

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 06 2020
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

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 [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Vance and Hannah Reynolds Phone 208-201-3772

2. MAILING ADDRESS 3250 W 2900 N City Moore

State ID Zip 83255 Email rey01001@gmail.com

- ☐ 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 applicant is not the current water right(s) owner, attach documentation of authority to file the 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 [fee schedule](#).

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 owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-10552, 34-13415, 34-2372

- ☐ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.98 cubic feet per second and/or 147 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all 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, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

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:
Groundwater well with pump to hand-lines and wheel-lines.

- 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:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ 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 IRS Form W-9.
(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 ¼ ¼ 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.

Kenneth Reynolds
Signature of applicant or authorized agent

Vance Reynolds
Print name and title if applicable

1/31/2020
Date

Hannah Reynolds
Signature of applicant or authorized agent

Hannah Reynolds
Print name and title if applicable

1/31/2020
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 CH Date 2/6/2020

Fee paid \$500.00 Date 2/6/2020 Receipted by CH Receipt # E045619

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 W-9 – confidential information is held by fiscal only)

88889



IDAHO Department of Water Resources



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WATER RIGHT REPORT

2/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-10552

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANNAH REYNOLDS
Current Owner	VANCE REYNOLDS 3250 W 2900 N MOORE, ID 83255-5005 2082013772
Original Owner	DARLENE B JENSEN
Original Owner	L VAUGHN JENSEN 3347 W 2900 N MOORE, ID 83255-8764 2085273398

Priority Date: 06/17/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.41 CFS	72.6 AFA
Total Diversion			0.41 CFS	72.6 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNENE|Sec. 22|Township 05N|Range 26E|BUTTE County

IRRIGATION Use:

Acre Limit: 20.7

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	23		NENW	14		NWNW	9		SWNW	10		SENW	16

83889

Total Acres: 49

Conditions of Approval:

1. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. X35 Rights 34-0028H, 34-0080, 34-0663A, 34-2372, 34-10552 and 34-13415 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 171.5 af at the field headgate, and the irrigation of 49 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. X27 This right is limited to the irrigation of 20.7 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 11/28/2001

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:

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 182

Combined Volume Limit: 637

Combined Rate Limit: 5.4

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IDAHO Department of Water Resources



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WATER RIGHT REPORT

2/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-13415

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANNAH REYNOLDS
Current Owner	VANCE REYNOLDS 3250 W 2900 N MOORE, ID 83255-5005 2082013772
Original Owner	DARLENE B JENSEN
Original Owner	L VAUGHN JENSEN 3347 W 2900 N MOORE, ID 83255-8764 2085273398

Priority Date: 08/15/1964

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.14 CFS	
Total Diversion			0.14 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNENE|Sec. 22|Township 05N|Range 26E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	23		NENW	14		NWNW	9		SWNW	10		SENW	16

Total Acres: 49

Conditions of Approval:

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1. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. X35 Rights 34-0028H, 34-0080, 34-0663A, 34-2372, 34-10552 and 34-13415 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 171.5 af at the field headgate, and the irrigation of 49 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/28/2001

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:

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 182

Combined Volume Limit: 637

Combined Rate Limit: 5.4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

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IDAHO Department of Water Resources



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WATER RIGHT REPORT

2/14/2020

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2372

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANNAH REYNOLDS
Current Owner	VANCE REYNOLDS
	3250 W 2900 N
	MOORE, ID 83255-5005
	2082013772
Original Owner	ELLIS J FRECKLETON
	RIRIE, ID 83443

Priority Date: 06/17/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.43 CFS	74.4 AFA
Total Diversion			0.43 CFS	74.4 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNENE|Sec. 22|Township 05N|Range 26E|BUTTE County

IRRIGATION Use:

Acre Limit: 21.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	26E	23		NENW	14		NWNW	9		SWNW	10		SENW	16

Total Acres: 49

Conditions of Approval:

1. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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2. X35 Rights 34-0028H, 34-0080, 34-0663A, 34-2372, 34-10552 and 34-13415 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 171.5 af at the field headgate, and the irrigation of 49 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. X27 This right is limited to the irrigation of 21.3 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 01/25/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 182

Combined Volume Limit: 637

83889



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

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

Brad Little
Governor

Gary Spackman
Director

February 19, 2020

VANCE REYNOLDS
HANNAH REYNOLDS
3250 W 2900 N
MOORE, ID 83255-5005

RE: Transfer No. 83889
Water Right No(s). 34-10552, 34-13415, 34-2372

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 2/27/2020 and 3/5/2020. 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,

A handwritten signature in black ink, appearing to read 'Christina Henman'.

Christina Henman
Administrative Assistant

Henman, Christina

To: arcoadv@aol.com
Subject: 83889 Legal Notice for Arco Advertiser
Attachments: LegalNoticeTransfer0.docx

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/16/2020. Your cooperation is appreciated.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83889

VANCE REYNOLDS and HANNAH REYNOLDS, 3250 W 2900 N, MOORE, ID 83255-5005 has filed Application No. 83889 for changes to the following water rights within BUTTE County(s): Right No(s). 34-10552, 34-13415, 34-2372; 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. Point of diversion will be in NWNW Sec 23 T5N R26E for 0.98 cfs from ground water. Place of use remains the same.

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 3/16/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/27/2020 and 3/5/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

February 19, 2020

LUCAS YOCKEY
PO BOX 53
MACKAY, ID 83251

RE: Transfer No. 83889

Dear 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 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.

Sincerely,

Christina Henman
Administrative Asst. I

Enclosure(s)

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 19, 2020 10:28 AM
To: 'watermaster34@atcnet.net'
Subject: Application for Transfer No. 83889
Attachments: RecommendationForm Transfer2.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 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.

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

From: [rey01001](#)
To: [Nield, Jeff](#)
Subject: RE: Application for Transfer of Water Right(s)
Date: Wednesday, February 12, 2020 3:32:57 PM

Jeff,

The ground under question has not been watered due to loss of access to the well or point of diversion of the water rights. We recently bought the property and were told that there was no easement allowing access to the well. We were also told that the owner of the property surrounding the well is would not allow access, and had threatened to turn the previous owner in for trespassing if they attempted to access the well.

Thanks
Vance Reynolds

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Nield, Jeff" <Jeff.Nield@idwr.idaho.gov>
Date: 2/12/20 2:36 PM (GMT-07:00)
To: rey01001@gmail.com
Subject: Application for Transfer of Water Right(s)

Mr. and Mrs. Reynolds,

This e-mail is in regards to the Application for Transfer that was submitted on February 6, 2020. After a more thorough review of the associated water rights and land, it has been determined that approximately 17 acres of the place of use has not been irrigated for a period of 5 years or more. I have attached a map for your reference.

According to Idaho Code 42-222 (2), "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code." However, Idaho Code 42-223 provides for exceptions or defenses to forfeiture.

In order to proceed with the Application for Transfer that you have submitted, we will need to address this issue of potential forfeiture. Can you provide me with an acceptable defense as to

why a portion of the place of use has not been irrigated for a period of 5 years or more?

If you have any questions or concerns, please feel free to contact me at the information below.

Thank you,

Jeff Nield

Stream Protection Specialist/Water Resource Agent, Sr.

Idaho Dept. of Water Resources

900 N Skyline Dr, Suite A

Idaho Falls, ID 83402-1718

(208)497-3786

<https://idwr.idaho.gov/>

