

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**FEB 04 2020**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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) Mark Darrington

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 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**

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FEB 04 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Mark Darrington Phone (208) 654-2852
Mailing address 930 E 390 N Declo, ID 83323 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.

Mark L Darrington
Signature of Applicant or Authorized Representative

Mark L Darrington owner
Print Name and Title if applicable

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 Combine WRs
2. 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**.
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**.
Combine place of use for 45-7501, 45-7249, and 45-7551. Move 110.2 Acres from water rights 45-7249 and 45-7551 to cover irrigation of two pivots to the East currently not included in the place of use.

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 checked="" type="checkbox"/> <input type="checkbox"/>	45-7501	2/432	Irrigation	4/01 to 10/31	ground water
<input checked="" type="checkbox"/> <input type="checkbox"/>	45-7249	4.54/908	Irrigation	4/01 to 10/31	ground water
<input checked="" type="checkbox"/> <input type="checkbox"/>	45-7551	0.6/120	Irrigation	4/01 to 10/31	groundwater
<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 5.47 cfs and/or _____ acre-feet.2. Total amount of water proposed to be transferred or changed 1.65 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	
11S	24E	1	36.9	40.4	40.2	26.2		33.9	16.4		40.2	39.7	33.9	34.7	1.5	40.2	32.8	0.6	417.6
Total Acres (for irrigation use)																			417.6

STATE OF IDAHO
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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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:

- b. Who owns the property at the point(s) of diversion? Mark Darrington

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: None

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:

Place of Use will be changed to combine all 3 individual water right POUs. 110.2 Acres will be moved from the NW Quarter to the SE and NE quarters to coincide with current irrigation practices. See GIS map.

- 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

- | | | |
|--------------------------|-------------------------------------|---|
| <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:

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DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

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.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

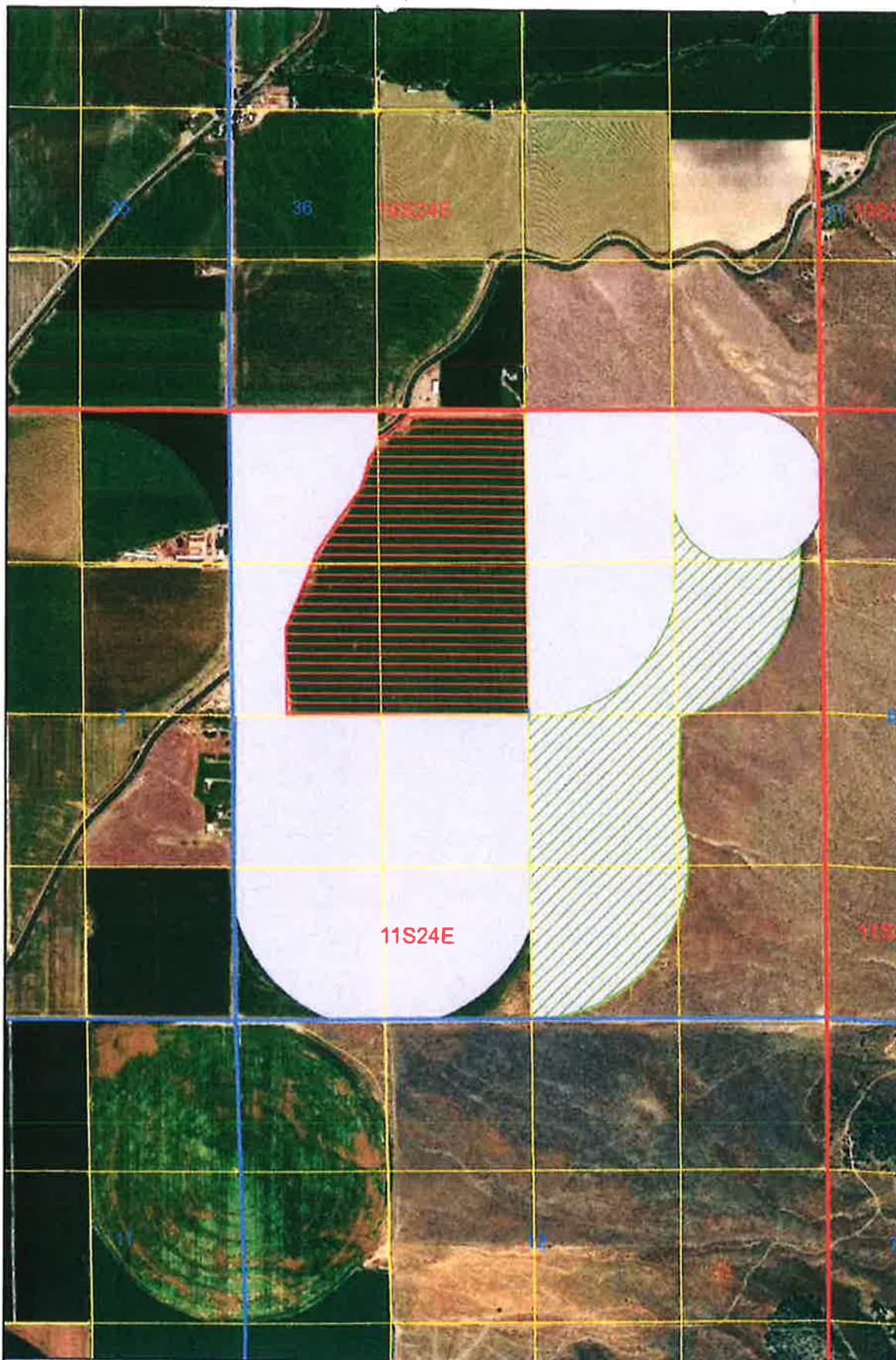
Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$580.00 Date 2/4/20 Received by SG Receipt # 8037746

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____







Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Darrington Transfer



Legend

Acres Transferred

-  Added
-  Removed
-  NewWR POU
-  TR
-  Sections
-  QQ



450 225 0 450 Meters

1 inch = 0.24 miles

Created by: WWC Inc.

Darrington Water Rights



Legend

DarringtonWRs

WaterRight

- 45-7249
- 45-7501
- 45-7551

Acres Transferred

- Added
- Removed
- TR
- Sections
- QQ



450 225 0 450 Meters

1 inch = 0.24 miles

Created by: WWC Inc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 17, 2020

Via Email

Mark Darrington
930 E 390 N
Declo ID 83353

RE: Application for Transfer

Mr. Darrington:

This letter is in response to your phone call today where you requested that I write a memo regarding the transfer application you submitted to the Department on 2/4/2020. As you recall the application proposed a place of use change for water rights 45-7501, 45-7249 and 45-7551. After receiving the application and conducting a preliminary review of the application, I returned it to you along with a deficiency letter on 2/12/2020 (copy of letter enclosed) indicating multiple reasons why the application could not be processed as submitted.

On 3/12/2020 you came into the office with additional paperwork to address some of the issues the letter had requested. When I asked you how you could actually accomplish what you were proposing in the transfer, i.e. drying up ground actually irrigated under the ground water right in order to move those acres to new ground, you indicated you couldn't dry up ground under the pivot by installing pivot stops in that location because the water was co-mingled with Burley Irrigation District (BID) canal shares. I responded that without drying up ground as indicated in the 2/12/2020 deficiency letter that you could continue with the transfer, but there was a strong possibility the application could be rejected as proposed. You then requested a refund, and I put in the request for a refund that same day (refunded 3/16/2020, see attached receipt).

Sincerely,

A handwritten signature in blue ink that reads "Bill Mills".

Bill Mills

Enclosures: Deficiency Letter; Application for Transfer & Copy of Receipt

Idaho Department of Water Resources Receipt

Receipt ID: S037746

Payment Amount	\$580.00	Date Received	2/4/2020	Region	SOUTHERN
Payment Type	Check	Check Number	8051		
Payer	BIG D FARMS, LLC				
Comments	APPLICATION FOR TRANSFER FROM: MARK DARRINGTON 1.65 CFS, 45-7501, 45-7249, 45-7551 DOCUMENT NUMBER: D200597				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$580.00	TRANSFERS	64106	0229	21		1155

Refunds

Amount	Date	DocNumber	Payee	Requestor	Reason
\$580.00	3/16/2020	REF2247	BIG D FARMS, LLC	BILL MILLS	APPLICANT DECIDED NOT TO GO FOREARD WITH PROCESSING APPLICATION

Signature Line (Department Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 12, 2020

Mark Darrington
930 E 390 N
Declo ID 83353

RE: Application for Transfer

Dear Mr. Darrington:

This letter is in reference to an application for transfer that you submitted to the Department on 2/4/2020. Further review of the application indicates it is incomplete and cannot be accepted for processing as submitted. We are returning the application to allow you or a representative to complete the necessary items. The required information is described below.

Both Mark L and Verla Darrington are listed as current owners on the water rights. Therefore, signatures from both owners are required on the transfer application.

The Fee was not provided correctly. The provided fee was based on 1.65 cfs. After reviewing the intent of the application to move 110.2 acres to new ground and create a 417.6 acre permissible place of use, it is clear that the provided fee of \$580.00 is insufficient. Since the application is seeking to create a permissible place of use that is approximately twice the size of the authorized acres for irrigation under the largest water right, the fee is based on the total allowed flow rate of the water rights. All three water rights when combined are limited to a combined flow rate of 5.47 cfs, which sets the total fee for this application at \$900.00. An additional fee of \$320.00 will be required before this application can be processed.

No proof of ownership, such as a copy of a warranty deed, for the new ground where portions of the water rights are proposed to be moved to was provided. Additionally, you indicated the new ground the transfer proposes to move 110.2 acres to is leased, the Department will also require that some form of agreement must be provided that indicates the property owner is willing to let you irrigate his ground and allow you to retain ownership of the water rights, or otherwise address the ownership of the rights if the transfer is approved as proposed.

Water Rights 45-7249 and 45-7551 list Rabo Agrifinance as a Security Interest on the water rights. As such, the Department will require a letter from them indicating they have no objection to what the transfer is proposing and/or to remove them as Security Interests on the water rights if the mortgage has been satisfied.

An additional issue that needs to be considered is how you are going to actually accomplish what the transfer proposes. Since you indicated that all the ground water is co-mingled with BID shares and the transfer application is proposing to dry up ground water in the NENW (Government Lot 3) and the SENW of Sec. 1, Twp 11S, Rge 24E, and the pivot center extends into the SENW, drying up the acres as proposed will not accommodate pivot stops and actual irrigation under the pivot. It appears that drying up acres in the NWNE (Government Lot 2) and SENE to create an area that could actually be dried up under the

pivot and reflect the actual irrigation that will result from the installation of pivot stops.

I am returning the application for transfer to you. If the application is not resubmitted within 30 days of the date on this letter with the appropriate corrections, the currently submitted application filing fee (\$580.00, receipt #S037746) will be refunded to you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Mills", is written over the word "Sincerely,".

Bill Mills
Sr. Water Resource Agent
Southern Regional Office

Enclosure

c: Rabo Agrifinance w/o enclosure