

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 07 2018
Department of Water Resources
DIVERSION Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Chad and Jane Barnes; Craig Bloxham Phone _____

2. MAILING ADDRESS 22284 N. Main City Downey

State ID Zip 83234 Email

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-14115 and 29-14031

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.4 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. 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:

A splitter structure will be placed at head of spring channel (like in att. photo) below the spring pool that will split the applicants' portion of water into a headgate and pipe intake that will connect to applicants' current intake.

- b. Who owns the property at the point(s) of diversion? Kevin Koester

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Applicants have received verbal authorization from Koester, and anticipated written authorization will be obtained.

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris
Signature of applicant or authorized agent

Robert L. Harris
Print name and title if applicable

August 7, 2018
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 580.00 Date 8/2/18

Received by SL Receipt # E044274

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

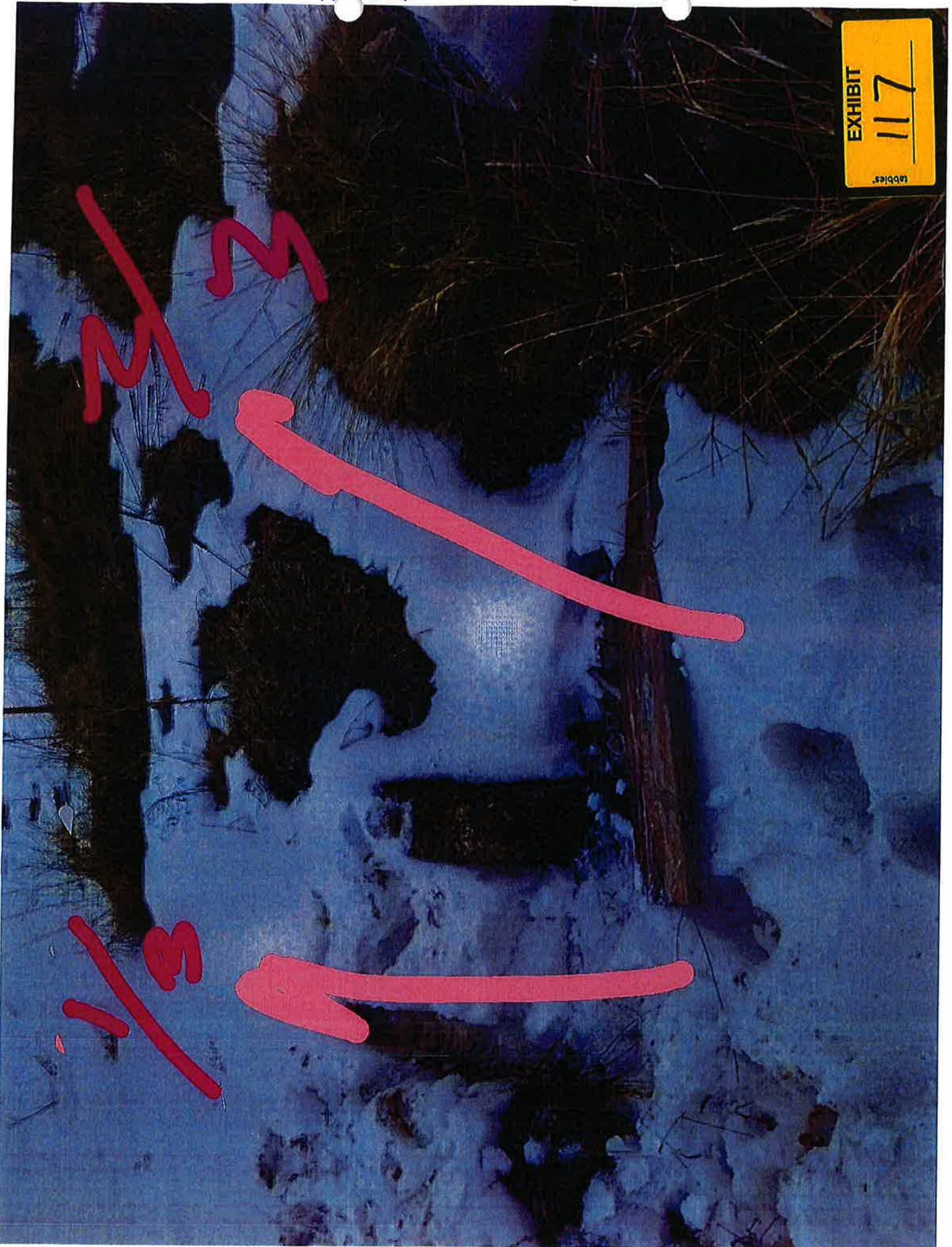
(Do NOT scan the W-9 – confidential information is held by fiscal only)

SPLITTER SIGNATURE

EXHIBIT

117

tabbies



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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/7/2018

WATER RIGHT NO. 29-14115

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHAD BARNES 22284 N MAIN DOWNEY, ID 83234 2083178546
Current Owner	R JANE BARNES 22284 N MAIN EXTENSION DOWNEY, ID 83234

Priority Date: 05/19/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.24 CFS	
STOCKWATER	01/01	12/31	0.03 CFS	
Total Diversion			1.24 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|SWSENW|Sec. 14|Township 11S|Range 37E|BANNOCK County

IRRIGATION Use:
Acre Limit: 62.3

Place(s) of use:

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Place of Use Legal Description: IRRIGATION BANNOCK 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>
11S	37E	15		NESE	1.1		SWSE	2.8		SESE	40			
		22		NENE	24		NWNE	5.3						

Place of Use Legal Description: STOCKWATER BANNOCK 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>
11S	37E	15		NESE			SWSE			SESE				
		22		NENE			NWNE							

Total Acres: 73.2

Conditions of Approval:

1. K06 This right is limited to the irrigation of 62.3 acres within the place of use described above in a single irrigation season.
2. X35 Rights 29-14114 and 29-14115 when combined shall not exceed a total diversion rate of 1.47 cfs and the irrigation of 73.2 acres.
3. E62 This right when combined with Right No. 29-14114 shall provide no more than .02 cfs per acre.
4. B01 Source is also known as Spring Creek.
5. N05 The quantity of water under rights 29-14031, 29-14115 and 29-14032 when combined for stockwater use shall not exceed 13,000 gallons per day and a diversion rate of 0.03 cfs.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. 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.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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

Water District Number: 29H

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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Combined Acres Limit: 73.2

Combined Volume Limit:

Combined Rate Limit: 1.47

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

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/7/2018

WATER RIGHT NO. 29-14031

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CRAIG V BLOXHAM 20862 S CAMBRIDGE RD DOWNEY, ID 83234 2088975666
Current Owner	VERN C BLOXHAM 494 N MAIN PO BOX 227 DOWNEY, ID 83234 2088975666

Priority Date: 05/19/1920

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.16 CFS	
STOCKWATER	01/01	12/31	0.03 CFS	
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM|SWSENW|Sec. 14|Township 11S|Range 37E|BANNOCK County

IRRIGATION Use:

Acre Limit: 7.8

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK 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>
11S	37E	15		SWSE	6									
		23		NWNW	3.2									

Place of Use Legal Description: STOCKWATER BANNOCK 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>
11S	37E	15		SWSE										
		23		NWNW										

Total Acres: 9.2

Conditions of Approval:

1. K06 This right is limited to the irrigation of 7.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 29-14029 and 29-14031 when combined shall not exceed a total diversion rate of 0.18 cfs and the irrigation of 9.2 acres.
3. E62 This right when combined with Right No. 29-14029 shall provide no more than .02 cfs per acre.
4. B01 Source is also known as Spring Creek.
5. N05 The quantity of water under rights 29-14031, 29-14115 and 29-14032 when combined for stockwater use shall not exceed 13,000 gallons per day and a diversion rate of 0.03 cfs.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.
7. C18

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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: Or

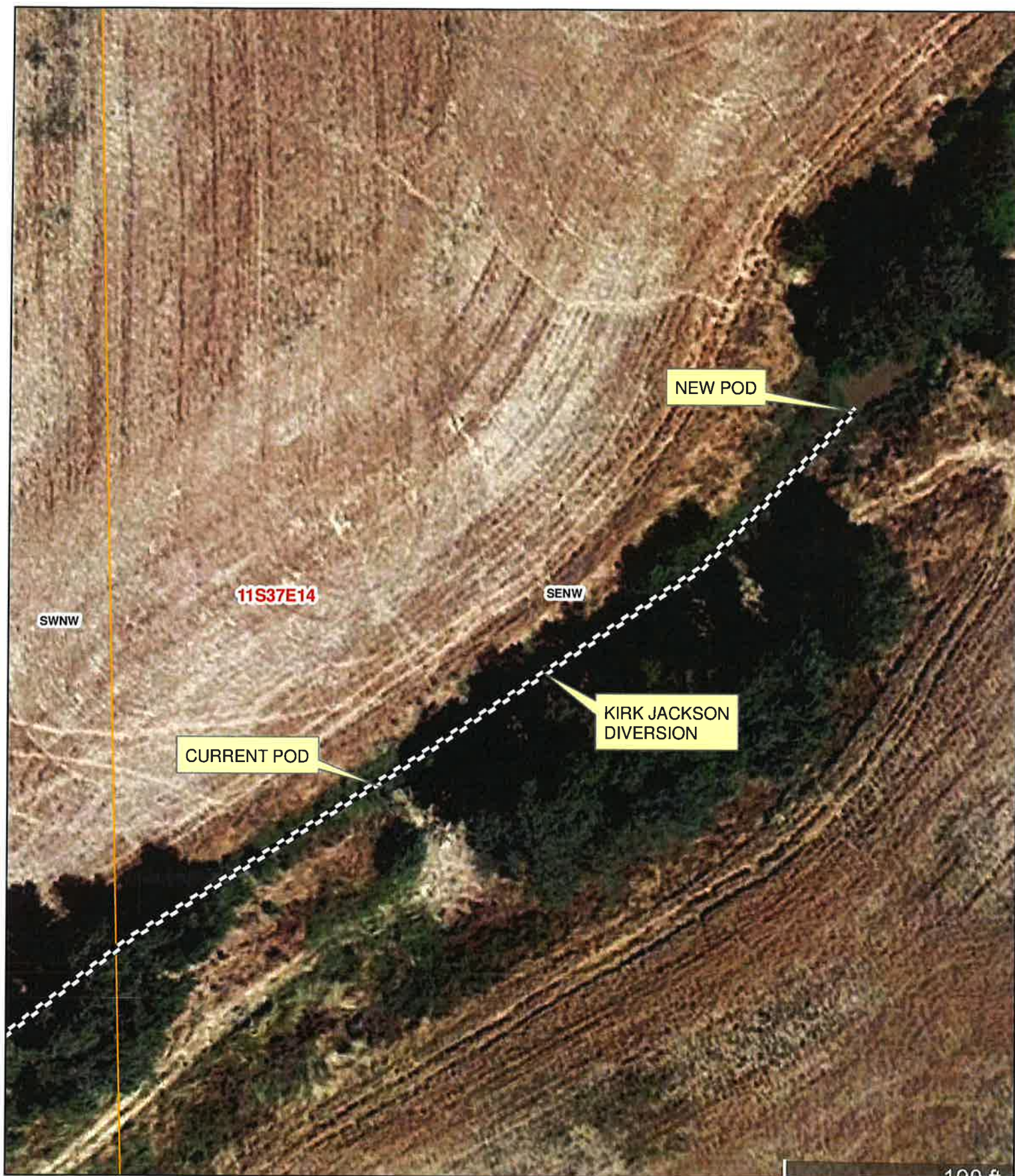
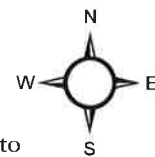
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Water District Number: 29H
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit: 9.2
Combined Volume Limit:
Combined Rate Limit: 0.18
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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BARNES/BLOXHAM TRANSFER

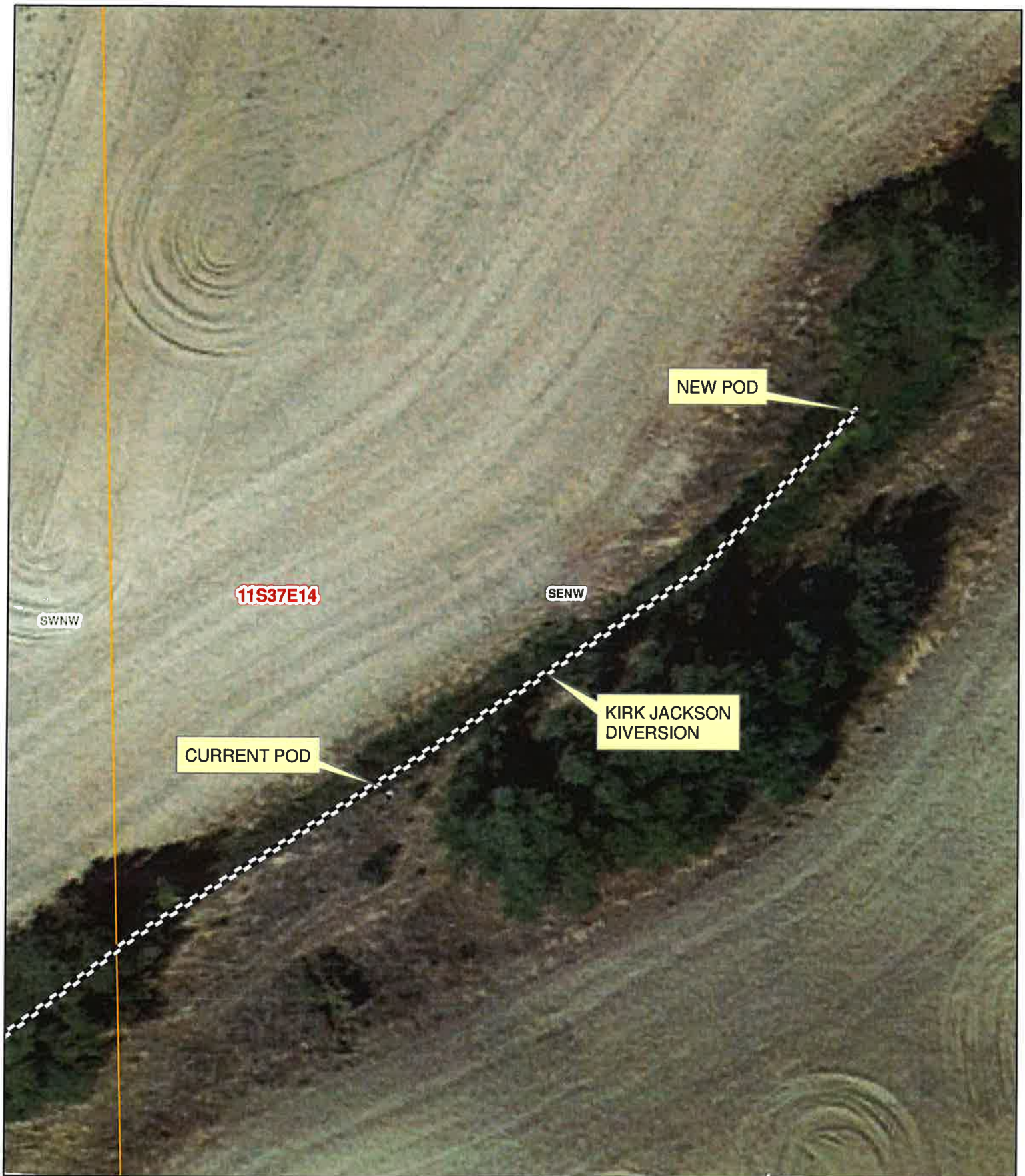
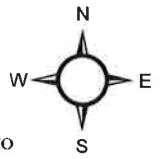
Prepared by:
Robert L. Harris
8/7/2018
2016 Google Earth Aerial Photo



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BARNES/BLOXHAM TRANSFER

Prepared by:
Robert L. Harris
8/7/2018
2012 Google Earth Aerial Photo



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[Search again](#)

Results (as of 7/20/18)

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

rharris@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.

Current Status Definitions

Disciplinary History

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Former Members

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.