

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) William S Graham Revocable Trust

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

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

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) William S Graham Revocable Trust Phone 847-274-7946
Mailing address 241 Melrose Ave, Kenilworth, IL 60043 Email _____

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

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

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

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

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

[Signature]
Signature of Applicant or Authorized Representative

William S Graham, Trustee
Print Name and Title if applicable

6/1/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period 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**.
Applicant proposes to convert a portion of the existing surface water right for use in a new pond feature. This transfer will increase the amount of the water right designated for storage use and reduce the amount of water right for irrigation. See Part 1A.3.

Narrative in Support of Application for Transfer*William S Graham Revocable Trust*

This transfer proposes to convert a portion of existing surface water right 22-11960 for the fill and maintenance of a new pond feature. The proposed pond partially overlaps the irrigation place of use of water right 22-11960. The water right currently includes components to fill and maintain two existing ponds in the amount of 26.6 AFA and 0.25 cfs for storage. This application proposes to retire 4.8 acres of irrigation and increase the storage components by an additional 9.7 afa and 0.10 cfs, as described in Attachment #8a.

In addition, the transfer seeks to correct the described place of use of storage water. Water Right 22-11960 included the SWNW of Section 4 as a described location for storage since the approval of Transfer No. 74677. However, in the most recent Transfer No. 78453, the SWNW was omitted on the transfer application and the subsequent approval. The actual place of use of the authorized pond described under the water right has not changed. This transfer proposes to add the SWNW to the storage place of use as a correction.

When Transfer No. 78453 was approved, the retired acres were not removed from the IDWR shapefile. The acres that were proposed to be retired under that transfer application are indicated in Attachment #7b and are removed from the proposed place of use as shown in Attachment #7a. Shapefiles can be provided upon request.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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 ☒ ☐	22-11960	1.05 cfs	Irrigation	4/15 to 10/31	Unnamed Strm & Teton Ck
☐ ☐		0.35 cfs	Diversion to Storage	4/15 to 10/31	Unnamed Strm & Teton Ck
☐ ☐		36.3 af	Wildlife Storage	1/01 to 12/31	Unnamed Strm & Teton Ck
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.4 cfs and/or 36.3 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.1 cubic feet per second and/or 9.7 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	
4N	45E	4						21											21
								W	W										
								L4											
		5	22.7			9.1													31.8
			W	W		W													
			L1	L2															
Total Acres (for irrigation use)																			52.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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:

Two diversions deliver water to the property through open ditches for irrigation and storage. The western diversion will deliver water through the existing pond, which will discharge into the proposed pond.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

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

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

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now irrigated will be retired from irrigation.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
No other water rights.

- 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:



WATER RIGHT REPORT

4/18/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-11960

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM S GRAHAM REVOCABLE TRUST 241 MELROSE AVE KENILWORTH, IL 60043 8472747946
Original Owner	BOYD CHARLES SMITH
Original Owner	JILL JOHNSON SMITH 301 COLERIDGE AVE PALO ALTO, CA 94301 4153277878
Original Owner	ESTATE OF GEORGE H SPENCER C/O CAROL S REYNOLDS RT 3 BOX 6458 TWIN FALLS, ID 83301 2087346122

Priority Date: 05/11/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	TETON CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.15 CFS	26.6 AFA
WILDLIFE STORAGE	01/01	12/31		
DIVERSION TO STORAGE	04/15	10/31	0.25 CFS	
Total Diversion			1.4 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM | SWNENW L. 3 | Sec. 04 | Township 04N | Range 45E | TETON County
 UNNAMED STREAM | SENWNW Lt 4 | Sec. 04 | Township 04N | Range 45E | TETON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	4	4	NWNW	21									
		5	1	NENE	25.8		SENE	10.8						

Place of Use Legal Description: WILDLIFE STORAGE TETON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	45E	4	4	NWNW										
		5	1	NENE			NWNE			SENE				

Total Acres: 57.6

Conditions of Approval:

1. 219 Right 22-11960 authorizes the diversion of an annual total of 26.6 acre-feet to be used for the initial filling of the ponds, the replacement of losses caused by evaporation and for the replacement of losses caused by transpiration from riparian vegetation.
2. 220 The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 12.2 acre-feet or a total surface area of 8.15 acres.
3. Diversion to storage for wildlife purposes under this right is limited to times when the pond is initially filling, or refilling due to evaporation losses from the pond. Water shall not be diverted for wildlife purposes under this right at times when water would flow through the pond for discharge back to the creek.
4. The approved transfer 78453 redefines all of the elements of this water right, and the new uses of water authorized by this approval shall constitute the full extent of the right.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
6. 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 diversions.
7. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. 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.
9. 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.

Dates:

83470

Licensed Date:

Decreed Date: 03/12/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

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

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

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.

FOR DEPARTMENT USE ONLY

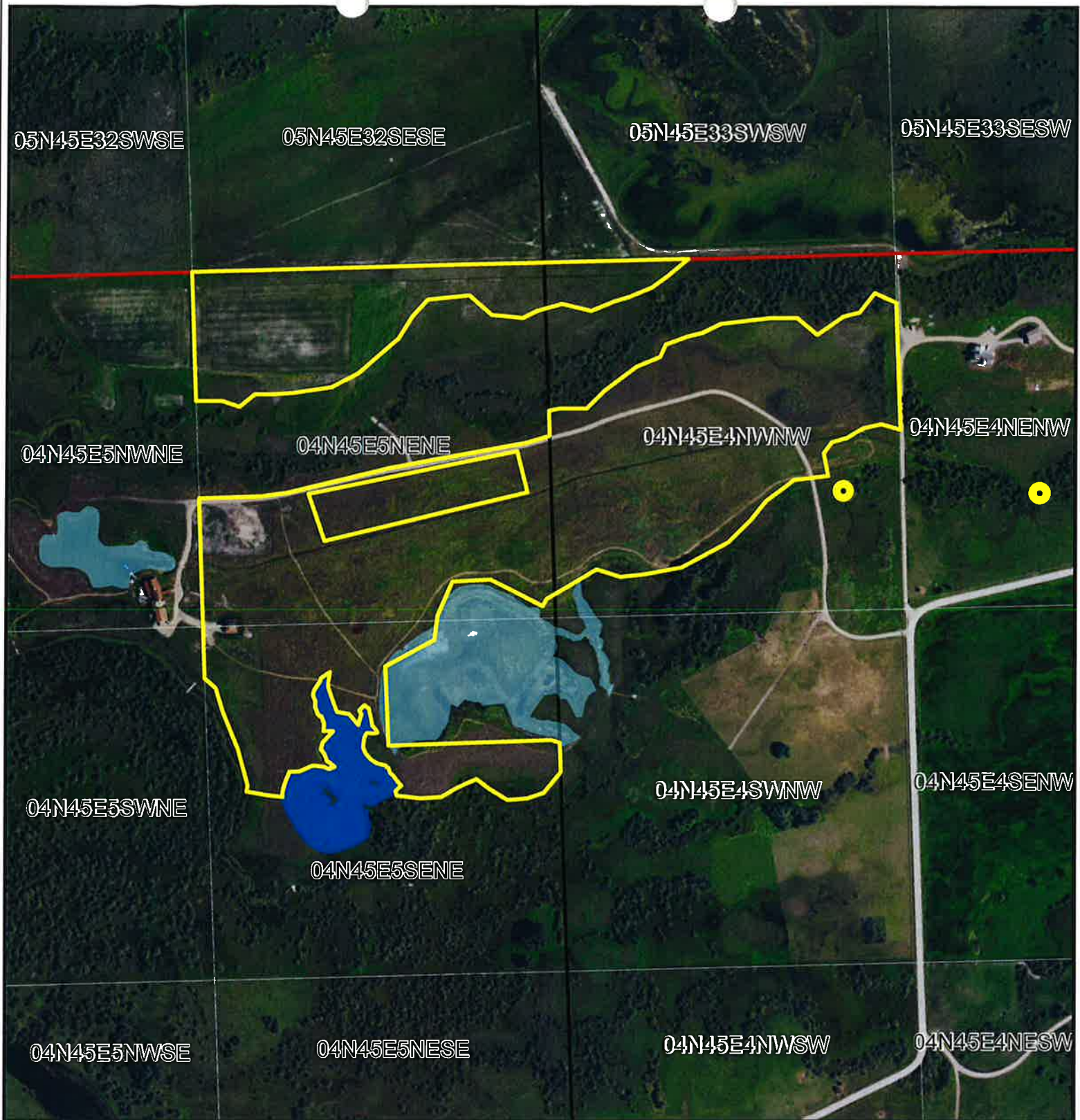
Transfer contains _____ pages and _____ attachments.

Received by sc Date 6/10/19 Preliminary check by _____ Date _____

Fee paid 400 Date 6/10/19 Received by sc Receipt # ED45062

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



0 445 890 1,780 Feet

2017 NAIP

Legend

- WR POD
- Proposed POU
- Proposed Pond
- Existing Ponds
- Twp & Rng
- Section
- QQ

83470

Proposed Water Right 22-11960

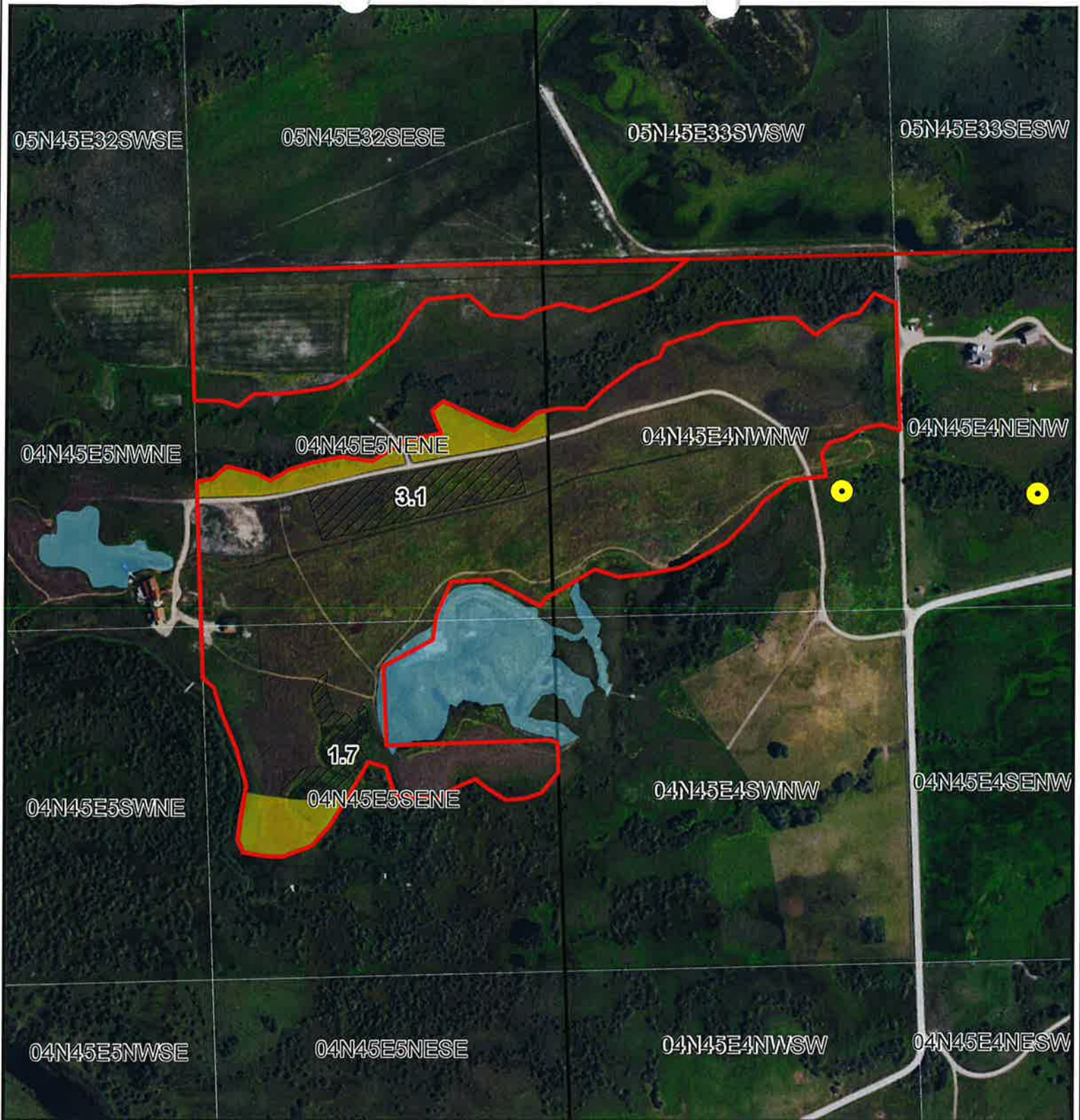
William S Graham Revocable Trust

RMEA #13-0007

by: KM

Date: 5/30/2019





Legend

- WR POD
- Retired in Trans 78453
- IDWR WR POU
- Twp & Rng
- Retired Acres
- Section
- Existing Ponds
- QQ

83470

Existing Water Right 22-11960

William S Graham Revocable Trust

RMEA #13-0007

by: KM

Date: 5/30/2019



Changes in Nature of Use

William S Graham Revocable Trust

The proposed pond has been designed with a surface area of 3.1 acres and a volume of 4.8 af. Ground water is at the surface in this location and thus, seepage is not anticipated from the pond.

Using the IDWR Pond Loss Calculation spreadsheet, the evaporation was calculated to be 4.9 afa, based upon the precipitation deficit of Open Water – Shallow Systems from the Driggs station (NWS – USC00102676). An excerpt from the spreadsheet is shown in Figure 1.

Figure 1. Excerpt of the IDWR Pond Loss Calculation

Precipitation Deficit			
Station: Driggs (NWS -- 102676)			
Month	mm/day ¹	Days per month	mm/Month
Jan	-0.58	31	0.00
Feb	-0.06	28	0.00
March	0.48	31	14.88
April	1.27	30	38.10
May	1.70	31	52.70
June	3.19	30	95.70
July	3.30	31	102.30
August	3.10	31	96.10
September	2.05	30	61.50
October	0.71	31	22.01
November	-0.29	30	0.00
December	-0.76	31	0.00
Total mm/year =			483.29
[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet			
(483.29	÷	304.8	) X 3.10 = 4.9 AFA

should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wet months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficits. To properly estimate the annual volume of water needed to refill a pond due to evaporation losses, the table automatically enters a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation during winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total pond requirements are 4.8 af for pond fill and 4.9 afa for evaporation, totaling 9.7 afa. The water right has been used historically to irrigate Alfalfa – Less Frequent Cuttings, which has a precipitation deficit of 617 mm/year, or 2.02 afa. To obtain a total of 9.7 afa will require that 4.8 acres be retired from irrigation.

The proposed pond overlaps the irrigated place of use by 1.7 acres. Additionally, 3.1 acres will be retired south of the driveway and north of the irrigation ditch, as indicated on Attachment #7b.