

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82854

RECEIVED

NOV 06 2018

Department of Water Resources
Eastern Region**MINIMUM REQUIREMENTS CHECKLIST**

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Cannon Shelley Property LP

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Cannon Shelley Property LP Phone 208-357-7787
Mailing address 1470 N 750 E, Shelley, ID 83274 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 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.

<u>Seth Cannon</u> Signature of Applicant or Authorized Representative	<u>Seth Cannon Partner</u> Print Name and Title if applicable	<u>10/31/18</u> 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. 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**.
3. 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 to accurately represent current irrigation under the pivot irrigation systems.
See Part 1A.3 for more information.

**Narrative to Support Transfers: A) Water Right 35-7934 and a Portion of 35-13523
B) Water Right 35-13523 Remaining**

Cannon Shelley Property Limited Partnership

Applicant is the owner of Water Rights 35-7934 and 35-13523 and the farms to which they pertain. Due to changes in irrigation on the farms in recent years, the distribution of water rights and irrigated acres has also changed. To update the water rights and ensure both farms are in compliance, two transfer applications are proposed.

Transfer A: Water Right 35-7934 and a Portion of 35-13523

Water right 35-7934 authorizes the irrigation of 253 acres in T4N R35E Section 25 S1/2 from a single well. It is proposed to increase the irrigable acres at this place of use to 274 acres, requiring water rights for an additional 21 acres to be transferred.

Water right 35-13523 pertains to 703.3 acres. Since 2013, the dairy operation has expanded into the irrigated acres under this water right in NWSE and SWSE of Section 31 T4N R36E, rendering at least 21 acres of the water right unused. It is proposed to split right 35-13523 and transfer 21 acres to be combined with water right 35-7934. The water right split is anticipated in the quantities shown in Table 1.

Table 1. Split of Water Right 35-13523

Water Right	acres	cfs	cfs/ac	afa	afa/ac
35-13523	703.3	9.12	0.013	2813.2	4
Split Portion for Transfer A	21	0.27	0.013	84	4
Remaining	682.3	8.85	0.013	2729.2	4

Filing fees for this transfer are based upon the change of 6 acres for water right 35-7934 and 21 acres of 35-13523, including a split. Table 2 below shows the place of use evaluation of water right 35-7934.

Table 2. Place of Use analysis for Transfer A

Section	QQQ	QQ	WRPOU	Proposed POU	Remove Acres	Add Acres
4N 35E 25	NE	SW	40	39	1	
	NW		40	35	5	
	SW		39	39		
	SE		39	39		
	NE	SE	18	31		13
	NW		36	39		3
	SW		21	26		5
	SE		20	26		6
			253	274	6	27

Transfer B: Water Right 35-13523 Remaining

After water right 35-13523 is split as proposed in Transfer A, the remaining acres authorized under the right will be reduced to 682.3 acres, with proportionate rate and volume. It is proposed in Transfer B to reconfigure the remaining acres, to be consistent with the irrigation system changes that have taken place, including removal of end guns and corner swing arms and the installation of mini pivots. Total irrigated acres will not change at the place of use for the remaining portion. Analysis of the proposed changes shows that 20 acres are anticipated to be changed by this transfer. Table 3 shows the acreage evaluation, which also considers the split proposed in Transfer A.

Filing fees for this transfer have been calculated based on a transfer of 20 acres, or 0.26 cfs.

Table 3. Place of Use analysis for Transfer B

Section	QQQ	QQ	WRPOU	Trans A Split	Remaining Ac	Proposed POU	Add Acres	Remove Acres
3N 36E 6	NE	NE	31.2		31.2	31.5	0.3	
	NW		32.9		32.9	34.6	1.7	
	SW		35.6		35.6	38.3	2.7	
	SE		37.6		37.6	37.4		
								0.2
	NE	NW	35.5		35.5	36.2	0.7	
	NW		34.9		34.9	35.8	0.9	
	SW		34.7		34.7	36.9	2.2	
	SE		34.5		34.5	38.5	4	
	NE	SW	39.4		39.4	40	0.6	
	NW		31		31	30.5		
	SW		37.8		37.8	33.8		
	SE		37.2		37.2	34		
	NE	SE	39		39	38.2		
	NW		39.5		39.5	39.4		
	SW		37		37	35.3		
	SE		36.4		36.4	33.9		
4N 36E 31	SW	SW	3.9		3.9	5.1	1.2	
	SE		5.3		5.3	5.1		
	NE	SE	36.9	11	36.9	39.2	2.3	6.8
	NW		23.6		12.6	5.8		
	SW		24		14	15.2	1.2	
	SE		35.4		35.4	37.6	2.2	
			703.3	21	682.3	682.3	20	20

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 ☒ ☐	35-13523	8.85 cfs	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.85 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.26 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	
3N	36E	6	31.5	34.6	38.3	37.4	36.2	35.8	36.9	38.5	40	30.5	33.8	34	38.2	39.4	35.3	33.9	574.3
4N	36E	31											5.1	5.1	39.2	5.8	15.2	37.6	108
Total Acres (for irrigation use)																			682.3

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:

Diversion system currently includes one well with pump to mainline and pivots and existing measuring device and lockable controlling works.

- 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 proposed to be transferred in this application has recently been retired when the system was reconfigured.

- 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 rights at the proposed or existing POD/POU for irrigation purposes.

- 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:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

9/27/2018

WATER RIGHT NO. 35-13523

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANNON SHELLEY PROPERTY LTD 1470 N 750 E SHELLEY, ID 83274 2083577787
Original Owner	DON C ARCHIBALD 153 E MAIN PO BOX 16 RIGBY, ID 83442 2087456600

Priority Date: 08/08/1983

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	9.12 CFS	2813.2 AFA
Total Diversion			9.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESWNW|Sec. 06|Township 03N|Range 36E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

82854

<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>
03N	36E	6	1	NENE	31.2	2	NWNE	32.9		SWNE	35.6		SENE	37.6
			3	NENW	35.5	4	NWNW	34.9		SWNW	34.7		SENW	34.5
				NESW	39.4		NWSW	31		SWSW	37.8		SESW	37.2
				NESE	39		NWSE	39.5		SWSE	37		SESE	36.4
04N		31	4	SWSW	3.9		SESW	5.3						
				NESE	36.9		NWSE	23.6		SWSE	24		SESE	35.4

Total Acres: 703.3

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
3. 214 Prior to the diversion and use of water under Transfer approval 79438, 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. 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: 01/31/2002

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:

Water District Number: 120

82854

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

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

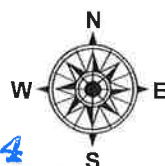
82854



Legend

- WR POD 35-13523
- Proposed POU 35-13523
- Twp & Rng
- Section
- QQ

82854



Proposed Place of Use

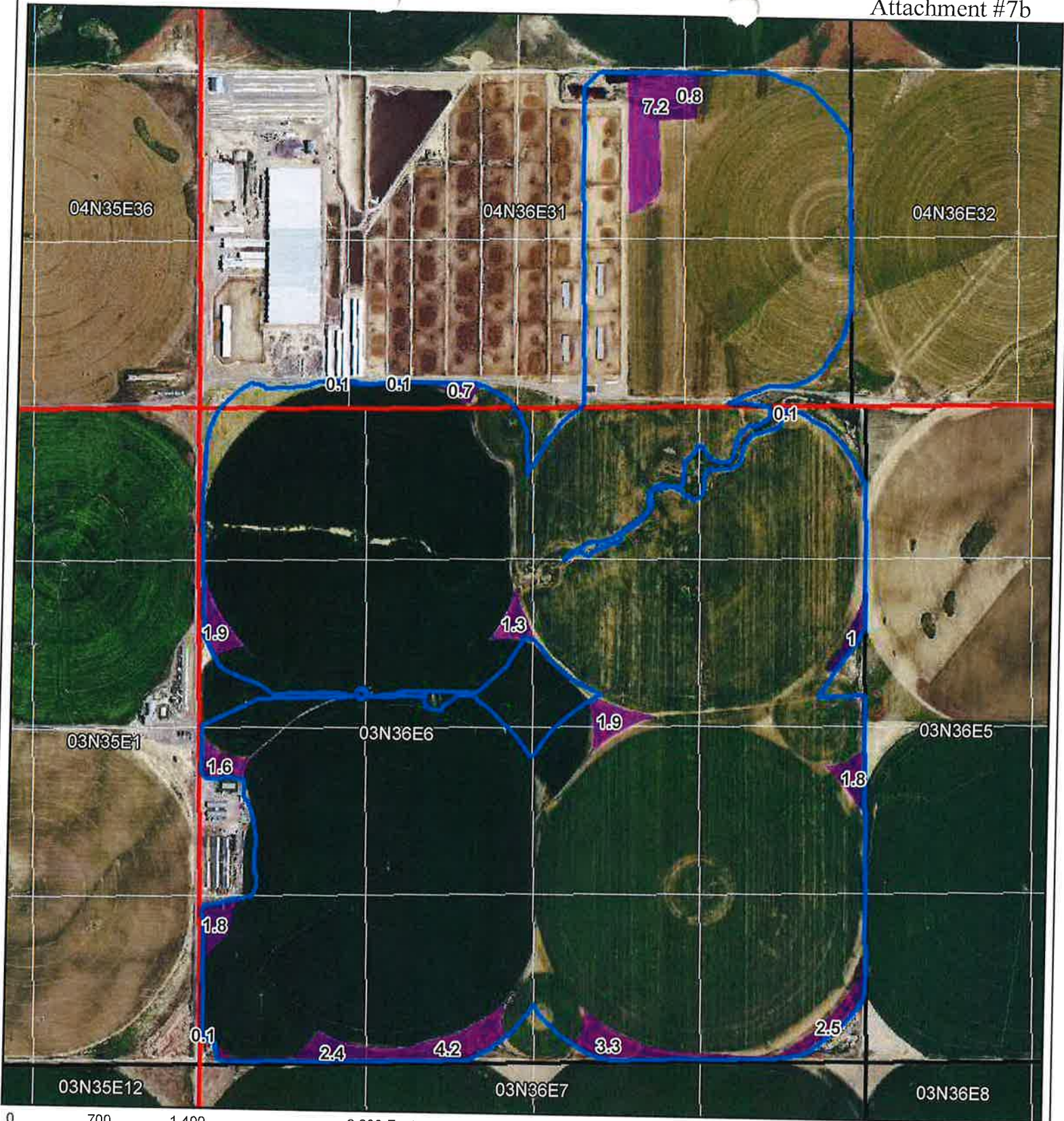
Cannon Shelley Property LP

RMEA #14-0042

by: KM

Date: 10/9/2018



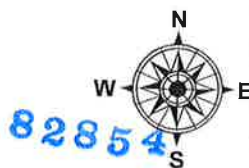


0 700 1,400 2,800 Feet

2017 Aerial Photography

Legend

- WR POD 35-13523
- Twp & Rng
- WR POU 35-13523
- Section
- Retired Acres
- QQ



Existing Place of Use

Cannon Shelley Property LP

RMEA #14-0042

by: KM

Date: 10/9/2018

