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FEB 03 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84692

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Richard Polatis and Polatis Brothers

Check whether each item below is **attached (Yes)** or **not applicable (N/A)** for the proposed transfer.

Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment # 1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b 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. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Richard Polatis and Polatis Brothers

Phone 208-684-3135, 208-709-1335 ³¹³⁵

Mailing address 174 S 1075 W Blackfoot ID 83221 148 N Bassett Idaho Falls ID 83402

Email vickpolatis@hotmail.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 Richard D. Polatis

Phone 208-709-3135

Mailing address 174 S 1075 W Blackfoot, Id

Email vickpolatis@hotmail.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 argument 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.

Richard D. Polatis
Signature of Applicant or Authorized Representative

Partner
Print Name and Title if applicable

8 Feb 2021
Date

Richard D. Polatis
Signature of Applicant or Authorized Representative

OWNER
Print Name and Title if applicable

8 Feb 2021
Date

PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. 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**.

This transfer seeks to transfer a combined 29.0 acres from water rights 35-2354, 35-4037 and 35-2388 and combine them with water rights 35-2365 and 35-7819A to create a 351.0 acre place of use. The 29.0 acres are being moved to cover acres that are being irrigated with no water rights. Existing well will be used



0003851316

**STATE OF IDAHO**

Office of the secretary of state, Lawrence Denney

AMENDMENT TO STATEMENT OF PARTNERSHIP AUTHORITY

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$30.00 - Make Checks Payable to Secretary of State

For Office Use Only

-FILED-

File #: 0003851316

Date Filed: 4/23/2020 11:12:15 AM

Amendment to Statement of Partnership Authority

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$30)

The current name of the general partnership is:

POLATIS FARMS

Change General Partnership Name?

I want to change the name of the general partnership

The file number of this entity on the records of the Idaho Secretary of State is:

0000010789

The date the statement of partnership authority was originally filed:

2018-05-03 12:00:00.000

General Partnership Name

New entity name:

POLATIS BROTHERS FARMS

The complete street address of the principal office is:

Principal Office Address

174 SOUTH 1075 WEST
BLACKFOOT, ID 83221

Names and street addresses of each partner:

Name	Business Address
☒ DANIEL T POLATIS	1027 W 300 S PINGREE, ID 83262
☒ RICHARD D POLATIS	174 SOUTH 1075 WEST BLACKFOOT, ID 83221

The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

- ☒ I want to update the list of partners authorized to execute an instrument transferring real property held in the name of the partnership.

Partners with real estate authority:	
☒ DANIEL T POLATIS	<i>Daniel T Polatis</i>
☒ RICHARD D POLATIS	<i>Richard D Polatis</i>

Signature of individual authorized by partners to sign:

Andrew Lillywhite

Sign Here

04/23/2020

Date

Job Title: Attorney, Authorized Signatory

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 ☐ ☒	35-2354	0.25/68.0	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-2388	0.09/24.0	Irrigation	04/01 to 10/31	Ground Water
☐ ☒	35-4037	0.09/24.0	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-2365	4.68/1040	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-7819A	0.96/256.0	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.35 cfs and/or 1404.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.65 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 #
			NW	SW	32	02S	32E	Bingham	Ground Water	

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	
02S	32E	31	3.5	0.5	23.5	39									40.0	24.5	8.0	39	178.0
02S	32E	32							10.0	5.0	40.0	40.0	39.0	39.0					173.0
Total Acres (for irrigation use)																			351.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:
One point of diversion to pivots. Diversion contains a magnetic flow meter. Power supply to pump can be turned off and locked.

- 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. 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:
Land will not be irrigated.

- 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:

- 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



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WATER RIGHT REPORT

11/18/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2354

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	POLATIS BROTHERS 148 N BASSETT RD IDAHO FALLS, ID 83402-5665 2087091500

Priority Date: 11/17/1953

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	4.6 CFS	1272 AFA
Total Diversion			4.6 CFS	1272 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNESE|Sec. 32|Township 02S|Range 32E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	32E	32		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	39		SESE	39

Total Acres: 318

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.

Dates:

Licensed Date:

Decreed Date: 11/17/2000

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Attachment # 5 ESPA Analysis

The current points of diversion and proposed point of diversion are within adjacent ESPA model grid cells. No ESPA analysis is required.

IDAHO Department of Water Resources



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WATER RIGHT REPORT

11/30/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2388

Owner Type | Name and Address

Current Owner | POLATIS BROTHERS
148 N BASSETT RD
IDAHO FALLS, ID 83402-5665
2087091500

Priority Date: 10/22/1954

Basis: Decreed

Status: Active

Source | Tributary

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	2.43 CFS	616 AFA
Total Diversion			2.43 CFS	616 AFA

Location of Point(s) of Diversion:

GROUND WATER | SENWSE | Sec. 05 | Township 03S | Range 32E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	32E	5		NESE	40		NWSE	40		SWSE	38		SESE	36

Total Acres: 154

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.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO Department of Water Resources



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WATER RIGHT REPORT

11/30/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-4037

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	POLATIS BROTHERS 148 N BASSETT RD IDAHO FALLS, ID 83402-5665 2087091500

Priority Date: 06/16/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.2 CFS	606.4 AFA
Total Diversion			2.2 CFS	606.4 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWSW|Sec. 05|Township 03S|Range 32E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	32E	5		NESW	33.6		NWSW	38		SWSW	40		SESW	40

Total Acres: 151.6

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.

Dates:

Licensed Date:

Decreed Date: 03/07/2011

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO Department of Water Resources



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WATER RIGHT REPORT

11/18/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-2365

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHY ANN POLATIS
Current Owner	RICHARD D POLATIS
	174 S 1075 W
	BLACKFOOT, ID 83221
	2086843135
Original Owner	CLAUDE G BROWER
Original Owner	O ELWOOD MANWARING
	BLACKFOOT, ID 83221
Original Owner	L J THATCHER
	POCATELLO, ID 83201

Priority Date: 01/13/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4.68 CFS	
Total Diversion			4.68 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENWSW|Sec. 32|Township 02S|Range 32E|BINGHAM County

IRRIGATION Use:

Acre Limit: 260

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	32E	31		NENE	5		SWNE	18		SENE	39			
				NESE	40		NWSE	21		SWSE	3		SESE	38
		32		NESW	40		NWSW	40		SWSW	39		SESW	39

Total Acres: 322

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. USE OF THIS RIGHT WITH RIGHT NO. 35-07819A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.92 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 260 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-07819A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 322 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-07819A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 622
Combined Volume Limit: 2488
Combined Rate Limit: 9.13
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO Department of Water Resources



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WATER RIGHT REPORT

11/30/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-7819A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KATHY ANN POLATIS
Current Owner	RICHARD D POLATIS 174 S 1075 W BLACKFOOT, ID 83221 2086843135
Original Owner	DON T MC CANDLESS BOX 83-B RT 1 PINGREE, ID
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO AGRICULTURAL INVESTMENT DIV 910 TOWER N 2710 STEMMONS FREEWAY DALLAS, TX 75207-2246

Priority Date: 09/22/1978

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.96 CFS	
Total Diversion			0.96 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENWSW|Sec. 32|Township 02S|Range 32E|BINGHAM County

IRRIGATION Use:

Acre Limit: 64

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	32E	31		NENE	5		SWNE	18		SENE	39			
				NESE	40		NWSE	21		SWSE	3		SESE	38
		32		NESW	40		NWSW	40		SWSW	39		SESW	39

Total Acres: 322

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. USE OF THIS RIGHT WITH RIGHT NO. 35-02365 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.92 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1288 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-02365 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 322 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 64 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 35-02365 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 02/15/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR
Water District Number: 120
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 322
Combined Volume Limit: 1288
Combined Rate Limit: 4.92
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ 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:

FOR DEPARTMENT USE ONLY

'Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Folio 500 00 77

Fee paid 500.00 Date 2-3-21 Received by M. Rottis Receipt # E046606

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

Attachment # 5 ESPA Analysis

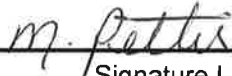
The current points of diversion and proposed point of diversion are within adjacent ESPA model grid cells. No ESPA analysis is required.

Idaho Department of Water Resources Receipt
Receipt ID: E046606

Payment Amount	\$500.00	Date Received	2/3/2021	Region	EASTERN
Payment Type	Check	Check Number	3490		
Payer	POLATIS FARMS				
Comments	APP FOR WATER TRANSFER 35-2354 RICHARD POLATIS AND POLATIS BROTHERS				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$500.00	TRANSFERS	63105	0229	21		1155



Signature Line (Department Representative)

84692



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 18, 2021

RICHARD D POLATIS
174 S 1075 W
BLACKFOOT, ID 83221

POLATIS BROTHERS
148 N BASSETT RD
IDAHO FALLS, ID 83402-5665

RE: Transfer No. 84692
Water Right No(s). 35-2354, 35-2365, 35-2388, 35-4037, 35-7819A

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 BINGHAM NEWS CHRONICLE on 2/24/2021 and 3/3/2021. 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: Thursday, February 18, 2021 2:36 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84692
Attachments: RecommendationForm Transfer40.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://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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 18, 2021 4:21 PM
To: Bingham News Chronicle (legalnotices@postregister.com)
Subject: Legal Notice for Bingham News Chronicle
Attachments: 84692, 84704, 84705, 84725, 84732 Bingham News Chronicle.docx

LEGAL NOTICE DEPARTMENT
BINGHAM NEWS CHRONICLE
PO BOX 70
BLACKFOOT, ID 83221-0070

RE: Transfer No. 84692, 84704, 84705, 84725

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 3/15/2021. 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. 84692**

RICHARD D POLATIS, 174 S 1075 W, BLACKFOOT, ID 83221; POLATIS BROTHERS, 148 N BASSETT RD, IDAHO FALLS, ID 83402-5665 has filed Application No. 84692 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2354, 35-2365, 35-2388, 35-4037, 35-7819A; 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 and change place of use. The point of diversion is in NWSW, Sec 32, T2S, R32E for 5.35 cfs from ground water. The place of use is within E1/2, Sec 31, Sec 32, T2S, R32E for 351 acres.

TRANSFER NO. 84704

KBC FARMS LLC, 3010 MC KINLEY ST, AMERICAN FALLS, ID 83211 has filed Application No. 84704 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-14040; 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 and place of use. The proposed point of diversion is in SWSE Sec 32 T04S R31E for 0.39 cfs from ground water. The proposed place of use is in Sec 32 T04S R31E and Sec 5 T05S R31E for 39 acres within a 461.4-acre permissible place of use.

TRANSFER NO. 84705

KBC FARMS LLC, 3010 MC KINLEY ST, AMERICAN FALLS, ID 83211 has filed Application No. 84705 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-13991, 35-14040; 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 and place of use. The proposed point of diversion is in NESW Sec 16 T04S R31E for 0.26 cfs from ground water. The proposed place of use is within SE1/4 Sec 16 T04S R31E for 24.1 acres.

TRANSFER NO. 84725

SEBASTIAN GONZALEZ, PO BOX 748, ABERDEEN, ID 83210; MARIA GONZALEZ, PO BOX 748, ABERDEEN, ID 83210-0748 has filed Application No. 84725 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8727; 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 SWSW Sec 9 T06S R31E for 0.10 cfs from Ground Water.

TRANSFER NO. 84732

WOODVILLE CANAL CO, C/O DOYLE RUMMSEY

7475 S 35 W, IDAHO FALLS, ID 83402 has filed Application No. 84732 for changes to the following water rights within BINGHAM, BONNEVILLE County(s): Right No(s). 1-181B, 1-196C, 1-235A; 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 points of diversion and add points of diversion. The proposed points of diversion are in NWNW, Lot 10 (SWNW), Lot 11 (NESW), Lot 5 (SWSW), Sec 10; SWSW Sec 16; and 2 pumps in Tract 38 (SESE) Sec 17; T01N R37E for 141.24 cfs from Snake River.

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 3/15/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 2/24/2021 and 3/3/2021