Rev. 07/18

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

829

Transfer No.

MINIMUM REQUIREMENTS CHECKLIS

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 <u>idwr.idaho.gov</u>.

Name of Applicant(s) Brian K Baird

		C	heck whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.
Yes	N/A	• 1	Means the item is always required and must be included with the application.
\checkmark	*	Co	ompleted Application for Transfer of Water Right form, Part 1.
\checkmark	*	Sig lat	gnature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority beled Attachment #3 (see below) if signed by representative.
\checkmark	*	Ap	pplication for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
	\checkmark	Co thr	mplete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed ough this transfer application.
\checkmark	*	Ap apj	plication for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer plications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
\checkmark	*	Со	rrect fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)
		At	tachments 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 <u>not</u> 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.)
	\checkmark	#2;	a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
	V	#2l	o 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.
	\checkmark	#3	Documentation of authority to make the change if the applicant is not the water right owner.
	\checkmark	#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 <u>idwr.idaho.gov/water-rights/transfers/resources.html</u> .
	\checkmark	#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.
	7	#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 <u>fee schedule</u> .
✓		#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:

· Rev 07/18

RECEIVED FEB 18 2020 Department of Water Resources Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Brian K Baird	Phone	520-833-8660
Mailing address 11350 N Flying Bird Dr, Tucson, A	AZ 85737 Email	bkbaird@gmail.com
 authorized to sign or act on behalf of the applicant Attach water right ownership documentation if Decover. Label it Attachment #2a. If the ownership of the water right will change as showing land and water right ownership at the new Attachment #2b. 	I to do business in the State of Idaho, attach docum t. Label it Attachment #1 . epartment records do not show the transfer applica a result of the proposed transfer to a new place of w place of use. Include documentation for all affec oposed change if the applicant is not the water righ	nt as the current water right use, attach documentation ted land and owner(s). Label it
Provide contact information below if a consultant, atto	orney, or any other person is representing the applic	ant in this transfer process.
✓ No Representative		
Name of Representative	Phone	
Mailing address		
OR	or the applicant but is not authorized to sign for the e applicant. Attach a Power of Attorney or other do ent #4.	cumentation providing authority
enlargement in use of the original right(s). The inf understand that any willful misrepresentations made	formation contained in this application is true de in this application may result in rejection of	to the best of my knowledge. I the application or cancellation
enlargement in use of the original right(s). The inf understand that any willful misrepresentations mad of an approval.	formation contained in this application is true de in this application may result in rejection of Brian K Baird	to the best of my knowledge. I the application or cancellation 12 Dec 2019
enlargement in use of the original right(s). The inf understand that any willful misrepresentations mad of an approval.	formation contained in this application is true de in this application may result in rejection of	to the best of my knowledge. I the application or cancellation
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 enlargement in use of the original right(s). The infunderstand that any willful misrepresentations made of an approval. Signature of Applicant or Authorized Representative Signature of Applicant or Authorized Representative Signature of Applicant or Authorized Representative A. PURPOSE OF TRANSFER Change point of diversion Change nature of use Is this a transfer for changes pursuant to Idaho If yes, attach an explanation and any support Describe your proposal in narrative form, inclu (i.e. number of stock, etc.), and provide addition necessary and label it Part 1A.3. 	formation contained in this application is true de in this application may result in rejection of Brian K Baird Print Name and Title if applicable Print Name and Title if applicable Add diversion point(s) Change period of use Code § 42-221.0.8? rting documentation labeled as Part1A.2. uding a detailed description of non-irrigation uses to onal explanation of any other items on the applicator r access to my property. The place of use is c	to the best of my knowledge. I the application or cancellation 12 Dec 2019 Date Date ce of use to justify amounts transferred ion. Attach additional pages if
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APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

	1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of I	Use	Source & Tributary
All of	r Part	34-10905	0.1	irrigation	5-01 _{to 1}	10-15	Big Lost River Sinks
					to		
		······································			to		
					to		
				t. 5 <u></u>	to		
					to		
					to		
				-	to		
				6 T	to		
7	Fotal	authorized under rights	0.1	_ cfs and/or	acre-feet.		

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

Lot	1/4	1/4	1/4	Sec	Тwp	Rge	County	Source	Local name or tag #
	NE	SE	NE	28	05N	26E	Butte	Big Lost River	
	NW	SE	SE	4	05N	26E	Butte	Big Lost River	
1									-
	Lot	NE	NE SE	NE SE NE	NE SE NE 28	NE SE NE 28 05N	NE SE NE 28 05N 26E	NE SE NE 28 05N 26E Butte	NE SE NE 28 05N 26E Butte Big Lost River

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

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

Тwp	Rge	Pao	Bao	ge Sec	See	NE ¼			NW 1/4			SV	V 1/4		SE 1/4		Acre		
		Jec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
5N	26E	28														Х			2.5

Total Acres (for irrigation use) 2.5

Page 3

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:

A submerged orifice will be used as measuring device following 40' of 36" buried culvert using a screw-type,

lockable headgate.

b. Who owns the property at the point(s) of diversion? City of Moore

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: verbal agreement between city and applicant allows unfettered access

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: No

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 <u>Attachment WSB</u>.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: Property at previous, incorrect location, is sagebrush. This new location corrects the error providing irrigation to my property
- 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: lrrigation
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

	\checkmark
	\checkmark
	\checkmark
Ē.	

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:

Page 4

Page _____ of _____

. . .

IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT PART 2A

Current Water Right No.: 34-10905

Current Owner:	BRIAN KING BAIRD					
Priority Date:	6/1/1899					
Origin:	Water Right					
Status:	Active					
Basis:	Decreed					
Source		Tributary				
BIG LOST RIVER		SINKS				
<u>Beneficial Use</u> IRRIGATION	From To 5/01 to 10/15 Total Diversion	Diversion Rate 0.1 CFS 0.1 CFS	Annual Volume			
Location of Point BIG LOST RIVER BUTTE Cou		NW1/4SE1/4SE1/4	Sec. 4, Twp 05N, Rge 26E B.	M.		
Place of Use						
RRIGATION Within	n BUTTE County					
T05N R26E S28	NESE	2.50				
		Total Acres: 2.5				
Conditions of App	roval:					
 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00739 AND 34-00922. 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. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A 						

Decreed Date: 2/7/2002

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 <u>existing</u> 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 new location corrects location error of my property.

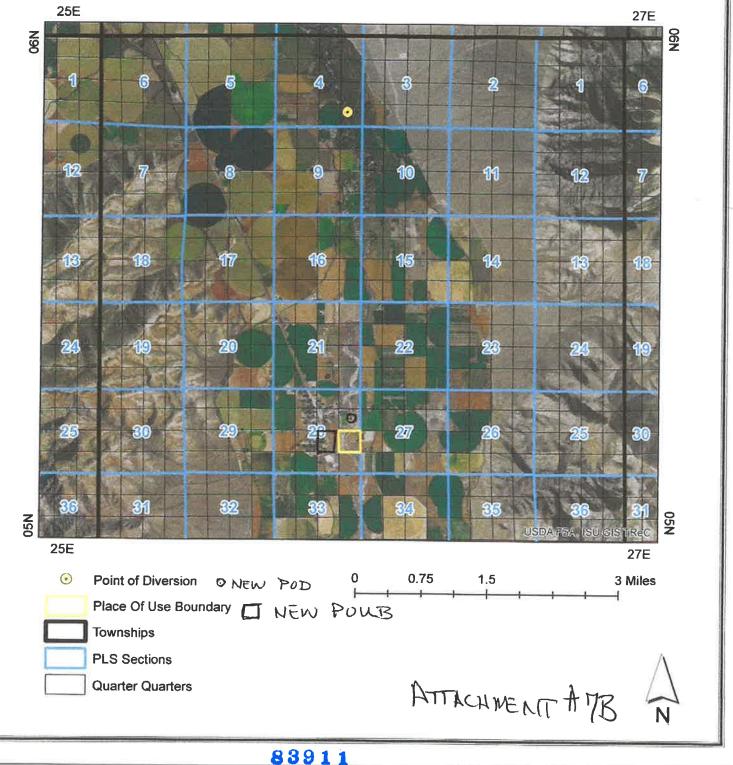
FOR DEPARTMENT USE ONLY

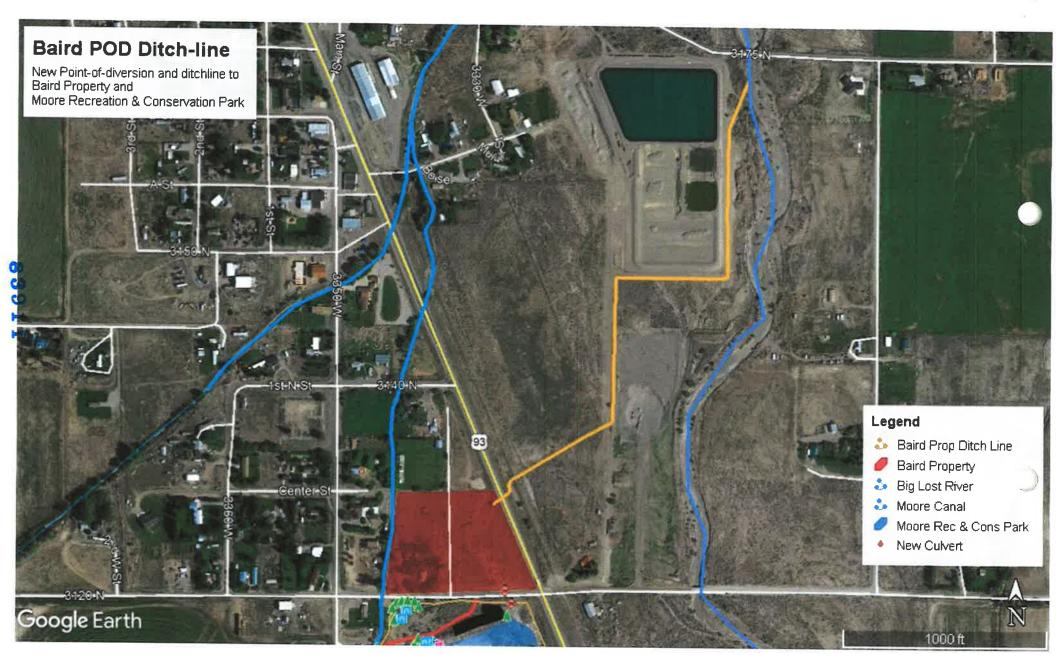
Transfer contains	pages and	attachments.				
Received by CA pl	Date 2/18/2020	Preliminary check by	Date			
Fee paid # 250.00	Date 2/18/2020	Receipted by CA bh	Receipt # E045 64 6			
Add'l fee paid	Date	Receipted by	Receipt #			
Check all that apply: Attachment WSB [] (copy sent to state office) Lessor Designation form [] &/or W-9 [] (originals to state office)						
		Page 6	· - /			



IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.





ATTACHMENT #7A

Nebeker, Jake

From:	BK Baird <bkbaird@gmail.com></bkbaird@gmail.com>
Sent:	Friday, March 6, 2020 9:28 AM
То:	Nebeker, Jake
Subject:	Re: Additional Information needed.

I just spoke to the principals wrt the letter/permission. the property is owned by Moore Sewer & Water and they will provide the letter to me today. I'll send along a signed/scanned copy via email. hopefully today!

have a look at this map. I do not have the right of way lines so tried to use google earth. should be close to 2.5 acres. is this ok or?



On Fri, Mar 6, 2020 at 9:02 AM Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov> wrote:

That's ok. Your water right is limited to 2.5 acres at 0.1 cfs. You will not be able to spread it over your 6 acres unfortunately.

From: BK Baird [mailto:<u>bkbaird@gmail.com]</u> Sent: Friday, March 6, 2020 6:28 AM To: Nebeker, Jake <<u>Jake.Nebeker@idwr.idaho.gov</u>> Subject: Re: Additional Information needed.

Hi Jake,

Nebeker, Jake

From:BK Baird <bkbaird@gmail.com>Sent:Friday, March 6, 2020 1:34 PMTo:Nebeker, JakeSubject:Fwd: in case you can't open the other one

HI Jake, let me know what know if this is all you need to proceed with the change/application approval.

Cheers

----- Forwarded message ------From: Arlene Pearson <<u>pearsonlhas@gmail.com</u>> Date: Fri, Mar 6, 2020 at 11:02 AM Subject: in case you can't open the other one To: Bk Baird <<u>bkbaird@gmail.com</u>>

Moore Water & Sewer

Association

P.D. Box 638 Moore, Idaho

March 6, 2020

Mr. Brian Baird:

The Moore Water and Sewer Association gives permission to Mr. Brian Baird to

83911

create a point of diversion for his water right through the property that the Association owns in Moore, Idaho.

Lin Pearson

Board Member/Vice President

of the Association



March 11, 2020

Governor

Gary Spackman Director

BRIAN KING BAIRD 11350 N FLYING BIRD DR TUCSON, AZ 85737-1701

RE: Transfer No. 83911 Water Right No(s). 34-10905

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 ARCO ADVERTISER on 3/19/2020 and 3/26/2020. 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

Henman, Christina

From: Sent: To: Subject: Attachments: Henman, Christina Wednesday, March 11, 2020 12:22 PM 'arcoadv@aol.com' Legal Notice for Arco Advertiser 83911 Arco Advertiser.doc

Hello,

Please see attached document regarding a legal ad for 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

This may contain more than one (1) page

March 11, 2020

Legal Notice Department

Arco Advertiser PO Box C Arco ID 83213

RE: Transfer No. 83911 Water Right No(s). 34-10905

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 4/6/2020. Your cooperation is appreciated.

Sincerely

Christina Henman Administrative Assistant

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83911

BRIAN KING BAIRD, 11350 N FLYING BIRD DR, TUCSON, AZ 85737-1701 has filed Application No. 83911 for changes to the following water rights within BUTTE County(s): Right No(s). 34-10905; 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:add point of diversion and change place of use. The points of diversion will be in NWSESE Sec 4 and NESENE (new) Sec 28 T5N R26E for 0.10 cfs from Big Lost River. The place of use will be in NWSE Sec 28 T5N R26E for 2.5 acres.

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 4/6/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 3/19/2020 and 3/26/2020

Henman, Christina

To: Subject: Attachments: watermaster34@atcnet.net Recommendation of Watermaster 83911 ROW 34.doc

Dear Watermaster:

A copy of the above referenced application will be available online at

https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this email.

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



State of Idaho DEPARTMENT OF WATER RESOURCES Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE Governor

GARY SPACKMAN Director

March 11, 2020

Lucas Yockey Watermaster 34 PO Box 53 Mackay, ID 83251 watermaster34@atcnet.net

RE: Application for Transfer 83911

Dear Watermaster:

A copy of the above referenced application is enclosed. 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.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered during regional review. 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.

Sincerely,

Christina Henman Administrative Assistant

Enclosure(s)