

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

MAR 14 2018

Department of Water Resources
Eastern Region

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) Bart Christensen and Cherie Christensen

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: Letter authorizing irrigation of leased property

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Applicant(s) Bart Christensen and Cherie Christensen Phone 208- 425-3619
Mailing address 1364 Andersen Road, Grace, Idaho 83241 Email bartc11@me.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 Thomas J. Budge, Attorney Phone 208-232-6101
Mailing address P.O. Box 1391, Pocatello, Idaho 83204-1391 Email tjb@racinelaw.net

- ☐ 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.

Bart Christensen
Signature of Applicant or Authorized Representative

Bart Christensen
Print Name and Title if applicable

3-11-18
Date

Cherie Christensen
Signature of Applicant or Authorized Representative

Cherie Christensen
Print Name and Title if applicable

3-11-18
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.
Create permissible place of use to enable irrigation of leased property.

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 ☒ ☐	13-2269	4.42 cfs/711af	Irrigation	4/15 to 10/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.42 cfs and/or 711 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.42 cubic feet per second and/or 711 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	
9S	40E	23									40	40	39	39	30	40	39	30	297
Total Acres (for irrigation use)																			297

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:

Groundwater well with electric pump. Measuring device may be installed if required.

- 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:
N/A

- 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: Mortgage with Washington Federal. Notarized statement is in process and will be provided.

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 transmittal letter filed with application.

- 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:

None

- 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

3/12/2018

WATER RIGHT NO. 13-2269

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REED N CHRISTENSEN PO BOX 262 GRACE, ID 83241

Priority Date: 12/09/1965
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	4/15	10/15	4.42 CFS	711 AFA
Total Diversion			4.42 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESW|Sec. 23|Township 09S|Range 40E|CARIBOU County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU 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>
09S	40E	23		NESW	40		NWSW	40		SWSW	39		SESW	39
				NWSE	40		SWSE	39						

Total Acres: 237

Dates:

Licensed Date:

Decreed Date: 07/28/1992

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

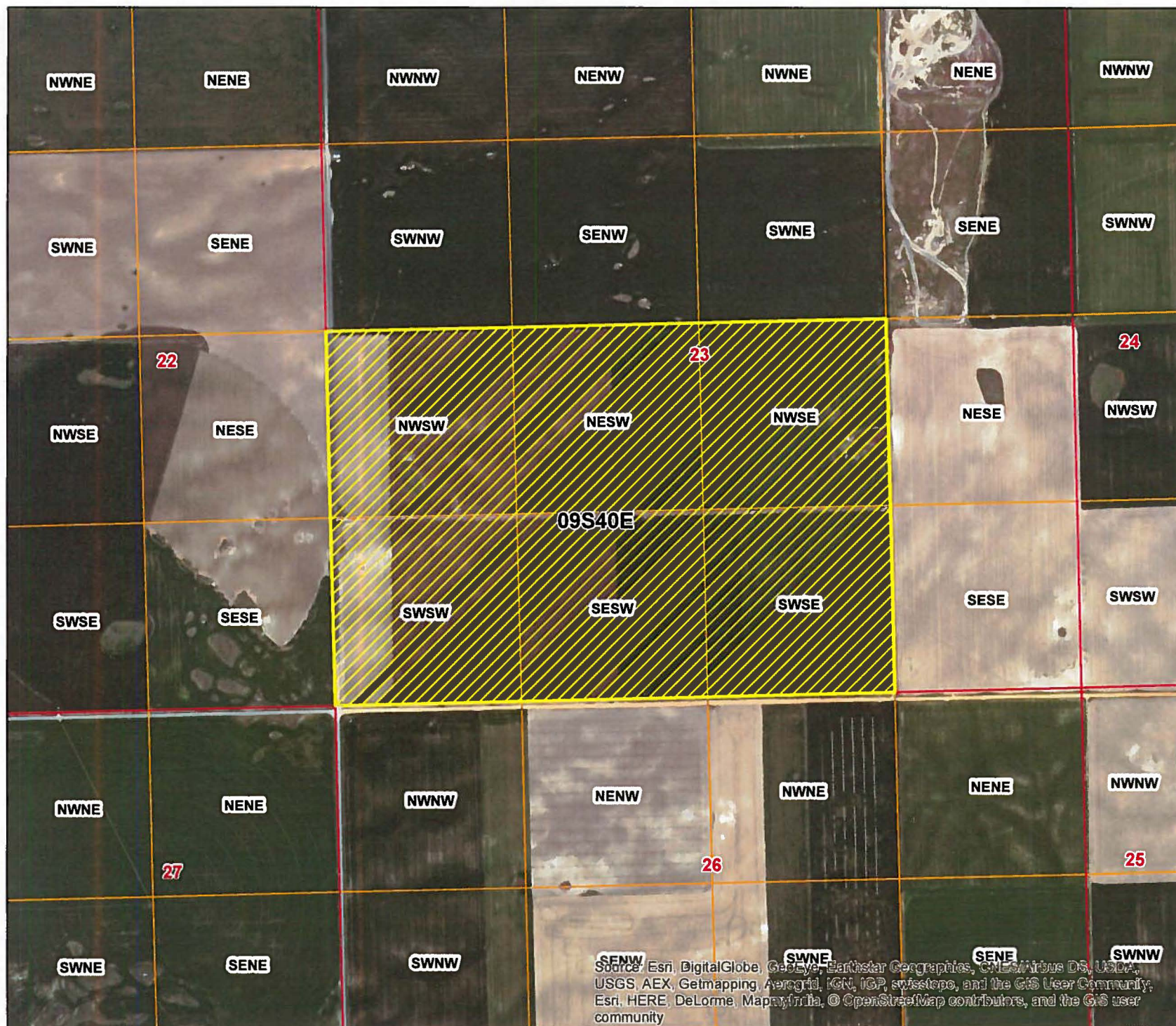
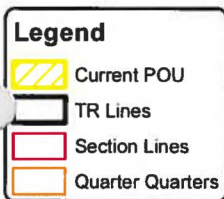
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

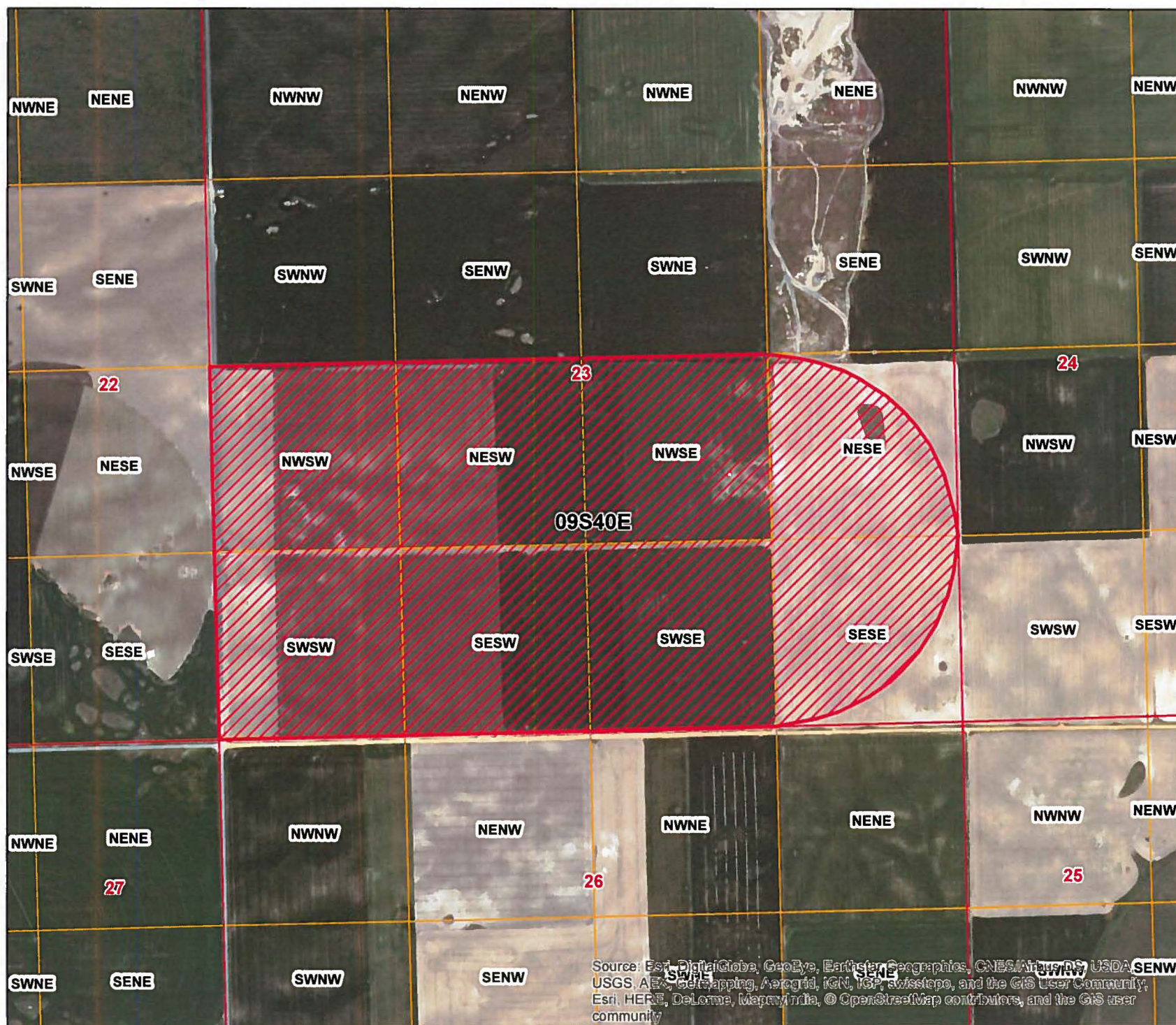
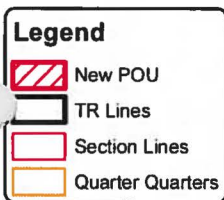
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

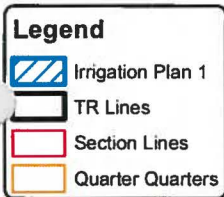
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82216

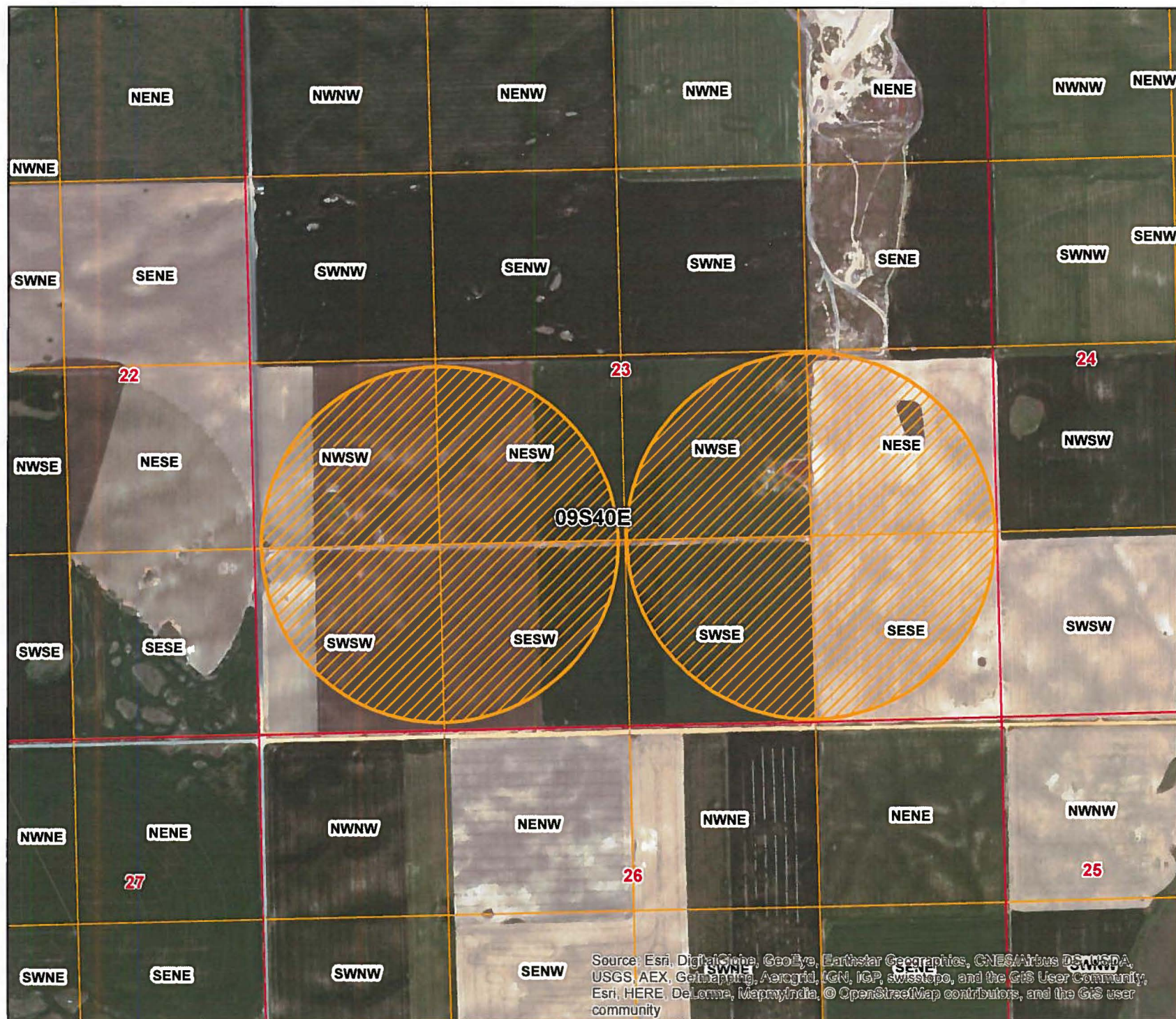
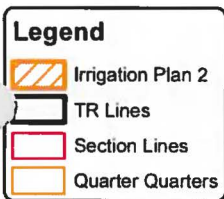


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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

March 10, 2018

Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Irrigation Agreement

To whom it may concern:

I own the east half of the SE1/4 of Section 23, Township 9 South, Range 40 East, Caribou County, Idaho pursuant to the deed enclosed herewith. I have entered into a lease agreement with Bart and Cherie Christensen to allow them to irrigate this property using their water right no. 13-2269. This letter will provide notice to the Idaho Department of Water Resources that the Christensens have my permission to change the place of use of water right 13-2269 to include my property. I acknowledge that by allowing the Christensens to irrigate my property I will not acquire any right, title or interest in water right 13-2269, and that the Christensens are free to cease irrigating my property or move this water right to other property at any time.

Sincerely,



ERIC SIMONSON

82216



167928

STATE OF IDAHO
COUNTY OF CARIBOUDATE: March 5, 2003TIME: 1:00 PM

OFFICIAL RECORDS

RECORDER: EDIE BUSH

DEPUTY: Shelly D. DunningFEE: \$6.00

WARRANTY DEED

FOR VALUE RECEIVED Von N. Simonson and Wilma O. Simonson, Trustees of the Simonson Revocable Trust u/i/d November 12, 1992, hereinafter referred to as "Grantor", does hereby grant, bargain, sell and convey unto Eric L. Simonson and EvaJean Simonson,, hereinafter referred to as Grantee, whether one or more, whose current address is 1825 Rich Road, Grace, ID 83241 the following described premises, in Caribou County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 27th day of February, 2003.

SELLER:

Von N. Simonson
Von N. Simonson, Trustee

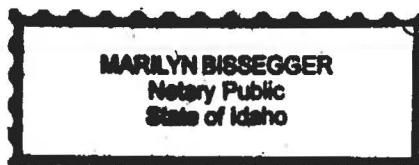
Wilma O. Simonson
Wilma O. Simonson, Trustee

STATE OF IDAHO)
County of Caribou) :SS

On this 27th day of February, 2003, before me, the undersigned Notary Public, in and for said State, personally appeared Von N. Simonson and Wilma O. Simonson, Trustees of the Simonson Revocable Trust, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first written above.

(SEAL)



M. Bissegger
NOTARY PUBLIC - STATE OF IDAHO
My Commission Expires: 04/08/08

March 27, 2018

Tom Van Hemelryck
Washington Federal
Sent via email: Tom.VanHemelryck@wafd.com

Re: Transfer of Water Right 13-2269

Dear Tom:

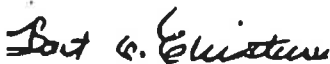
Enclosed is a copy of the Transfer Application filed by Bart and Cherie Christensen to change the place of use of water right no. 13-2269 to enable us to irrigate adjoining property we lease from Eric Simonson. As you know, this water right is subject to a mortgage we have with Washington Federal. As such, the Idaho Department of Water Resources will require Washington Federal's consent to the transfer. The purpose of this letter is to request that consent.

This transfer does not remove the water right from its current place of use on property subject to the mortgage. Rather, it simply adds the adjoining leased property so we can irrigate the Simonson property periodically in accordance with our crop rotations. We understand from speaking with our attorney, T.J. Budge, that Washington Federal will consent to the transfer as long as we provide written acknowledgement that the full water right will remain subject to the mortgage irrespective of the place of use adjustment. Please consider this letter our written acknowledgement of that.

Please send a letter to Mr. Budge consenting to the transfer, which he will provide to IDWR.

Should you have any questions please give us or Mr. Budge a call.

Sincerely,



BART CHRISTENSEN
Individually and as member of BKR Farms, LLC



CHERIE CHRISTENSEN
Individually and as member of BKR Farms, LLC



KYLE CHRISTENSEN
Member, BKR Farms, LLC



RYAN CHRISTENSEN
Manager, BKR Farms, LLC

FIRST 100 YEARS
Washington Federal.
invested here.

Tom Van Hemelryck
Idaho Region President

TJ Budge
Racine Olson
201 E. Center St.
Pocatello, Idaho 83204

Re: Bart & Cherie Christensen
Transfer of Water Right 13-2269

Dear Mr. Budge,

As we have discussed, the above referenced water right is subject to a mortgage with Washington Federal. Please consider this letter as confirmation that Washington Federal consents to the transfer of water right no. 13-2269 to the adjoining property leased from Eric Simonson in accordance with the terms outlined in the attached letter from Bart Christensen et al, dated March 27, 2018. Most notably, after said transfer, water right no. 13-2269 will remain subject to the mortgage with Washington Federal.

If there are any questions, please call the undersigned.

Sincerely



Tom Van Hemelryck
Idaho Region President
208-338-7375

Attachment