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SEP 04 2019

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

83596

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) City of PocatelloCheck 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: _____

SEP 04 2019

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) City of Pocatello Phone (208) 234-6174
 Mailing address 911 N 7TH AVE; PO BOX 4169 Pocatello, ID 83205 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**.

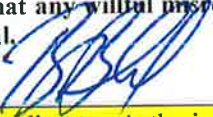
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Sarah Klahn Phone 720.279.7868
 Mailing address 2701 Lawrence St., Suite 113 | Denver, CO 80205 Email sklahn@somchlaw.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.


 Signature of Applicant or Authorized Representative

Brian Blad, Mayor
 Print Name and Title if applicable

8/30/19
 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 _____
2. 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**.
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**.
Adjust POU and add POD for water rights 29-7118 & 29-7119 to match interconnected irrigation system to irrigate @
the Pocatello biosolids land application site. Proposed POU will consist of 578.5 acre combined. Additional POD
associated with WR#29-7403. POD's are in adjacent ESPA model cells. No ESPA analysis required.

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 ☒ ☐	29-7118	4.01/1114.0	Municipal	04/01 to 11/01	Ground Water
☒ ☐	29-7119	6.0/1200.0	Municipal	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.01 cfs and/or 2314.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 9.99 cubic feet per second and/or 2314.0 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 #
			NW	SW	9	06S	33E	Power	Ground Water	WMIS # 101589
			NW	SW	16	06S	33E	Power	Ground Water	WMIS # 101588
			NW	NE	20	06S	33E	Power	Ground Water	WMIS # 200575

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	
06S	33E	9					4	6	35	21	21	37	39	24					187.0
06S	33E	16					25	38	38	25	21	38	27	11					223.0
06S	33E	17			31	32									33	34		37	167.0
06S	33E	20	1.5																1.5
Total Acres (for irrigation use)																			578.5

**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:

The distribution system consists of interconnected irrigation supply pipelines, with water supplied from any of the three well points identified in this application. Each well is equipped with flow meters and control valves that could be locked if necessary.

- b. Who owns the property at the point(s) of diversion? Edward & Christine Smith Family Trust/ City of Pocatello.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The Smith's own the well

- 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:

Water rights are being moved from land currently not irrigated to land currently being irrigated outside water right place of use boundary.

- 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:

Water right 29-7403 (WMIS # 200575) is associated with one of the proposed POD's.

- 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:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- 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.

B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- 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:

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 1220.- Date 9/4/2019 Received by JB Receipt # E045292

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)

Basin

29

Sequence

7118

[View Report](#)

Suffix



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of 1

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

Current Water Right No.: 29-7118

Current Owner: CITY OF POCA TELLO

Priority Date: 4/11/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

Beneficial Use**From To****Diversion Rate****Annual Volume**

MUNICIPAL

04/01 to 11/01

4.01 CFS

1114 AF

Total Diversion

4.01 CFS

1114 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4SW1/4

Sec. 16, Twp 06S, Rge 33E B.M.

POWER County

Place of Use



Water Rights

[Overview](#)[FAQs](#)[Research](#)[Forms](#)[Transfers](#)[Contacts](#)[Overview](#)[Search Transfer Applications](#)[File a Transfer Application](#)[Modeling Resources](#)[Policy Memorandums](#)[Transfer Examples](#)[← Return to STEP 1](#)

TRANSFER PART 2A REPORT

1. Type the water right number in the Basin, Sequence, and Suffix fields.
2. Click **View Report** to generate the report.
3. To save the report, click **Export**  on the tool bar, and then choose **PDF** (or another format) from the drop-down list.
4. To print the report, open the saved file and print.

ALERT: This report displays best on wider screens.

Water Right Number Format

Water Right numbers can contain three components: Basin number, Sequence number, and sometimes a Suffix.

Example: **95-1234A**

95	= Basin
1234	= Sequence
A	= Suffix

MUNICIPAL Within POWER County

T06S R33E S16	SWNW	40.00	T06S R33E S16	SENW	32.00
T06S R33E S16	NESW	32.00	T06S R33E S16	NWSW	40.00
T06S R33E S16	SWSW	28.00	T06S R33E S16	SESW	12.00
T06S R33E S17	SENE	32.00	T06S R33E S17	NESE	32.00
T06S R33E S17	SESE	30.00	T06S R33E S20	NENE	0.50

Conditions of Approval:

1. 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.

Decreed Date: 4/26/2012

Basin 29

Sequence 7119

[View Report](#)

Suffix

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PART 2A

Current Water Right No.: 29-7119

Current Owner: CITY OF POCA TELLO

Priority Date: 4/11/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	04/01 to 11/01	6 CFS	1200 AF
	<u>Total Diversion</u>	6 CFS	1200 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NW1/4SW1/4 Sec. 9, Twp 06S, Rge 33E B.M.
POWER County

Place of Use



Water Rights

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TRANSFER PART 2A REPORT

1. Type the water right number in the Basin, Sequence, and Suffix fields.
2. Click **View Report** to generate the report.
3. To save the report, click **Export**  on the tool bar, and then choose **PDF** (or another format) from the drop-down list.
4. To print the report, open the saved file and print.

ALERT: This report displays best on wider screens.

Water Right Number Format

Water Right numbers can contain three components: Basin number, Sequence number, and sometimes a Suffix.

Example: **95-1234A**

95	= Basin
1234	= Sequence
A	= Suffix

MUNICIPAL Within POWER County

T06S R33E S9	NENW	2.00	T06S R33E S9	NWNW	2.00
T06S R33E S9	SWNW	40.00	T06S R33E S9	SENW	34.00
T06S R33E S9	NESW	34.00	T06S R33E S9	NWSW	40.00
T06S R33E S9	SWSW	40.00	T06S R33E S9	SESW	34.00
T06S R33E S16	NENW	34.00	T06S R33E S16	NWNW	40.00

Conditions of Approval:

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. 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.

Decreed Date: 4/26/2012



- P Proposed POD's 29-7118, 29-7119
- Current POD 29-7119
- Current POD 29-7118
- Current_POU_29-7119
- Current_POU_29-7118
- Proposed Place of Use 29-7118 29-7119
- Township/Range
- Sections
- QQ
- ESPAM2_ModelGrid_06092011

0 850 1,700 3,400 Feet

1 inch = 1,521 feet





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

September 18, 2019

CITY OF POCATELLO

911 N 7TH AVE
PO BOX 4169
POCATELLO, ID 83205

RE: Transfer No. 83596
Water Right No(s). 29-7118, 29-7119

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 POWER COUNTY PRESS on 9/25/2019 and 10/2/2019. 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

CC:

CITY OF POCATELLO
SARAH KLAHN
SOMACH SIMMONS & DUNN
2701 LAWRENCE ST STE 113
DENVER, CO 80205

September 19, 2019

THIS DOCUMENT MAY CONTAIN MORE THAN 1 PAGE

Legal Notice Department

Power County Press

PO Box 547

American Falls ID 83211

RE: Legal Ad for your paper

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 **October 15, 2019**. Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-497-3793

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83596**

CITY OF POCATELLO, 911 N 7TH AVE PO BOX 4169, POCATELLO, ID 83205; has filed Application No. 83596 for changes to the following water rights within POWER County(s): Right No(s). 29-7118, 29-7119; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Add points of diversion and change the place of use. The points of diversion are in NWSW, Section 9, NWSW, Section 16, and NWNE Section 20, T06S, R33E for a combined 10.01 cfs from ground water. Each point of diversion will be limited to 9.99 cfs. The municipal place of use is within Sections 9, 16, 17, and 20, T06S, R33E for the irrigation of 578.5 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 10/15/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/25/2019 and 10/2/2019

MEMORANDUM

Date: September 9, 2019
To: Transfer 83596
From: Blake Jordan
Re: Legal Notice Remarks

Add points of diversion and change the place of use. The points of diversion are in NWSW, Section 9, NWSW, Section 16, and NWNE Section 20, T06S, R33E for a combined 10.01 cfs from ground water. Each point of diversion will be limited to 9.99 cfs. The municipal place of use is within Sections 9, 16, 17, and 20, T06S, R33E for the irrigation of 578.5 acres.