

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 22 2019

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) James A. Rindfleisch Phone 208-589-7019
Mailing address 3258 N 3350 W, Moore, ID 83255 Email jamesrindf@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

James A. Rindfleisch
Signature of Applicant or Authorized Representative

James A. Rindfleisch
Print Name and Title if applicable

10/22/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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**.
This transfer mitigates for permit application 34-7511. The 3 Big Lost River rights on our 92.4-acre place of use will be changed from irrigation use to ground water recharge, thus providing the mitigation needed for the irrigation of the same 92.4 acres from ground water.

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-13665	0.39 cfs	Ground water recharge	5/1 to 10/15	Big Lost River/Sinks
☒ ☐	34-14299	0.15 cfs	Ground water recharge	5/1 to 10/15	Big Lost River/Sinks
☒ ☐	34-14301	1.16 cfs	Ground water recharge	5/1 to 10/15	Big Lost River/Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.70 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.70 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 #
			SE	SE	4	5N	26E	Butte	Big Lost River	East Side Canal

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	26E	23					GR	GR	GR	GR									
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:

Water will be diverted from Big Lost River into East Side Canal, and will then be rediverted into Spring Creek at the area of recharge. A Parshall flume will be installed at the point of rediversion into Spring Creek.

- b. Who owns the property at the point(s) of diversion? King Mountain Ranch

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Point of diversion is historic diversion delivering many rights.

- 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:

Land now irrigated will continue to be irrigated by permit 34-7511 and will no longer be irrigated directly from the Big Lost River rights.

- 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:

Right 34-14297 from Ferris Slough and application for permit 34-7511 is also associated with the current place of use. Numerous rights in the East Side Canal. Permit 34-7573 is also delivered at the proposed place of use.

- 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:

5/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES A RINDFLEISCH 3258 N 3350 W MOORE, ID 83255 (208) 554-3343

83703

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/22/2019

5. 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(s).
6. G01 Point of injection into and point of rediversion from Ferris Slough.
7. F01 Water is delivered through Arco Canal.
8. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.
12. 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.

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.140		92.4
34-13665 ,34-14297 ,34-14299 ,34-14301		

5/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES A RINDFLEISCH 3258 N 3350 W MOORE, ID 83255 (208) 554-3343

Status: Active

Tributary SINKS

0.150 CFS

BIG LOST RIVER	NWNWNW	Sec. 26, Twp 04N, Rge 26E, BUTTE County
BIG LOST RIVER	NENWSE	Sec. 7, Twp 03N, Rge 27E, BUTTE County(I)
BIG LOST RIVER	NENWSE	Sec. 7, Twp 03N, Rge 27E, BUTTE County(R)

[illegible]

POU Total Acres: 92.4

1.		This right is limited to the irrigation of 7.6 acres within the place of use described above in a single irrigation season.
2.	X35	Rights 34-13665, 34-14297, 34-14299, and 34-14301 when combined shall not exceed a total diversion rate of 3.14 cfs and the irrigation of 92.4 acres.
3.		Point of injection into and point of rediversion from the Ferris Slough.
4.		Water is delivered through the Arco Canal.
5.	S34	The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

5/22/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES A RINDFLEISCH 3258 N 3350 W MOORE, ID 83255 (208) 554-3343

Status: Active

Tributary SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.160 CFS	
	Total Diversion		1.160 CFS	

BIG LOST RIVER	NENWSE	Sec. 7, Twp 03N, Rge 27E, BUTTE County(I)
BIG LOST RIVER	NWNWNW	Sec. 26, Twp 04N, Rge 26E, BUTTE County
BIG LOST RIVER	NENWSE	Sec. 7, Twp 03N, Rge 27E, BUTTE County(R)

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	27E	18	12.3	36.0	12.0	32.1													92.4

POU Total Acres: 92.4

1.	X27	This right is limited to the irrigation of 55.4 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-13665, 34-14297, 34-14299, and 34-14301 when combined shall not exceed a total diversion rate of 3.14 cfs and the irrigation of 92.4 acres.
3.		Point of injection into and point of redirection from the Ferris Slough.
4.		Water is delivered through the Arco Canal.
5.	S34	The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
6.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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.

83703

Transfer of Right Nos. 34-13665, 34-14299, & 34-14301



Legend

- Proposed POD
- Township/Range
- Sections
- QQ

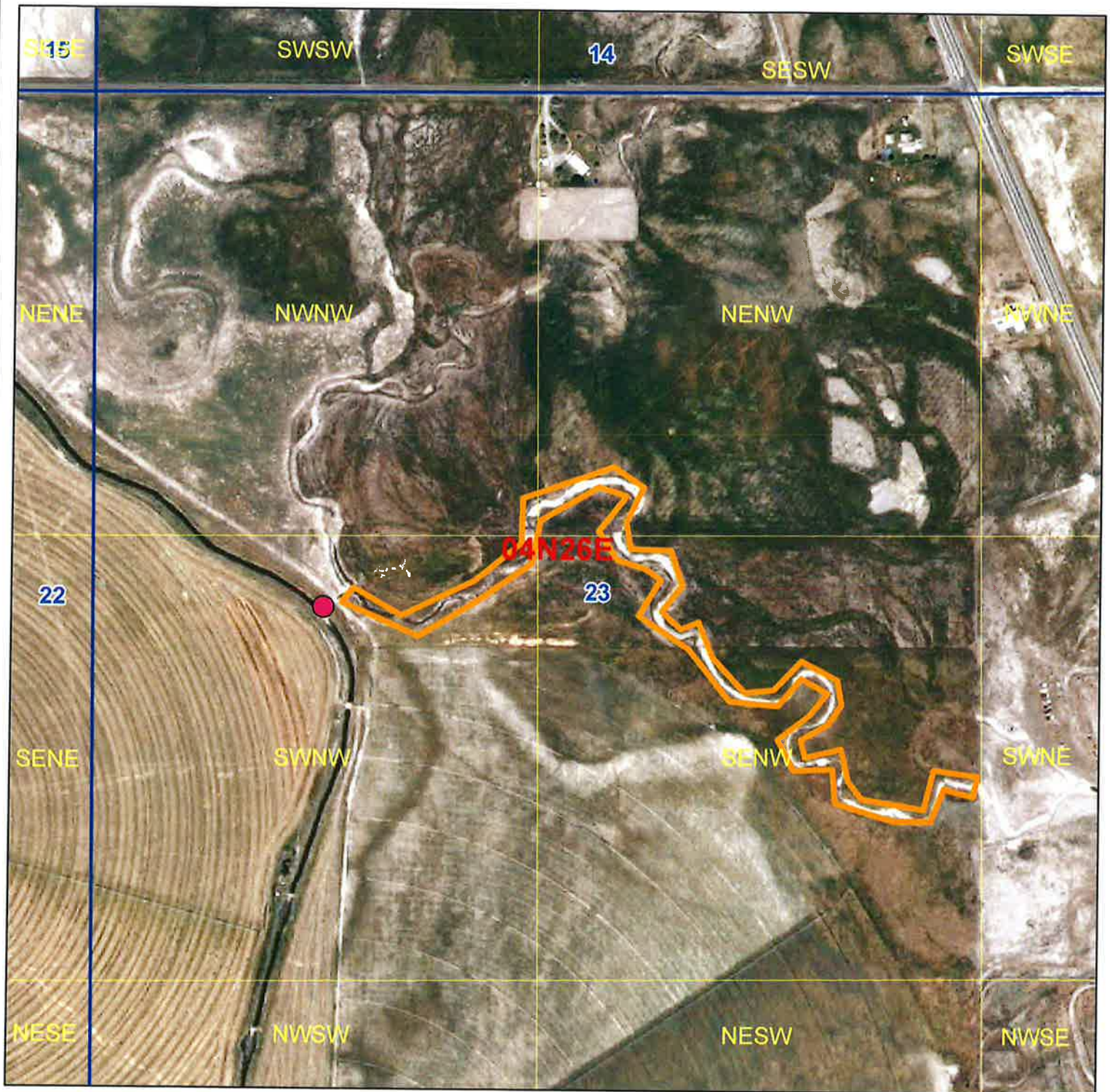
0 0.075 0.15 0.3 Miles



83703

MH

Transfer of Right Nos. 34-13665, 34-14299, & 34-14301



Legend

- Recharge diversion
- place of use
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles



83703

MH

I Cassie R Funkhouser have no objection to James Rindfleisch putting his mitigation water in the natural tributary called Spring Creek that runs through our acreage from the East Side Canal during the irrigation season in Lost River Valley.

Signed by:

Cassie R Funkhouser

Position:

Owner

Date:

10/13/19

I Scott Slocum (PU Ranch) have no objection to James Rindfleisch putting his mitigation water in the natural tributary called Spring Creek that runs through the PU Ranch from the East Side Canal during the irrigation season in Lost River Valley.

Signed by: 

Position: Owner

Date: Oct 21, 19

3