

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82917**

This is to certify that: A CLAY ATKINS AND
JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10318	WR/DECREED	9/3/1964	5.550 cfs	1455.0 af	N/A	291.0	SNAKE RIVER
2-10562	WR/DECREED	11/22/1963	3.400 cfs	925.0 af	N/A	185.0	SNAKE RIVER
2-2156	WR/DECREED	4/29/1959	5.790 cfs	1575.0 af	N/A	315.0	SNAKE RIVER
2-2245A	WR/DECREED	11/22/1963	0.700 cfs	195.0 af	N/A	39.0	SNAKE RIVER
2-7055	WR/DECREED	1/23/1970	5.830 cfs	1480.0 af	N/A	296.0	SNAKE RIVER
2-7112A	WR/DECREED	2/22/1973	3.017 cfs	760.0 af	N/A	152.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10318	NO	NO	YES	NO	NO	NO
2-10562	NO	NO	YES	NO	NO	NO
2-2156	NO	NO	YES	NO	NO	NO
2-2245A	NO	NO	YES	NO	NO	NO
2-7055	NO	NO	YES	NO	NO	NO
2-7112A	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10318	2-10318	5.550 cfs	1455.0 af	291.0	1338.0	N/A	N/A	N/A	N/A	N/A
2-10562	2-10562	3.400 cfs	925.0 af	185.0	1338.0	N/A	N/A	N/A	N/A	N/A
2-2156	2-2156	5.790 cfs	1575.0 af	315.0	1338.0	N/A	N/A	N/A	N/A	N/A
2-2245A	2-2245A	0.700 cfs	195.0 af	39.0	1338.0	N/A	N/A	N/A	N/A	N/A
2-7055	2-7055	5.830 cfs	1480.0 af	296.0	1338.0	N/A	N/A	N/A	N/A	N/A
2-7112A	2-7112A	3.020 cfs	760.0 af	152.0	1338.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		24.290 cfs	6390.0 af	1278.0	1338.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 82917

IN FILE # 2-2156

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82917

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 21st day of August, 2019.

[Signature]
for Chief, Water Allocation Bureau



WATER RIGHT NO. 2-2156**As Modified by Transfer No. 82917**

In accordance with the approval of Transfer No. 82917, Water Right No. 2-2156 is now described as follows:

Right Holder: A CLAY ATKINS
JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

Priority Date: 4/29/1959

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

12/01

Diversion Rate

5.790 cfs

5.790 cfs

Diversion Volume

1575.0 af

1575.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L6 (NWSW)

Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 315.0

POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 315 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-2156

As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

5. 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. Use of water under this right may 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. 02.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 2-2245A**As Modified by Transfer No. 82917**

In accordance with the approval of Transfer No. 82917, Water Right No. 2-2245A is now described as follows:

Right Holder: A CLAY ATKINS OR
JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

Priority Date: 11/22/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 12/01

Diversion Rate

0.700 cfs

0.700 cfs

Diversion Volume

195.0 af

195.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

L6 (NWSW)

Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 39.0

POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-2245A
As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

5. 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. Use of water under this right may 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. 02.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 2-7055**As Modified by Transfer No. 82917**

In accordance with the approval of Transfer No. 82917, Water Right No. 2-7055 is now described as follows:

Right Holder: JACOBA S ATKINS
A CLAY ATKINS
PO BOX 276
BRUNEAU, ID 83604

Priority Date: 1/23/1970

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **to** 12/01

Diversion Rate
5.830 cfs
5.830 cfs

Diversion Volume
1480.0 af
1480.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L6 (NWSW) Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 296.0

POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 296 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-7055
As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

5. 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. Use of water under this right may 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. 02.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 2-7112A**As Modified by Transfer No. 82917**

In accordance with the approval of Transfer No. 82917, Water Right No. 2-7112A is now described as follows:

Right Holder: A CLAY ATKINS
JACOBA S ATKINS
PO BOX 276
BRUNEAU, ID 83604

Priority Date: 2/22/1973

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to 11/15	3.020 cfs	760.0 af
			3.020 cfs	760.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L6 (NWSW) Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 152.0

POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 152 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-7112A

As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

4. 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).
5. Use of water under this right may 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. 02.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 9/12/2012.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 2-10318**As Modified by Transfer No. 82917**

In accordance with the approval of Transfer No. 82917, Water Right No. 2-10318 is now described as follows:

Right Holder: JACOBA S ATKINS
A CLAY ATKINS
PO BOX 276
BRUNEAU, ID 83604

Priority Date: 9/3/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 12/01	5.550 cfs	1455.0 af
			5.550 cfs	1455.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L6 (NWSW) Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 291.0

POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 291 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-10318

As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

5. 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. Use of water under this right may 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. 02.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

WATER RIGHT NO. 2-10562
As Modified by Transfer No. 82917

In accordance with the approval of Transfer No. 82917, Water Right No. 2-10562 is now described as follows:

Right Holder: JOHN CLAY ATKINS
 598 HARMON LN
 HILLSBORO, KY 41049

Priority Date: 11/22/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 12/01	3.400 cfs	925.0 af
			3.400 cfs	925.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L6 (NWSW) Sec 31 Twp 05S Rge 06E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	35					40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0					318.0
06S	05E	2			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	39.0	38.0	555.0
							L 3	L 4											
06S	05E	3	36.0	30.0	40.0	39.0									40.0	40.0	40.0	40.0	305.0
			L 1	L 2															
06S	05E	10	40.0																40.0
06S	05E	11		40.0			40.0	40.0											120.0

Right Acre Limit: 185.0
 POU Total Acres: 1338.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 185 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 36.88 cfs.
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-10317, 2-10318, 2-10519, 2-10549, 2-10550 and 2-10562 when combined shall not exceed a total diversion rate of 43.50 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82917

WATER RIGHT NO. 2-10562

As Modified by Transfer No. 82917

CONDITIONS OF APPROVAL

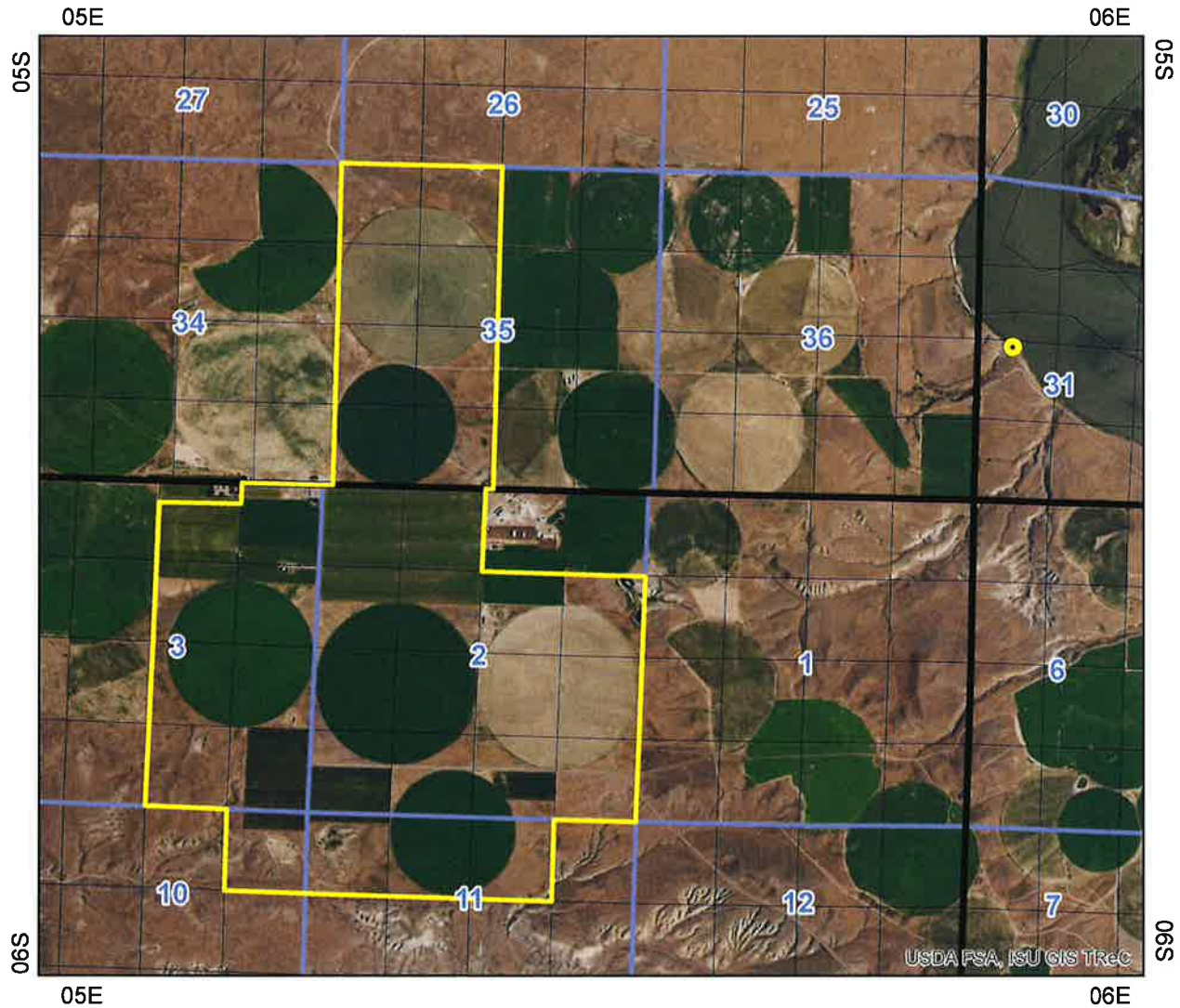
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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.

State of Idaho
Department of Water Resources

Attachment to Water Right License

2-2156, 2-2245A, 2-7055, 2-7112A, 2-10318 and 2-10562

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.35 0.7 1.4 Miles

-  Point of Diversion
-  Permissible Place of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



RECEIVED
DEC 20 2018WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82917MINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) A. Clay and Jacoba Atkins

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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) A. Clay and Jacoba Atkins Phone (208) 845-2931

Mailing address P.O. Box 276, Bruneau, ID 83604 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 Lori Graves, SPF Water Engineering LLC Phone (208) 383-4140

Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706 Email lgraves@spfwater.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	<u>A. Clay Atkins</u> Print Name and Title if applicable	<u>12/18/18</u> Date
 Signature of Applicant or Authorized Representative	<u>Jacoba Atkins</u> Print Name and Title if applicable	<u>12/18/18</u> 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 create permissible place of use

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.2**.

Applicant proposes creation of a permissible place of use to correctly describe these water rights. All of the water rights included in this application are diverted from the Snake River at the same location. The irrigated place of use has changed over time due to the installation of pivots.

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 ☒ ☐	2-2156	5.79	irrigation	3/1 to 12/1	Snake River
☒ ☐	2-2245A	0.7	irrigation	3/1 to 12/1	Snake River
☒ ☐	2-10562	3.4	irrigation	3/1 to 12/1	Snake River
☒ ☐	2-7055	5.83	irrigation	3/1 to 12/1	Snake River
☒ ☐	2-7112A	3.017	irrigation	3/15 to 11/15	Snake River
☒ ☐	2-10318	5.55	irrigation	3/1 to 12/1	Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 24.287 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 24.287 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 #

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	
5S	5E	35					40	40	40	40	40	40	39	39					318
6S	5E	2			40	40	40	40	40	40	40	40	39	39	40	40	39	38	555
							L3	L4											
6S	5E	3	36	30	40	39									40	40	40	40	305
			L1	L2															
6S	5E	10	40																40
6S	5E	11		40			40	40											120
Total Acres (for irrigation use)																			1,338

1,278 acres within a 1,338-acre permissible place of 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:

The existing diversion system complies with the measuring device and lockable controlling works requirements of Water District 02.

- b. Who owns the property at the point(s) of diversion? n/a

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The existing point of diversion is listed correctly on the SRBA decrees for these rights. There is no change to the existing point of diversion.

- 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: None.

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 will be irrigated within the proposed permissible place of use.

- 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:

None.

- 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:

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

Current Water Right No.: 2-2156

Current Owner: A CLAY ATKINS
JACOBA S ATKINS
Priority Date: 4/29/1959
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 12/01

Diversion Rate

5.79 CFS

Annual Volume

1575 AF

Total Diversion

5.79 CFS

1575 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R05E S2	NENW	39.00	T06S R05E S2	NWNW	39.00
T06S R05E S2	SWNW	39.00	T06S R05E S2	SENW	40.00
T06S R05E S2	NWSW	39.00	T06S R05E S3	NENE	39.00
T06S R05E S3	SENE	40.00	T06S R05E S3	NESE	40.00

Total Acres: 315

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.
2. Rights 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.

Decreed Date: 9/12/2012

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

Current Water Right No.: 2-2245a

Current Owner: A CLAY ATKINS
JACOBA S ATKINS
Priority Date: 11/22/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 12/01

Diversion Rate

0.7 CFS

Annual Volume

195 AF

Total Diversion

0.7 CFS

195 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R05E S2

SWSW

39.00

Total Acres: 39

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.
2. Rights 2-2156, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182, 2-7222 and 2-10562 are also diverted through the point of diversion described above.

Decreed Date: 9/12/2012

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

Current Water Right No.: 2-7055

Current Owner: JACOB A S ATKINS
A CLAY ATKINS
Priority Date: 1/23/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 12/01

Diversion Rate

5.83 CFS

Annual Volume

1480 AF

Total Diversion

5.83 CFS

1480 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T05S R05E S35	NENW	24.00	T05S R05E S35	NWNW	28.00
T05S R05E S35	SWNW	41.00	T05S R05E S35	SESW	41.00
T05S R05E S35	NESW	41.00	T05S R05E S35	NWSW	41.00
T05S R05E S35	SWSW	40.00	T05S R05E S35	SESW	40.00

Total Acres: 296

Conditions of Approval:

1. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376 and 2-7055 when combined shall not exceed a total diversion rate of 36.88 cfs.
2. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.
3. 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: 9/12/2012

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

Current Water Right No.: 2-7112A

Current Owner: A CLAY ATKINS
JACOBA S ATKINS
Priority Date: 2/22/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Diversion Rate

3.017 CFS

Annual Volume

760 AF

Total Diversion

3.017 CFS

760 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R05E S2	SESE	38.00	T06S R05E S11	NWNE	38.00
T06S R05E S11	NENW	40.00	T06S R05E S11	NWNW	36.00
Total Acres: 152					

Conditions of Approval:

1. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A and 2-7112B when combined shall not exceed a total diversion rate of 43.5 cfs.
2. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. 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.
4. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.

Decreed Date: 9/12/2012

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

Current Water Right No.: 2-10318

Current Owner: JACOBA S ATKINS
A CLAY ATKINS
Priority Date: 9/3/1964
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 12/01

Diversion Rate

5.55 CFS

Annual Volume

1455 AF

Total Diversion

5.55 CFS

1455 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R05E S2	SWNE	42.00	T06S R05E S2	SENE	39.00
T06S R05E S2	NESW	42.00	T06S R05E S2	SESW	42.00
T06S R05E S2	NESE	42.00	T06S R05E S2	NWSE	42.00
T06S R05E S2	SWSE	42.00			

Total Acres: 291

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.
2. This right is a split from former right 2-2355 .
3. Rights 2-2156, 2-2245A, 2-2245B, 2-2298, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182 and 2-7222 are also diverted through the point of diversion described above.

Decreed Date: 6/15/2009

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

Current Water Right No.: 2-10562

Current Owner: JOHN CLAY ATKINS
Priority Date: 11/22/1963
Origin: Water Right
Status: Active
Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 12/01

Diversion Rate

3.4 CFS

Annual Volume

925 AF

Total Diversion

3.4 CFS

925 AF

Location of Point(s) of Diversion

SNAKE RIVER

L6(NW1/4NW1/4SW1/4)

Sec. 31, Twp 05S, Rge 06E B.M.

OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T06S R05E S3	NWNE	30.00	T06S R05E S3	SWNE	40.00
T06S R05E S3	NWSE	40.00	T06S R05E S3	SWSE	40.00
T06S R05E S3	SESE	35.00			

Total Acres: 185

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.
2. Rights 2-2156, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182, 2-7222 and 2-10562 are also diverted through the point of diversion described above.

Decreed Date: 9/12/2012

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

- 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.

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery.

82017

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for Transfer of Water Rights for A. Clay and Jacoba Atkins

To Whom It May Concern:

I, John Clay Atkins, own water right 2-10562 and a portion of the permissible place of use proposed on a transfer application being filed by my parents, A. Clay and Jacoba Atkins, proposing a permissible place of use for our farming operation. This statement is my authorization that my water right and property be included in their transfer application.

Sincerely,

John Clay Atkins
John Clay Atkins

Dec 18, 2018
Date

State of Kentucky)
County of Fleming) SS.
_____)

Subscribed and sworn (or affirmed) before me this 18th day of December, 2018.

Theresa Marshall
Notary Public

Residing at Flemingsburg

My Commission Expires 9.20.20



Legend

 Water Rights pod

 2-2156 pou

 2-2245A pou

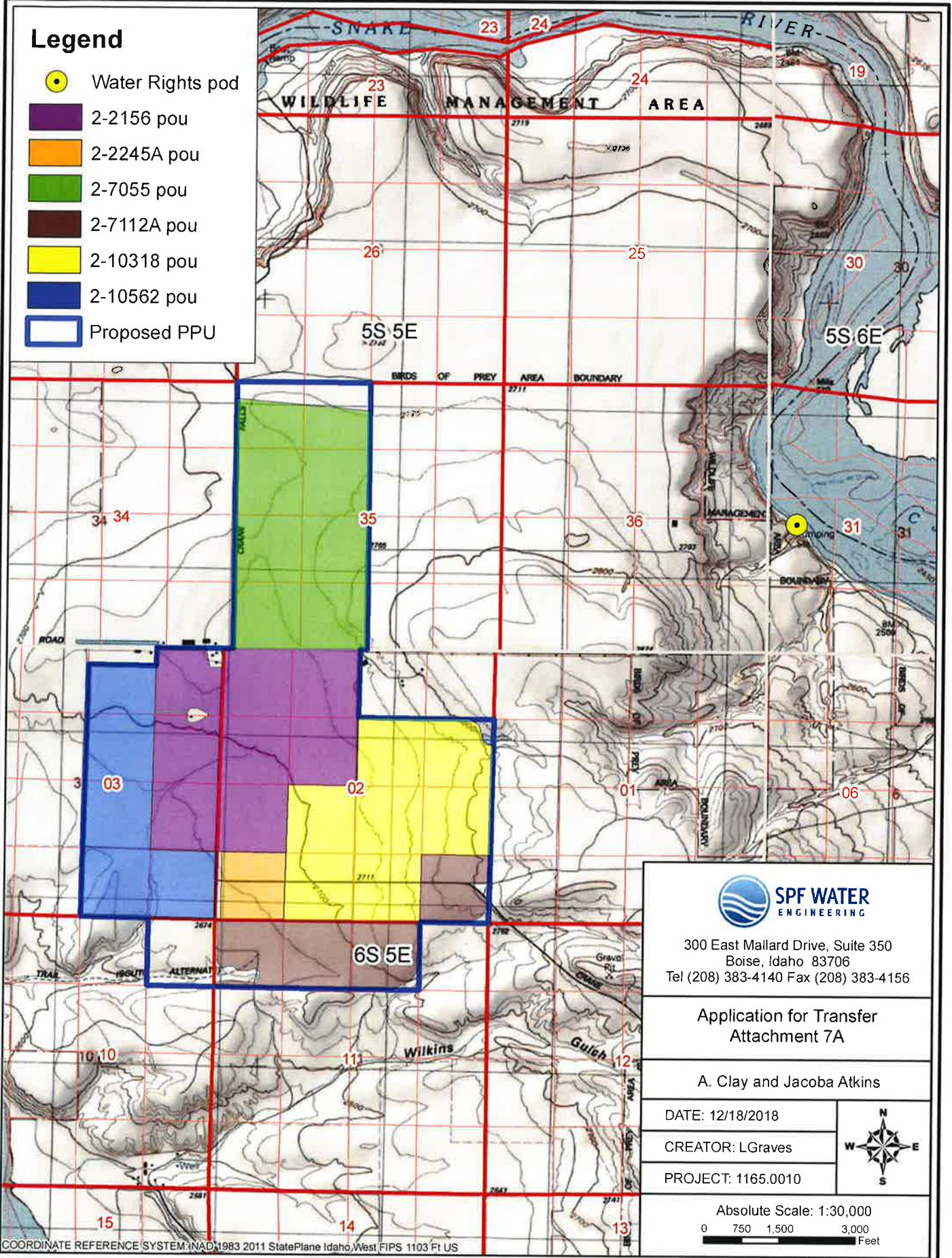
 2-7055 pou

 2-7112A pou

 2-10318 pou

 2-10562 pou

 Proposed PPU



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Application for Transfer
Attachment 7A

A. Clay and Jacoba Atkins

DATE: 12/18/2018

CREATOR: LGraves

PROJECT: 1165.0010



Absolute Scale: 1:30,000

0 750 1,500 3,000
Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 F1 US

82917

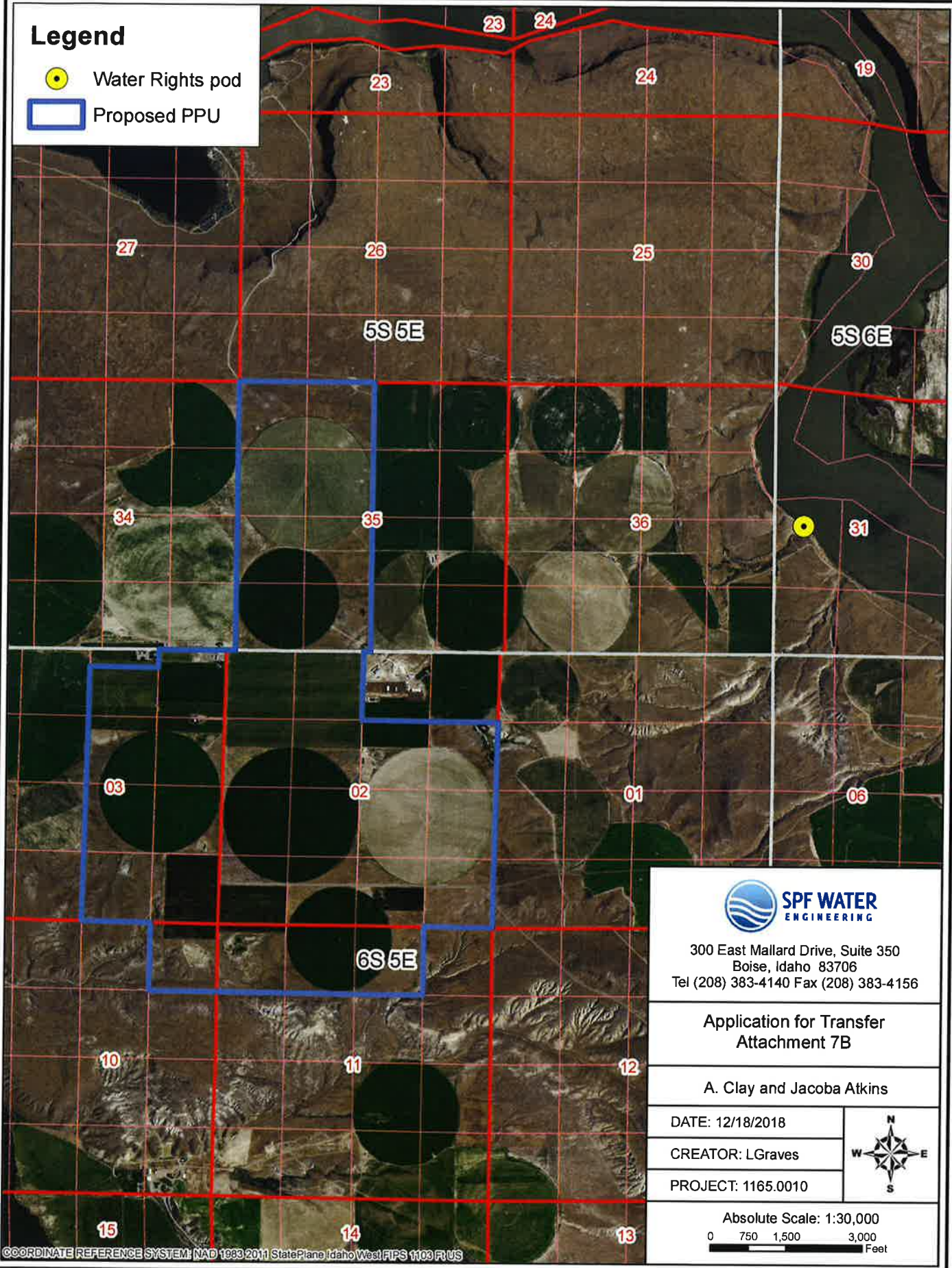
Legend



Water Rights pod



Proposed PPU



SPF WATER
ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Application for Transfer
Attachment 7B

A. Clay and Jacoba Atkins

DATE: 12/18/2018

CREATOR: LGraves

PROJECT: 1165.0010



Absolute Scale: 1:30,000

0 750 1,500 3,000
Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 F US

82917



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 21, 2019

A CLAY ATKINS
JACOBA S ATKINS
PO BOX 276
BRUNEAU ID 83604

Re: Transfer No.: 82917
Water Right Nos: 2-2156, 2-2245A , 2-7055, 2-7112A , 2-10318, 2-10562

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



Anna Kaiser

For

Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82917

Water Right No(s): 2-2156, 2-2245A , 2-7055, 2-7112A , 2-10318, 2-10562

A CLAY ATKINS
JACOBA S ATKINS
PO BOX 276
BRUNEAU ID 83604

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 82917
FROM: Patrick Kelly
DATE: 8/6/2019
RE: Evaluation of Application

Summary of Information Submitted

A Clay and Jacoba Atkins filed transfer no. 82917 to create a permissible place of use for the group of water rights being transferred. Changes to the point of diversion or irrigation system are not proposed. Extensions to avoid forfeiture were submitted for each right with the transfer application. Over time the user has installed pivots and significant portions of the land have not been irrigated for some time. These extensions were approved in May of this year, making the rights exempt from forfeiture review.

2-7055 and 2-7112A have combined use limits that include many water rights, some of which Atkins does not own. 2-7055 identified a system capacity of 36.88 cfs in the 1972 water right license. 2-7112 identifies a system capacity of 43.5 cfs in the 1983 water right license. All of the rights on Atkins land do not overlap in acres and are not stacked. 2-2245A, 2-2298 and 2-2376 have been split since the decrees were issued. The rights should be updated by condition that will include child rights that have been split to acknowledge the system capacity limits historically on the rights. All of the rights are still diverted from the same POD, so this does not make the limits difficult to administer.

The farm is surrounded by CJ Strike Reservoir, located 3 miles from State Hwy 78 and State Hwy 51 intersection, approximately 7 miles south of Mtn. Home Air Force Base.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwaterengineering.com.

Authority to File

The application was filed in the name of A Clay and Jacoba Atkins. The couple is both the current water right owner and property owner of grounds pertinent to the rights that they own. 2-10562 is owned by John Clay Atkins, son to the applicants. A notarized statement from John authorized his parents to file changes to 2-10562 on his behalf.

Water Right Validity

All rights identified by the application were decreed in 2012. Aerial imagery and LandSat data since 2013 shows that significant portions of the rights have not been irrigated for some time. Extensions to avoid forfeiture were filed with the transfer application and approved in May of this year.

Overlap Analysis

All rights within the proposed PPU are included in the transfer. None of the rights overlap in acres. No other rights should be considered for this transfer.

Injury to Other Water Rights

None anticipated. Irrigation use at the place of use has been occurring for many years.

Enlargement of Use

There are two combined use limits that exist on the rights when they were decreed. Ownership changes have taken place on 2-2245A, 2-2298 and 2-2376 since they were decreed in 2012. Limits were not changed or child

rights added to the conditions when the splits occurred. The transfer approval will reflect limits of each right as well as the combined use limits recognized on the decrees.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Assuming no other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.



December 20, 2018

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer, Extension Applications to Avoid Forfeiture (5)

Dear Angie,

Enclosed on behalf of A. Clay and Jacoba Atkins, is an *Application for Transfer* proposing a permissible place of use for six Snake River water rights, all diverted from the same pump station. One of the water rights (2-10562) is owned by their son, John Atkins. John's transfer authorization is included as Attachment 3. Also included are Extensions of Time to Avoid Water Right Forfeiture for five of the six water rights that were decreed in 2012. Water right 2-10318 was decreed in 2009 and is protected until 2020 based on an extension application previously approved by the Department. Please see the explanation attached to the extension applications for further details.

Check No. 13993 for \$2,720 is enclosed for the filing fees (\$2,220 for the transfer and \$500 for the extensions). Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: A. Clay and Jacoba Atkins
John Atkins

Enclosures

SPF file number: 1165.0010