									RECEIVE			
42-222 POD - 07/18 STATE OF I DEPARTMENT OF WA									SOURCES	MAY 2 6 2020		
	Α	PPLI	CATIO			RANS	FER (OF WATER RIG	HT – POINT(S) OF	Department of Weter Resources DIVERSION Region		
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 <u>Application for Transfer Instructions</u> for help completing this form and for mailing addresses of Department offices where your application can be submitted.												
Check a	all that a	apply:										
\checkmark	Chang	ge dive	rsion p	oint(s)	i		l diversi	on point(s)	Ownership change	Ownership split		
	Trans	fer is fo	or chan	ges pur	suant to	Idaho (Code §	42-221.0.8. Attach a	in explanation and any su	pporting documentation.		
1. APP	PLICA	NT(S)	Byron	Blakel	y			Phone	208-538-1946			
2. MAILING ADDRESS 113 N 5050 E City Rigby												
State ID Zip 83442 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 a	pplican	t is not	the cur	rent wa	ater righ	t(s) owr	ner, attach documenta	tion of authority to file th	ne 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 <u>fee schedule</u>. 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 											
	If the ar	owner. onlicati	Ion is n	ot sign	d by th	e annlic	ont att	ach a Power of Attom	new or other documentation	on providing outbouits to sign		
	for the a	applica	nt.	ot sigin	u by u	ic applic	ant, atta	ach a rower of Atton	ley of other documentation	on providing authority to sign		
3. LIST	Г WAT	'ER RI	GHT	NUMB	ER(S)	01-1	0021					
	Attach a copy of the water right(s) as recorded, available at <i>idwr.idaho.gov, Water Right Transfers, Step 1</i> , or by contacting any Department office.									s, Step 1, or by contacting any		
4. TOT	'AL AN	AOUN	TOF	WATE	R trans	ferred is	; 0. (diversi	968 cubic feet po	er second and/or	acre-feet per annum, volume)		
5. POINT OF DIVERSION – Describe <u>all</u> 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, <i>Water Rights, Water Right Transfers, Modeling Resources</i> .												
New?	Lot	1/4	1/4	1/4 1/4 Sec Twp Rge County Source Local name					Local name or tag #			
			SW	SW	25	4N	40E	JEFFERSON	Snake River	Blakely Pump		



Transfer No. _ 84131

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:

An existing pump diverts water from a pond and into a sprinkler irrigation system. The pond fills naturally with water when the Snake River rises above a certain level.

b.	Who owns the property at the point(s) of diversion?	Applicant						
	If other than the applicant, describe the arrangement	enabling the applicant to access the property for the diversion system:						

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

 \checkmark undergone a period of five or more consecutive years of non-use,

 \checkmark 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 <u>IRS Form W-9</u>. (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 ¼¼ 4 of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.
- 8. SIGNATURE The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

BYRON L. BLAK 26 Print name and title if applicable ure of applicant or authorized Date

Signature of applicant or authorized agent

Print name and title if applicable

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 <u>\$506,06</u>	Date 5/26/2020	Receipted by CA	th	Receipt # <u>E045945</u>
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 V	V-9 – confidential informa	tion is held b	by fiscal only)

IDAHO Water Resources

WATER RIGHT REPORT

2/28/2020

IDAHO DEPARTMENT OF WATER RESOURCES Water Right Report WATER RIGHT NO. 1-10021

Owner TypeName and AddressCurrent OwnerBYRON BLAKELY

113 N 5050 E RIGBY, ID 83442 2085387304

Priority Date: 04/30/1900

Basis: Decreed

Status: Active

Source Tributary SNAKE RIVER COLUMBIA RIVER

Beneficial Use
IRRIGATIONFrom
04/01To
10/31Diversion Rate
0.968 CFS
0.968 CFSVolumeTotal Diversion0.4/0110/310.968 CFS
0.968 CFSVolumeLocation of Point(s) of Diversion:

SNAKE RIVER SWNWSE Sec. 36 Township 04N Range 40E JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	Range	Section	Lot	<u>Tract</u>	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	<u>Acres</u>
04N	40E	25	17	NWSW	1.9	18	NWSW	4.2	1	SWSW	13			
		26	23	NESE	1.2	1	SESE	15						

Total Acres: 35.3

Conditions of Approval:

1. F01 Water is delivered through Mattson-Craig Canal.

2. P21 This right is a split from former right 1-125A.



- 3. 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.
- 4. E17 Use of this right is combined with water from Palisades Reservoir.

Dates:

Licensed Date:

Decreed Date: 01/07/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Support of Application for Transfer Water Right No. 01-10021

Byron Blakely

Byron Blakely is the owner of water right 01-10021 for irrigation from the South Fork of the Snake River (SFSR). The water right diverts surface water from the SFSR into the Craig-Mattson Canal where it is delivered to about 35.3 acres for irrigation. A pond located nearby is presumed to be hydrologically connected to the river via seepage from the river into a pond, shown in Figure 1. The pond is currently being used as the source for a pump which is connected to the pressurized irrigation sprinkler system pertaining to the same lands described on water right 1-10021. Originally, the farm was flood irrigated but has since been updated to pressurized sprinkler. The pond is approximately 1.4 acres in surface area and about 8-10 feet deep on average holding approximately 11.2 acre-feet. Water level in the pond is directly related to water level in the Snake River; the pond fills by itself simultaneously as the Snake River rises above a certain undefined level.

This application proposes to change the point of diversion from which the water right can be legally diverted. Changes in surrounding irrigation practices and land uses have made diversion through the Craig-Mattson Canal less efficient and more difficult. As an alternative, it is proposed to use the existing pump that pertains to the current pressurized irrigation system (located in the pond) as the sole authorized point of diversion. The Craig-Mattson Canal Company has already granted authorization for water right 1-10021 to be removed from the canal. A copy of their statement is attached.

A hydrologic analysis was performed to determine the extent of connectivity of the pond to the South Fork Snake River (SFSR). Figure 2 illustrates the relationship of the location of a pond relative to the SFSR, and between the SFSR and the Dry Bed Canal, located approximately 2,500 feet south of the pond at its closest point. To evaluate the proportional amount of pumping flow that pumping from a pond at the "Proposed POD" location would have relative to flows from the SFSR and the Dry Bed canal, an adaptation of the Glover/Balmer/Jenkins method was employed (Contor, 2011). This adaption was developed by Idaho Water Resources Research Institute for use in a recharge study, and is based on earlier work by Miller, Durnford, Halstead, Altenhofen and Van Flory (2007).

Data

The method used requires three inputs for a scenario characterized by a well located between two linear water features (usually streams) in hydraulic communication with the same aquifer as the well. (While the pond is not a "well", it interacts with the shallow groundwater and for the purposes of the analysis is similar to the function of a well.) The inputs are:

Byron Blakely, RMEA 17-0215 Application for Transfer 01-10021 1 of 5



- Geometric relationships (relative distances) between the Point of Diversion and the linear features;
- Aquifer storage coefficient;
- Aquifer transmissivity.

The data for the analysis was obtained from the following sources:

- US Department of Agriculture NAIP aerial photography (2019);
- Enhanced Snake Plain Aquifer Model Version 2.1 (Idaho Department of Water Resources, 2013)

Methods

The connection between the two linear features (the SFSR, and the Dry Bed Canal) and the aquifer was ascertained from visual observation of multiple ponds, apparently groundwater-fed, in the area between the two linear features. Geometric relationships were determined from Geographic Information Systems (GIS) processing using the features visible in the aerial image. Aquifer properties were obtained from the ESPAM2.1 data set.

Results

Figure 2 provides a view of the representations of geometry used in the analysis. The northeast boundary line, representing the SFSR, is drawn to approximate the average linear alignment in the vicinity of the proposed Point of Diversion (pPOD), and more importantly, to be approximately the same distance from the POD as the point is from the closest point of the bank of the SFSR.

The mathematical underpinnings of the method assume parallel linear features. Because the SFSR and the Dry Bed Canal are not parallel linear features, the parallel line representing the Dry Bed Canal was drawn nearer to the pPOD than the actual perpendicular distance, but approximately equal to the radial distance between the pPOD and the closest point of the Dry Bed Canal to the south. This is a conservative assumption in that the nearer the second stream is to the pPOD, the smaller the fraction of pumping that will be attributed to the first stream. The selected SFSR boundary is 1,024 feet from the pPOD and the selected Dry Bed Canal boundary is 2507 feet.

Figure 2 also illustrates the aquifer properties derived from ESPAM2.1. The transmissivity values (bold, italic print in light green) are the base-10 logarithm of transmissivity, and the value in both of the model cells of interest is 4.04. Hence, a transmissivity of $10^{4.04}$, or 10,064.78, feet²/day is used in the analysis. The storage coefficients are in gray regular font with a white halo. The cell containing the perpendicular line has a modeled storage coefficient of 0.120174. A value of 0.12 was used in the analysis.

Byron Blakely, RMEA 17-0215 Application for Transfer 01-10021 2 of 5



Figure 3 shows the results of the analysis. The horizontal axis is time in days, and the calculations were done on a 0.1 day basis. The vertical axis is "q/Q," which represents the ratio of pumping rate expressed at the linear boundary (q) to pumping from the well (Q). After 9.7 days, 50 percent of the pumped flow is projected to be from the combined flows of the SFSR and the Dry Bed Canal. After 12.7 days of pumping, 50 percent of the pumped flow is indicated to be from the SFSR. After 30 days of pumping, approximately 65 percent of the pumping rate is indicated to be from the SFSR, and approximately 23 percent is expected to be from the Dry Bed Canal. After less than 60 days of pumping, approximately 70 percent of flow is expected to be from the SFSR and this percentage increases very slowly through 120 days of pumping. The contribution from the Dry Bed Canal increases to about 29 percent after 60 days and to about 30 percent by 120 days. The value of 50.0 percent, projected after 12.7 days of pumping, is the measured threshold set by IDWR for determining a sufficient hydraulic connection of a well (or in this case, a hydraulically connected pond) to a surface water source of which the water right pertains thereto.

Administration

The water right will be accounted to the pump and will no longer be delivered to the Craig-Mattson Canal.

Summary

The existing original POD of the Craig-Mattson Canal will no longer be used for diversion and delivering of the Blakely water right 01-10021. The proposed POD, the existing pump in the pond, will be used as the new point of diversion. The hydrologic analysis described herein shows that 50 percent of the water diverted from the pond comes directly from the SFSR after 12.7 days of pumping and rises to about 70 percent within 60 days, exceeding the 50% threshold set by IDWR. Diverting directly from the pump while relying upon subsurface seepage from the SFSR will limit delivery losses that would otherwise occur through delivery from the canal. Therefore, whether through the Craig-Mattson Canal or the pond pump, the Blakely water right will be delivered from the SFSR.

References

Contor, Bryce A. 2011. <u>Adaptation of the Glover/Balmer/Jenkins Analytical Stream-Depletion Methods for No-flow and Recharge Boundaries.</u> Idaho Water Resources Research Institute Technical Completion Report 201101.

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Byron Blakely, RMEA 17-0215 Application for Transfer 01-10021 3 of 5



- Idaho Department of Water Resources with guidance from the Eastern Snake Hydrologic Modeling Committee. 2013. <u>Enhanced Snake Plain Aquifer</u> <u>Model Version 2.1 Final Report.</u>
- Miller, C.D., D. Durnford, M.R. Halstead, J. Altenhofen and Val Flory. 2007. *Stream Depletion in Alluvial Valleys Using the SDF Semianalytical Model*. Ground Water 45, no. 4. 506-514.
- US Department of Agriculture Farm Service Agency. 2019. National Agricultural Imagery Program image for Jefferson County Idaho, 2019. <u>https://www.fsa.usda.gov/programs-and-services/aerial-photography/imagery-programs/naip-imagery/</u>



April <u>15</u>, 2020

To: Idaho Department of Water Resources

From: Kim Ferguson, President, Craig-Mattson Canal Company

Transfer of Water Right No. 01-10021 in the name of Byron Blakely Subject:

The Craig-Mattson Canal Company has approved a request from Byron Blakely to change the point of diversion for his water right, 01-10021, from the Craig-Mattson Canal to a location near his home. I have the authority on behalf of Craig-Mattson Canal Company to consent to the transfer of this water right.

Printed Name: Kim Ferguson Position: President, Craig-Mattson

Byron Blakely, RMEA 17-0215 Application for Transfer 01-10021 5 of 5













June 17, 2020

Governor

Gary Spackman Director

BYRON BLAKELY 113 N 5050 E RIGBY, ID 83442

RE: Transfer No. 84131 Water Right No(s). 1-10021

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 JEFFERSON STAR on 6/24/2020 and 7/1/2020. 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 482 CONSTITUTION WAY STE 303 IDAHO FALLS, ID 83442

Henman, Christina

From: Sent: To: Subject: Attachments: Henman, Christina Wednesday, June 17, 2020 3:56 PM JEFFERSON STAR (info@jeffersonstarnews.com) Legal Ad for Jefferson Star 84131 Jefferson Star.doc

Hello,

Please see attached document regarding a legal notice to run in your paper.

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

CAN CONTAIN MORE THAN 1 (ONE) PAGE

June 17, 2020

Legal Notice Department

JEFFERSON COUNTY STAR PO BOX 37 RIGBY ID 83442

RE: Transfer No. 84131 Water Right No(s). 1-10021

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 **7/13/2020**. Your cooperation is appreciated.

Sincerely

Christina Henman Administrative Assistant

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84131

BYRON BLAKELY, 113 N 5050 E, RIGBY, ID 83442 has filed Application No. 84131 for changes to the following water rights within JEFFERSON County(s): Right No(s). 1-10021; 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 Lot 1 (SWSW) Sec 25 T4N R40E for 0.97 cfs from a pond tributary to the Snake River.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25,00 for each application on or before 7/13/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/24/2020 and 7/1/2020

Henman, Christina

Henman, Christina
Wednesday, June 17, 2020 3:20 PM
Olenichak, Tony
Application for Transfer No. 84131
RecommendationForm Transfer13.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: <u>https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx</u>. 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.