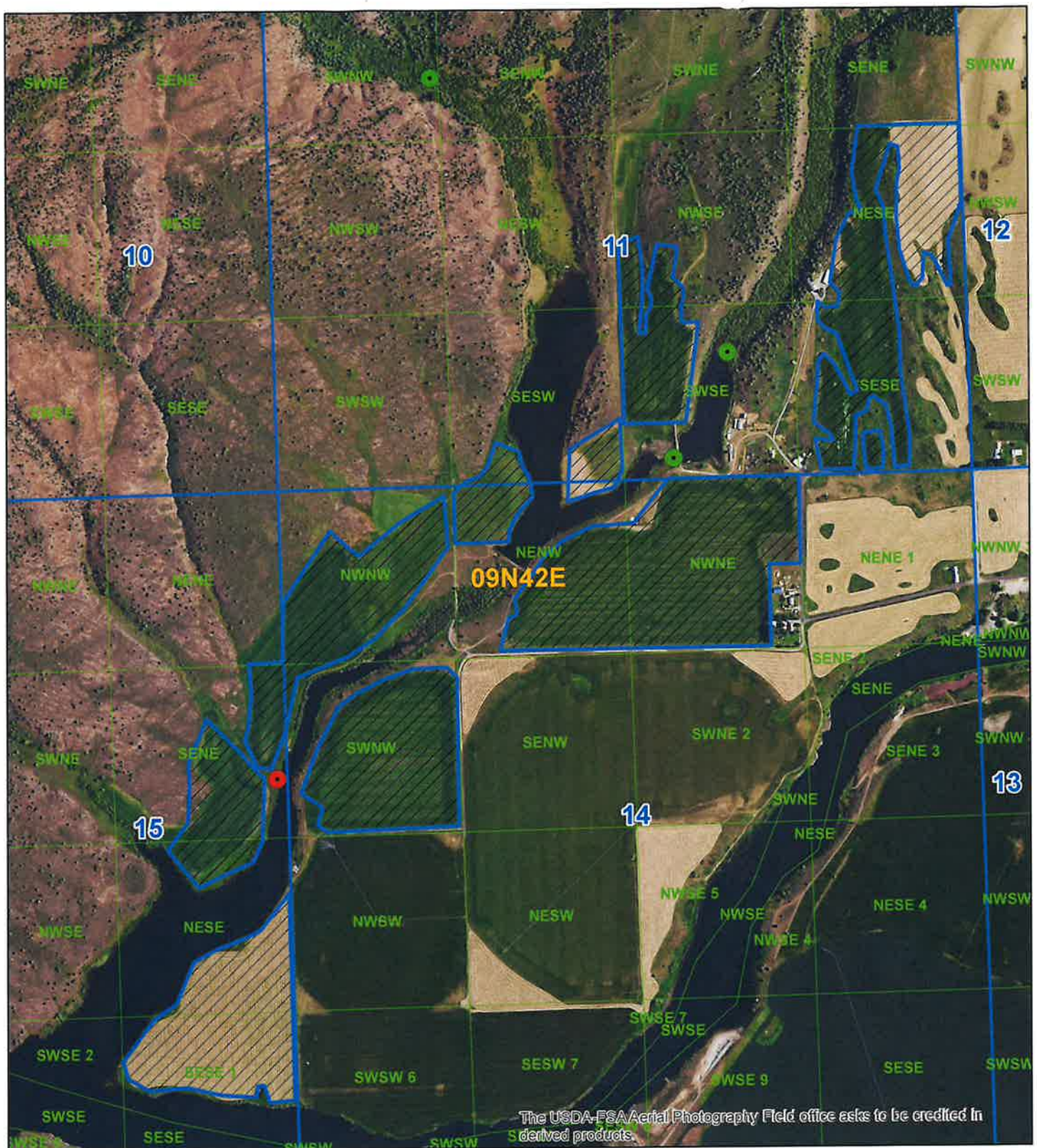
Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$500.00 Date 12/6/21 Receipted by CAH Receipt # E047604

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)



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Legend

- Existing Points of Diversion
- Proposed Point of Diversion
- Place of Use (unchanged)
- Township/Range
- Sections
- QQ

0 700 1,400 2,800 Feet

1 inch = 1,042 feet



8560 1

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2021

Water Right 21-170

Owner Type **Name and Address**
Current Owner SEELEY BROTHERS
C/O ALVIN H SEELEY
PO BOX 654
ASHTON, ID 83420
(208) 652-3262

Priority Date: 6/1/1893

Basis: Decreed

Status: Active

Source
WILLOW CREEK

Tributary
HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	4.140 CFS	
	Total Diversion		4.140 CFS	

Source and Point(s) of Diversion

WILLOW CREEK	SESWNW	Sec. 11, Twp 09N, Rge 42E,	FREMONT County
WILLOW CREEK	SWSWSE	Sec. 11, Twp 09N, Rge 42E,	FREMONT County
WILLOW CREEK	NESWSE	Sec. 11, Twp 09N, Rge 42E,	FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	42E	11												5.0	21.0	4.0	10.0	16.0	56.0
09N	42E	14		34.0			23.0	20.0	28.0										105.0
09N	42E	15				14.0									15.0			17.0	46.0
																		L1	

POU Total Acres: 207.0

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.
2. E51 Right Nos. 21-170 and 21-171 are limited to a total combined diversion rate of 4.14 cfs.
3. E56 The rights listed below are limited to the irrigation of a combined total of 207 acres in a single irrigation season. Combined Right Nos.: 21-170, 21-171, 21-7210, 21-7309

Dates and Other Information

Decreed Date: 7/26/2007

Water District Number: 01

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/14/2021

Water Right 21-171

Owner Type
Current Owner

Name and Address
SEELEY BROTHERS
C/O ALVIN H SEELEY
PO BOX 654
ASHTON, ID 83420
(208) 652-3262

Priority Date: 6/1/1947

Basis: Decreed

Status: Active

Source
WILLOW CREEK

Tributary
HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.500 CFS	
	Total Diversion		2.500 CFS	

Source and Point(s) of Diversion

WILLOW CREEK	NESWSE	Sec. 11, Twp 09N, Rge 42E, FREMONT County
WILLOW CREEK	SWSWSE	Sec. 11, Twp 09N, Rge 42E, FREMONT County
WILLOW CREEK	SESWNW	Sec. 11, Twp 09N, Rge 42E, FREMONT County

Place Of Use

IRRIGATION within FREMONT 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	
09N	42E	11												5.0	21.0	4.0	10.0	16.0	56.0
09N	42E	14		34.0			23.0	20.0	28.0										105.0
09N	42E	15				14.0									15.0			17.0	46.0
																	L1		

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2. E56 The rights listed below are limited to the irrigation of a combined total of 207 acres in a single irrigation season. Combined Right Nos.:21-170, 21-171, 21-7210, 21-7309
3. E51 Right Nos. 21-170 and 21-171 are limited to a total combined diversion rate of 4.14 cfs.

Dates and Other Information

Decreed Date: 2/2/2007
Water District Number: 01
Mitigation Plan: False



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

January 26, 2022

SEELEY FARMS
C/O ALVIN H SEELEY
BOX 654
ASHTON, ID 83420

RE: Transfer No. 85601
Water Right No(s). 21-170, 21-171

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 REXBURG STANDARD JOURNAL on 2/4/2022 and 2/11/2022. 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, January 26, 2022 12:09 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Standard Journal
Attachments: 85601 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Transfer No. 85601
Water Right No(s). 21-170, 21-171

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 2/22/2022. 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. 85601**

SEELEY FARMS, C/O ALVIN H SEELEY, BOX 654, ASHTON, ID 83420 has filed Application No. 85601 for changes to the following water rights within FREMONT County(s): Right No(s). 21-170, 21-171; 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: add point of diversion. The proposed points of diversion are in SESWNW, SWSWSE and NESWSE Sec 11 T09N R42E from Willow Creek, and SENE Sec 15 T09N R42E (new) from Henrys Fork for 4.14 cfs. The new point of diversion will be limited to 1.00 cfs.

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 2/22/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/4/2022 and 2/11/2022