

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84389

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Dennis & Kimberly Madsen; Todd & Janessa Sharp; Merlin Sharp

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: Water right agreement from Diane Raymond consenting to water right transfer.

RECEIVED
SEP 04 2020
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Dennis & Kimberly Madsen; Todd & Janessa Sharp; Merlin Sharp Phone 208-313-0281
Mailing address 641 N 3031 E; 2999 E 600 N; Roberts ID 83444 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 _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.

Dennis & Kim Madsen
Signature of Applicant or Authorized Representative

DENNIS & KIM MADSEN
Print Name and Title if applicable

8/28/20
Date

Todd & Janessa Sharp
Signature of Applicant or Authorized Representative

Todd & Janessa Sharp
Print Name and Title if applicable

8/29/20
Date

Merlin Sharp Merlin Sharp 8/28/20

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 § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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**.
See attached narrative.

Part 1A.3 Transfer Proposal Narrative:

Change the place of use to include land that is being irrigated outside our water rights place of use boundary. The proposed place of use will also cover property currently owned by Diane Raymond and Merlin Sharp. Diane Raymond provided a letter consenting to the transfer application. No water rights will be conveyed to Diane Raymond.

The current place of use and proposed place of use for the water rights involved in this transfer are appurtenant to land owned by Merlin Sharp. Merlin signed this transfer application to confirm that water rights 35-2145B, 35-2919A and 35-13204 should remain in the name of Dennis & Kimberly Madsen; Todd & Janessa Sharp. Also Merlin signed this application consenting to the proposed place of use change.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2145B	1.75	Irrigation	04/01 to 10/31	Roberts Slough
☒ ☐	35-2919A	0.68	Irrigation	04/01 to 10/31	Roberts Slough
☒ ☐	35-13204	1.35	Irrigation	04/01 to 10/31	Roberts Slough
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.43 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.15 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 #

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	37E	3					40	34	34	36									144.0
							L9	L10											
05N	37E	34			8.0	.2					34	8.0	4.0	40		12.5	7.5		147
					5.5	L8					L4			L5		14	12		
					L3											L4	L5		
					.8											0.5			
					L8											L7			
Total Acres (for irrigation use)																			291.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump installed Roberts Slough to pivots and wheel lines and hand lines.

- b. Who owns the property at the point(s) of diversion? Merlin Sharp. POD not changing.

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water right 35-8940 which is a supplemental ground water right shares the same place of use in the NW 1/4 of Section 3, 04N,37E with 35-2145B, 35-2919A and 35-13204. No acres in NW 1/4, Section 3, 04N, 37E are being changed. Water rights will continue to be overlapped.

- 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

8/26/2020

Water Right 35-2145B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281
Current Owner	KIMBERLY MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281
Current Owner	TODD SHARP 2999 E 600 N ROBERTS, ID 83444-5002 (208) 709-8087
Current Owner	JANESSA SHARP 2999 E 600 N ROBERTS, ID 83444-5002

Priority Date: 5/24/1949

Basis: Decreed

Status: Active

Source
ROBERTS SLOUGH

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.750 CFS	
	<u>Total Diversion</u>		1.750 CFS	

Source and Point(s) of Diversion

ROBERTS SLOUGH L3(SENW) Sec. 34, Twp 05N, Rge 37E, JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON 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	37E	3					40.0 L9	34.0 L10	34.0	36.0									144.0
05N	37E	34			19.0					3.3 L3	37.0 L4			39.0 L5		11.0	8.0		117.3
05N	37E	34			4.7 L3										14.0 L4	11.0 L5			29.7

Right Acre Limit: 133.0

POU Total Acres: 291.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/26/2020

Conditions of Approval:

1. X27 This right is limited to the irrigation of 133 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2145B, 35-2919A, and 35-13204 when combined shall not exceed a total diversion rate of 2.43 cfs and the irrigation of 291 acres.
3. X35 Rights 35-2145B, 35-2919A, 35-8940, and 35-13204 when combined shall not exceed a total diversion rate of 4.60 cfs and the irrigation of 291 acres.
4. K01 Right No. 35-13204 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
6. F06 The following rights are diverted through point(s) of diversion described above:
35-2144B, 35-2144E, 35-2145B, 35-2919A, 35-13204, and 35-14481.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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.

Dates and Other Information

Decreed Date: 9/15/1998

State or Federal: S

Owner Name Connector: AND

Water District Number: 01

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.560		301.0
35-13204 ,35-2145B ,35-2919A		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/26/2020

Water Right 35-2919A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281
Current Owner	KIMBERLY MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281
Current Owner	TODD SHARP 2999 E 600 N ROBERTS, ID 83444-5002 (208) 709-8087
Current Owner	JANESSA SHARP 2999 E 600 N ROBERTS, ID 83444-5002

Priority Date: 1/15/1954

Basis: Decreed

Status: Active

Source
ROBERTS SLOUGH

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.680 CFS	
	<u>Total Diversion</u>		0.680 CFS	

Source and Point(s) of Diversion

ROBERTS SLOUGH L3(SENW) Sec. 34, Twp 05N, Rge 37E, JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON 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	37E	3					40.0 L9	34.0 L10	34.0	36.0									144.0
05N	37E	34			19.0					3.3 L3	37.0 L4			39.0 L5		11.0	8.0		117.3
05N	37E	34			4.7 L3											14.0 L4	11.0 L5		29.7

Right Acre Limit: 130.0

POU Total Acres: 291.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/26/2020

Conditions of Approval:

1. X27 This right is limited to the irrigation of 130 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-2145B, 35-2919A, and 35-13204 when combined shall not exceed a total diversion rate of 2.43 cfs and the irrigation of 291 acres.
3. X35 Rights 35-2145B, 35-2919A, 35-8940, and 35-13204 when combined shall not exceed a total diversion rate of 4.60 cfs and the irrigation of 291 acres.
4. K01 Right No. 35-13204 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
5. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
6. F06 The following rights are diverted through point(s) of diversion described above:
35-2144B, 35-2144E, 35-2145B, 35-2919A, 35-13204, and 35-14481.
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
8. 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.

Dates and Other Information

Decreed Date: 9/15/1998

State or Federal: S

Owner Name Connector: AND

Water District Number: 01

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.560		301.0
35-13204 ,35-2145B ,35-2919A		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/26/2020

Water Right 35-13204

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KIMBERLY MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281
Current Owner	TODD SHARP 2999 E 600 N ROBERTS, ID 83444-5002 (208) 709-8087
Current Owner	JANESSA SHARP 2999 E 600 N ROBERTS, ID 83444-5002
Current Owner	DENNIS MADSEN 641 N 3031 E ROBERTS, ID 83444-1201 (208) 313-0281

Priority Date: 5/1/1985

Basis: Decreed

Status: Active

Source
ROBERTS SLOUGH

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.350 CFS	
	<u>Total Diversion</u>		1.350 CFS	

Source and Point(s) of Diversion

ROBERTS SLOUGH

L3(SENW)

Sec. 34, Twp 05N, Rge 37E, JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON 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	37E	3					40.0 L9	34.0 L10	34.0	36.0									144.0
05N	37E	34			19.0					3.3 L3	37.0 L4			39.0 L5		11.0	8.0		117.3
05N	37E	34			4.7 L3											14.0 L4	11.0 L5		29.7

POU Total Acres: 291.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/26/2020

Conditions of Approval:

1. K02 This right is based upon an enlargement of Right Nos. 35-2145B and 35-2919A pursuant to Section 42-1426, Idaho Code.
2. K09 This right is for an enlargement of 158 acres within the place of use described for this right.
3. X35 Rights 35-2145B, 35-2919A, and 35-13204 when combined shall not exceed a total diversion rate of 2.43 cfs and the irrigation of 291 acres.
4. X35 Rights 35-2145B, 35-2919A, 35-8940, and 35-13204 when combined shall not exceed a total diversion rate of 4.60 cfs and the irrigation of 291 acres.
5. 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.
6. F06 The following rights are diverted through point(s) of diversion described above: 35-2144B, 35-2144E, 35-2145B, 35-2919A, 35-13204, and 35-14481.
7. E03 Use of this right is combined with water from Butte & Market Lake Canal Co.
8. 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.

Dates and Other Information

Decreed Date: 9/15/1998

Enlargement Statute Priority Date: 4/12/1994

State or Federal: S

Owner Name Connector: AND

Water District Number: 01

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.560		301.0
35-13204 ,35-2145B ,35-2919A		

SubCase:

N/A

Water Supply Bank:

N/A

I Dianne Raymond understand that the water being used to water my property is owned by Dennis Madsen/Todd Sharp. I also understand that at any time water can be removed at discretion of Madsen/Sharp.

X Diane Raymond

DIANE Raymond

Henman, Christina

From: Henman, Christina
Sent: Wednesday, September 23, 2020 10:10 AM
To: Olenichak, Tony
Subject: Application for Transfer No. 84389
Attachments: RecommendationForm Transfer37.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 14 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 14 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.