

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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)** Mud Lake Water Users, Inc. Phone (208) 663-4359

2. MAILING ADDRESS 1400 E. 1500 N. City Terreton

State Idaho Zip 83450 Email mudlakeh2o@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) 31-371

- ☒ 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 23 cfs cubic feet per second and/or _____ 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:

Well and pump into MLWU surface delivery system (Holley portion of MLWU system). Accommodations will be made in pump design to accommodate measuring device and lockable controlling works.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris
Signature of applicant or authorized agent

Robert L. Harris
Print name and title if applicable

Sept. 10, 2019
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 2140.- Date 9/13/2019

Received by JB Receipt # E045320

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)

[Search again](#)

Results (as of 8/28/19)

Robert Lynn Harris

Status

Active

Admittance Date

09/30/2004

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130

Idaho Falls, ID 83405

Phone

(208) 523-0620

Phone Ext**Fax**

(208) 523-9518

Bar Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Court eService Email

efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

IDAHO Department of Water Resources



WATER RIGHT REPORT

9/10/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 31-371

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MUD LAKE WATER USERS INC 1400 E 1500 N PO BOX 68 TERRETON, ID 83450 2086634359

Priority Date: 09/10/1928

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	05/01	11/01	23 CFS	8439.8 AFA
Total Diversion			23 CFS	8439.8 AFA

Location of Point(s) of Diversion:

GROUND WATER	SWNESE	Sec. 02	Township 06N	Range 34E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 10	Township 06N	Range 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec. 15	Township 06N	Range 34E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	NESWSE	Sec. 13	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SENENE	Sec. 23	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	NESENE	Sec. 23	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNESE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	NENWNE	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWNWNW	Sec. 24	Township 07N	Range 34E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County

GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 13	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSESW	Sec. 18	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NENWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNWNW Lt 1	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESWNW Lt 2	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSENW	Sec. 19	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENESE	Sec. 22	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWNWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 23	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SWSWSW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SESESW	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSWSE	Sec. 25	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NESESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWSESE	Sec. 26	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	NWNWNE	Sec. 27	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SEWNNE	Sec. 27	Township 07N	Range 35E	JEFFERSON County
GROUND WATER	SENWNW	Sec. 36	Township 07N	Range 35E	JEFFERSON County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. 129 Place of use is within the boundary of Mud Lake Water Users, Inc.
3. C19 The administration of this water right is also subject to the agreement of water right owners regarding Mud Lake water delivery dated April 17, 2001, which is on file in the records of the Clerk and Recorder of Jefferson County, Idaho. Instrument number 307626.

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4. T19 Pursuant to Section 4-1412(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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one 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. X35 Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, 31-11432, (groundwater), 31-2276, (wastewater), 31-6, 31-34, 31-35, 31-36, 31-37, 31-38, 31-52, 31-65, 31-104, 31-105, 31-147A, 31-159, 31-162, 31-163, 31-166, 31-168, 31-169, 31-184, 31-185, 31-186, 31-187, 31-188, 31-232, 31-237, 31-263, 31-363, (Owlsey Division Surface Water), 31-134, 31-135, 31-143, 31-144, 31-190, 31-192, (Jackett Division Surface Water), 31-344, 31-345, 31-354, 31-355, 31-360, 31-361, 31-10957, 31-10958, 31-10959, 31-10960, 31-10961, 31-10962 (Holley Division Surface Water) when combined shall not exceed the irrigation of 24,261.3 acres in a single irrigation season.
8. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total diversion rate of 503.21 cfs from May 1 through Nov 1 and a total combined diversion rate of 643.21 cfs from March 1 through April 30 when authorized by an early pumping plan approved by the Watermaster.
9. Rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 when combined shall not exceed a total annual maximum diversion volume of 174,269.3 acre-feet at the field headgate.
10. 131 Prior to the diversion and use of water under Transfer approval 72559, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. X50 The well previously used under rights 31-327, 31-328, 31-329, 31-330, 31-331, 31-332, 31-336B, 31-337B, 31-371, 31-2239, 31-2265, 31-2289, 31-2290, 31-2297, 31-2310, 31-2317A, 31-2317B, 31-2321, 31-2341, 31-2342, 31-2343, 31-2344, 31-2345, 31-7005, 31-11430, and 31-11432 known as Northlake 1 (or NL 1) located at T07N, R34E, S13, SWSWNE, shall be abandoned in a manner which complies with Department well abandonment rules.
13. 004 This right does not grant any right-of-way or easement across the land of another.
14. 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.
15. 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. 31.

16. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Dates:

Licensed Date:

Decreed Date: 11/04/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 31

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit:

Combined Volume Limit: 174269.3

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

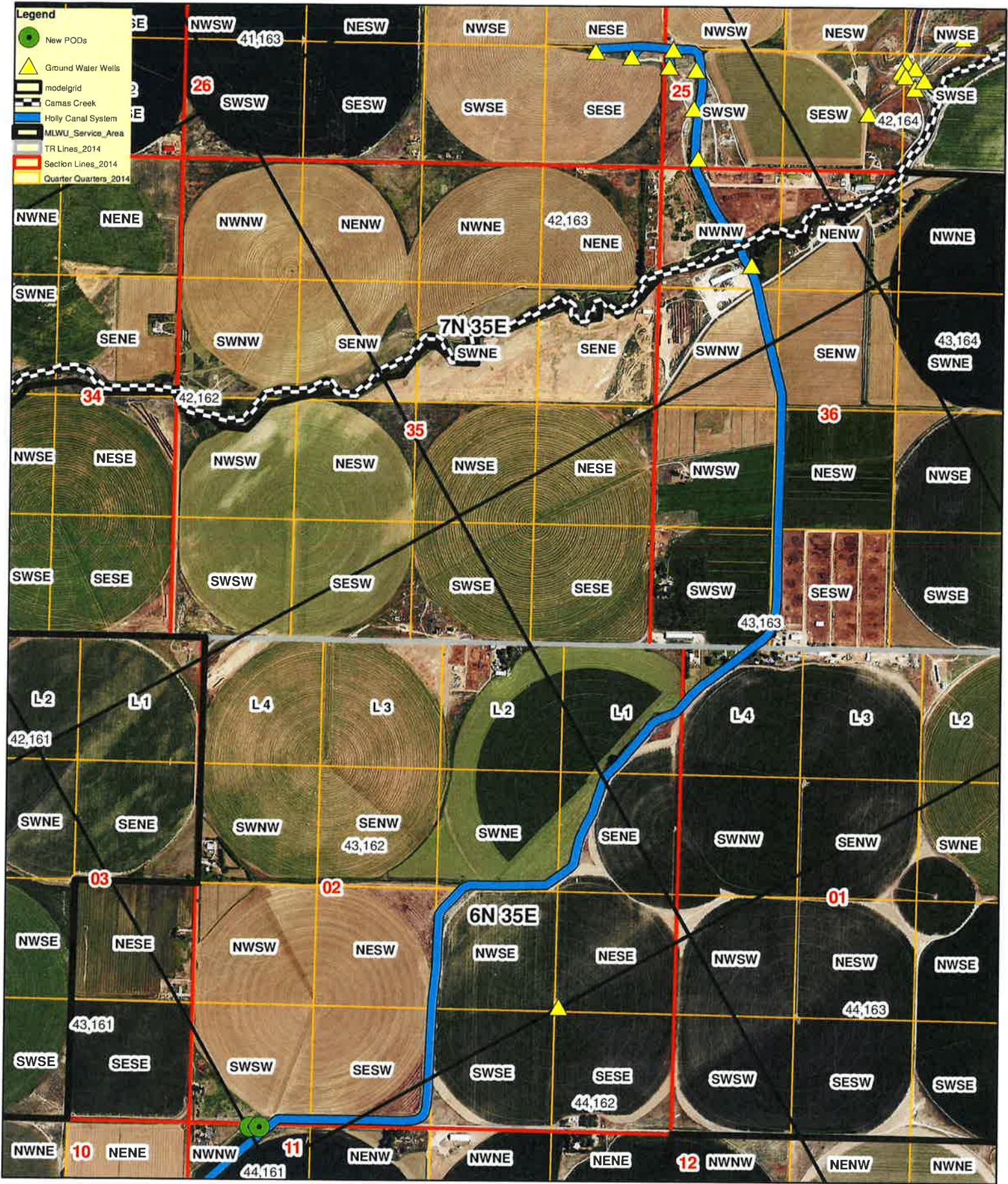
Cary Act Number:

Mitigation Plan: False

ESPA ANALYSIS

Per Transfer Memo No. 24, Part 12 is not necessary to run an ESPA analysis because 31-371 (which was originally developed at the Holley Well Field, which is entirely within model cell no. 42,163) is being transferred to include a point of diversion in a model grid cell adjacent to the current point of diversion. The adjacent cells are 42, 163 (Holley well field location) and 43,162 (new well locations).

MUD LAKE WATER USERS C.



0.5 0.25 0 0.5 Miles

83668



- Legend**
- New PODs
 - Ground Water Wells
 - modelgrid
 - Camas Creek
 - Holly Canal System
 - MLWU_Service_Area
 - TR Lines_2014
 - Section Lines_2014
 - Quarter Quarters_2014





Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

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Email: rharris@holdenlegal.com

September 10, 2019

RECEIVED
SEP 13 2019
Department of Water Resources
Eastern Region

James Cefalo
Idaho Department of Water Resources
Eastern Region Office
900 N. Skyline Dr., Ste A
Idaho Falls, ID 83402-1718

Re: Application for Transfer for Water Right No. 31-371 in the Name of Mud Lake Water Users, Inc.

Dear James:

Enclosed for processing is an *Application for Transfer of Water Right* for Water Right No. 31-371, which is owned by Mud Lake Water Users, Inc. ("MLWU"). The transfer simply proposes to add two new well locations to the authorized points of diversion under this water right. The new well locations will allow MLWU to better regulate their water supply by diverting water into a holding pond and/or a portion of the MLWU's Holley System that is slightly further south than the current Holley Well Field.

We have also included a check in the amount of \$2,140 as required by the Department's fee schedule for water right transfers.

We recognize that while this letter is addressed to you, you are likely to assign the processing of this transfer to other staff within your office. If you or the IDWR agent assigned to this application have any questions, please do not hesitate to give me a call.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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