

RECEIVED
MAY 24 2018
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82396

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 www.idwr.idaho.gov.

Name of Applicant(s) Bannock County

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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Bannock County Phone (208) 236-7210

Mailing address 624 E. Center St. Room 101, Pocatello, ID 83201 Email commission@bannockcounty.

- ☐ 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.

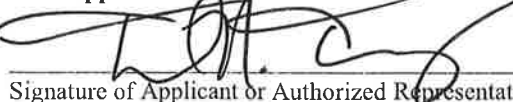
☐ No Representative

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.


Signature of Applicant or Authorized Representative

Terrel N. Tovey, Commissioner
Print Name and Title if applicable

5/24/2018
Date


Signature of Applicant or Authorized Representative

Steve Brown, Commissioner
Print Name and Title if applicable

5/21/18
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**.
See the attached response

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 ☒ ☐	29-7329	0.82	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	29-7972	0.39	Irrigation	04/01 to 10/31	Groundwater
☐ ☐		.09	Diversion to Storage	01/01 to 12/31	Groundwater
☐ ☐		11.2 ac-ft	Recreation Storage	01/01 to 12/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.3 cfs and/or acre-feet.

2. Total amount of water proposed to be transferred or changed 0.24 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	
06S	34E	12					25	17		9.1	7.8	2.2							61.1
							L3	L4		L6	L11	L12							
06S	34E	12						RS											
Total Acres (for irrigation use)																			61.1

STATE OF IDAHO
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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:

See the attached response

- b. Who owns the property at the point(s) of diversion? Bannock County

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:

See the attached response

- 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:

See the attached response

- 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
Proof Report

5/24/2018

Water Right 29-7329

Owner Type **Name**
Current Owner BANNOCK COUNTY
Priority Date: 5/12/1976
Basis: Decreed
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.820 CFS	143.5 AF
	Total Diversion		0.820 CFS	143.5 AF

Source and Point(s) of Diversion

GROUND WATER L5(SWNW) Sec. 12, Twp 06S, Rge 34E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

T06S R34E S12 L3	NENW	24.0
T06S R34E S12 L4	NWNW	16.5
T06S R34E S12 L5	SWNW	4.0
T06S R34E S12 L11	NESW	5.0
T06S R34E S12 L12	NWSW	11.6
Right Acre Limit:		41.4
POU Total Acres:		61.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 41.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 29-7329 and 29-7972 when combined shall not exceed the irrigation of 61.1 acres.
3. X35 Rights 29-7329, 29-7972 and 29-13466 when combined shall not exceed a total diversion rate of 1.85 cfs.
4. 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.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year 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

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Proof Report

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point in time no later than the entry of the final unified decree.

Dates and Other Information

Decreed Date: 3/22/2004

State or Federal: S

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/24/2018

Water Right 29-7972

Owner Type **Name**
Current Owner BANNOCK COUNTY
Priority Date: 5/5/1990
Basis: License
Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	0.390 CFS	78.8 AF
RECREATION STORAGE	1 /1	12/31		11.2 AF
DIVERSION TO STORAGE	1 /1	12/31	0.090 CFS	
Total Diversion			0.480 CFS	90.0 AF

Source and Point(s) of Diversion
GROUND WATER L5(SWNW) Sec. 12, Twp 06S, Rge 34E, BANNOCK County

Place Of Use
RECREATION STORAGE within BANNOCK County
T06S R34E S12 L4 NWNW

IRRIGATION within BANNOCK County

T06S R34E S12 L3	NENW	24.0
T06S R34E S12 L4	NWNW	16.5
T06S R34E S12 L5	SWNW	4.0
T06S R34E S12 L11	NESW	5.0
T06S R34E S12 L12	NWSW	11.6
Right Acre Limit:		19.7
POU Total Acres:		61.1

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 79145, the right holder shall rent water from the Water Supply Bank to facilitate the initial filling of the pond.
2. 219 Right 29-7972 authorizes the diversion of an annual total of 11.2 acre-feet to be used for the replacement of losses caused by evaporation from the recreation pond.
3. 220 The pond established by the storage of water under this right shall not exceed a total capacity of 14.2 acre-feet or a total surface area of 5.3 acres.
4. X27 This right is limited to the irrigation of 19.7 acres within the authorized place of use in a single irrigation season.
5. X35 Rights 29-7329 and 29-7972 when combined shall not exceed the irrigation of 61.1 acres.
6. X35 Rights 29-7329, 29-7972 and 29-13466 when combined shall not exceed a total diversion rate of 1.85 cfs.
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

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8. R64 possession, waiver, equitable estoppel, estoppel by laches or customary preference. 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.
9. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 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.

Dates and Other Information

Licensed Date: 1/31/1997

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

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.

In 2014, Bannock County transferred the place of use from the soccer field area to facilitate the unknown quantities of use in the "to-be" created Portneuf Wellness Complex Pond and associated grass/irrigated areas. The soccer fields were irrigated with a City of Pocatello summer waterline which has heretofore been paid at an "out-of-city" water rate per 1,000 gallons. This cost has continued to rise over the years and in the best effort to keep budget costs down, Bannock County wishes to irrigate with the well water from water rights 29-7972 and 29-7329. The piping is in place and the connection is ready to be made once the POU transfer is approved. The City of Pocatello has agreed to provide water supply for the 2018 irrigation season although it is the intent of Bannock County to connect to the well immediately upon transfer approval. Bannock County is proposing to "dry up" 12.02 acres of property (depicted in yellow on Map labeled Attachment #7b) connected to the well and within the 2014 approved POU which is currently receiving and will continue to receive water supply from the City of Pocatello's water system.

Part 5 - General Information:

5a. 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:

The existing well is fitted with a digital flow meter to measure maximum diversion rate and total volume diverted (AFA).

5e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to the transfer:

The land identified in Attachment 7B, in yellow, is property either currently connected to City of Pocatello water utility or areas of property the Board of County Commissioners and Bannock County Event Staff plan to dry up and no longer irrigate. The transfer of 0.08 cfs from right 29-7972 and 0.16 cfs from 29-7329 attributed to the 12.02 acres will have no effect on the property.

The Bannock County soccer fields (identified in Attachment 7B in red) have, since 2014, been irrigated with City of Pocatello water. However, it is not only in the best interests of the County to irrigate the soccer fields with the desired well water because of availability, but also for the City of Pocatello. The County recently learned there could be a redundancy shortage for municipal water services in the Highland area and with potential major growth in the North end of the County, Bannock County suggested transferring the POU from the current municipal service maintained areas of property to the soccer fields which use on average 1.424e+7 gallons per irrigation season. The calculations herein substantiate the flows required for irrigation use on the 12.02 acres of soccer field property.

5f. 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 existing and proposed point(s) of diversion and place(s) of use:

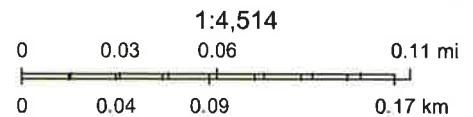
The use of water right numbers 29-7972 and 29-7329 are irrigation and will remain irrigation under this request for transfer of the POU.

ArcGIS Web Map



May 21, 2018

- ALL WR DIVERSIONS
- ESPA Model Outline



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Bannock County GIS Department

Current as of: 5/17/2018

Water Rights Transfer Bannock County Fairgrounds and Event Center

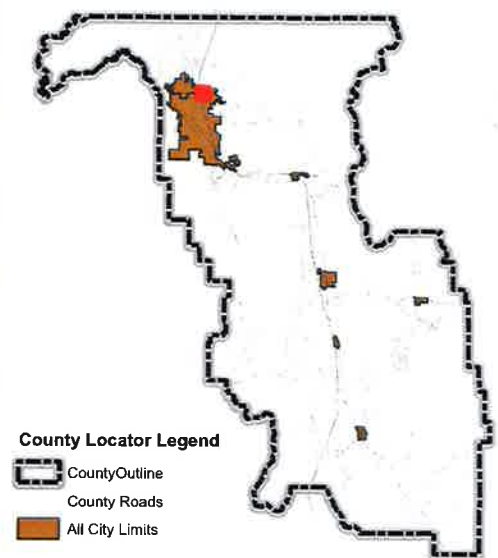
Attachment #7b

Legend

- Current Rights
- Transfer Rights
- No Action
- City Limits

Current	Acres
A	1.04
B	0.35
C	1.80
D	8.13
E	0.26
F	0.27
G	0.16
Total	12.02

Transfer	Acres
H	3.00
I	9.02
Total	12.02



County Locator Legend

- County Outline
- County Roads
- All City Limits