

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 15 2021

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

Department of Water Resources
Eastern Region

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)** Richard & Ann Oberg Phone 435-279-5603

2. **MAILING ADDRESS** 18573 S. Marsh Valley Road City Downey

State ID Zip 83234 Email richoberg@yahoo.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)** 29-14328, 29-14329, 29-14330

- ☒ 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 0.14 cubic feet per second and/or 24 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			NW	SE	2	11S	36E	Bannock	Ground Water	New Well D-0084290

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:

Installing new well.

- 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.

Richard Oberg
Signature of applicant or authorized agent

Richard Oberg
Print name and title if applicable

4-14-2021
Date

Ann Oberg
Signature of applicant or authorized agent

Ann Oberg
Print name and title if applicable

4-14-2021
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 \$200.00 Date 4/15/21

Received by ex dh Receipt # E046847

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)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-14328

Current Owner: RICHARD OBERG
ANN OBERG

Priority Date: 1/8/1970

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/01	0.03 CFS	9.2 AF
	<u>Total Diversion</u>	0.03 CFS	9.2 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T11S R36E S2 NWSE 6.70

Total Acres: 6.7

Conditions of Approval:

1. K06 This right is limited to the irrigation of 4.0 acres within the place of use described above in a single irrigation season.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. S41 The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E55 Right Nos. 29-14328 and 29-14330 are limited to the irrigation of a combined total of 4.9 acres in a single irrigation season.
5. 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.
6. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
7. X35 Rights 29-14328, 29-14329, and 29-14330 when combined shall not exceed the irrigation of 6.7 acres.

Decreed Date: 3/22/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-14329

Current Owner: RICHARD OBERG
ANN OBERG

Priority Date: 6/13/1983

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.09 CFS	8.6 AF
	<u>Total Diversion</u>	0.09 CFS	8.6 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T11S R36E S2 NWSE 6.70
Total Acres: 6.7

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. X36 Rights 29-14045, 29-14049, 29-14325, 29-14328, 29-14327 and 29-14330 are also diverted through the points of diversion described above.
3. X35 Rights 29-14328, 29-14329, and 29-14330 when combined shall not exceed the irrigation of 6.7 acres.
4. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 29-14330

Current Owner: RICHARD OBERG
ANN OBERG

Priority Date: 6/15/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.02 CFS	6.2 AF
	<u>Total Diversion</u>	0.02 CFS	6.2 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				
GROUND WATER	SE1/4SE1/4	Sec. 35,	Twp 10S,	Rge 36E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T11S R36E S2 NWSE 6.70
Total Acres: 6.7

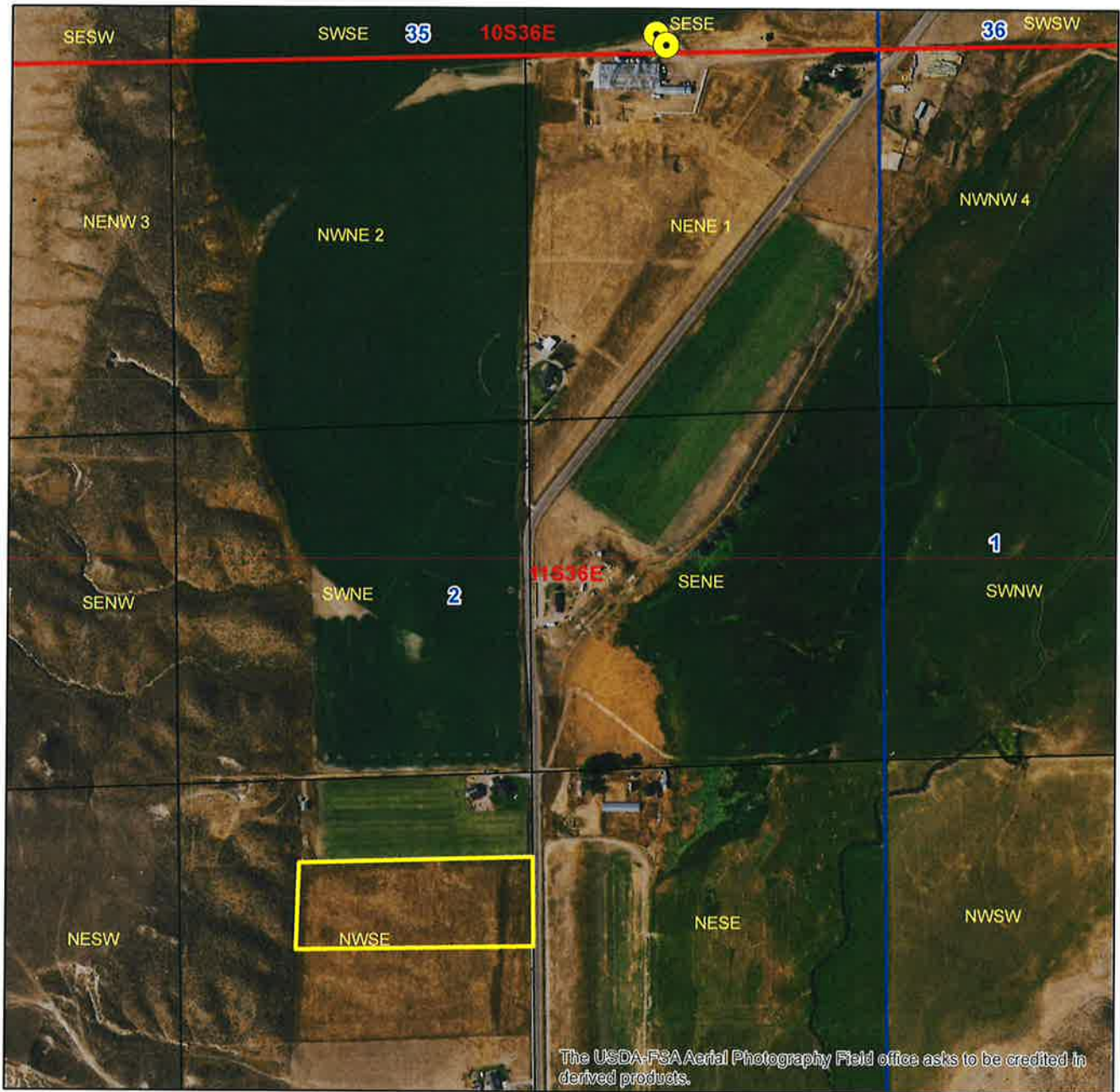
Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.
3. X35 Rights 29-14328, 29-14329, and 29-14330 when combined shall not exceed the irrigation of 6.7 acres.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. E55 Right Nos. 29-14328 and 29-14330 are limited to the irrigation of a combined total of 4.9 acres in a single irrigation season.
6. 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.

Decreed Date: 3/22/2004

Current Water Right POU & POD

29-14328, 29-14329, 29-14330



Legend

- Current POD
- Water Right POU
- Sections
- QQ
- Township/Range

0 0.05 0.1 0.2 Miles



Proposed Water Right POD

29-14328, 29-14329, 29-14330



Legend

- Proposed POD
- Water Right POU
- Sections
- QQ
- Township/Range

0 0.0275 0.055 0.11 Miles





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**

April 21, 2021

ANN OBERG
RICHARD OBERG
18573 S MARSH VALLEY RD
DOWNEY, ID 83234

RE: Transfer No. 84894
Water Right No(s). 29-14328, 29-14329, 29-14330

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 IDAHO STATE JOURNAL on 4/28/2021 and 5/5/2021. 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

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 21, 2021 3:03 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Idaho State Journal
Attachments: 84894 Idaho State Journal.docx

April 21, 2021

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 84894
Water Right No(s). 29-14328, 29-14329, 29-14330

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 5/17/2021. Your cooperation is appreciated.

Thank You,

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. 84894**

ANN OBERG and RICHARD OBERG, 18573 S MARSH VALLEY RD, DOWNEY, ID 83234 has filed Application No. 84894 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-14328, 29-14329, 29-14330; 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. The proposed point of diversion is in NWSE Sec 2 T11S R36E for 0.14 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 5/17/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/28/2021 and 5/5/2021