

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83127

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
MAR 27 2019
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 3B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) 7N Ranch

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 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: Well Driller's Report (Well Tag No. D0077807).

Name of Applicant(s) 7N Ranch Phone 208-589-7187
Mailing address 45 N. Newby Lane, Ririe, ID 83443 Email 7nranch@gmail.com

- 83 1 2 7

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	23-7143	0.1 cfs	Irrigation	4/1 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.24 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.1 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			SE	NW	31	04N	41E	JEFFERSON	GROUND WATER	D0077807

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	
04N	41E	31					2.6			3.4									6
Total Acres (for irrigation use)																			6

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:

Well into yet-to-be installed irrigation system.

- b. Who owns the property at the point(s) of diversion? 7N Ranch LLC (an affiliated entity of 7N Ranch).

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 will still be irrigated under existing surface water rights (Water Right Nos. 1-10520, 1-10026, and 1-10027).

Both the existing POU for 23-7143 and the PPOU described in this transfer are located within the existing place of use of Water Right Nos. 1-10520, 1-10026, and 1-10027.

- 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 Nos. 1-10520, 1-10026, and 1-10027

- 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

3/26/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 23-7143

Owner Type Name and Address

Current Owner 7N RANCH
45 N NEWBY RD
RIRIE, ID 83443
2085385097

Priority Date: 04/02/1990

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.2 CFS	
COMMERCIAL	01/01	12/31	0.04 CFS	
Total Diversion			0.24 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNW Lt 1 | Sec. 31 | Township 04N | Range 41E | JEFFERSON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	41E	31	1	NWNW	3	2	SWNW	7						

Place of Use Legal Description: COMMERCIAL JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	41E	31	1	NWNW		2	SWNW							

Total Acres: 10

Conditions of Approval:

1. Commercial use is for a miniature golf course, 30 unit RV park and a dinner theater.
2. The commercial use under this right shall not exceed 10.6 af per year.
3. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 35.0 af at the field headgate for the lands above.
4. 100 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
5. 105 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Dates:

Licensed Date: 02/05/2003

Decreed Date:

Permit Proof Due Date: 7/1/1993

Permit Proof Made Date: 7/19/1993

Permit Approved Date: 6/28/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 03/15/1990

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 100

Generic Max Rate per Acre: 0.02

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each **water right** listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 23-7143

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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✓ well upgrade fee

Attachment No. 7a Map

7N RANCH TRANSFER APPLICATION



**Attachment No. 7b
Map (GIS shapefile)**

***GIS shapefile will be emailed
to IDWR agent.***

7N RANCH TRANSFER APPLICATION



Attachment No. 1
Documentation Identifying
Officers Authorized to Sign

7N RANCH

7N Ranch is a business name for George Newby and his wife for the recreational property known as the 7N Ranch. For example, see the attached proof of beneficial use form submitted in conjunction with Water Right No. 23-7143 (listing "George Newby – 7N Ranch"). Mr. Newby recently formed 7N Ranch LLC to hold the property for the new 7N Ranch headquarters. Once this transfer is approved, the Newbys will determine how to best hold their property interests, including the water rights and prepare and record the appropriate legal instruments. It is anticipated that the water right ownership will match the underlying property ownership. For now, the portion of 23-7143 moved to the new headquarters location should remain in the name of 7N Ranch.

RECEIVED

JUL 19 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 100.00
Date 7-19-93
Receipt No. C028171
Receipt by CS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. P23-07143 Telephone No. 538-5097
2. Name(s) of Permit Holder(s): George Newby - TN Ranch
3. Mailing Address: 5156 E. Heise Rd. Ririe, Id. 83443
4. Source of Water: Groundwater

If GROUNDWATER, Well Driller's Name: Dennings Date Drilled: circa 7/15/90

OPTIONAL:

Pump horsepower: 7.5 Pressure (psi): 55 Dynamic pumping level (ft.): 27'

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (No. of acres) Other Commercial

6. Total rate and/or volume for which proof is submitted 24 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? ____ Yes ✓ No Installed? ____ Yes ✓ No

OR

Flow Measurement Port: Required? ____ Yes ✓ No Installed? ____ Yes 2 No

8. Fee Enclosed: \$ 100 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name George Newby Telephone No. 538-5097

Address 5156 E. Heise Rd.

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 5/15/93 Signature (and title, if on behalf of a company or organization) George Newby - Owner
AUG 25 1993

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No. W 188485		Due no later than Aug 31, 2018		Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. 7N RANCH LLC GEORGE NEWBY 39 PROFESSIONAL PLAZA REXBURG ID 83440		GEORGE NEWBY 45 N NEWBY LANE RIRIE ID 83443		3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
MEMBER	GEORGE NEWBY	45 N NEWBY LANE	RIRIE	ID	USA	83443	
5. Organized Under the Laws of: ID W 188485		6. Annual Report must be signed.* Signature: GEORGE NEWBY Name (type or print): GEORGE NEWBY Date: 06/18/2018 Title: MEMBER					
Processed 06/18/2018		* Electronically provided signatures are accepted as original signatures.					

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Attachment No. 4

Power of Attorney

[Search again](#)

Results (as of 3/18/19)

Robert Lynn Harris

Status

Active

Admittance Date

09/30/2004

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130

Idaho Falls, ID 83405

Phone

(208) 523-0620

Phone Ext**Fax**

(208) 523-9518

Bar Email Address

rharris@holdenlegal.com

Website Address

www.holdenlegal.com

Court eService Email

efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

Attachment No. 5

ESPA Analysis and Mitigation Plan

ESPA ANALYSIS

Per Transfer Memo No. 24, Part 12 is not necessary to run an ESPA analysis because the portion of 23-7143 being transferred is being moved to a point of diversion in the same model grid cell as the current point of diversion. The model cell is 73,181.

7N RANCH TRANSFER APPLICATION



Legend

- Current_23-7143_POD
- ▲ New POD
- RemainingPOUQQ
- PPOU by QQ
- Remaining 23-7143 POU
- Current_23-7143_POU
- PPOU
- modelgrid
- TR Lines
- Section Lines
- Quarter Quarters



2017 NAIP AERIAL PHOTO



Attachment No. 10

Other



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

March 27, 2019

RECEIVED
MAR 27 2019
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718

Re: 7N Ranch Application for Transfer for Portion of Water Right No. 23-7143.

Dear IDWR Agent:

Enclosed for processing is an Application for Transfer of Water Right that proposes to move a 5-acre portion of Water Right No. 23-7143 a short distance to the location of the new headquarters for the 7N Ranch located in Jefferson County. The transfer proposes to only move a 0.1 cfs portion of the irrigation component of 23-7143. Accordingly, based upon the Department's fee schedule, we have included a check in the amount of \$200 for an application of this amount.

Additionally, the proposed point of diversion for the transferred portion of 23-7143 will be diverted from a well that was drilled in late 2018 and is identified with metal tag number D0077807. As this well is now an irrigation well, we have included an additional \$125 filing fee for the drilling permit associated with this well.

Finally, as noted in the application documents, we have prepared GIS shapefiles for the permissible place of use and the new location of the well. We would be happy to email them to the IDWR agent assigned to this transfer upon an email request to me at rharris@holdenlegal.com. Further, simply as a housekeeping matter, please note the location of the well in our documents. The GPS location described on the well driller's log is slightly off from this location, and we believe that it would be appropriate to correct that well location on IDWR's database (the Well Finder Database).

We appreciate your attention to this matter. Please let me know if you have any questions or concerns.

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Established in 1896

IDWR
March 27, 2019
Page 2 of 2

Best regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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