

RECEIVED
DEC 10 2019

Department of Water Resources
Eastern Region

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Walters Ready Mix Inc.

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- * Completed Application for Transfer of Water Right form, Part 1.
- * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- #3 Documentation of authority to make the change if the applicant is not the water right owner.
- #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Walters Ready Mix Inc. Phone 208-356-5491
Mailing address PO Box 390, Rexburg, ID 83440 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 Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

- 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.

	<u>James Walters - Manager</u>	<u>12-9-19</u>
Signature of Applicant or Authorized Representative	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 Ownership change/split

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.**

Applicant purchased a portion of the described water right to be used as "mitigation by non-use" for Permit 22-14343. The Permit was approved October 21, 2019. This transfer seeks to relocate the mitigation water right to the same place of use as Permit 22-14343 and split the water right according the purchased portion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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

	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part <input type="checkbox"/> <input checked="" type="checkbox"/>	22-14026	0.02 cfs	Mitigation by Non-Use	3/1 to 10/31	Ground water
<input type="checkbox"/> <input type="checkbox"/>		4 afa		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	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 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 #
N			NE	SW	11	4N	45E	TETON	GROUND WATER	

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	
4N	45E	11									Mit								
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

This water right will not be diverted, but will instead be held as mitigation of Permit 22-14343. An existing well and pump will divert water to the batch plant for mixing concrete. A measuring device can be installed on the mainline.

b. Who owns the property at the point(s) of diversion? David Walters

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: David Walters is the President of Walters Ready Mix Inc.

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

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

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

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

If yes, complete Attachment WSB.

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

The land now irrigated will be retired from irrigation.

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:

Permit 22-14343 at existing POD/POU, for which the transferred right provides mitigation. No other water rights at the proposed or existing POD/POU.

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

Yes No

- undergone a period of five or more consecutive years of non-use,
- currently leased to the Water Supply Bank,
- currently used in a mitigation plan limiting the use of water under the right, or
- currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Although a portion of 22-14026 is in the Water Supply Bank, the transferred portion was released from the Bank in 2019.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/18/2019

portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 22-14343. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 22-14343 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

2. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information

Decreed Date: 11/24/2008
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: EXC
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

Lessor Name: SHANNON SUMMERS
Lease Status: Active
Lease Amount: 1.58cfs
Rental Availability: 1.58cfs
Date Received: 7/18/2016
Lease Begin Date: 1/1/2016
Expiration Date: 12/31/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.
 Received by _____ Date _____ Preliminary check by _____ Date _____
 Fee paid \$550.00 Date 12/10/19 Received by CH Receipt # E045494
 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)

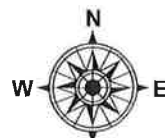


0 250 500 1,000 Feet

2017 NAIP

Legend

-  New POD
-  New POU
-  Twp & Rng
-  Section
-  QQ



Proposed Water Right Location

Walters Ready Mix Inc

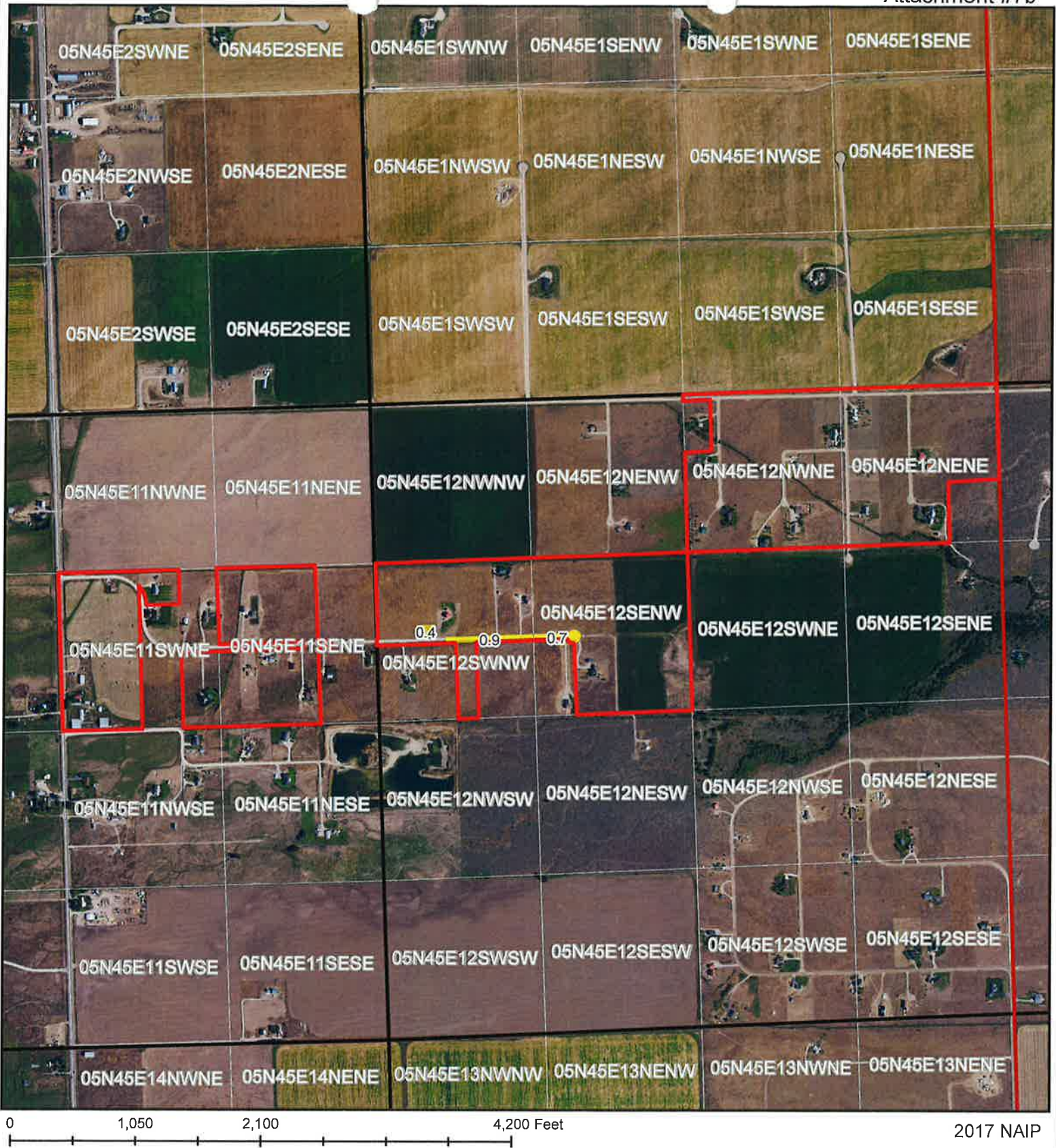
RMEA #14-0053

by: KM

Date: 12/4/2019

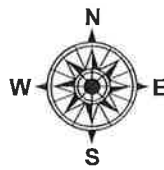


83794



Legend

- WR POU 22-14026
- Purchased Acres
- Twp & Rng
- Section
- QQ



Existing Water Right Location

Walters Ready Mix Inc

RMEA #14-0053

by: KM

Date: 12/4/2019



83794

Changes in Nature of Use

Walters Ready Mix, Inc.

Applicant proposes to move purchased water rights for a concrete batch plant facility near Driggs, Idaho. Permit 22-14343 was approved in October 2019 to authorize diversion for the concrete batch plant mitigated by the non-use of 2.0 acres and 4 afa of 22-14026, which was purchased in 2019.

Water right 22-14026 has historically been used to irrigate alfalfa-less frequent cuttings. According to ET Idaho 2017, alfalfa-less frequent cuttings has a precipitation deficit of 617 mm/year, or 2.02 af/yr, as shown in Table 1.

Table 1. Excerpt from ET Idaho 2017, Driggs NWS--USC00102676

Alfalfa - less frequent cuttings Precipitation Deficit															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean^j	mm/day												mm		
Monthly ^c	-0.34	-0.04	0.05	0.09	1.88	5.74	4.51	5.06	2.37	0.28	-0.38	-0.58	617	-45	571

To obtain 4.0 afa of ground water, it will require that 2.0 acres of water right 22-14026 be retired, as shown in the following equation:

$$4.0 \text{ afa} / 2.02 \text{ afa/ac} = 1.98 \text{ ac or } \approx 2.0 \text{ ac}$$



342 West 4th North • P.O. Box 390 • Rexburg, Idaho 83440

PHONE (208) 356-5491 • FAX (208) 356-5553 • EMAIL: wrm@ida.net

September 12, 2019

James Walters, Plant Manager of Walters Ready Mix, Inc., has permission to sign documents in regards to water rights transactions.

A handwritten signature in cursive script that reads "David Z. Walters".

David Z. Walters, President
Walters Ready Mix, Inc.
208-356-5491

Instrument # 257602

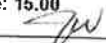
TETON COUNTY, IDAHO

11-26-2019 09:00:00 AM No. of Pages: 4

Recorded for : ROCKY MOUNTAIN ENVIRONMENTAL

KIM KEELEY

Fee: 15.00

Ex-Officio Recorder Deputy 

Index to: DEED, SPECIAL WARRANTY

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Rocky Mountain Environmental Associates, Inc
482 Constitution Way Ste 303
Idaho Falls, ID 83402

(Space Above for Recorder's Use)

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Gary Summers and Shannon Summers, husband and wife, whose address is 1177 E 9th N, Rexburg, Idaho 83440 (hereinafter "Grantor") does hereby grant, bargain, sell, assign, and convey unto **Walters Ready Mix Inc.**, whose address is PO Box 390, Rexburg, Idaho 83440 (hereinafter "Grantee") and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in the following described real property, located in Teton County, to-wit:

A 2.0-acre portion of water right 22-14026 conditioned for the mitigation of Permit 22-14343, as described in Exhibit A attached hereto (hereinafter the "Water Right").

Grantor hereby covenants and warrants to Grantee as follows:

- (A) Grantor is the owner of the Water Right;
- (B) Grantor has not conveyed any of the Water Right to anyone other than Grantee;
- (C) The Water Right is free from all liens, claims, or encumbrances; and
- (D) Grantor has the authority to convey the Water Right to Grantee.

Grantor makes no other covenants or warranties as to the Water Right.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed.

DATED this 13 day of November, 2019.

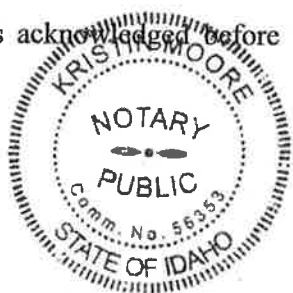
"GRANTOR"

Gary Summers
Gary Summers

Shannon Summers
Shannon Summers

STATE OF Idaho)
)ss.
County of Madison)

This record was acknowledged before me on the 13 day of November, 2019, by **GARY SUMMERS.**



Kristin Moore
Notary Public
My Commission Expires: June 29, 2022

STATE OF Idaho)
)ss.
County of Madison)

This record was acknowledged before me on the 13 day of November, 2019, by **SHANNON SUMMERS.**



Kristin Moore
Notary Public
My Commission Expires: June 29, 2022

EXHIBIT A
WATER RIGHT DESCRIPTION

IDAHO Department of
Water Resources



WATER RIGHT REPORT

11/12/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-14026

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY SUMMERS
Current Owner	SHANNON SUMMERS 1177 E 9TH N REXBURG, ID 83440 2083510077

Priority Date: 06/19/1961

Basis: Decreed

Status: Active

Water Supply Bank 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	04/15	10/15	1.91 CFS	472.8 AFA
Total Diversion			1.91 CFS	472.8 AFA

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 12|Township 05N|Range 45E|TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON 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	45E	11		SWNE	26.5		SENE	12.3999996185303						
		12		NENE	35		NWNE	37.7999992370605						
				SWNW	16.3		SENW	29.6						

Total Acres: 157.6

Conditions of Approval:

SPECIAL WARRANTY DEED FOR WATER RIGHT - 3

8379 4

1. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Right 22-14343. To prevent injury to other water right holders, the right holder shall cease diverting 0.02 cfs of this right from ground water. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 22-14343. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 22-14343 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
2. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 18, 2019 2:23 PM
To: TETON VALLEY NEWS (office@tetonvalleynews.net)
Subject: Legal Ads for Teton Valley News
Attachments: 83794 Teton Valley News.doc

Hello,

Please see attached document regarding legal ads 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



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

December 18, 2019

WALTERS READY MIX INC
PO BOX 390
REXBURG, ID 83440-0390

RE: Transfer No. 83794
Water Right No(s). 22-14026

Dear Applicant:

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 TETON VALLEY NEWS on 12/25/2019 and 1/1/2020. 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,

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

Christina Henman
Administrative Assistant