

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84481

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
AUG 10 2020

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) Cannon Shelley Property LP

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 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: _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Cannon Shelley Property LP Phone 208 706 6096
Mailing address 1470 N 750 E, Shelley ID, 83274 Email _____

- ☐ 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 Kristin Moore Phone 208-524-2353
Mailing address 482 Constitution Way Suite 303, Idaho Falls, Idaho, 83402 Email kristin.rmea@gmail.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.

Seth Cannon
Signature of Applicant or Authorized Representative

Seth Cannon
Print Name and Title if applicable

8-4-2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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 **Part1A.2**.
- 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**.
Applicant is contracted to purchase the stock water portion of 35-8096 for use at an existing dairy. Ownership will be updated upon approval of the transfer and closing of the sale.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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OCT 12 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 <input type="checkbox"/> <input checked="" type="checkbox"/>	35-8096	0.06 cfs	Stockwater	1/1 to 12/31	groundwater
<input type="checkbox"/> <input type="checkbox"/>		12 afa		to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 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 #
No			SE	NW	20	01N	37E	Bingham	groundwater	

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	
01N	37E	20								S									
Total Acres (for irrigation use)																			

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:

The diversion system consists of a well, its associated pump, and the stock watering systems.

- b. Who owns the property at the point(s) of diversion? Cannon Shelley Property LP

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: The Bank of Commerce c/o Western Ag Credit who has submitted a letter notifying that they no longer have a security interest in this water right.

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:

N/A

- 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:

There are no other rights at the existing point of diversion and point of use. Proposed point of diversion will be shared by 27-12235 for the same dairy.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO Department of Water Resources



WATER RIGHT REPORT

2/20/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 35-8096

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHUMWAY BROTHERS DAIRY 620 E 1500 N SHELLEY, ID 83274 2083575759
Current Owner	ADA H SHUMWAY 622 E 1500 N SHELLEY, ID 83274 2083577003
Lienholder	THE BANK OF COMMERCE C/O WESTERN AGCREDIT PO BOX 95850 SOUTH JORDAN, UT 84095-0850
Representative	C BRENT SHUMWAY 630 E 1500 N SHELLEY, ID 83274 2083573283
Original Owner	CHARLES H SHUMWAY 622 E 1500 N SHELLEY, ID 83274

Priority Date: 02/10/1983

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>
STOCKWATER	1/01	12/31	0.12 CFS	12 AFA
DOMESTIC	1/01	12/31	0.1 CFS	2.4 AFA

Total Diversion | 0.12 CFS | 14.4 AFA

Location of Point(s) of Diversion:

GROUND WATER | SWSW Lt 4 | Sec. 18 | Township 01N | Range 37E | BINGHAM County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	37E	18	4	SWSW		5	SESW							

Place of Use Legal Description: DOMESTIC BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	37E	18	5	SESW										

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. PARCEL NO. RP0453400 PROPERTY ALSO KNOWN AS 622 E 1500 N STOCKWATER, 500 DAIRY CATTLE

Dates:

Licensed Date:

Decreed Date: 09/15/1998

Permit Proof Due Date: 7/1/1986

Permit Proof Made Date: 7/24/1985

Permit Approved Date: 6/12/1985

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: 02/10/1983

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:

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

84481

September 24, 2020

IDWR
900 N Skyline Dr. Ste A
Idaho Falls, ID 83404

RECEIVED
OCT 12 2020
Department of Water Resources
Eastern Region

Dear IDWR,

The Shumway Brothers Dairy was owned by the Shumway Brothers LLC, who still owns much of the property. The brothers that own the property are C. Brent Shumway and Kirt H. Shumway.

The domestic portion of the water right originally pertained to two homes. As of today, only one home (owned by Heath Shumway at 622 E 1500 N) is still connected to the system. We anticipate that another home will be connected to the well in the near future and would like to reserve enough Domestic water right to provide for two homes.

Brent's home is located at 630 E 1500 N. We drilled a new domestic well in 2003 that provides water for my home.

Due to the combined limitations on water right 35-8096, we have decided that it would be best to split the right in the following manner:

Domestic 0.06 cfs and 2.4 afa

Stockwater 0.06 cfs and 12 afa

Please use these portions in the transfer of the Stockwater right to Cannon Shelley Properties LP.

We last used the stockwater right in 2015.

C Brent Shumway
Print Name

Heath Shumway
Print Name

C Brent Shumway
Signature

Heath Shumway
Signature

Authorization Letter

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Department of Water Resources
Eastern Region

I, Ada Shumway, am a partial owner of water right 35-8096. I hereby give my authorization for the transfer of the Stockwater portion of this right, more fully described by Brent and Heath Shumway, to Cannon Shelley Property LP.

Ada Shumway

Ada Shumway

4 Oct 20

Date

Eastern Snake Plain Aquifer Modeling Analysis

Cannon Shelley LP.

The Applicant proposes to transfer all of water right 35-8096 stock water rights to be deliverable through the well located at 1470 N 750 E in Shelley, Idaho. The water right currently authorizes a diversion of 12 afa for stockwater.

Figure 1 illustrates the locations of the TO and FROM wells, which are described as:

TO Well	R76 C153
FROM Well	R75 C152

Figure 1. Well Location on ESPA Model Grid



Model grid cells are adjacent, thus **no modeling is required**.



092 S. Main Street
Spanish Fork, Utah 84860
801.798.7380
800.748.6075 Toll Free
801.798.7453 Fax

May 13, 2020

STATE OF IDAHO
Department of Water Resources
PO Box 83720
Boise, Idaho 83720

RE: NOTICE OF RELEASE for SHUMWAY BROTHERS DAIRY

Dear State Engineer:

Please be advised that The Bank of Commerce no longer has a security interest in the water rights described below:

Water Right Number: 35-8096

Please file this notice with your records as evidence of such. Your assistance in this matter is appreciated.

Sincerely,

The Bank of Commerce
By: Western AgCredit, FLCA Servicing Agent


Ryan Howell
Senior Vice President- Operations Manager



0 250 500 1,000 1,500 2,000 Feet

2017 Aerial Photography

- Proposed POU
- Twp & Rng
- Section
- QQ
- Proposed POD



Proposed Place of Use

Cannon Shelley Property LP

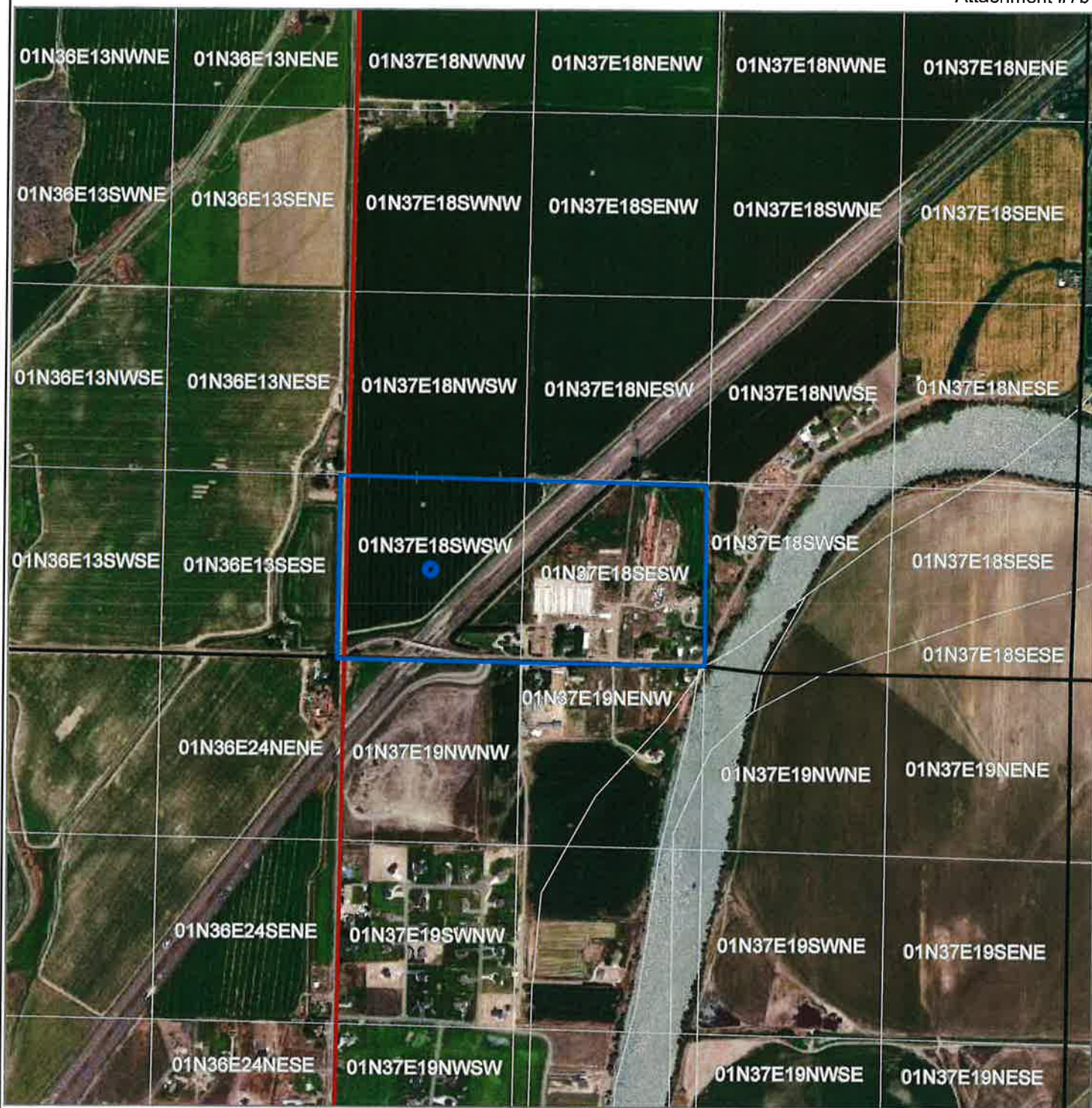
Date: 2/24/2020

Project #: 14-0042

Drawn by: JP



Rocky Mountain
ENVIRONMENTAL™
ASSOCIATES, INC.



0 500 1,000 2,000 3,000 4,000 Feet

2017 Aerial Photography

- WRPOU 35-8096
- Twp & Rng
- Section
- QQ
- WRPOD 35-8096



Previous Place of Use

Cannon Shelley Property LP

Date: 2/24/2020

Project #: 14-0042

Drawn by: JP



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



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

October 28, 2020

CANNON SHELLEY PROPERTY LP
1470 N 750 E
SHELLEY, ID 83274-5011

RE: Transfer No. 84481
Water Right No(s). 35-8096

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 11/4/2020 and 11/11/2020. 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

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 28, 2020 3:58 PM
To: Bingham News Chronicle (legalnotices@postregister.com)
Subject: Legal Notice for Bingham News Chronicle
Attachments: 84481 Bingham News Chronicle.docx

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

RE: Transfer No. 84481
Water Right No(s). 35-8096

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 11/23/2020. 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. 84481**

CANNON SHELLEY PROPERTY LP, 1470 N 750 E, SHELLEY, ID 83274-5011 has filed Application No. 84481 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-8096; 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 SENW Sec 20 T01N R37E for 0.06 cfs from Ground Water. The proposed place of use is in SENW Sec 20 T01N R37E for stockwater. 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 11/23/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/4/2020 and 11/11/2020

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 28, 2020 3:36 PM
To: Jordan, Blake
Subject: Application for Transfer No. 84481
Attachments: RecommendationForm Transfer2.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.