

AMENDED
1-25-18 and 1-31-18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82053
2-10545

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED
DEC 01 2017

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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) Jack Post

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 25 2018

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Jack Post Phone 208-599-0400
Mailing address PO Box 298, Mtn. Home, Id. 83647 Email calzola@earthlink.net

- ☐ 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

Print Name and Title if applicable

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. 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**.

Change POU for 2-10545 to my property located T6S, R3E, Section 3 Lot 4. I have an existing WR#2-10316 that is also used on the same property. Combined POU acres would still be 160 acres. Combined diversion rate would be 2.14cfs with WR2-10545 & 2-10316. The two water rights will never overlap.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 01 2017

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Jack Post Phone 208-599-0400

Mailing address PO Box 298, Mtn. Home, Id. 83647 Email calzola@earthlink.net

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Mailing address _____ Email _____

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OR
- ☐ Send original correspondence to the applicant and copies to the representative.
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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

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**SUPERSEDED By AMENDED page 2 RECEIVED 1-25-18.*

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 ☒ ☐	2-10545	.54/165.4	Irrigation	3-15 to 10-31	Snake River&Columbia Riv
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .54 cfs and/or 165.4 acre-feet.

2. Total amount of water proposed to be transferred or changed _____ 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	
6S	3E	3						40	40			40	40						160
		Lot 4																	
Total Acres (for irrigation use)																			160

Total Acres (for irrigation use)

160

* SUPERSED By AMENDED page 3 RECEIVED 1-31-18.

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 is through Bybee Lateral Water Users Canal. Measuring device is installed above Bybee Lateral pump station.

- b. Who owns the property at the point(s) of diversion? **Idaho Power CJ Strike Reservoir / Bybee Lateral**

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: **No**

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:

Will not be farmed

- 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:

All diversions are for agricultural 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

11/29/2017

WATER RIGHT NO. 2-10545

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK POST PO BOX 298 MOUNTAIN HOME, ID 83647 2085990400
Original Owner	LEONA K JOHNSON BOX 314 GRAND VIEW, ID
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO C/O TIPPETT LAND & MORTGAGE CO PO BOX 3027 PASCO, WA 99302 5095453355

Priority Date: 02/08/1964

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	10/31	0.54 CFS	165.4 AFA
Total Diversion			0.54 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|SESW|Sec. 34|Township 05S|Range 04E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE 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>
06S	03E	1		SWNE	8.3									
			4	NWNW	3.5		SWNW	5.2						
				NWSE	7									
		2	1	NENE	3									

Total Acres: 27

Conditions of Approval:

1. F06 The following rights are also diverted through point of diversion described above: 2-2279, 2-4026, 2-7012, and 2-10542.
2. 016 See remarks for additional conditions of approval.
3. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. 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: 06/15/2009

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: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

*Bybee diversion & measuring device
17a*

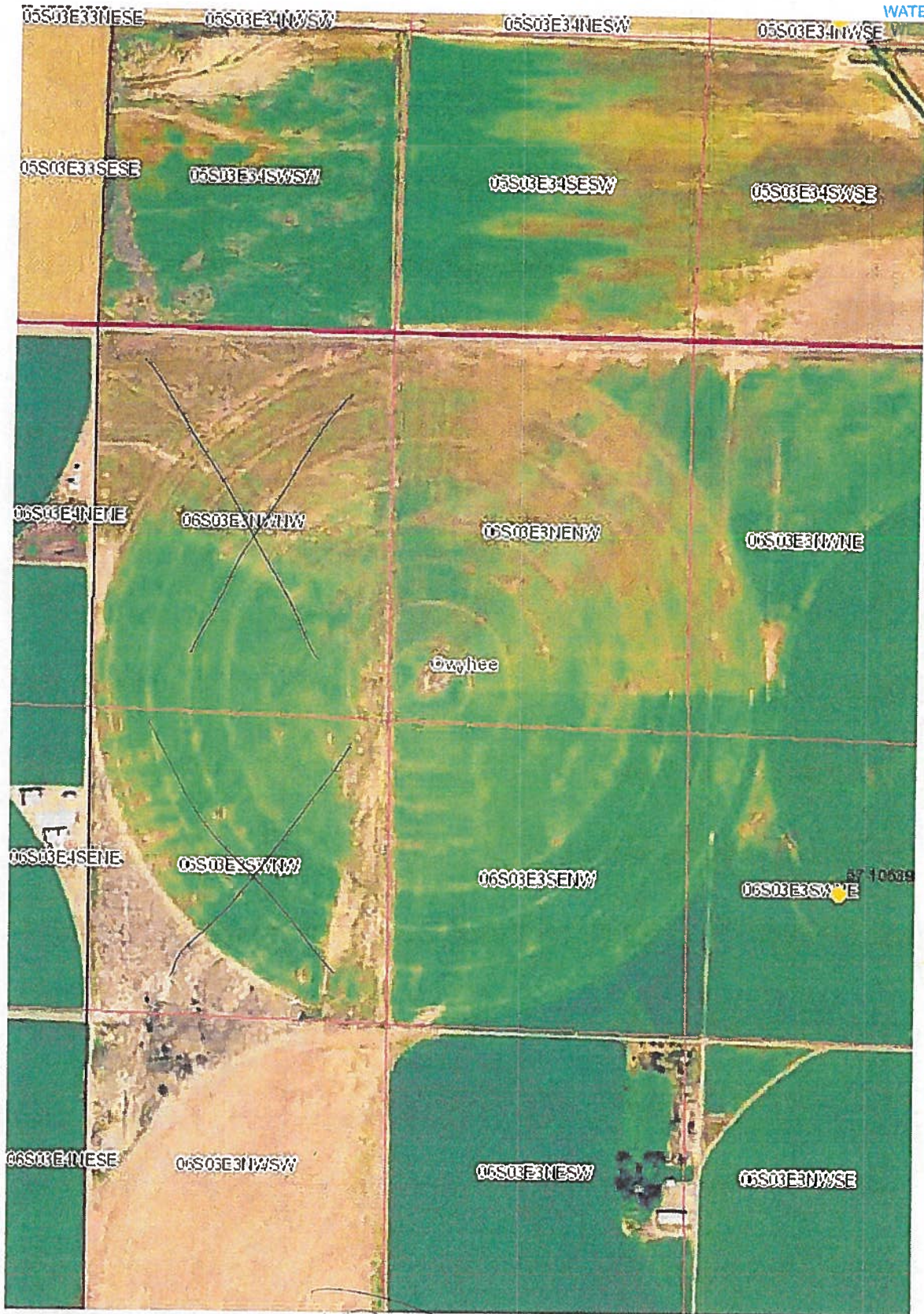


0 46.7 meters

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JAN 31 2018

WATER RESOURCES
WESTERN REGION



1.31.18 Jack Post

82053.

Placing use for WR # 2-10545 + 2-10316.
176



0 190 meters

* SUPERSEDED BY AMENDED MAP RECEIVED
1-31-18.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 28, 2018

JACK POST
PO BOX 298
MOUNTAIN HOME, ID 83647

RE: Transfer No. 82053
Water Right No(s). 2-10545

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 3/7/2018 and 3/14/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, February 28, 2018 11:59 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 3/7/2018 & 3/14/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

February 28, 2018

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 57-11901
 Application for Permit No. 57-11908
 Application for Permit No. 57-11979
 Application for Transfer No. 82053

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/26/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

57-11901

PAULINE COLYER

MARGIE BYBEE

PO BOX 172

GRAND VIEW, ID 83624

Point of Diversion SWNE S35 T05S R03E OWYHEE County Source SHOOFLY CREEK Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.26 CFS

Total Diversion: 0.26 CFS

Date Filed: 5/18/2017

Place of Use: IRRIGATION

T05S R03W S23 NESW

Total Acres: 13

57-11908

JEAN MCGHEE

PO BOX 253

GRAND VIEW, ID 83624

Point of Diversion SWNE S35 T05S R03E OWYHEE County Source SHOOFLY CREEK Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 10/10/2017

Place of Use: IRRIGATION

T05S R03E S22 NESE

Total Acres: 3

57-11979

DENNIS TURNER

2830 RIVER RD

HOMEDALE, ID 83628

Point of Diversion SWNW S4 T03N R05W OWYHEE County Source SUCCOR CREEK Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 3.24 CFS

Total Diversion: 3.24 CFS

Date Filed: 1/10/2018

Place of Use: IRRIGATION

T03N R05W S4 L3(NWNW) SWNW NWSW

T03N R05W S5 L1(NENE) SENE NESE

T03N R05W S32 L4(SESE)

T03N R05W S33 L3(SWSW)

Total Acres: 162

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82053

JACK POST, PO BOX 298, MOUNTAIN HOME, ID 83647, filed Application No. 82053 to transfer Water Right 2-10545 affecting 0.54 cfs, 165.4 af, and 27.0 acres. This transfer proposes to change the place of use on right 2-10545 to describe property owned by the applicant, approximately two miles west, and create an 80 acre permissible place of use. The proposed place of use is located between 20 Mile Rd and A&A approximately one mile west of Mud Flat Rd and four miles south of Snake River and Grand View, Idaho in Owyhee County.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 3/26/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/7/2018 and 3/14/2018

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, February 28, 2018 11:53 AM
To: Whitney, Rob
Subject: Application for Transfer No. 82053
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer 82053.pdf

March 1, 2018

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Transfer No. 82053

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **March 26, 2018**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

RECEIVED

JAN 25 2018

WATER RESOURCES
WESTERN REGION

JACK POST

PO Box 298
Mountain Home, Id. 83647

Phone (208) 599-0400
Fax (208) 587-2802
Email calzola@earthlink.net

January 25, 2018

Department of Water Resources
Attn: Rachel Sommer
Rachel.Sommer@idwr.idaho.gov
2735 Airport Way
Boise, Id. 83704

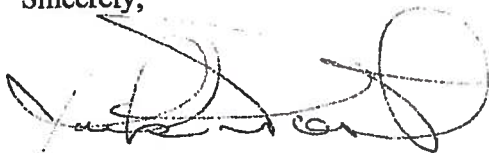
Re: Defense of forfeiture of Water Right 2-2418 (Split into 2-2418 and 2-10545)

Dear Rachel,

I purchased 27 acres of water right from Robert G. Dirks. I did not purchase the land that it had for Place of Use. I was unaware that the water had not been used on the assigned Place of Use and there was a forfeiture issue with the water right. Robert G. Dirks did not notify me of the forfeiture issue. After talking to Robert G. Dirks he was not aware that there was a forfeiture issue either.

In my defense, to the best of my knowledge I did not know of the forfeiture of water right until your phone call to me regarding the change in place of use. I am moving the water so it can be used and will continue to be appropriated to stay valid.

Sincerely,



Jack Post
(208) 599-0400

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 11, 2018 12:02 PM
To: 'calzola@earthlink.net'
Subject: 82053 Application for Transfer
Attachments: Application for Transfer 82053.pdf

Jack Post,

Thank you taking the time today to discuss your application with me.
Please submit any amendments and a defense to forfeiture at your earliest convenience so that I may continue processing your application.

Please let me know if you have questions.

Sincerely,

Rachel Sommer | Water Resource Agent, Senior
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705