

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
MAY 14 2013
Department of Water Resources
Eastern Region

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) LCSC ENTERPRISES LLC

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: Partially resolve NOV 2018-1271

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) LCSC ENTERPRISES LLC Phone (972) 989-7330
Mailing address 433 LAS COLINAS BLVD E STE 1290 IRVING, TX 75039-5058 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 Jason C. Helms, P.E. Phone (208) 308-2109
Mailing address 6755 N. Albert Lane Idaho Falls, ID 83401 Email jasoncivil@alumni.nd.edu

- ☐ 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

Blair Lee Dance, Manager 5.9.19
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

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

☒ Change place of use
☐ Other _____
- 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**.
Dry-up the land currently served by ground water right 35-2824. This transfer moves a primary ground water portion unassociated with surface water delivery. This transfer portion will be used in combination with and diverted from the wells associated with existing water right 35-7491.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

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 ☐ ☒	35-2824	0.20 / 41.1	Irrigation	4/1 to 11/1	Ground Water
☒ ☐	35-7491	5.99 / 1344	Irrigation	4/1 to 11/1	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.19 cfs and/or 1385.1 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.70 cubic feet per second and or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N		NW	SE	SE	14	09S	28E	Power	Ground Water	WMIS #600756
N		SE	NW	SW	13	09S	28E	Power	Ground Water	WMIS #600755

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	
09S	28E	13									38	39	40	39			1.2		157.2
		14									3.2			3.5	20	20	39	40	125.7
		23	16.5	7.9															24.4
		24					15.5	24.5											40.0
Total Acres (for irrigation use)																			347.3

RLH

JC H

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 ☐ ☒	35-2824	0.20 / 41.1	irrigation	04/01 to 11/01	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.20 cfs and/or 41.1 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.20 cubic feet per second and/or 41.1 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
n		NW	SE	SE	14	09S	28E	Power	ground water	WMIS#600756
n		SE		SW	13	09S	28E	Power	ground water	WMIS#600755

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	28E	13									0	0	0	0				1.6	1.6
		14									2.4			2.5					4.9
		23		4.8															4.8
		24																	
Total Acres (for irrigation use)																			11.3

SUPERCEDED

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:

Existing well, main lines and center pivot systems. Measuring devices and lockable controls will be maintained as required.

- 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:

Land currently served by 35-2824 will 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:

This portion of 35-2824 was not used in connection with ASCC shares. Existing ground water right 35-7491 authorizing irrigation of 336.0 acres also diverted from these points of diversion.

- 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 Supply Bank Application appears to have been made, it is unclear if it was approved due to unrelated transfer protests.

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

Current Water Right No.: 35-2824

Current Owner: BRANDI HUNTER
KIP M HUNTER

Priority Date: 8/28/1961

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.14 CFS	440 AF
	<u>Total Diversion</u>	2.14 CFS	440 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4SE1/4 Sec. 29, Twp 03S, Rge 33E B.M.
BINGHAM County

Place of Use

IRRIGATION Within BINGHAM County

T03S R33E S28	NWSW	35.00	T03S R33E S28	SWSW	35.00
T03S R33E S29	NESE	33.00	T03S R33E S29	NWSE	18.00
Total Acres: 121					

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. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Decreed Date: 4/2/2012

6/10/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LCSC ENTERPRISES LLC 433 LAS COLINAS BLVD E STE 1290 IRVING, TX 75039-5058 (972) 989-7330

Status: Active

Tributary

GROUND WATER

Volume

1.344.0 AF

1,344.0 AF

Sec. 14, Twp 09S, Rge 28E, POWER County

IRRIGATION within POWER County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	28E	13									40.0	40.0	40.0	40.0					160.0
09S	28E	14													18.0	14.0	35.0	40.0	107.0
09S	28E	23	11.0	9.0															20.0
09S	28E	24					27.0	22.0											49.0

POU Total Acres: 336.0

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.

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCE

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:

See backfile & stipulation resolving protest on withdrawn transfer # 81292, 81293. This transfer is 3 of 4 (88.9 ac., 11.8 ac., 11.3 ac., & 9.0 ac.). Transfer #1 moves 13.9 acres of primary ground water with the supplemental 75 acre portion within ASCC place of use. Transfers 2 - 4 move only primary ground water right acreage.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by SC Date 5/14/19 Preliminary check by _____ Date _____

Fee paid 200- Date 5/14/19 Received by SC Receipt # 2044975

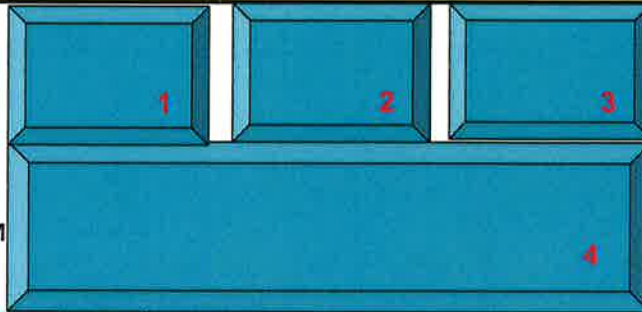
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

ENHANCED GROUND-WATER RIGHTS TOOL

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

Cells this color are
set up for user entries



ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON
YEAR TRANSFER NO:
SEASON TRANSFER NAME
Cell 96,82

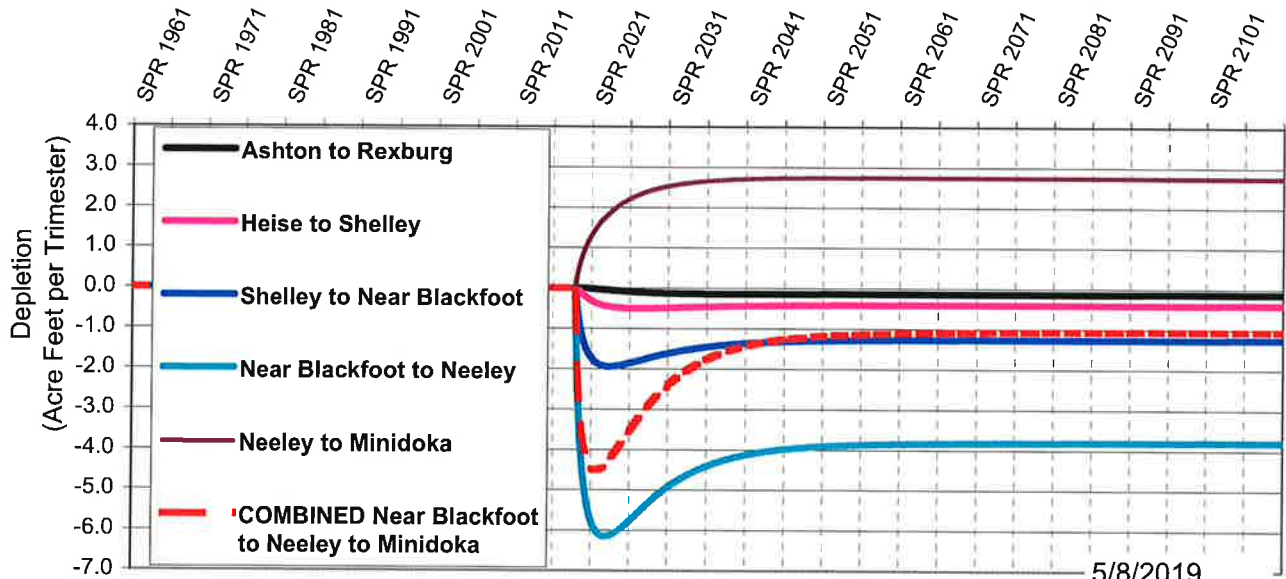
[acre-ft]

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL			
ROW	96	80			35-2824 (prim.)	8/28/1961	41.1
COLUMN	82	122			35-2824 (supp.)	8/28/1961	0.0

	35-7491	35-2824				Total Transfer:	41.09
TRIMESTER OF ACTIVITY	TO WELL Projected Use AF/TRIMESTER	FROM1 WELL With Transfer AF/TRIMESTER	Without Transf AF/TRIMESTER	FROM2 WELL With Transfer AF/TRIMESTER	Without Transf AF/TRIMESTER	FROM3 WELL With Transfer AF/TRIMESTER	Without Transfe AF/TRIMESTER
SPR 1961	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1961	0.0	13.7	13.7	0.0	0.0	0.0	0.0
WIN 1961	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SPR 1962	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SUM 1962	0.0	13.7	13.7	0.0	0.0	0.0	0.0
WIN 1962	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SPR 1963	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SUM 1963	0.0	13.7	13.7	0.0	0.0	0.0	0.0
WIN 1963	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SPR 1964	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SPR 2018	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SUM 2018	0.0	13.7	13.7	0.0	0.0	0.0	0.0
WIN 2018	0.0	13.7	13.7	0.0	0.0	0.0	0.0
SPR 2019	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SUM 2019	13.7	0.0	13.7	0.0	0.0	0.0	0.0
WIN 2019	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SPR 2020	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SUM 2020	13.7	0.0	13.7	0.0	0.0	0.0	0.0
WIN 2020	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SPR 2021	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SPR 2109	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SUM 2109	13.7	0.0	13.7	0.0	0.0	0.0	0.0
WIN 2109	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SPR 2110	13.7	0.0	13.7	0.0	0.0	0.0	0.0
SUM 2110	13.7	0.0	13.7	0.0	0.0	0.0	0.0
WIN 2110	13.7	0.0	13.7	0.0	0.0	0.0	0.0

Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)

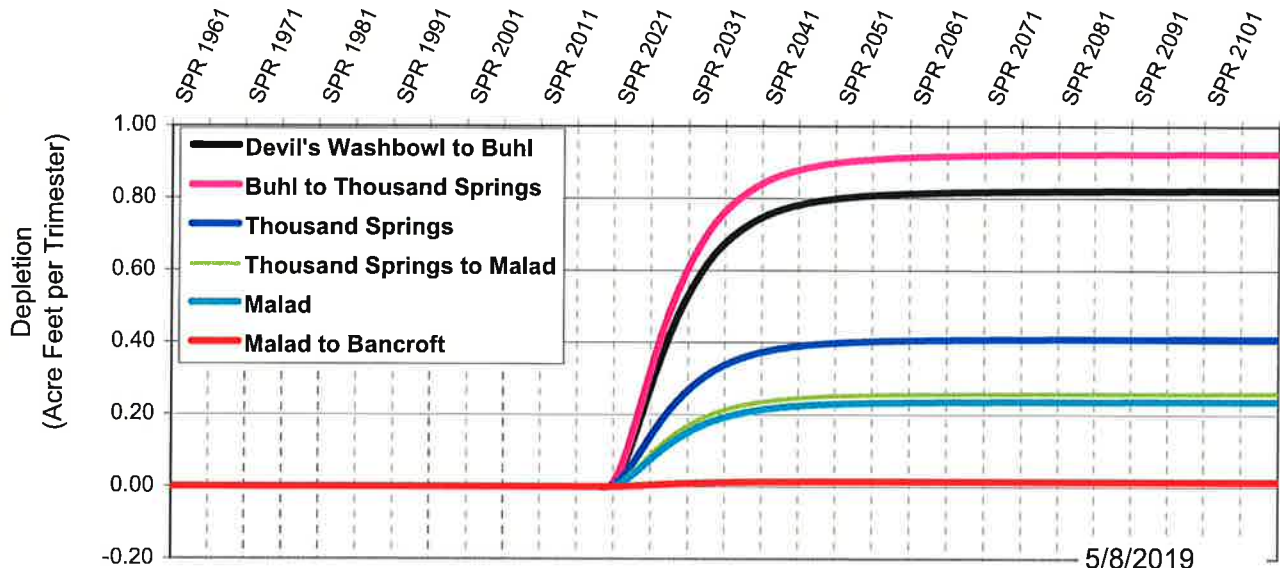


5/8/2019
Version 3.2

Customer Name: Cell 96,82

Transfer No: 35-2824 (11.3ac)

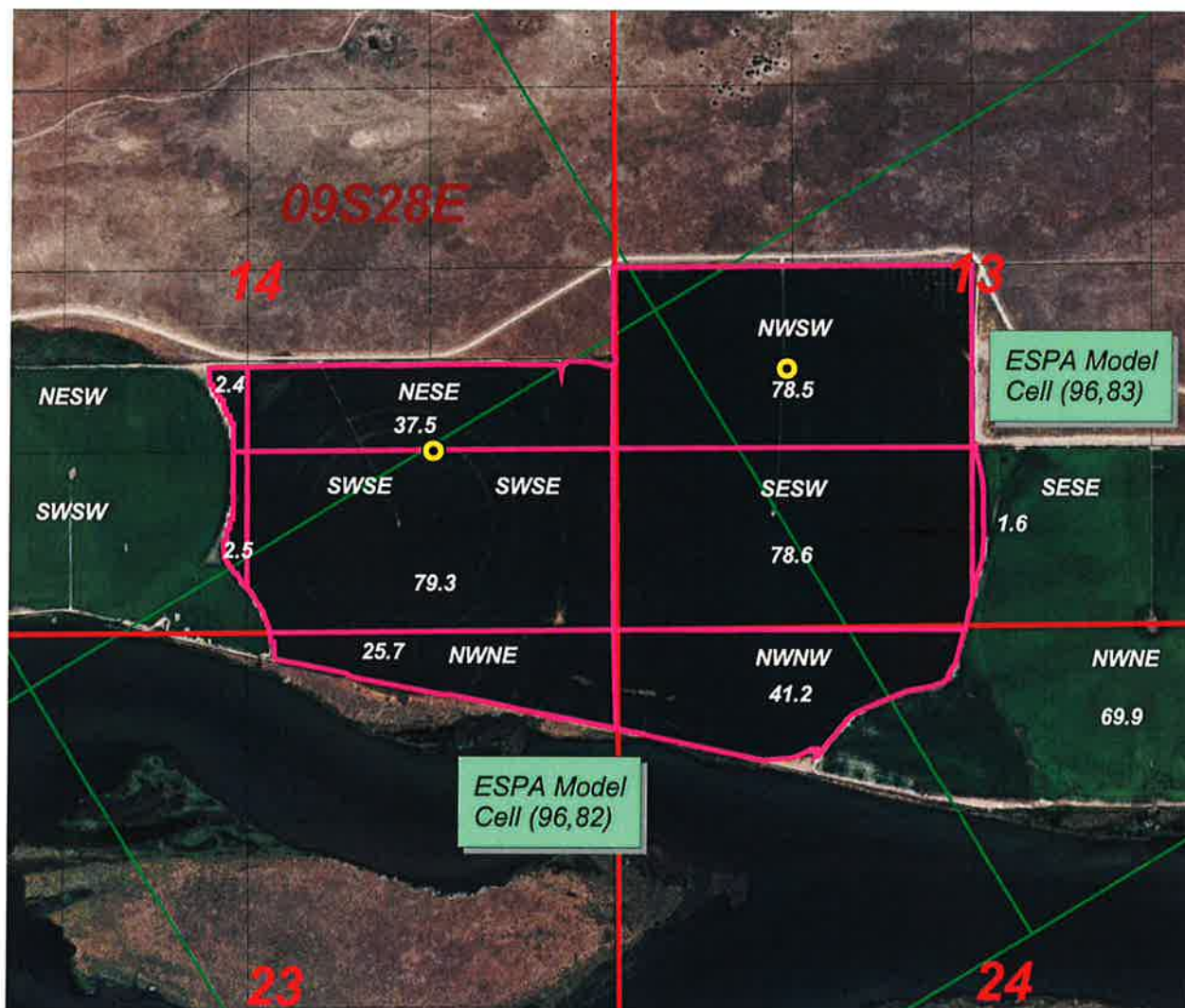
Net Transfer Effect Below Milner
(Total Effect With Transfer - Total Effect Without Transfer)



5/8/2019
Version 3.2

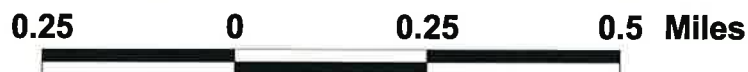
Customer Name: **Cell 96,82**

Transfer No: **35-2824 (11.3ac)**



JCH - 5/7/2019

NAIP 2017 Aerial Photo



- Existing Wells 35-7491
- Total Irrigation 347.3 Acres
(Including Existing 35-7491: 336.0 ac)
- Township & Range
- Sections
- Power County 40's
- ESPA Model Grid



Attachment #7a

83288