

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 11 2021

Department of Water Resources
Division 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.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** William Toevs and Joan Toevs Phone 2086042599

2. MAILING ADDRESS 2841 W 1800 S City Aberdeen

State Idaho Zip 83210 Email _____

- ☐ 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) 35-14453 and 35-14454

- ☐ 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 0.88 cubic feet per second and/or 328.0 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:

A new well will be drilled, new mainlines installed and irrigation system installed.

- b. Who owns the property at the point(s) of diversion? The 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 ¼ ¼ 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.

William R. Joer
Signature of applicant or authorized agent

William R Toers
Print name and title if applicable

10/29/2020
Date

Joanne L. Toers
Signature of applicant or authorized agent

Joanne Toers
Print name and title if applicable

10/29/2020
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 \$500.00 Date 1/11/21 Receipted by cash Receipt # E046556

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)

Page _____ of _____

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

Current Water Right No.: 35-14453

Current Owner: WILLIAM R TOEVS
JOANNE TOEVS

Priority Date: 9/5/1972

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	04/01 to 10/31	0.64 CFS	252.8 AF
	<u>Total Diversion</u>	0.64 CFS	252.8 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 5,	Twp 05S,	Rge 31E B.M.
BINGHAM County				
GROUND WATER	NE1/4NE1/4	Sec. 5,	Twp 05S,	Rge 31E B.M.
BINGHAM County				

Place of Use

IRRIGATION Within BINGHAM County

T04S R31E S32	NESW	40.00	T04S R31E S32	SESW	40.00
T04S R31E S32	NWSE	40.00	T04S R31E S32	SWSE	40.00
T05S R31E S5	NENE	30.70	T05S R31E S5	NWNE	40.00
T05S R31E S5	SWNE	40.00	T05S R31E S5	SENE	30.70
T05S R31E S5	NENW	40.00	T05S R31E S5	NWNW	40.00
T05S R31E S5	SWNW	40.00	T05S R31E S5	SENW	40.00

Total Acres: 461.4

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
2. X35 Rights 35-14453 and 35-14454 when combined shall not exceed the irrigation of 82.0 acres.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 214 Prior to the diversion and use of water under Transfer approval 80764, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 206 Rights 35-14453 and 35-14454 are limited to the irrigation of a specific 82.0 acres within the 461.4 acre place of use authorized by this right in a single irrigation season. The specific 82.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 82.0 acres to be irrigated within the 461.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. X27 This right is limited to the irrigation of 63.2 acres within the authorized place of use in a single irrigation season.
10. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 6/2/2003

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

Current Water Right No.: 35-14454

Current Owner: WILLIAM R TOEVS
JOANNE TOEVS

Priority Date: 9/5/1972

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use **From To**
IRRIGATION 04/01 to 10/31
 Total Diversion

Diversion Rate **Annual Volume**
0.24 CFS 75.2 AF
0.24 CFS 75.2 AF

Location of Point(s) of Diversion

GROUND WATER
BINGHAM County

NE1/4NE1/4 Sec. 5, Twp 05S, Rge 31E B.M.

GROUND WATER
BINGHAM County

NE1/4NE1/4 Sec. 5, Twp 05S, Rge 31E B.M.

Place of Use

IRRIGATION Within BINGHAM County

T04S R31E S32	NESW	40.00	T04S R31E S32	SESW	40.00
T04S R31E S32	NWSE	40.00	T04S R31E S32	SWSE	40.00
T05S R31E S5	NENE	30.70	T05S R31E S5	NWNE	40.00
T05S R31E S5	SWNE	40.00	T05S R31E S5	SENE	30.70
T05S R31E S5	NENW	40.00	T05S R31E S5	NWNW	40.00
T05S R31E S5	SWNW	40.00	T05S R31E S5	SENW	40.00

Total Acres: 461.4

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 80764, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. 206 Rights 35-14453 and 35-14454 are limited to the irrigation of a specific 82.0 acres within the 461.4 acre place of use authorized by this right in a single irrigation season. The specific 82.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 82.0 acres to be irrigated within the 461.4 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. X35 Rights 35-14453 and 35-14454 when combined shall not exceed the irrigation of 82.0 acres.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
8. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
10. X27 This right is limited to the irrigation of 18.8 acres within the authorized place of use in a single irrigation season.
11. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 2/19/2002



0 1,000 2,000 Feet

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 10/29/2020

TOEVS
POD TRANSFER
WATER RIGHT 35-14453 and 35-14454
NAIP 2019 AERIAL

Legend

- Toevs PODs
- ▨ Toevs Acres



84628



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

January 7, 2021

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: William and Joanne Toevs Transfer

Dear Mr. Cefalo:

William and Joanne Toevs are submitting a point of diversion transfer that will move POD of water rights 35-14453 and 35-14454 to a new location. The proposed POD location in Township 04 South Range 31 East Section 32 SWSE.

The ownership, nature of use and period of use will not be changing with this transfer.

No ESPA model analysis for this transfer is required because of the short distance from the current POD location to the proposed POD location.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: William Toevs
Enc: POD Transfer Application, Aerial Maps, Brockway Engineering Check # 11620 for
\$500.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

84628



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

January 20, 2021

WILLIAM R TOEVS
JOANNE TOEVS
2841 W 1800 S
ABERDEEN, ID 83210-1832

RE: Transfer No. 84628
Water Right No(s). 35-14453, 35-14454

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 1/27/2021 and 2/3/2021. 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: Wednesday, January 20, 2021 3:24 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84628
Attachments: RecommendationForm Transfer29.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 <TIMEFRAME> 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 <TIMEFRAME> 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: Wednesday, January 20, 2021 3:45 PM
To: Bingham News Chronicle (legalnotices@postregister.com)
Subject: Legal Notice for Bingham News Chronicle
Attachments: 84628 Bingham News Chronicle.docx

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

RE: Transfer No. 84628
Water Right No(s). 35-14453, 35-14454

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 2/15/2021. 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. 84628**

WILLIAM R TOEVS, 2841 W 1800 S, ABERDEEN, ID 83210; JOANNE TOEVS, 2841 W 1800 S, ABERDEEN, ID 83210-1832 has filed Application No. 84628 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-14453, 35-14454; 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 SWSE Sec 32 T04S R31E for 0.88 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 2/16/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/27/2021 and 2/3/2021