

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 01 2021

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Department of Water Resources
Eastern Region

Name of Applicant(s) Bosen Land & Livestock, LLC Phone 208 221 8690
 Mailing address 2545 W 2400 N Preston ID 83263 Email davidscottbosen@yahoo.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.

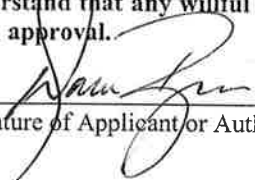
☐ No Representative

Name of Representative _____ 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.


Signature of Applicant or Authorized Representative

DAVID S. BOSEN MGR
Print Name and Title if applicable

3/29/2021
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 **Part1A.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**.
Change place of use

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	13-2123	3.7	Irrigation	4/20 to 9/30	Battle Creek & Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.7 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.12 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 #

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	
15S	39E	8									15			12	40	25	39	38	169
		9										13	3						16
Total Acres (for irrigation use)																			185

STATE OF IDAHO
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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:

Headgate to a ditch

- b. Who owns the property at the point(s) of diversion? Shoshone Bannock Tribes

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Historical POD

- 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:
They'll irrigate with their own water.

- 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:

Statutory claims 13-4058 and 13-4299

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES

1/8/2018

Proof Report

Water Right 13-2123*as licensed***Owner Type**
Current Owner**Name and Address**
BEN JOHNSON FAMILY FARM LLC
ATTN: RALPH JOHNSON
5707 COTTONWOOD LN
HOLLADAY, UT 84117**Priority Date:** 8/27/1930**Basis:** License**Status:** Active**Source**
BATTLE CREEK**Tributary**
BEAR RIVER**Beneficial Use**

IRRIGATION

From

/

To

/

Diversion Rate

3.700 CFS

Volume**Total Diversion**

3.700 CFS

Source and Point(s) of Diversion

BATTLE CREEK

SWSW

Sec. 4, Twp 15S, Rge 39E, FRANKLIN County

Place Of Use

IRRIGATION within FRANKLIN 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	
15S	39E	8	30.0			40.0									25.0			40.0	135.0
15S	39E	9							20.0			20.0	10.0						50.0

POU Total Acres: 185.0

Conditions of Approval:**Combined Use Limits**

N/A

SubCase:

N/A

Water Supply Bank:

N/A

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

Transfer contains _____ pages and _____ attachments.

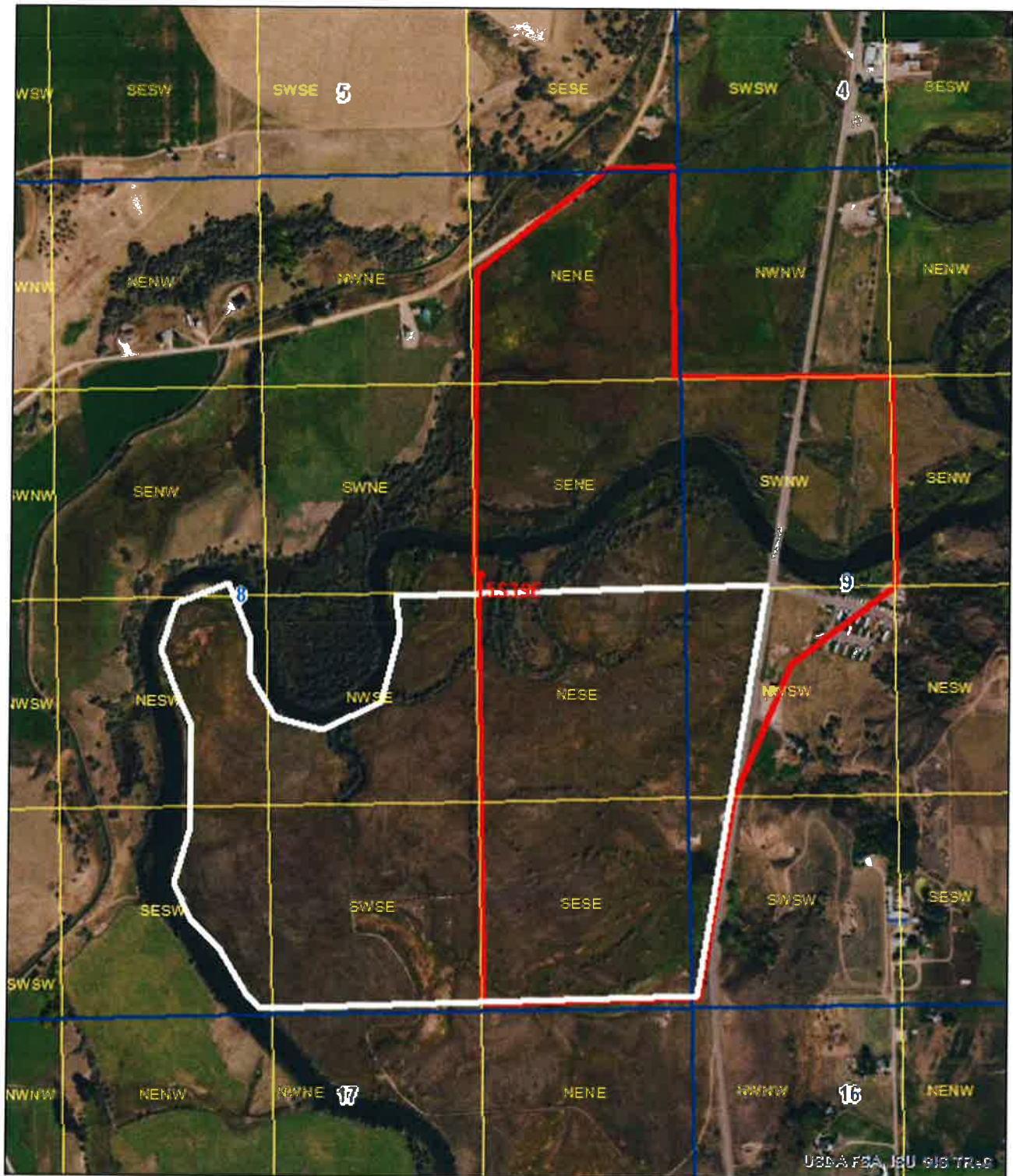
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 580.00 Date 3-15-21 Received by m. Pettis Receipt # E046720

Add'l fee paid \$80.00 Date 4/2/21 Received by CLB Receipt # E046796

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

13-2123 Place of Use Transfer



Legend

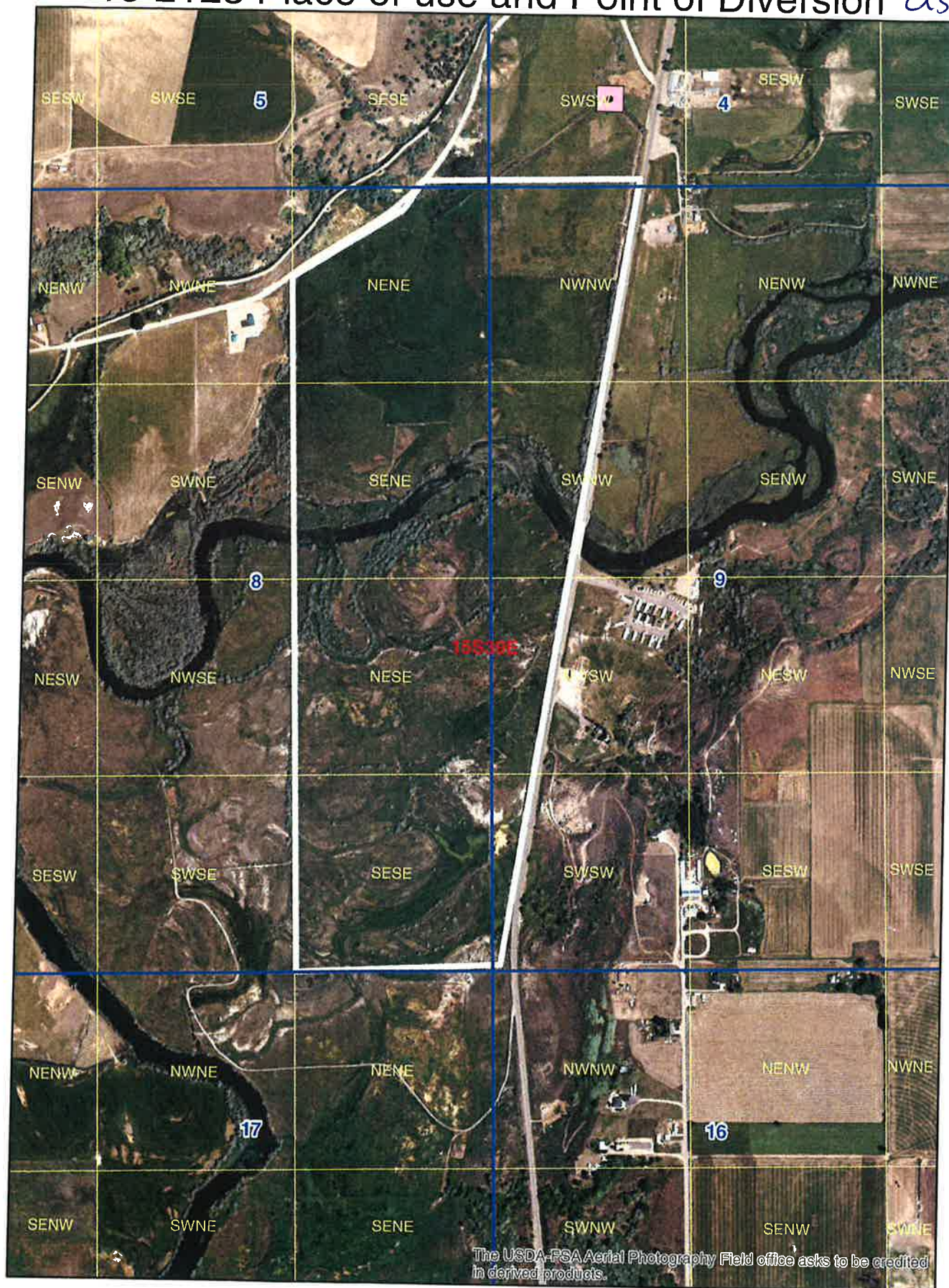
- Pre-Transfer Place of Use
- Post_Transfer_Place_of_Use
- Township/Range
- Sections
- QQ



84859



13-2123 Place of use and Point of Diversion *as license*



13-8058 split
north of grid

13-2123 split south of River

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



Dennis A. Alex
Chairman

Michael M. Gross
Secretary / Vice Chairman

NORTHWESTERN BAND OF THE SHOSHONE NATION
707 NORTH MAIN ST
BRIGHAM CITY, UT 84302

August 7, 2020

State of Idaho Department of Water Resources
Eastern Region
900 Skyline Dr., Ste A
Idaho Falls, ID 83402

RE: Water Right Split for 13-2123 and 13-8058

To Whom It May Concern:

We are writing to request that the Idaho Department of Water Resources (IDWR) reverse water right split, recombining water right number 13-8058 with its original water right number, 13-2123.

The Northwestern Band of the Shoshone Nation (NWBSN) acquired land with several water rights, including 13-2123, from the Ben Johnson Family Farm, L.L.C. on January 25, 2018. On March 6, 2018, the NWBSN sold a portion of the property to Bosen Land & Livestock (Bosen). The land to which 13-2123 was split, with Bosen acquiring land south of the Bear River, and the NWBSN retaining the land north of the Bear River. The language of the deed conveyed 13-2123 according to the land to which it was appurtenant. Unfortunately, the deed was not consistent with the Purchase Agreement, which indicated that Bosen would acquire all of 13-2123 and make an application to IDWR to transfer it to its land.

The leadership of the NWBSN changed, and the new leadership and its water rights consultant were not aware of the agreement concerning 13-2123. The NWBSN filed a Notice of Ownership Change with IDWR for this and other water rights, which was completed on April 16, 2020, creating water right 13-8058. To rectify the oversight, the NWBSN has conveyed 13-8058 to Bosen.

The NWBSN has prepared a Water Right Quitclaim Deed to quitclaim all of 13-8058 to Bosen. We request that the Idaho Department of Water Resources recombine the two water rights under water right 13-2123.

Thank you for your consideration.

Sincerely,

Dennis A. Alex, Council Chairman
Northwestern Band of the Shoshone Nation

David Bosen,
Bosen Land & Livestock

After recording return to:
Bosen Land & Livestock, L.L.C
2545 W 2400 N
Preston, ID 83263-5133

WATER RIGHT QUITCLAIM DEED

For Value Received

NORTHWEST BAND OF SHOSHONE NATION ("Grantor"), hereby quitclaims to, Bosen Land & Livestock, L.L.C., an Idaho limited liability company ("Grantee"), whose current address is 2545 W 2400 N, Preston, ID 83263, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following water rights:

Water Right Number 13-8058, a split portion of Water Right Number 13-2123, as identified in the records of the Idaho Department of Water Resources;

TOGETHER with all elements and attributes of the water right hereby conveyed.

IN WITNESS WHEREOF, Grantor has executed this Water Right Quitclaim Deed this 7 day of August, 2020.

GRANTOR

Northwestern Band of Shoshone Nation

By: Dennis A. Alex

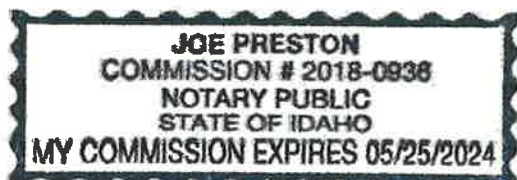
Dennis A. Alex, Chairman

STATE OF IDAHO)

1.55

COUNTY OF IDAHO)

On this 7th day of August, 2020, personally appeared before me Dennis A. Alex, who, being by me duly sworn, did say that he is the Chairman of the Northwestern Band of Shoshone Nation, and acknowledged to me that he executed the foregoing instrument for the purposes stated therein.



Joe Preston
NOTARY PUBLIC

84859

Henman, Christina

From: Henman, Christina
Sent: Wednesday, April 07, 2021 3:56 PM
To: 'busman328@gmail.com'
Subject: Application for Transfer No. 84859
Attachments: RecommendationForm Transfer62.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://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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 within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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