

83078

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 06 2019

Department of Water Resources
Eastern Region

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) K Todd Shawver Phone 208-681-1110Mailing address 1272 W 600 S Pangua, Idaho 83222 Email ToddShawver@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 _____ 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.

K Todd Shawver
Signature of Applicant or Authorized Representative

K Todd Shawver owner
Print Name and Title if applicable

3/6/19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
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.2**.

Purchased water right and transferred to own well on site.

STATE OF IDAHO
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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 ☒ ☐	27-7524	1.71	Irrigation	4/01 to 10/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.71 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.71 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 #
No			NW	NE	11	03S	33E	Bingham	Ground water	

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	
03S	33E	2															26	36	62
03S	33E	11	34	39															73
03S	33E	12					11												11
Total Acres (for irrigation use)																			146

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:

Supplemental irrigation water right well on site.
measuring device will be installed before well use.

- b. Who owns the property at the point(s) of diversion? K Todd Shinnick Farms

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: Idaho Ag Credit Blackfoot call Katie Wallace

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 from purchased will no longer be covered
by the supplemental right.

- 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:

Domestic well for home.

- 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:

The supplemental water right has not ^{been} used recently because of
the stated right's use of having ~~enough~~ enough surface water
for crop needs and use. ~~It is not used for crop~~

1/15/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY A WRIGHT 673 W 300 S BLACKFOOT, ID 83221

Status: Active

Tributary

Sec. 24, Twp 03S, Rge 34E, BINGHAM 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
03S	34E	24		19.0	21.0 L2		34.0	18.0	18.0 L4	36.0 L3									146.0

POU Total Acres: 146.0

1.	079	This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
2.		This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 584.0 af for the lands above.
3.	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.
4.	065	The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5.	R26	This right when combined with all other rights shall provide no more than 4.0 afa per acre for irrigation of the lands above.
6.	049	The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/15/2019

Licensed Date: 6/30/1997
Water District Number: 120
Mitigation Plan: False

Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

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 rights(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:

Use of supplemental water right historically has been used occasionally over the life of the right's existence. A number of years the right has been used in accordance with rights ~~limitations~~ limitations. The supplemental right was only used after the surface water availability was ~~not~~ not available due to drought years. The water to where right is being transferred to is very reliable, Aberdeen Springfield Canal and has been very reliable in previous years. Water has been scarce almost not at all with regard to a small period of time late in a long season cropping year.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by <u>SC</u>	Date <u>3/6/19</u>	Preliminary check by _____	Date _____
Fee paid <u>580-</u>	Date <u>3/6/19</u>	Received by <u>SC</u>	Receipt # <u>E044757</u>
Add'l fee paid <u>\$25.</u>	Date <u>3/19/19</u>	Received by <u>JB</u>	Receipt # <u>E044782</u>

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



Legend

- 27-7524_POD
- POU_27-7524
- Parcels
- Township/Range
- Sections
- QQ

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

0 425 850 1,700 Feet

1 inch = 906 feet



Prepared By

Name: _____

Address: _____

State: _____ Zip Code: _____

After Recording Return To

Name: _____

Address: _____

State: _____ Zip Code: _____

Space Above This Line for Recorder's Use

IDAHO QUIT CLAIM DEED

STATE OF IDAHO

BINGHAM COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of _____ (\$ 500) in hand paid to Gary A Wright, a Farmer, residing at 673 W. 300 S., County of BINGHAM, City of Blackfoot, State of IDAHO (hereinafter known as the "Grantor(s)") hereby quitclaims to K Todd Shawver Farms, a Farmer, residing at 1272 W. 600 S., County of BINGHAM, City of Pingree, State of IDAHO (hereinafter known as the "Grantee(s)") all the rights, title, interest, and claim in or to the following described real estate, situated in BINGHAM County, Idaho to-wit:

Supplemental Surface Well Irrigation Water right :# WATER RIGHT NO. 27-7524 only.

[INSERT LEGAL DESCRIPTION HERE OR ATTACH AND INSERT]

To have and to hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.



Gary Avery Wright
Grantor's Signature
Gary Avery Wright
Grantor's Name
673 W. 30050
Address
Blackfoot Idaho 83221
City, State & Zip

K Todd Shawver
Grantor's Signature
K Todd Shawver
Grantor's Name
1272 W 6005
Address
Pinney, Idaho 83262
City, State & Zip

STATE OF IDAHO)

COUNTY OF Bingham)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gary Avery Wright whose names are signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, executed the same voluntarily on the day the same bears date.

Given under my hand this 10th day of January, 20 19.

Danielle Wootton
Notary Public



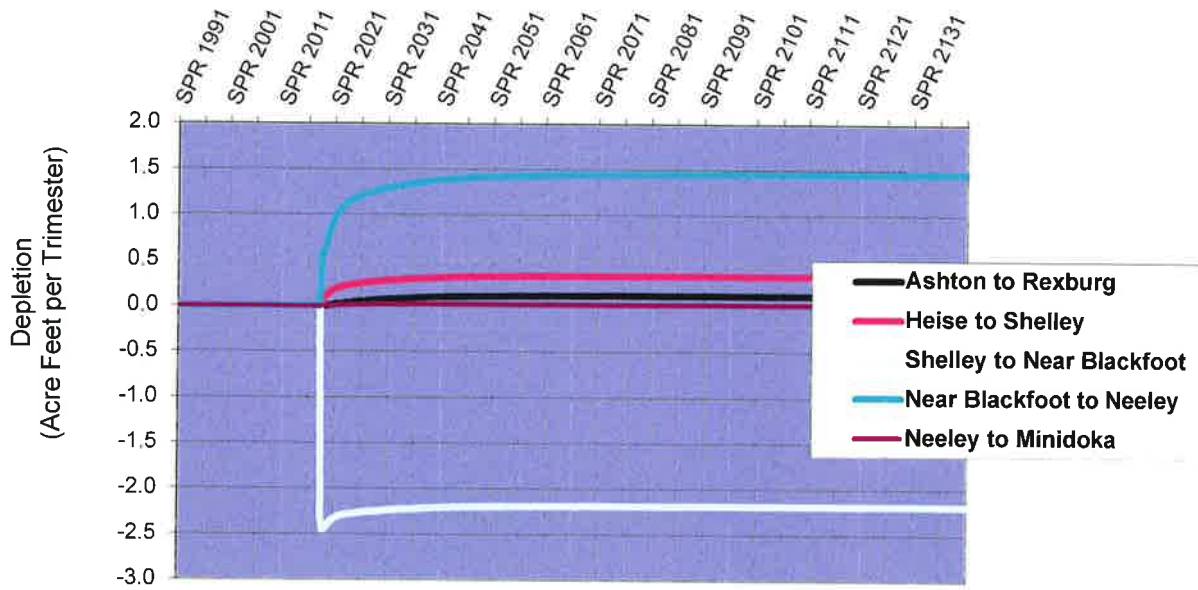
My Commission Expires: 03-26-2020
Residing in Blackfoot ID

Attachment #5

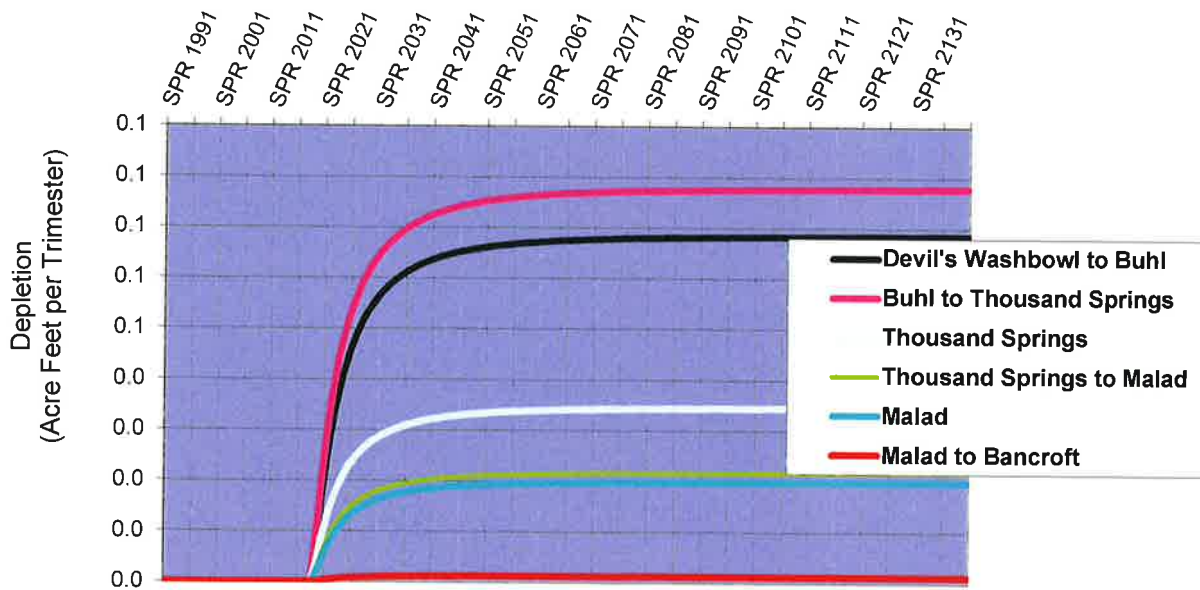
ENTER CELL LOCATIONS:				
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	78	83		
COLUMN	127	132		

TRIMESTER OF ACTIVITY	TO WELL Projected Use	FROM1 WELL		FROM2 WELL		FROM3 WELL	
		With Transfer	Without Transfer	With Transfer	Without Transfer	With Transfer	Without Transfer
		AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER	AF/TRIMESTER
SPR 1991	0	146	146	0	0	0	0
SUM 1991	0	146	146	0	0	0	0
WIN 1991	0	146	146	0	0	0	0
SPR 1992	0	146	146	0	0	0	0
SUM 1992	0	146	146	0	0	0	0
WIN 1992	0	146	146	0	0	0	0
SPR 1993	0	146	146	0	0	0	0
SUM 1993	0	146	146	0	0	0	0
WIN 1993	0	146	146	0	0	0	0
SPR 1994	0	146	146	0	0	0	0
SUM 1994	0	146	146	0	0	0	0
WIN 1994	0	146	146	0	0	0	0
SPR 1995	0	146	146	0	0	0	0
SUM 1995	0	146	146	0	0	0	0
WIN 1995	0	146	146	0	0	0	0
SPR 2017	0	146	146	0	0	0	0
SUM 2017	0	146	146	0	0	0	0
WIN 2017	0	146	146	0	0	0	0
SPR 2018	0	146	146	0	0	0	0
SUM 2018	0	146	146	0	0	0	0
WIN 2018	0	146	146	0	0	0	0
SPR 2019	146	0	146	0	0	0	0
SUM 2019	146	0	146	0	0	0	0
WIN 2019	146	0	146	0	0	0	0
SPR 2020	146	0	146	0	0	0	0
SUM 2020	146	0	146	0	0	0	0
WIN 2020	146	0	146	0	0	0	0
WIN 2137	146	0	146	0	0	0	0
SPR 2138	146	0	146	0	0	0	0
SUM 2138	146	0	146	0	0	0	0
WIN 2138	146	0	146	0	0	0	0
SPR 2139	146	0	146	0	0	0	0
SUM 2139	146	0	146	0	0	0	0
WIN 2139	146	0	146	0	0	0	0
SPR 2140	146	0	146	0	0	0	0
SUM 2140	146	0	146	0	0	0	0
WIN 2140	146	0	146	0	0	0	0

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



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



One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT		Model Node
Transfer 1: Proposed Steady State Impacts following Transfer								
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP068066
Transfer 1: Worst Case Transient State Impacts following Transfer								
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP082075
???	???	275.6	68.9	1/1/1960	8S26E-3	275.6	91.9	SP068066

#REF!

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Blckft	Nr Blckft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
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3.20	9.70	33.08	93.62	0.53	1.67	1.90	0.84	0.53	0.49	0.03
3.33	10.04	30.90	95.08	0.55	1.74	1.98	0.88	0.55	0.51	0.03
3.20	9.70	33.08	93.62	0.53	1.67	1.90	0.84	0.53	0.49	0.03
3.33	10.04	32.55	95.08	0.55	1.74	1.98	0.88	0.55	0.51	0.03

Steady State Analysis	Mitigation Check 1 - >10% of Historical:	3.8%	3.5%	-6.6%	1.6%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%
	#REF!	0.1	0.3	-2.2	1.5	0.0	0.1	0.1	0.0	0.0	0.0
	Mitigation Check 3 - >10% of Total:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Transient State Analysis	Mitigation Vol. Req'd (ac-ft):	0.1	0.3	-2.2	1.5	0.0	0.1	0.1	0.0	0.0	0.0
	Mitigation Check 1 - >10% of Historical:	3.8%	3.5%	-1.6%	1.6%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%
	#REF!	0.1	0.3	-0.5	1.5	0.0	0.1	0.1	0.0	0.0	0.0
	Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
	Mitigation Vol. Req'd (ac-ft):	0.1	0.3	-0.5	1.5	0.0	0.1	0.1	0.0	0.0	0.0

Read Me

83078