

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 22 2021

Department of Water Resources
Eastern Region

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)** Erika & Jason R. Maughan Phone 208-240-1540

2. **MAILING ADDRESS** 334 Old Oregon Rd. City Soda Springs

State ID Zip 83276 Email jason.maughan@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)** 11-370, 11-371, 11-372, 11-7856

- ☒ 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 0.08 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 #
Y			SE	NW	5	10S	42E	Bear Lake	Bailey 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:

Diversion from Bailey Creek to irrigation sump with adequate space for appropriate sized flume.

- b. Who owns the property at the point(s) of diversion? The applicant (Jason & Erika Maughan)

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

Jason Maughan
Print name and title if applicable

6/8/2020
Date

Erika Maughan
Signature of applicant or authorized agent

Erika Maughan
Print name and title if applicable

6/8/2020
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 \$50.00 Date 6/10/2020 Received by [Signature] Receipt # E045997

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)

ADD'L FEE \$450 2/22/2021 MA E046649

1/8/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARVEY W HIGLEY , ZZ

Status: Active

Tributary
BEAR RIVER

1. P/D, HIGLEY-BODILY DITCH, RHINEHART-HOPKINS DITCH.
P/U, AC IRR=236.

1/8/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARVEY W HIGLEY ZZ

Status: Active

Tributary
BEAR RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/20	09/30	0.660 CFS
Total Diversion		0.660 CFS

BAILEY CREEK	SWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County
BAILEY CREEK	NWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County

IRRIGATION within BEAR LAKE 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
10S	42E	5					X	X	X	X	X			X					0.0

1. P/D, HIGLEY-BODILY DITCH, RHINEHART-HOPKINS DITCH.
P/U. AC IRR=236.

1/8/2021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARVEY W HIGLEY ZZ

Status: Active

Tributary
BEAR RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/20	09/30	3.780 CFS
Total Diversion		3.780 CFS

Volume

BAILEY CREEK	NWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County
BAILEY CREEK	SWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County

IRRIGATION within BEAR LAKE 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
10S	42E	5					X	X	X	X	X			X					0.0

1. P/D, HIGLEY-BODILY DITCH, RHINEHART-HOPKINS DITCH. P/U, AC IRR=236.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/6/2019

Water Right 11-7856

Owner Type **Name and Address**
Current Owner JASON R MAUGHAN
334 OLD OREGON RD
SODA SPRINGS, ID 83276-5631
(208) 240-1540

Current Owner ERIKA MAUGHAN
334 OLD OREGON RD
SODA SPRINGS, ID 83276-5631
(208) 240-1540

Priority Date: 4/7/1908

Basis: License

Status: Active

Source
BAILEY CREEK

Tributary
BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.070 CFS	
DOMESTIC	01/01	12/31		
	<u>Total Diversion</u>		0.070 CFS	

Source and Point(s) of Diversion

BAILEY CREEK	SWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County
BAILEY CREEK	NESW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County
BAILEY CREEK	NWSW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County
BAILEY CREEK	SESW	Sec. 5, Twp 10S, Rge 42E,	BEAR LAKE County

Place Of Use

DOMESTIC Same as IRRIGATION
IRRIGATION within BEAR LAKE 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	
10S	42E	5							1.8	1.8									3.6

POU Total Acres: 3.6

Conditions of Approval:

- 1 P/D IN CENTER OF SW1/4, S5, T10S, R42E.
1 P/D IN NWSW, S5, T10S, R42E.

Comments:

2. j barg 9/5/2019 Ownership Change
water right 11-2020 was split into 11-2020 & 11-7856.

Maughan POD Transfer



Legend

-  Proposed POD
-  Place of Use
-  Township/Range
-  Sections
-  QQ

0 440 880 1,760 Feet



84736

MH



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

February 25, 2021

JASON R MAUGHAN
ERIKA MAUGHAN
334 OLD OREGON RD
SODA SPRINGS, ID 83276-5631

RE: Transfer No. 84736
Water Right No(s). 11-370, 11-371, 11-372, 11-7856

Dear Applicant(s):

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 THE NEWS EXAMINER on 3/3/2021 and 3/10/2021. 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,

A handwritten signature in blue ink, appearing to read 'CH'.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, February 25, 2021 9:04 AM
To: 'garthm2@gmail.com'
Subject: Application for Transfer No. 84736
Attachments: RecommendationForm Transfer46.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.

Henman, Christina

From: Henman, Christina
Sent: Thursday, February 25, 2021 10:33 AM
To: 'ne_legals@news-examiner.net'
Subject: Legal Notice for News Examiner
Attachments: 84736 News Examiner.docx

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Transfer No. 84736
Water Right No(s). 11-370, 11-371, 11-372, 11-7856

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 3/22/2021. 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. 84736

JASON R MAUGHAN and ERIKA MAUGHAN, 334 OLD OREGON RD, SODA SPRINGS, ID 83276-5631 has filed Application No. 84736 for changes to the following water rights within BEAR LAKE County(s): Right No(s): 11-370, 11-371, 11-372, 11-7856; 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 SENW Sec 5 T10S R42E for 0.08 cfs from Bailey Creek.

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 3/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/3/2021 and 3/10/2021