

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
JUN 07 2019
Department of Water Resources
Eastern Region

Name of Applicant(s) Jared M. Harris and Sonya Harris Phone 208-785-2310
Mailing address 266 W. Bridge St. Blackfoot, ID 83221 Email jharris@bakerharrislaw.com

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

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

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

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

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

Jared Harris
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

5/20/19
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**.
Transfer is to allow for irrigation from the Big Lost River onto the appropriate portion of the new property.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-14564	0.03	Irrigation	05/01 to 10/15	Big Lost River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.03 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.03 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 #
Yes	1		NW	NW	30	6N	26E	Custer	Big Lost River	

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	
6N	26E	30						1.4											1.4
								Lot 1											
Total Acres (for irrigation use)																			1.4

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:

Anticipate pulling out of the River to a pond then to irrigate the property.

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

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: An appropriate portion of the now irrigated property will have to be dried up.

- 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 34-14565 and

34-14566 will remain at current place of use

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Ditch system has been filled in. There is no ditch system which connects this property to the water authorized under the water right. The owner's have no ability to access the water.



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

WATER RIGHT REPORT

5/30/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-14564

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EVAN J TRIPP
Current Owner	RANAE TRIPP
	3991 W 4100 N
	MACKAY, ID 83251
	2086800516
Original Owner	WENDELL HURST TEW
	3939 HWY 93
	LESLIE, ID 83255
	2085882524

Priority Date: 03/10/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.03 CFS	
Total Diversion			0.03 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SWNESE|Sec. 06|Township 06N|Range 25E|CUSTER County

IRRIGATION Use:

Acre Limit: 1.4

Place(s) of use:

83410

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	9		NWNW	6									

Total Acres: 6

Conditions of Approval:

1. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. Water delivered through the Sutter Ditch.
5. X35 Rights 34-14564, 34-14565 and 34-14566 when combined shall not exceed a total diversion rate of 0.22 cfs and the irrigation of 6.0 acres.
6. X27 This right is limited to the irrigation of 1.4 acres within the place of use described above in a single irrigation season.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

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: And

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

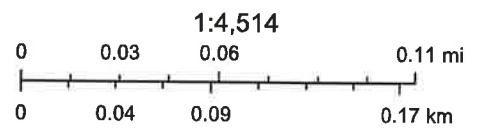
83410

ArcGIS Web Map



6/3/2019 2:20:01 PM

- Quarter Quarter
- Section
- Township/Range



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Idaho Department of

83410

WATER RIGHT BUY/SELL AGREEMENT

1. PARTIES:

THIS AGREEMENT, made and entered into this 15th day of April, 2019, by and between Evan Tripp and Ranae Tripp, husband and wife, hereinafter referred to as Sellers, and Jared M. Harris and Sonya Harris, husband and wife, hereinafter referred to as Purchasers.

WITNESSETH:

That the said Sellers, in consideration of the covenants and agreements on the part of the said Purchasers, hereinafter contained, agrees to sell and convey unto the said Purchasers, and the Purchasers agree to buy certain water rights particularly described as follows, to-wit:

2. WATER RIGHT DESCRIPTION:

- i. Right evidenced by License No. 34-14564 issued by the Idaho Department of Water Resources.
- ii. DESCRIPTION OF RIGHT:
 - a. Amount of water under right: .03 cubic feet per second.
 - b. Current Point of diversion: SWNESE of Section 6, Township 6 North, Range 25 E. B.M. in Custer County.
 - c. Priority date: 03/10/1894
 - d. Current Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	6						X											6
																			0
																			0
																			0
																			0
																			0
																			0
TOTAL NUMBER OF ACRES																			6

3. SELLER'S DECLARATIONS:

The Sellers declare that said water right have not been lost through abandonment or forfeiture, and that the subject water right is not in the Idaho Department of Water Resources Water Bank.

4. CONDITION PRECEDENT:

The parties agree that the material condition of the performance of this agreement is the approval by the Idaho Department of Water Resources of the transfer of the water right described above pursuant to the Application for Transfer of Water Right attached hereto and made a part of this Agreement by reference. The Parties further agree to execute, acknowledge and deliver at the request of either party, or his or her legal representatives, any and all instruments necessary to effectuate said transfer.

5. APPLICATION AND ADJUSTMENT:

The Parties acknowledge that an Application for Transfer of Water Right seeking to transfer the water right above described will be submitted to the Idaho Department of Water Resources (IDWR). The Parties acknowledge the IDWR may place conditions on the transfer or may reduce the amount which it will approve for the transfer.

In the event the conditions or restrictions proposed by the IDWR result in a material reduction or change in the water right the Purchasers may rescind this agreement.

6. PURCHASE PRICE:

Purchasers agree to purchase said water right for the sum of Four Thousand (\$4,000) Dollars, in lawful money of the United States, receipt of which is hereby acknowledge; In the event IDWR does not permit the transfer or materially reduces or changes the amount of water transferred, Buyer may revoke this Agreement, and upon revocation, Sellers shall immediately refund the \$4,000.00 to Purchasers.

7. TRANSFER OF WATER RIGHT TO ADDITIONAL PROPERTY:

Sellers expressly authorizes the transfer of said water right to Purchasers' property described as:

SEE ATTACHED EXHIBIT A

8. ATTORNEYS FEES IN EVENT OF BREACH OR DEFAULT:

It is further agreed that in the event of suit between the Parties for breach of this agreement or enforcement thereof the successful party to any such action shall be entitled to recover reasonable attorney's fees with other costs of court from the other party.

9. BINDING EFFECT:

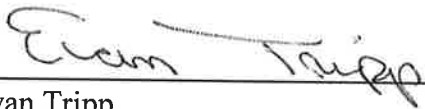
It is further agreed that the provisions of this agreement shall apply to and bind the heirs, executors, administrators and assigns of the respective Parties.

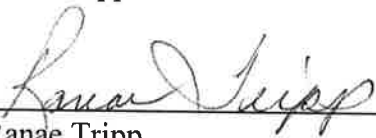
10. PREPARATION OF DOCUMENTS:

The Parties acknowledge that this contract and deed were prepared by the Purchasers, and the Sellers acknowledges that they have the right to have the documents reviewed by an attorney of their choosing, should they elect to do so.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands and seals the day and year first above written.

SELLER


Evan Tripp


Ranae Tripp

PURCHASER


Jared M. Harris


Sonya Harris

Instrument # 254874

CHALLIS, CUSTER, IDAHO

06-15-2018

02:11:20

No. of Pages: 2

Recorded for: FIRST AMERICAN TITLE - REXBURG

Lura H. Baker

Fee: \$15.00

Ex-Officio Recorder Deputy: LK

GRANT DEED

CPB Property # 501-3404

KNOW ALL MEN BY THESE PRESENTS that the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, Grantor, for TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid or delivered, hereby grants, bargains, sells and conveys to Jared Harris and Sonya Harris, husband and wife as community property with right of survivorship, Grantee, whose address is 266 West Bridge Street, Blackfoot Idaho, the following Real Property situate in the County of Custer, State of Idaho, to wit:

See Attached Exhibit "A"

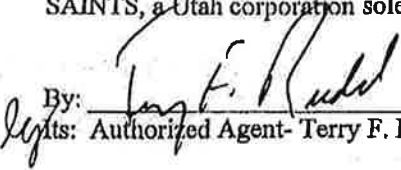
Subject to easements, rights-of-way, reservations, conditions, restrictions, covenants and taxes and assessments of record or enforceable in law or equity.

TO HAVE AND TO HOLD the said premises, with their appurtenance, unto the grantee, its successors and assigns, in fee simple forever.

IN WITNESS WHEREOF, the grantor has caused its corporate name to be hereunto subscribed by its authorized officer and its corporate seal to be hereunto affixed, this day day of month, year.



CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole

By: 

Its: Authorized Agent- Terry F. Rudd

STATE OF UTAH)

:SS

COUNTY OF SALT LAKE)

On this 15th day of June, 2018 personally appeared before me Terry F. Rudd, personally known to me to be the Authorized Agent of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and that the seal impressed on the within instrument is the seal of said Corporation; and that said instrument is the free and voluntary act of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Corporation and that said Corporation executed the same.

WITNESS my hand and official seal.




Notary Public for the
State of Utah

83410

Exhibit "A"

Real property in the County of Custer, State of Idaho, described as follows:

Township 6 North, Range 26 East, Boise Meridian, Custer County, Idaho:

Section 30: A parcel of land in the said Section 30, being more particularly described as follows:

Beginning at the Northwest corner of said Section 30; thence South 0°48' East along the County roadway 544 feet to the real point of beginning; thence continuing South 0°48' East along said County roadway 700 feet to a point; thence South 88°35' East 1700 feet, more or less, to the center of Big Lost River; thence Northwesterly along the center of Big Lost River to the North section line of said Section 30; thence North 88°35' West 62 feet along said Section line to a point; thence South 0°48' East 544 feet to a point; thence North 88°35' West 872 feet to the real point of beginning.

EXCEPTING THEREFROM:

Commencing at the Northwest corner of Section 30; thence along the Northerly boundary of said section, South 88°36'15" East, 872.48 feet to the POINT OF BEGINNING; thence continuing along said line, South 88°36'15" East 81.39 feet to the Easterly boundary line of Warranty Deed Instrument No. 142399; thence along said boundary, South 27°30'01" East 62.82 feet to the new Southerly right-of-way of 3800 North Road; thence along said right-of-way, parallel with and 55.00 feet Southerly from the Northerly boundary of Section 30, North 88°36'15" West 109.62 feet to the Westerly boundary of Warranty Deed Instrument No. 142399; thence along said boundary North 00°49'15" West 55.04 feet to the POINT OF BEGINNING.

5280

2640

RECEIVED

JUN 07 2019

Department of Water Resources
Eastern Region

JARED M. HARRIS

266 W. BRIDGE STREET
BLACKFOOT, ID 83221
Telephone (208) 785-2310
Facsimile (208) 785-6749
E-Mail — jharris@bakerharrislaw.com
Web — www.bakerharrislaw.com

June 4, 2019

Idaho Department of Water Resources
attn: Jordan Blake
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-1718

Re: Transfer of Water Rights
Water Right Number: 34-14564

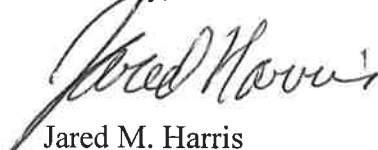
Dear Jordan:

Enclosed please find my check in the amount of \$200.00 along with a Water Right Buy/Sell Agreement and Application for Transfer of Water Rights.

At the present time I do not know which part of my property I want my 1.4 acre water right applied to. When I have made that decision I will submit a map showing my decision.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jared M. Harris

Enclosure

JMH/tp