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OCT 30 2018

Department of Water Resources
Eastern Region

DEPARTMENT OF WATER RESOURCES

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

NOV 05 2018

DEPARTMENT OF
WATER RESOURCES

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) L 1 LTD Partnership

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: _____

82825

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) L 1 LTD Partnership Phone 208-657-2252
Mailing address 2943 N 800 E, Montevue, ID 83435 Email lane.newmanfarms@gmail.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 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.

Lane Newman Lane Newman Partner 10-23-2018
Signature of Applicant or Authorized Representative 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 ☐ 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 § 42-221.0.8?
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 reconfigure acres under the water right by retiring pivot corners and relocating the acres to be used under a mini pivot.

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 ☒ ☐	32-13263	4.12 cfs	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.12 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.08 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	
8N	33E	9	32	37	37	38									37	37	34	39	291
Total Acres (for irrigation use)																			291

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:

Two existing wells divert to pivot irrigation systems. Measuring devices and lockable controlling works already installed.

- 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 to accommodate the reconfiguration of acres.

- 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 at proposed or existing POU. Water rights 32-2114 and 32-7074 share the 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/4/2018

WATER RIGHT NO. 32-13263

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	L 1 LTD PARTNERSHIP C/O LAVAR NEWMAN 2943 N 800 E MONTEVIEW, ID 83435 2086572252
Original Owner	LEWIS LA VAR NEWMAN
Original Owner	LOUISE J NEWMAN 2943 N 800 E MONTEVIEW, ID 83435 2086572366

Priority Date: 02/04/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.12 CFS	1018.5 AFA
Total Diversion			4.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 09	Township 08N	Range 33E	JEFFERSON County
GROUND WATER	NENESE	Sec. 09	Township 08N	Range 33E	JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	33E	9		NENE	32		NWNE	37		SWNE	37		SENE	39
				NESE	32		NWSE	37		SWSE	39		SESE	38

Total Acres: 291

Conditions of Approval:

1. 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. 120.
2. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 214 Prior to the diversion and use of water under Transfer approval 76691, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
7. 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.
8. 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:

Licensed Date:

Decreed Date: 10/27/2000

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/Or

Water District Number: 110

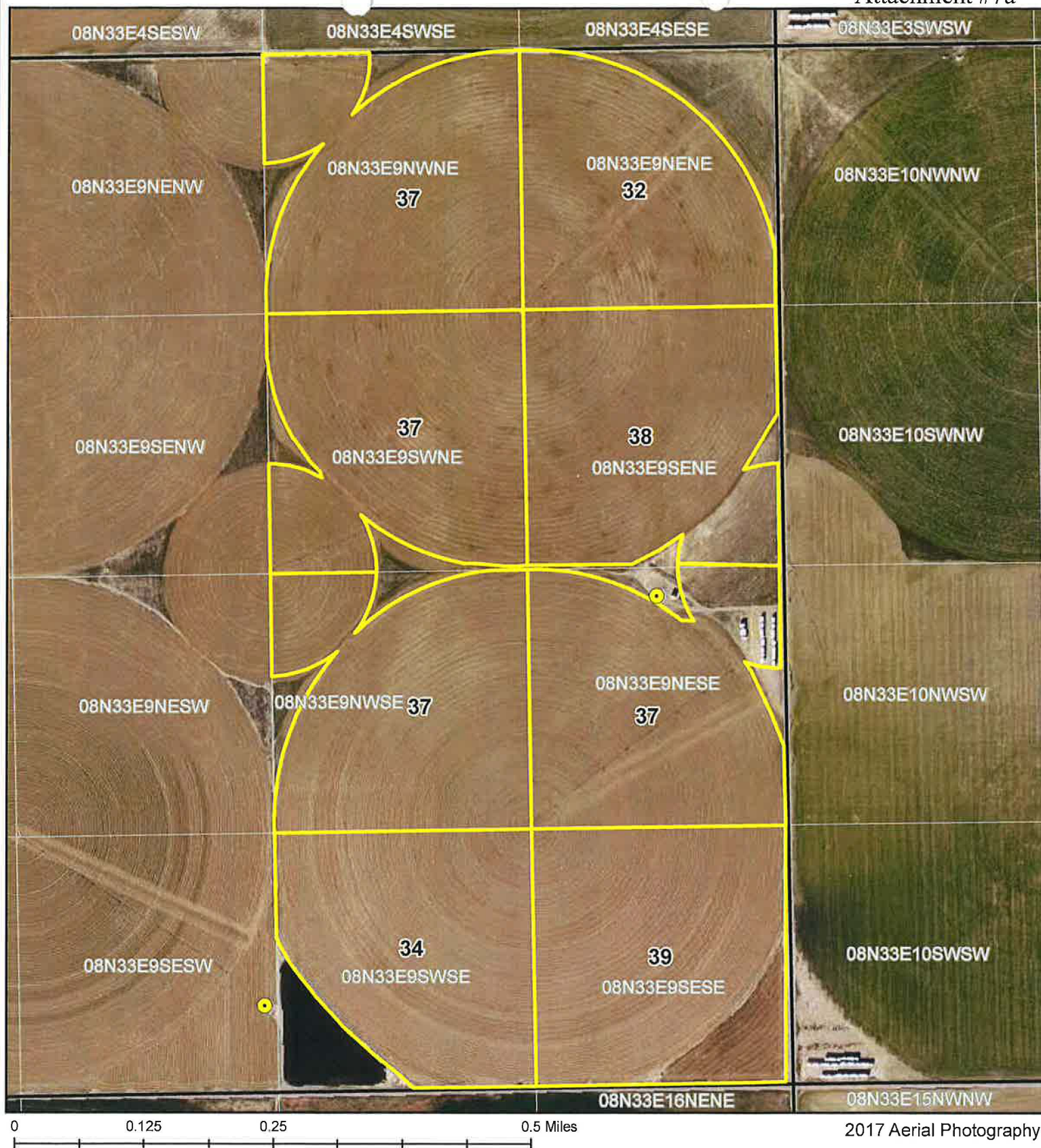
10/4/2018

Water Right Report

Part 2A

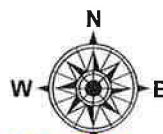
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close



Legend

- Existing POD
- Proposed POU
- Twp & Rng
- Section
- QQ



82825

Proposed WR 32-13263

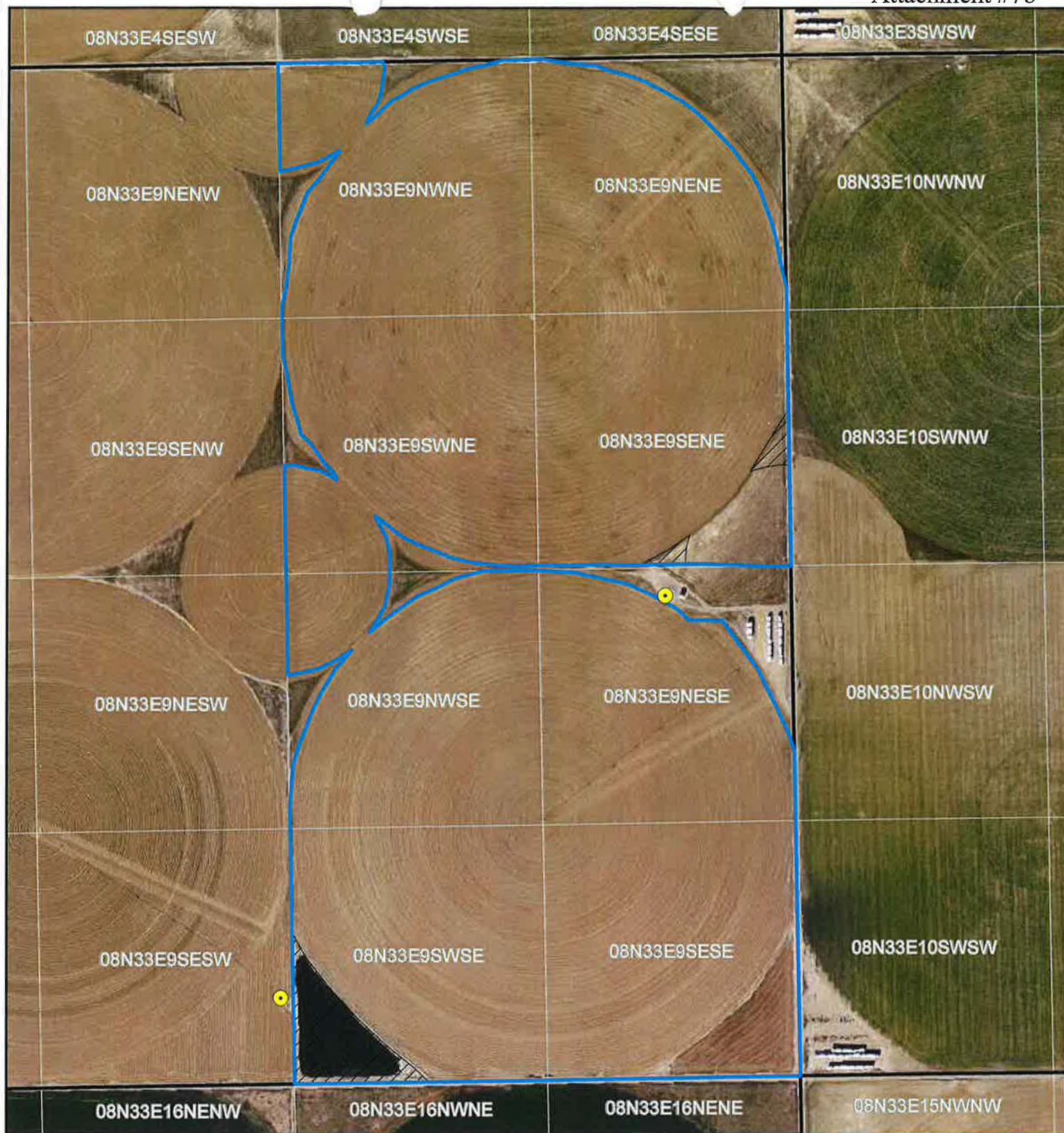
L1 LTD Partnership

RMEA #14-004

by: KM

Date: 10/17/2018





0 500 1,000 2,000 Feet

2017 Aerial Photography

Legend

- Existing POD
- WR POU 32-13263
- Retired Acres
- Twp & Rng
- Section
- QQ



Existing WR 32-13263

L1 LTD Partnership

RMEA #14-004

by: KM

Date: 10/30/2018



Hersley, Jean

From: Hersley, Jean
Sent: Thursday, April 11, 2019 9:20 AM
To: Cefalo, James
Subject: Watermaster comments for Transfer applications 82824 & 82825
Attachments: Watermaster Recommendation.doc

James,

We are looking for your comments or concerns regarding Applications for Transfer 82824 & 82825.

Application 82824 will be advertised. This transfer proposes to reconfigure acres under the water right by retiring pivot corners and relocating the acres to be used under a mini-pivot. An existing well is also proposed to be added as a POD to provide for the mini pivot and to provide a redundant source for the remaining water right.

Application 82825 will NOT be advertised. This application proposes to change the place of use for water right 32-13263. The changes do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. The water rights are not being transferred from the property. There will be no changes to the point of diversion.

Please provide your comments within 21 days. If you have any questions, please contact Clay (208) 287-4910 or Alex (208) 287-4913. The documents will be scanned by the end of today.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

MEMORANDUM

Date: April 9, 2019
To: Transfer 82825
From: Alex Dalglish
Re: Legal Notice Not Required

Legal Notice Not Required
4/9/2019

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.

MEMORANDUM

Date: December 28, 2018
To: Transfer 82825
From: adalgleish
Re: Review & Evaluation of Sufficiency of Information

Purpose:

On October 30, 2018 the department received this application for L 1 Limited (LTD) Partnership to reconfigure irrigated acres. This transfer proposes changing the place of use (POU) for water right 32-13263.

POUs:

The place of use lies in the NE and SE quarters of Section 9, Township 08 North Range 33 East. The place of use will change slightly. This transfer reconfigures the acres in the NESE, SWSE, SESE and SENE quarter-quarters. Irrigation of 5 acres in the SWSE quarter-quarter and 1 acre in the SESE quarter-quarter will be reconfigured by retiring the pivot corners. Also 1 acre in the SENE quarter-quarter and 5 acres in the NESE will be reconfigured for the use of a mini pivot.

PODs:

There are two points of diversion for this water right. This transfer does not propose changing or adding a POD. Previous transfer 76691 added a POD to this water right (32-13263).

Authority to File:

This application was signed by LaVar Newman, who is a partner at L 1 Limited (LTD) Partnership. According to the 2018 Jefferson County tax lot data, L 1 LTD Partnership owns the property. There are no ownership concerns.

Water Right Validity:

The water right was partially decreed in the SRBA on February 22, 2002 with groundwater as the source. A review of aerial imagery indicates that irrigation use is consistent in the last 5 years. Forfeiture is not an issue.

Injury to Other Water Rights:

After the transfer, the water right record will more accurately reflect irrigation use. L1 LTD Partnership owns the land where the proposed change in POU is. There will not be an increase in irrigated acres. Various other water rights use the same two PODs for this water right. They are all owned by L1, L2 or L3 LTD Partnership, which are all in the same family and work together on their farms. George D. and Glen L. Hopkins own water right 32-2090 and it uses one of the same POD's as this transfer. This transfer is inside the ESPA. The POU transfers some acres from ESPA column 155 row 27 to column 156 row 27. The other transferred acres are moved within the same ESPA area, column 156 row 27. The watermaster in district 110 will assess this transfer and determine if injury to other water rights is anticipated. No injury is anticipated.

Enlargement of Use:

There will not be an increase in acres. The transfer will alter the POU slightly. The total amount of water proposed to be changed was incorrect on the application. The application stated that .08 cfs would be transferred. 12 acres are being transferred at a rate of 4.12 cfs annually with a total limit of 291 irrigated acres. At a rate of 4.12 cfs divided by 291 total acres multiplied by 12 acres changed produced .17 cfs to be transferred. Overlapping rights may be conditioned with appropriate combined limits.

Local Public interest:

There are no apparent issues with local public interest. Comments will be requested from the watermaster to identify any local public interest concerns IDWR will advertise the transfer.

Beneficial Use/Conservation of Water Resources:

This transfer appears to be consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

No adverse impacts are anticipated.

Effect on Agricultural Base of the Local Area:

The transfer shows no negative impacts on the local agriculture.