

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Covington Brothers LLC Phone _____
Mailing address PO Box 183, Rexburg, Idaho 83440 Email jaycovington@comcast.net

- ☐ 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 Robert L. Harris Phone 208-523-0620
Mailing address PO Box 50130, Idaho Falls, Idaho 83405 Email rharris@holdenlegal.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 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.

<u>Robert L. Harris</u> Signature of Applicant or Authorized Representative	<u>Robert L. Harris, Attorney</u> Print Name and Title if applicable	<u>November 19, 2020</u> Date
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. 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.O.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**.
Rearrange POU of water rights.

AMENDEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**RECEIVED**

JAN 05 2020 2021

Department of Water Resources
Eastern Region**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.**

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	1-7006	7.38/3132.6	IRRIGATION	04/01 to 11/01	SNAKE RIVER
☒ ☐	1-10011 (enlgmt)	2.07	IRRIGATION	04/01 to 10/31	SNAKE RIVER
☒ ☐	1-7087	4.6	IRRIGATION	04/01 to 10/31	SNAKE RIVER
☒ ☐	25-7106	5.31/2254	IRRIGATION	04/01 to 11/01	GROUND WATER
☒ ☐	25-10069(enlgmt)	0.1/10	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14 (cmd) cfs and/or 5411.2(cmd) acre-feet.2. Total amount of water proposed to be transferred or changed 0.51 cubic feet per second and/or 5411.2 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	
04N	40E	1			7					2	29	1	30	36	29	40	36	40	250
		2																6	6
		11	34		21	40									39				134
		12	40	40	40	40	40	40	40	40	39	33		36	40	40	37	39	584
		13		37	40		40			40									157
04N	41E	6									4	28	40	14					86
		7					28	40	40	23									131
Total Acres (for irrigation use)																			1348

Covington Brothers LLC Farm Water Entitlements

Prepared by Robert L. Harris, Holden, Kidwell, Hahn & Crapo, P.L.L.C.

Surface Water Natural Flow Water Rights and Exchange Well Ground Water Rights													
Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Combined Volume Limitation (AFA)	Individual Acre Limitation	Total Permissible Place of Use	Point of Diversion	Notes
1-7006	Covington Brothers Ltd Partnership	SRBA Partial Decree	November 12, 1974	Snake River	Irrigation	7.38	8.69	3132.6	3147.2	960	1348	NWNE Lt. 9, Sec. 26, 4N, 40E. (Covington Brothers Pump)	The 1334 acre place of use is entirely contained within the 1348 acre place of use. The surface water natural flow water right place of diversion located on the South Fork of the Snake River is measured and regulated by Water District 1 (Site ID No. 13038047--Covington Brothers Pump). The exchange well authorized by the ground water rights is measured and regulated by Water District 1 (Site ID No. 13038047--Covington Bros Exchange Well).
1-10011 (enlargement)			April 12, 1994 (As between enlargement rights: July 1, 1985)			2.07		None		388			
1-7087		License	July 1, 1985			4.6		None		230			
25-7106	Covington Brothers Ltd Partnership	SRBA Partial Decree	April 15, 1977	Ground water	Irrigation	5.31	5.31	2254	2264	960	1334	SWSW, Sec. 27, 4N, 40E. (Covington Bros Exchange Well)	
25-10069 (enlargement)			April 12, 1994 (As between enlargement rights: July 1, 1985)			0.1		10		374		SWSW, Sec. 27, 4N, 40E. (Water Injection Location into the Snake River) NWNW Lt. 9, Sec. 26, 4N, 40E. (Rediversion location at the Covington Brothers Pump)	
Storage Water Entitlement													
Storage Water Source				No. of Shares		Share Certificate No.		Notes					
Palisades Water Users, Inc. shares				1100		689		One share of PWUI stock is equivalent to 1 acre-foot (AF) of PWUI's reservoir space of 53,630 AF of space in Palisades Reservoir. The Watermaster for Water District 1 makes a fill allocation for Palisades Reservoir each year (typically mid-June). The fill allocation percentage is then multiplied by the number of shares (1100) to determine the storage water "yield" to each shareholder. For example, if the fill percent is 90%, then there will be a yield to the 1100 shares of 990 AF of storage water (1100 X 0.9 = 990 AF) available for use during the irrigation season.					

84612

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES	

TOTAL	1348.0
-------	--------

PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

TOTAL	1348.0
-------	--------

CHANGE IN ACRES	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	
53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	

TOTAL	0.0
-------	-----

Used for calculating
filing fee

84612

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:

Pump on Snake River for surface water diversion. Well and pump for ground water diversion. Both diversions have measuring devices.

- b. Who owns the property at the point(s) of diversion? BLM (river diversion); Applicant (exchange well).

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

Right-of-way granted by the BLM.

- 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:

Overall, 44 acres of the POU for the water rights will be rearranged.

- 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
Proof Report**

12/2/2020

Water Right 1-7006

Owner Type **Name**
Current Owner COVINGTON BROS LLC
Priority Date: 11/12/1974
Basis: Decreed
Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	7.380 CFS	3,132.6 AF
	<u>Total Diversion</u>		7.380 CFS	3,132.6 AF

Source and Point(s) of Diversion

SNAKE RIVER L9(NWNE) Sec. 26, Twp 04N, Rge 40E, MADISON County

Place Of Use

IRRIGATION within MADISON 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	
04N	40E	1			6.0					2.0	28.0	1.0	29.0	36.0	27.0	40.0	36.0	40.0	245.0
04N	40E	2																5.0	5.0
04N	40E	11	32.0			38.0									39.0				109.0
04N	40E	12	40.0	40.0	40.0	40.0	39.0	39.0	39.0	39.0	37.0	35.0		34.0	40.0	40.0	36.0	39.0	577.0
04N	40E	13		37.0	40.0		39.0	39.0		40.0									195.0
04N	41E	6									5.0	26.0 L6	40.0 L7	16.0					87.0
04N	41E	7					28.0	40.0 L1	40.0 L2	22.0									130.0

Right Acre Limit: 960.0

POU Total Acres: 1,348.0

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. 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.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. 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. 01.
5. X27 This right is limited to the irrigation of 960 acres within the place of use described above

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

- in a single irrigation season.
6. K01 Right No. 01-10011 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7. E17 Use of this right is combined with water from Palisades Water Users Association.
8. E61 The rights listed below are limited to a total combined diversion rate of 7.38 cfs and to a total combined annual diversion volume of 3147.2 AF. Combined Right Nos.: 01-7006, 01-10011.
9. E56 The rights listed below are limited to the irrigation of a combined total of 1348 acres in a single irrigation season. Combined Right Nos.: 01-7006, 01-10011, 25-07106, 25-10069

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.380	3,147.2	1,348.0

1-7006 ,1-10011

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,348.0

1-7087 ,25-7106 ,25-10069 ,1-7006 ,1-10011

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.690		1,348.0

1-7087 ,1-7006 ,1-10011

SubCase:

N/A

Water Supply Bank:

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

12/2/2020

Water Right 1-7087

Owner Type **Name**
Current Owner COVINGTON BROS LLC
Priority Date: 7/1/1985
Basis: License
Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.600 CFS	
	<u>Total Diversion</u>		4.600 CFS	

Source and Point(s) of Diversion

SNAKE RIVER L9(NWNE) Sec. 26, Twp 04N, Rge 40E, JEFFERSON County

Place Of Use

IRRIGATION within MADISON 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	
04N	40E	1			6.0					2.0	28.0	1.0	29.0	36.0	27.0	40.0	36.0	40.0	245.0
04N	40E	2																5.0	5.0
04N	40E	11	32.0			38.0									39.0				109.0
04N	40E	12	40.0	40.0	40.0	40.0	39.0	39.0	39.0	39.0	37.0	35.0		34.0	40.0	40.0	36.0	39.0	577.0
04N	40E	13		37.0	40.0		39.0	39.0		40.0									195.0
04N	41E	6									5.0	26.0	40.0	16.0					87.0
04N	41E	7					28.0	40.0	40.0	22.0									130.0
								L1	L2										

Right Acre Limit: 230.0

POU Total Acres: 1,348.0

Conditions of Approval:

1. X35 Rights 01-7006, 01-7087, 01-10011, 25-7106 and 25-10069 when combined shall not exceed the irrigation of 1348 acres.
2. X35 Rights 01-7006, 01-7087 and 01-10011 when combined shall not exceed a total diversion rate of 8.69 cfs and the irrigation of 1348 acres.
3. X27 This right is limited to the irrigation of 230 acres within the authorized place of use in a single irrigation season.
4. 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. 01.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

- control of the diversion(s).
6. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
 7. 11A No water may be diverted under this right until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
 8. 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.
 9. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1-7087 ,25-7106 ,25-10069 ,1-7006 ,1-10011		1,348.0
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.690		1,348.0
1-7087 ,1-7006 ,1-10011		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

Water Right 1-10011

Owner Type **Name**
Current Owner COVINGTON BROS LLC
Priority Date: 7/1/1985
Basis: Decreed
Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.070 CFS	
	Total Diversion		2.070 CFS	

Source and Point(s) of Diversion
SNAKE RIVER L9(NWNE) Sec. 26, Twp 04N, Rge 40E, MADISON County

Place Of Use
IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	1			6.0					2.0	28.0	1.0	29.0	36.0	27.0	40.0	36.0	40.0	245.0
04N	40E	2																5.0	5.0
04N	40E	11	32.0			38.0									39.0				109.0
04N	40E	12	40.0	40.0	40.0	40.0	39.0	39.0	39.0	39.0	37.0	35.0		34.0	40.0	40.0	36.0	39.0	577.0
04N	40E	13		37.0	40.0		39.0	39.0		40.0									195.0
04N	41E	6									5.0	26.0	40.0	16.0					87.0
												L6	L7						
04N	41E	7					28.0	40.0	40.0	22.0									130.0
								L1	L2										

Right Acre Limit: 388.0

POU Total Acres: 1,348.0

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. 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. 01.
3. K09 This right is for an enlargement of 388 acres within the place of use described for this right.
4. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

5. K02 This right is based upon an enlargement of Right No. 01-7006 pursuant to Section 42-1426, Idaho Code.
6. E17 Use of this right is combined with water from Palisades Water Users Association.
7. E56 The rights listed below are limited to the irrigation of a combined total of 1348 acres in a single irrigation season. Combined Right Nos.: 01-7006, 01-10011, 25-7106, 25-10069
8. E61 The rights listed below are limited to a total combined diversion rate of 7.38 cfs and to a total combined annual diversion volume of 3147.2 AF. Combined Right Nos.: 01-7006, 01-10011

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,348.0
1-7087 ,25-7106 ,25-10069 ,1-7006 ,1-10011		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.380	3,147.2	1,348.0
1-7006 ,1-10011		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.690		1,348.0
1-7087 ,1-7006 ,1-10011		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

Water Right 25-7106

Owner Type **Name**
Current Owner COVINGTON BROS LLC
Priority Date: 4/15/1977
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	5.310 CFS	2,254.0 AF
	Total Diversion		5.310 CFS	2,254.0 AF

Source and Point(s) of Diversion

GROUND WATER	L9(NWNE)	Sec. 26, Twp 04N, Rge 40E,	JEFFERSON County(R)
GROUND WATER	SWSW	Sec. 27, Twp 04N, Rge 40E,	JEFFERSON County(I)
GROUND WATER	SWSW	Sec. 27, Twp 04N, Rge 40E,	JEFFERSON County

Place Of Use

IRRIGATION within MADISON 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	
04N	40E	1			6.0					2.0	28.0	1.0	29.0	36.0	27.0	40.0	36.0	40.0	245.0
04N	40E	2																5.0	5.0
04N	40E	11	32.0			38.0									39.0				109.0
04N	40E	12	35.0	40.0	40.0	32.0	39.0	39.0	39.0	39.0	37.0	35.0		34.0	39.0	40.0	36.0	39.0	563.0
04N	40E	13		37.0	40.0		39.0	39.0		40.0									195.0
04N	41E	6									5.0	26.0	40.0	16.0					87.0
												L6	L7						
04N	41E	7					28.0	40.0	40.0	22.0									130.0
								L1	L2										

Right Acre Limit: 960.0

POU Total Acres: 1,334.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 960 acres within the place of use described above in a single irrigation season.
2. G02 POINT OF INJECTION INTO DRY BED. POINT OF REDIVERSION FROM SOUTH FORK SNAKE RIVER.
3. E61 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.31 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2264 AF. COMBINED RIGHT NOS.: 25-07106, 25-10069
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

5. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
6. G03 WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE DRY BED AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM SOUTH FORK SNAKE RIVER AT THE POINT OF REDIVERSION DESCRIBED ABOVE.
7. E55 USE OF THIS RIGHT WITH RIGHT NO. 25-10069 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1334 ACRES IN A SINGLE IRRIGATION SEASON.
8. K01 RIGHT NO. 25-10069 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
9. 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.
10. 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. 01.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1-7087 ,25-7106 ,25-10069 ,1-7006 ,1-10011		1,348.0
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
7.380	3,132.6	
1-7006 ,25-7106		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.310	2,264.0	1,334.0
25-7106 ,25-10069		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

Water Right 25-10069

Owner Type **Name**
Current Owner COVINGTON BROS LLC
Priority Date: 7/1/1985
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.100 CFS	10.0 AF
	Total Diversion		0.100 CFS	10.0 AF

Source and Point(s) of Diversion

GROUND WATER	SWSW	Sec. 27, Twp 04N, Rge 40E,	JEFFERSON County(I)
GROUND WATER	L9(NWNE)	Sec. 26, Twp 04N, Rge 40E,	JEFFERSON County(R)
GROUND WATER	SWSW	Sec. 27, Twp 04N, Rge 40E,	JEFFERSON County

Place Of Use

IRRIGATION within MADISON 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	
04N	40E	1			6.0					2.0	28.0	1.0	29.0	36.0	27.0	40.0	36.0	40.0	245.0
04N	40E	2																5.0	5.0
04N	40E	11	32.0			38.0									39.0				109.0
04N	40E	12	35.0	40.0	40.0	32.0	39.0	39.0	39.0	39.0	37.0	35.0		34.0	39.0	40.0	36.0	39.0	563.0
04N	40E	13		37.0	40.0		39.0	39.0		40.0									195.0
04N	41E	6									5.0	26.0	40.0	16.0					87.0
												L6	L7						
04N	41E	7					28.0	40.0	40.0	22.0									130.0
								L1	L2										

Right Acre Limit: 374.0

POU Total Acres: 1,334.0

Conditions of Approval:

1. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 25-07106 PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. 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.
3. G03 WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO THE DRY BED AT THE POINT OF INJECTION DESCRIBED ABOVE, AND DIVERTING AN EQUAL AMOUNT FROM

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2020

- SOUTH FORK SNAKE RIVER AT THE POINT OF REDIVERSION DESCRIBED ABOVE.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 25-7106 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1334 ACRES IN A SINGLE IRRIGATION SEASON.
 5. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
 6. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
 7. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.31 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2264 AF. COMBINED RIGHT NOS.: 25-07106, 25-10069
 8. G02 POINT OF INJECTION INTO DRY BED. POINT OF REDIVERSION FROM SOUTH FORK SNAKE RIVER.
 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. 01.
 10. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 374 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1-7087 ,25-7106 ,25-10069 ,1-7006 ,1-10011		1,348.0
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.310	2,264.0	1,334.0
25-7106 ,25-10069		

SubCase:

N/A

Water Supply Bank:

N/A

Attachment No. 4

Power of Attorney

[Search again](#)

Results (as of 11/8/20)

Robert Lynn Harris

Status

Active

Admittance Date

09/30/2004

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130

Idaho Falls, ID 83405

Phone

(208) 523-0620

Phone Ext**Fax**

(208) 523-9518

Bar Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Court eService Email

efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

Attachment No. 7a

Map

COVINGTON PROPERTY



Legend

- TR Lines_2014
- Section Lines_2014
- Covington.POU Revised
- Covington_Property_Line
- Quarter Quarters_2014

84612

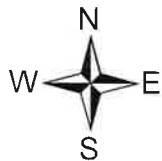


Prepared by:
Robert L. Harris
November 12, 2020

**Attachment No. 7b
Map (GIS shapefile)**

***GIS shapefile will be emailed
to IDWR agent.***

COVINGTON PROPERTY



Legend

- TR Lines_2014
- Section Lines_2014
- Covington Original POU
- Covington,POU Revised
- Covington_Property_Line
- Quarter Quarters_2014



84612

Prepared by:
Robert L. Harris
November 12, 2020



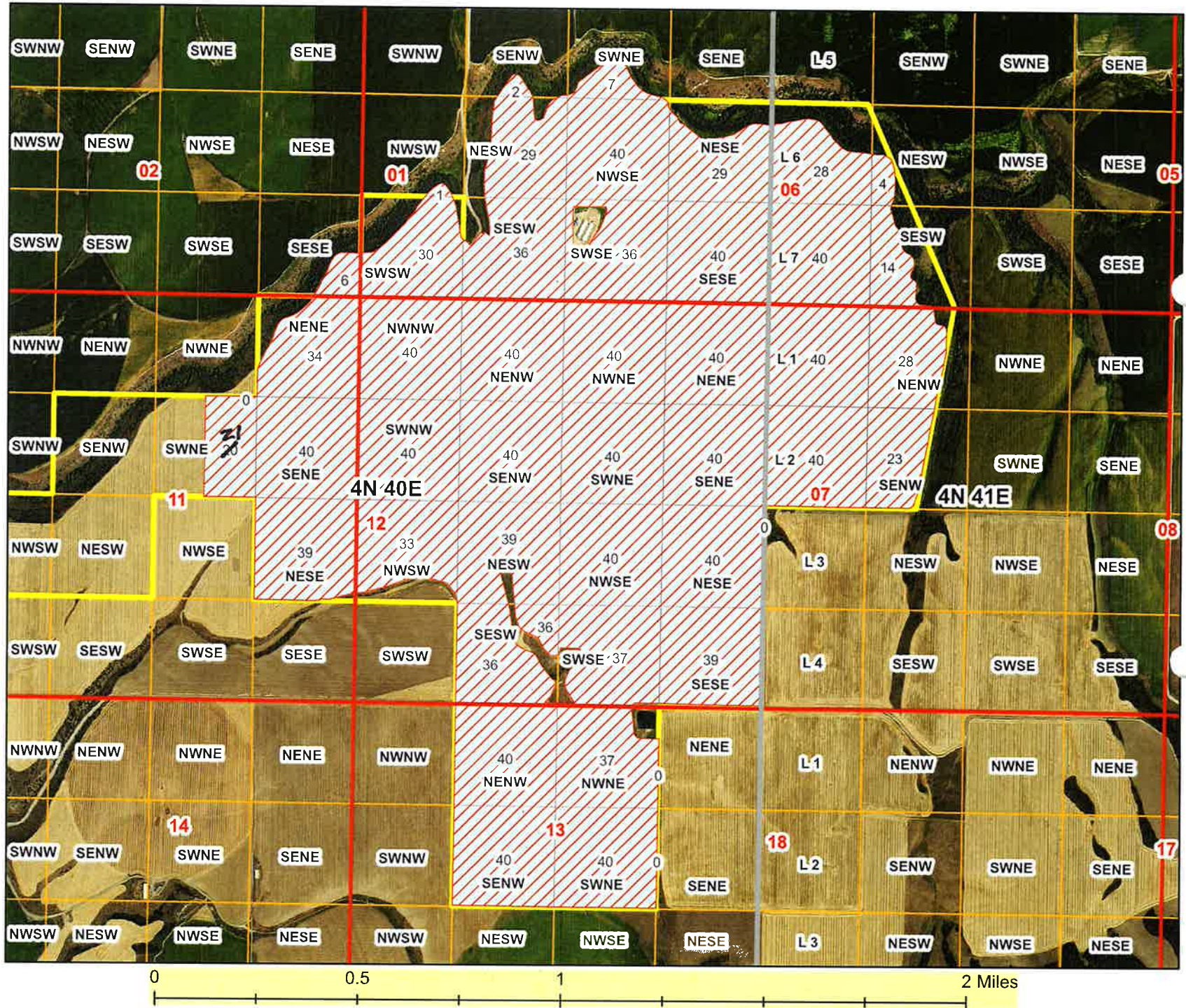
COVINGTON PROPERTY



Legend

- TR Lines_2014
- Section Lines_2014
- Covington.POU Revised
- Revised POU By QQ
- Covington_Property_Line
- Quarter Quarters_2014

84612



Prepared by:
Robert L. Harris
November 12, 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 24 2020

Department of Water Resources
Eastern Region

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	1-7006	7.38/3132.6	Irrigation	04/01 to 11/01	Snake River/Columbia R.
☒ ☐	1-10011 (enlgmt)	2.07	Irrigation	04/01 to 10/31	Snake River/Columbia R.
☒ ☐	1-7087	4.6	Irrigation	04/01 to 10/31	Snake River/Columbia R.
☒ ☐	25-7106	5.31/2254	Irrigation	04/01 to 11/01	Ground water
☒ ☐	25-10069(enlgmt)	0.1/10	Irrigation	04/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14 (cmd) cfs and/or 5411.2(cmd) acre-feet.

2. Total amount of water proposed to be transferred or changed 14 cubic feet per second and/or 5411.2 acre-feet per year.

3. Point(s) of Diversion: 0.51

- ☒ 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	40E	1			7					2	29	1	30	36	29	40	36	40	250
		2																6	6
		11	34		21	40									39				134
		12	40	40	40	40	40	40	40	40	39	33		36	40	40	37	39	584
		13		37	40		40			40									157
		6									4	28	40	14					86
		7					28	40	40	23									131
Total Acres (for irrigation use)																			1348

Henman, Christina

From: Henman, Christina
Sent: Thursday, January 14, 2021 12:38 PM
To: Olenichak, Tony
Subject: Application for Transfer No. 84612
Attachments: RecommendationForm Transfer23.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.

Nebeker, Jake

From: Rob Harris <rharris@holdenlegal.com>
Sent: Tuesday, January 5, 2021 10:49 AM
To: Nebeker, Jake
Cc: jaycovington@comcast.net
Subject: RE: Transfer Amendment

Jake:

I apologize for my delay on this. I've had a chance to review this. Yes, we are OK with the amended transfer pages you emailed to tweak page 3.

Thanks for your attention to this.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

Confidentiality Notice: The information contained in this electronic e-mail and any accompanying attachments, all of which may be confidential and/or privileged, is intended only for the intended recipient. If you are not the intended recipient, any unauthorized use, disclosure or copying of this e-mail and its contents is strictly prohibited and may be unlawful. If you are not the intended recipient, please delete the original message and all copies from your system. Thank you.

Rob Harris

From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Sent: Thursday, December 10, 2020 4:48 PM
To: Rob Harris <rharris@holdenlegal.com>
Cc: jaycovington@comcast.net
Subject: Transfer Amendment

Robert,

After looking over this application for transfer there is a small amendment, that we need to get your approval for. The amendment is in the first two rows of section 4. There was a small change to the first field in section number 2 as well. Once I get a thumbs up from you I can

proceed with the data entry of this transfer. If you have any questions or concerns about the changes please call me at the number below. Thanks

S. Jake Nebeker
Water Resource Agent
Idaho Department of Water Resources
900 N Skyline Dr # A, Idaho Falls, ID 83402
Phone: (208) 525-7161 Fax: (208) 525-7177



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

November 20, 2020

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: *Application for Transfer Filed on Behalf of Covington Brothers LLC.*

Dear Reviewing Agent:

Enclosed for processing is a *Transfer Application* filed on behalf of Covington Brothers LLC. The transfer does not propose to make any changes to the authorized points of diversion of the described water rights. Rather, it simply rearranges approximately 44 acres of the place of use to match with more current aerial photography, as well as to move a portion of the water rights originally appurtenant to the NWNW of Section 14, Township 04N., 40E. This property was previously leased and irrigated by Covington, but is no longer being leased, and title to the water rights remains in the name of Covington Brothers LLC. We also discovered in preparing shapefiles for this transfer that the calculated acreage under the original shapefile totaled 1,355 acres and not the 1,348 acres described on the water right reports. In order to correct this issue, as well as realignment of the shapefile based on more up-to-date aerial photography, the end result is the movement of approximately 21 acres to the SWNE of Section 11, Township 04N., 40E.

We have included a spreadsheet that shows that there are 44 total acres being rearranged, and based on the diversion rate associated with the water rights, enclosed is a filing fee of \$500.00 for this transfer. Additionally, because there is no change in the points of diversion, it is our understanding that this transfer will not be advertised. If the Department decides to advertise this transfer, please let us know.

We appreciate your assistance in the review and processing of this application. If you have any questions or concerns, please let me know. Once we know who the reviewing agent is, upon emailed request, we will email you the shapefile for the updated place of use.

Established in 1896

IDWR
November 20, 2020
Page 2 of 2

Best regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\14711-001 covington\2020.11.20 idwr.docx