

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Maria and Sebastian Gonzalez Phone 208-705-2712

2. MAILING ADDRESS P.O. Box 748 City Aberdeen

State ID Zip 83210 Email lorgonz23@gmail.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) 35-8727

- ☐ 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 0.1 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*.

[illegible]

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:

Ground water well connected to home for domestic use, and hand lines for Irrigation

- 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. 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.

Sebastian Gonzalez
Signature of applicant or authorized agent

Sebastian Gonzalez
Print name and title if applicable

2-15-21
Date

Maria F. Gonzalez
Signature of applicant or authorized agent

Ma. Francisca Gonzalez
Print name and title if applicable

2-15-21
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.0, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.0.8. 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 2-5-21 Received by M. Petts Receipt # ED46611

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
Proof Report

2/17/2021

Water Right 35-8727

Owner Type **Name**
Current Owner SEBASTIAN GONZALEZ
Current Owner MARIA GONZALEZ
Priority Date: 6/3/1989
Basis: License
Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.100 CFS	
	Total Diversion		0.100 CFS	

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 9, Twp 06S, Rge 31E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

T06S R31E S9 SWSW 5.0
POU Total Acres: 5.0

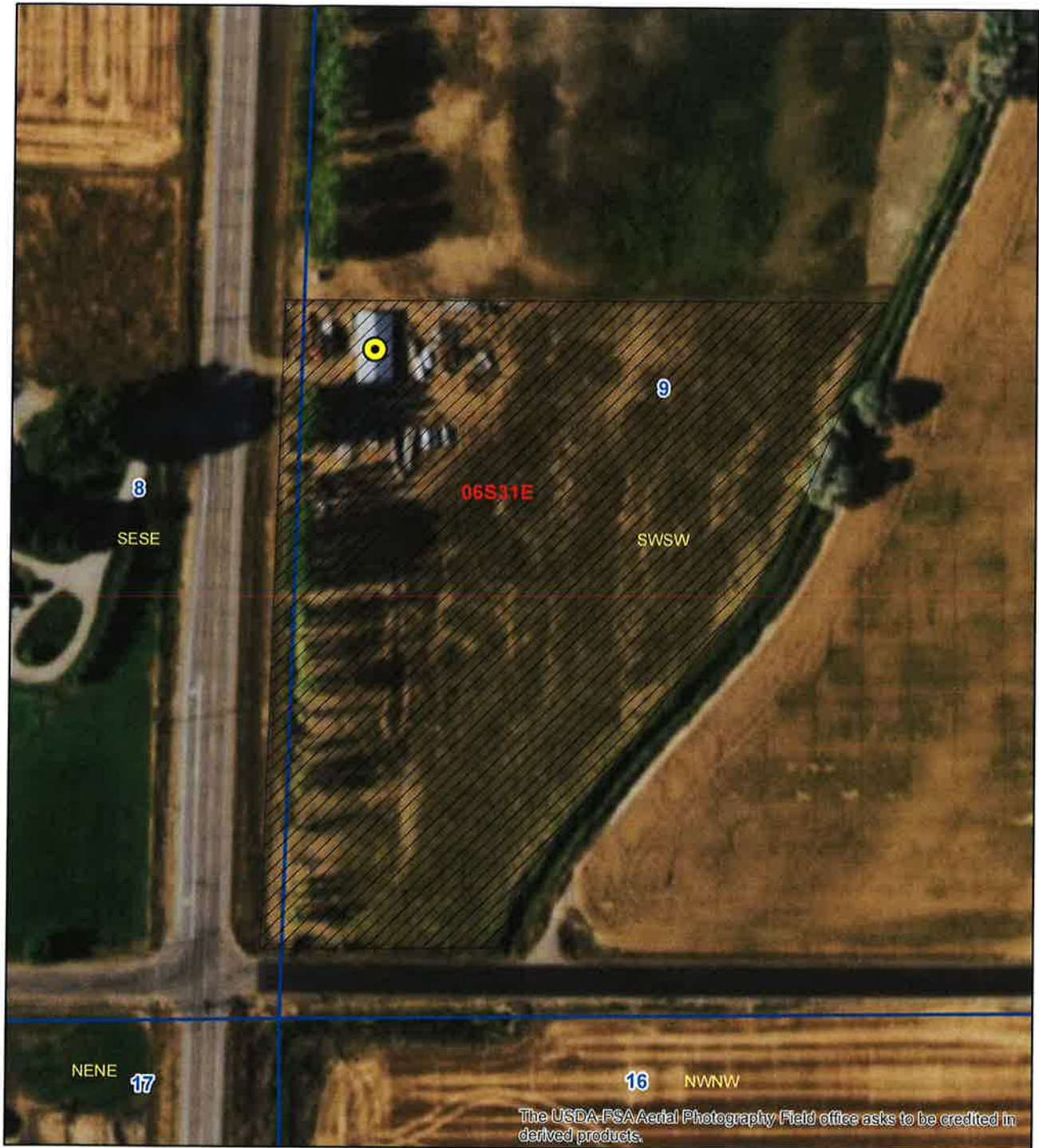
Conditions of Approval:

1. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
2. 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.
3. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. 903 The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
5. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 20.0 af at the field headgate for irrigation of the lands above.
Stockwater use under this right shall not exceed 0.2 afa.

Dates and Other Information

Licensed Date: 4/27/1998

Maria & Sebastian Gonzalez Transfer
35-8727



Legend

- 35-8727 Point of Diversion
- 35-8727 Place of Use
- Township/Range
- Sections
- QQ

0 0.01 0.02 0.04 0.06 0.08 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

February 18, 2021

SEBASTIAN GONZALEZ
MARIA GONZALEZ
PO BOX 748
ABERDEEN, ID 83210-0748

RE: Transfer No. 84725
Water Right No(s). 35-8727

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 2:35 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84725
Attachments: RecommendationForm Transfer39.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