

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82374

RECEIVED

MAY 02 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 www.idwr.idaho.gov.

Name of Applicant(s) Randy Pehrson

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 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: _____

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DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Randy Pehrson Phone (208) 589-7417
Mailing address 4445 Beaverland Ln, Mackay, ID 83251 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.

Randy Pehrson Randy Pehrson 5-1-18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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**.
Applicant proposes to transfer water right to a separate farm. This will reduce ground water pumping required at the proposed location. See attached narrative for more information.

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 ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	34-10236	2.0 cfs	Irrigation	5/01 to 10/15	Big Lost River
		0.02 cfs	Stockwater	1/01 to 12/31	Big Lost River

Total authorized under rights 2.0 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.0 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 #
			SW	NE	33	7N	24E	CUSTER	BIG LOST RIVER	DARLINGTON DITCH

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	
6N	24E	2									38	34	37.5	37					146.5
		11			10	19	2	3							40	40	27	25.5	166.5
Total Acres (for irrigation use)																			313

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:

Proposed location currently receives water from the Big Lost River through the Darlington Ditch. Water will be conveyed through the existing diversion and irrigation system for the proposed POU: Darlington Ditch to mainline to pivots and irrigation system.

- b. Who owns the property at the point(s) of diversion? Marvin M Smith and Janet K Smith

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing diversion location for multiple water rights.

- 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 existing POU will continue to be irrigated with remaining surface and ground water rights and storage water.

- 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:

At existing POU there are overlapping water rights used in combination. See attached Narrative Part 1A.2 for more detail. At proposed POU there are also similar overlapping water rights 34-7182, 34-10933, 34-10955.

- 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

4/26/2018

WATER RIGHT NO. 34-10236

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PEGGY PEHRSON
Current Owner	RANDY D PEHRSON 3754 W 4050 N MOORE, ID 83255 2085882532

Priority Date: 05/30/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2 CFS	
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

IRRIGATION Use:

Acre Limit: 100

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2	2	NWNE	40.5		SWNE	35						
			3	NENW	39.5		SWNW	34		SENE	35			
				NESW	39		SESW	39						
				NWSE	40		SWSE	40						
		11		NWNE	40		SWNE	38						
				NENW	39		SENE	37						

Place of Use Legal Description: STOCKWATER BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2		SWNE										
				SWNW			SENE							

Total Acres: 496

Conditions of Approval:

1. Use of this right with right nos. 34-13874, 34-727B and 34-13571 is limited to a total combined diversion rate of 3.80 cfs.
2. Use of this right with rights listed below is limited to a total combined diversion rate of 14.05 cfs. Combined right nos.: 34-00550B, 34-00551B, 34-02407, 34-07160, 34-727B, 34-10238, 34-13874, 34-13570 and 34-13571.
3. Use of this right with the rights listed below is limited to the irrigation of a combined total of 496 acres in a single irrigation season. Combined right nos.: 34-00550B, 34-00551B, 34-02407, 34-07160, 34-727B, 34-10238, 34-13874, 34-13570 and 34-13571.
4. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
5. N15 The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
9. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the director of the Idaho Department of Water Resources.
10. Water is delivered through the Burnett Ditch.
11. This right is a combination of old right nos. 34-00729 and 34-00724.
12. 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: 06/22/2001

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
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 496
Combined Volume Limit:
Combined Rate Limit: 14.05
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

Narrative in Support of Transfer Application

Randy Pehrson

Applicant currently owns two properties near Mackay that both receive water for irrigation from the Big Lost River and ground water. The purpose of this transfer is to relocate senior surface water right 34-10236 from property located in Sections 2 and 11, T6N R25E to property located in Sections 2 and 11, T6N R24E. Approval of this transfer will result in reduced ground water pumping at the proposed location and the use of additional storage water at the former ("Existing") location.

Existing Location

Water Right 34-10236 is currently located in Sections 2 and 11 of T6N R25E on a permissible place of use of 496 acres. Other associated water rights on the property include those listed in Table 1 and include rights diverted from Pass Creek, Big Lost River and ground water. Big Lost River rights are diverted through the Burnett Ditch.

Table 1: Water Rights in Existing Permissible Place of Use

WR #	Priority	Source	cfs	Ac Limit	Combined Limits	
34-13570	5/1/1970	Pass Creek	1.5	462	462 ac 5 cfs 1617 af	496 ac 14.05 cfs
34-551B	5/8/1907	Pass Creek	1.5	75		
34-550B	2/3/1903	Pass Creek	2.5	125		
34-10238	6/1/1883	Pass Creek	1	160		
34-727B	6/1/1883	Pass Creek	0.8	40	3.8 cfs	
34-10236	5/30/1885	Big Lost River	2	100		
34-13874	7/21/1886	Big Lost River	1	50		
34-13571	5/1/1971	Big Lost River	2	496		
34-2407	3/27/1961	Ground Water	3.33	306		
34-7160	2/21/1981	Ground Water	1.92	156		

The combined limit of 5 cfs for water rights 34-13570, 34-551B, 34-550B, and 34-10238 was derived by the addition of the senior water rights of the group. Junior water right 34-13570, with a 1970 priority was not considered because it is unlikely to contribute a meaningful amount. Likewise, right 34-13571 (combined with rights 34-727B, 34-10236, and 34-13874) is unlikely to contribute additional diversion rate based upon its 1971 priority. The combined limit of 14.05 cfs was derived by a summation of diversion rate limitations of the surface water rights plus the ground water diversion rates.

By removing water right 34-10236 from this group of rights (Table 1), it is anticipated that combined use limitations can be reduced by 2.0 cfs. Rights 34-727B, 34-13874, and 34-13571 would then be limited in combination to 1.8 cfs and the entire remaining group would be limited to 12.05 cfs.

Approval of this transfer will reduce the amount of natural flow surface water available to the existing place of use. However, storage water would be made available to supplement reduced natural flows. It is anticipated that any increase in ground water pumping at the "Existing" location would be offset by reduced pumping at the "Proposed" location resulting in no net increase in ground water use.

The place of use for associated rights at both locations will remain the same after this transfer.

Proposed Location

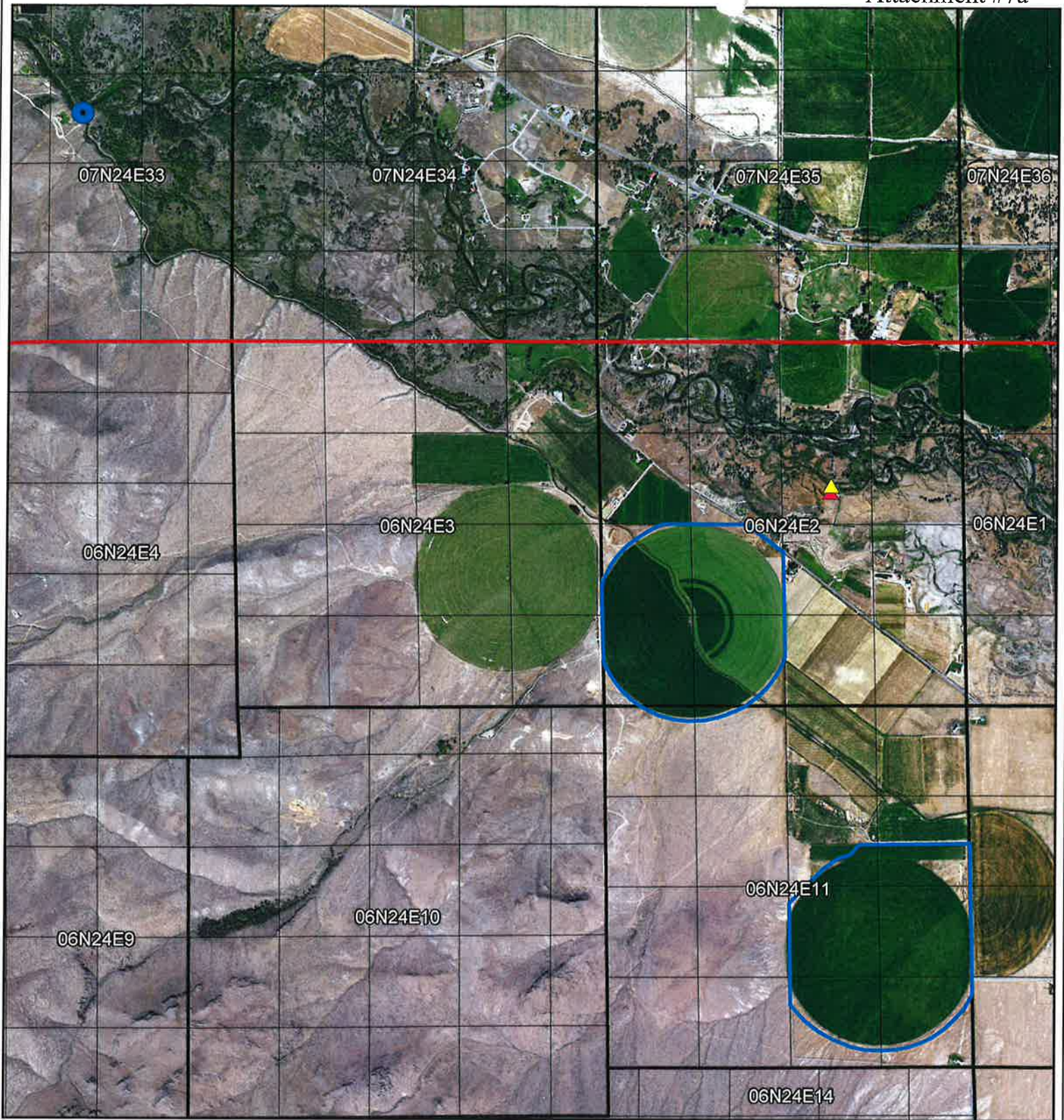
The proposed place of use will overlap water rights listed in Table 2, including rights diverted from the Big Lost River and ground water. Currently, the ground water right 34-7182 is injected into the Big Lost River near the property and re-diverted into the Darlington Ditch and comingled with other rights from the Big Lost River for conveyance to the property. Upon approval of this transfer, right 34-10236 would also be diverted through the Darlington Ditch. However, the previous ground water diversion into the Darlington Ditch will be reduced proportionately to the amount of the newly transferred surface water right. Overall, diversions through the Darlington Ditch will remain unchanged, except more will be accounted to natural flow rights and less to a ground water re-diversion.

Table 2: Water Rights in Proposed Permissible Place of Use

WR #	Priority	Source	cfs	Ac Limit	Combined Limits
34-10933	4/22/1884	Big Lost River	1.63	81.4	313 ac 1095.5 afa
34-10950	5/31/1884	Big Lost River	0.72	36	
34-7182	4/18/1977	Ground Water	3.68	313	

The Darlington Ditch is located about 0.7 mile upstream of the Burnett Ditch. There are no other diversions between these two headgates. No other users are anticipated to be impacted by this change.

Overall acreage at the proposed place of use will not exceed 313 acres. No new irrigated acres are proposed in this transfer.

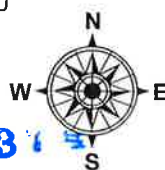


0 0.25 0.5 1 Miles

2015 Aerial Photography

Legend

-  Proposed POD - Darlington
-  Proposed POU
- WR POD 34-7182**
-  Injection
-  Diversion
-  Twp & Rng
-  Section
-  QQ



Proposed POU/POD

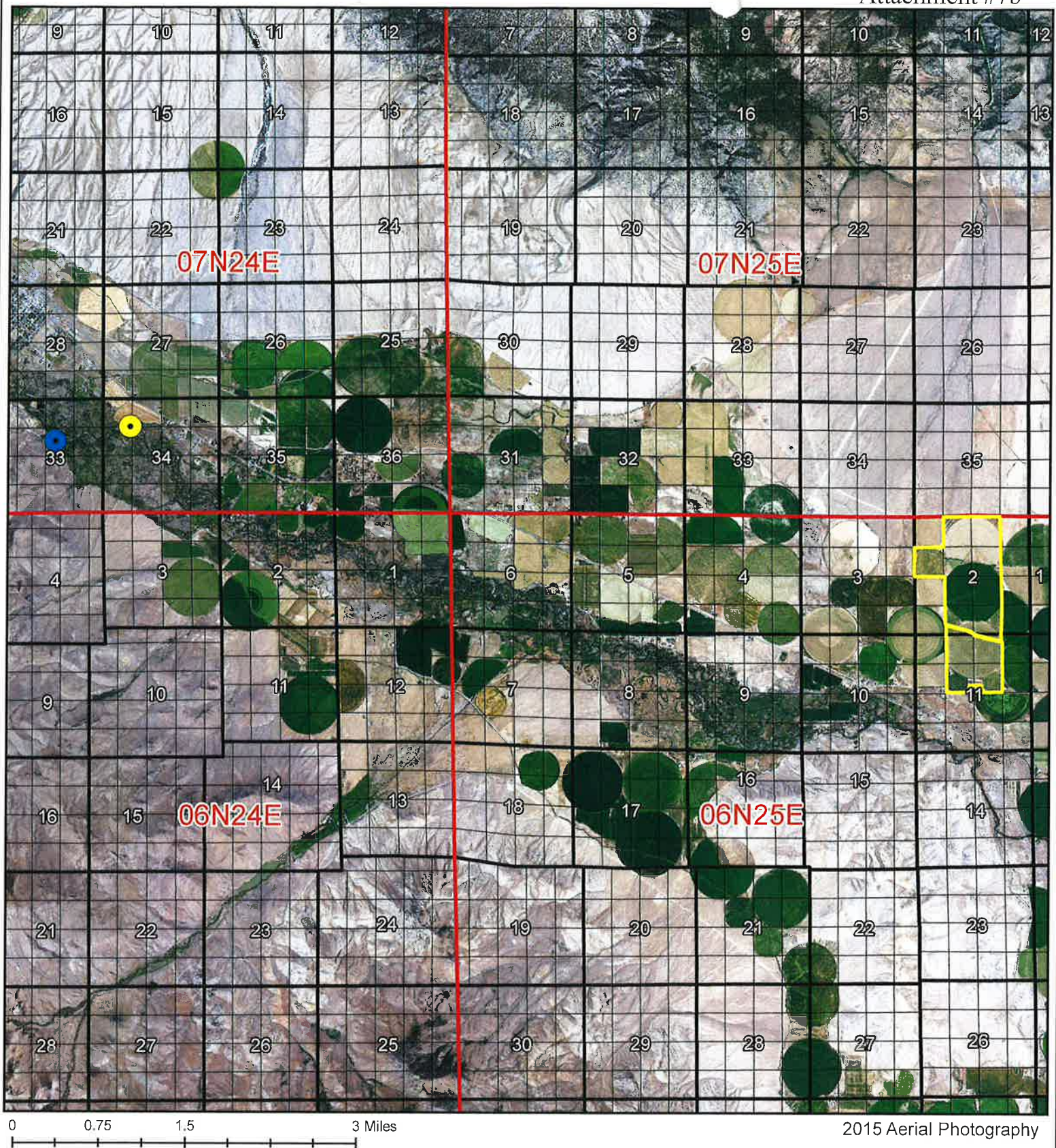
Randy Pehrson

RMEA #18-0056

by: KM

Date: 4/26/2018

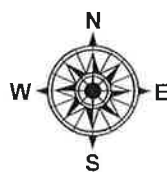




Legend

-  Proposed POD - Darlington
-  Burnett Ditch
-  WR POD 34-10236
-  Twp & Rng
-  Section
-  QQ

82374



Existing POU/POD Randy Pehrson

RMEA #18-0056

by: KM

Date: 4/26/2018

