

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 12 2021

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) Buffalo River Water Association, Inc Phone 208-221-2803
Mailing address PO Box 4376, Pocatello, ID 83205-4376 Email buffaloriverestates@gmail.com

- ☐ 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 Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- ☐ 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.

Stacey McArthur
Signature of Applicant or Authorized Representative

STACEY MCARTHUR - INTERIM 5-7-21
Print Name and Title if applicable PRESIDENT 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.O.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**.
Applicant proposes to add 8 lots served by the existing domestic system for Buffalo River Estates that are not currently within the place of use. Two points of diversion are incorrectly illustrated on IDWR's mapping. The correct locations are shown on Attachment #7a. Well #4 is proposed to be added to 21-7583.

Additional Information for Transfer Application of 21-7442 and 21-7583*Buffalo River Water Association, Inc.*

The existing wells have not changed location, but are actually located within the following lots:

Well #	Address	Division	Lot	Block	Parcel ID
#1	3882 Brook Rd	Div. 1	Lot 9	Blk. 3, Sec. 23	RP000210030090
#2	4072 Rainbow Dr	Div. 2	Lots 8, 23 & 24	Blk. 5, Sec. 23	RP00022002008A
#3	4066 Marlin Dr.	Div. 3	Lot 1	Blk. 19, Sec. 23	RP000230190010
#4	3850 Barracuda Dr.	Div. 3	Lot 16A	Blk. 7, Sec. 23	RP00023007016A

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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 ☒ ☐	21-7442	0.28	Domestic	1/01 to 12/31	Ground Water
☒ ☐	21-7583	0.28	Domestic	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.28 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.28 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 #
N			NE	NE	23	13N	43E	FREMONT	GROUND WATER	WELL #1
N			NW	NE	23	13N	43E	FREMONT	GROUND WATER	WELL #2
N			SW	NE	23	13N	43E	FREMONT	GROUND WATER	WELL #3
N		SE	SE	NW	23	13N	43E	FREMONT	GROUND WATER	WELL #4

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	
13N	43E	14																D	
		23	D	D	D	D				D	D					D			
																L3			
		24							D										
									L2										
Total Acres (for irrigation use)																			

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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:

Four existing wells deliver water into a public water system to which each home is connected. Measuring devices are already installed.

- b. Who owns the property at the point(s) of diversion? Applicant (designated well lots)
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:
NA

- 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:
No other water rights.

- 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:

5/27/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BUFFALO RIVER WATER ASSN INC PO BOX 4376 POCATELLO, ID 83205-4376 (208) 221-2803

Status: Active

GROUND WATER

GROUND WATER	SESENW	Sec. 23, Twp 13N, Rge 43E,	FREMONT County
GROUND WATER	NWNE	Sec. 23, Twp 13N, Rge 43E,	FREMONT County
GROUND WATER	SWNE	Sec. 23, Twp 13N, Rge 43E,	FREMONT County
GROUND WATER	NENE	Sec. 23, Twp 13N, Rge 43E,	FREMONT County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N	43E	23	X	X	X	X				X	X					X L3			
13N	43E	24							X L2										

<u>Conditions of Approval:</u>		
1.	X59	Points of diversion are located within Lot 9, Blk 3; Lot 8, Blk 5; Lot 1, Blk 19; and Lot 5 Blk 16; Buffalo River Estates Subdivision.
2.	X35	Rights 21-7442 and 21-7583 when combined shall not exceed a total diversion rate of 0.28 cfs.
3.	071	The domestic use authorized under rights 21-7442 and 21-7583 shall not exceed 13,000 gallons per day per home.
4.	X01	Domestic use is for 70 homes.
5.	X60	Places of use are located within Lots 1-14, Blk 1; Lots 1-11, Blk 2; Lots 1-8 & 10-28, Blk 3; Lots 1-17, Blk 4; Lots 1-7, 9-22 & 25-30, Blk 5; Lots 1-15, Blk 6; Lots 1-5, 13-19 & 55-59, Blk 7; Lots 1-5, Blk 8; Lots 3-10, Blk 13; Lots 6-15, Blk 15; Lots 2-7, Blk 16; Lots 2-8, Blk 17; and Lots 1-10 & 15-23, Blk 18; Buffalo River Estates Division Nos. 1, 2, 3 & 4.
6.	048	The use of water under this right shall not give rise to any claim against the holder of a

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Proof Report

- senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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.

Dates and Other Information

Licensed Date: 11/1/2010

Water District Number: 01

Mitigation Plan: False

Combined Use Limits**Rate**

0.280

21-7442

Volume

84.0

Acres

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/27/2021

7. X60 River Estates Subdivision.
Places of use are located within Lots 1-14, Blk 1; Lots 1-11, Blk 2; Lots 1-8 & 10-28, Blk 3; Lots 1-17, Blk 4; Lots 1-7, 9-22 & 25-30, Blk 5; Lots 1-15, Blk 6; Lots 1-5, 13-19 & 55-59, Blk 7; Lots 1-5, Blk 8; Lots 3-10, Blk 13; Lots 6-15, Blk 15; Lots 2-7, Blk 16; Lots 2-8, Blk 17; and Lots 1-10 & 15-23, Blk 18; Buffalo River Estates Division Nos. 1, 2, 3 & 4.
8. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

Dates and Other Information

Licensed Date: 11/1/2010

Water District Number: TBD

Mitigation Plan: False

Combined Use Limits

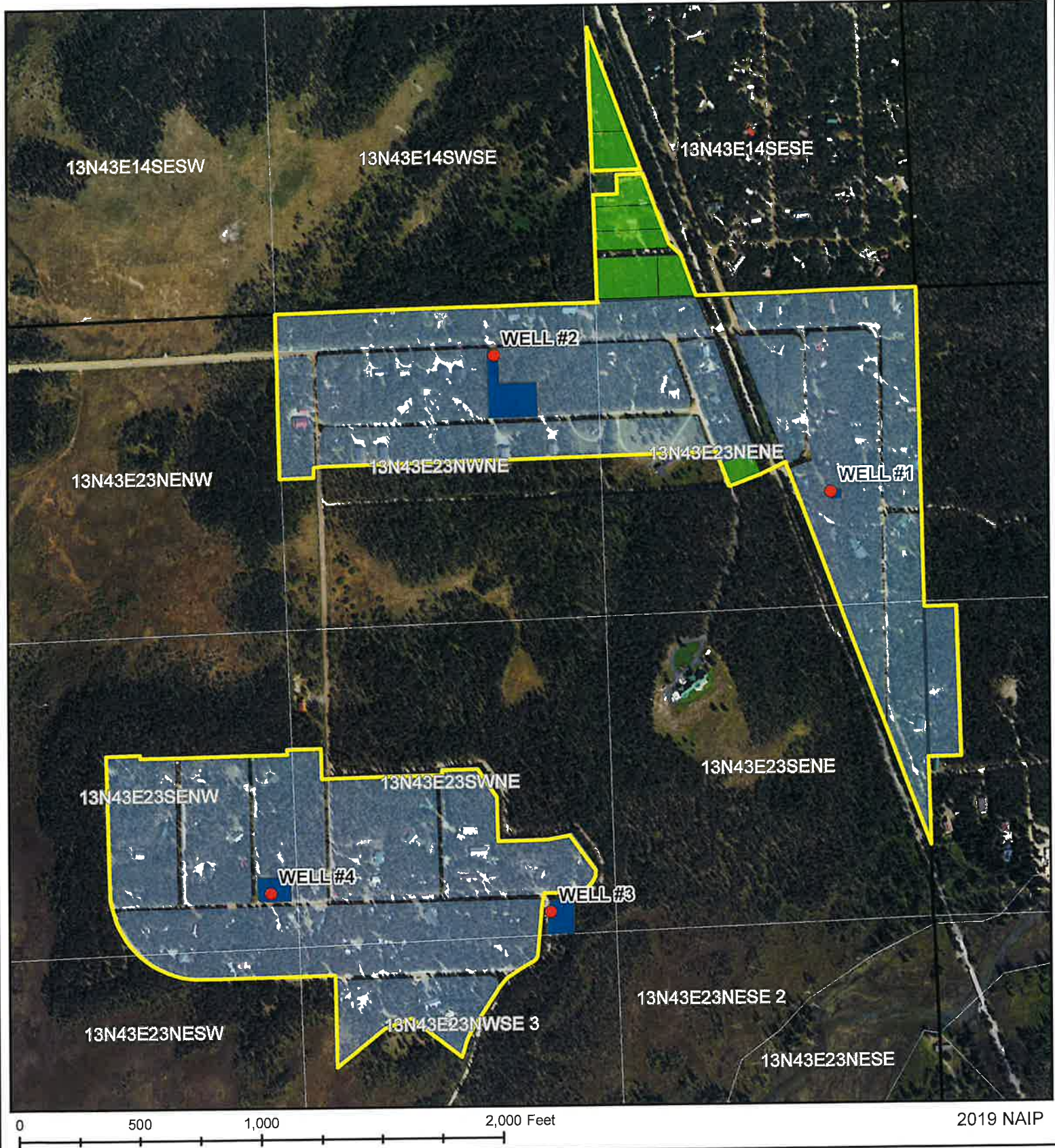
Rate

0.280

21-7583

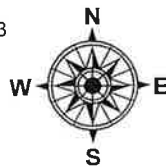
Volume

Acres



Legend

- Existing PODs
- Well Lots
- Proposed POU
- Parcels to Add to POU
- POU 21-7442 and 21-7583
- Twp & Rng
- Section
- QQ



Proposed Locations

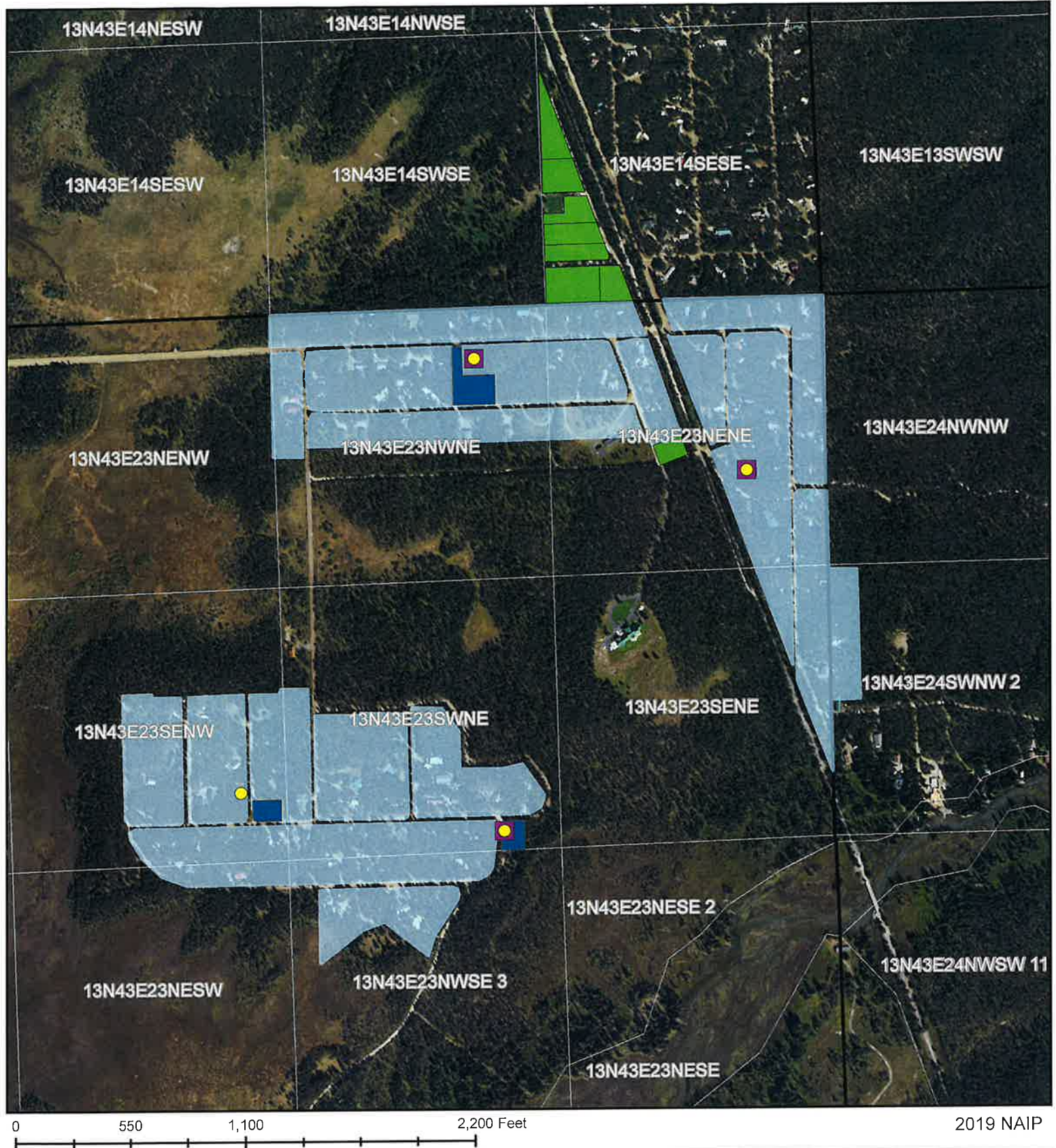
Buffalo River Water Association

RMEA # 21-0066

by: KM

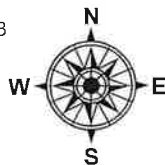
Date: 4/29/2021





Legend

- WR POD_21-7442
- WR POD_21-7583
- Well Lots
- Parcels to Add to POU
- POU 21-7442 and 21-7583
- Twp & Rng
- Section
- QQ



Existing Locations

Buffalo River Water Association

RMEA # 21-0066

by: KM

Date: 4/29/2021





State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 3, 2021

BUFFALO RIVER WATER ASSN INC
PO BOX 4376
POCATELLO, ID 83205-4376

RE: Transfer No. 84997
Water Right No(s). 21-7442, 21-7583

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 6/11/2021 and 6/18/2021. 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

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Thursday, June 3, 2021 12:26 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Standard Journal
Attachments: 84997 Standard Journal.docx

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

RE: Transfer No. 84997
Water Right No(s). 21-7442, 21-7583

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 6/28/2021. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84997**

BUFFALO RIVER WATER ASSN INC, PO BOX 4376, POCATELLO, ID 83205-4376 has filed Application No. 84997 for changes to the following water rights within FREMONT County(s): Right No(s). 21-7442, 21-7583; 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 and change place of use. The proposed points of diversion are in NENE, NWNE, SWNE, and SESE Sec 23 T13N R43E for 0.28 cfs from Ground water. The proposed place of use is within SESE Sec 14, Lot 2 (SWNW) Sec 24, and NENE, NWNE, SWNE, SENE, SENW, NESW and Lot 3 (NWSE) Sec 23, T13N R43E for domestic use.

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 6/28/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/11/2021 and 6/18/2021