

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
JAN 16 2018

Department of Water Resources
Eastern Region

Name of Applicant(s) Donald K HallPhone 208-253-3879

Mailing address _____

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 _____

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.

Donald K Hall
Signature of Applicant or Authorized Representative

Donald K Hall
Print Name and Title if applicable

1/4/2018
Date

Debra Hall
Signature of Applicant or Authorized Representative

DEBRA HALL
Print Name and Title if applicable

1/4/2018
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**.

This transfer is one of two submitted simultaneously. The other was submitted by Douglas Johnson on water right 29-4160 and the remainder of right 29-4161B. This transfer formally implements the agreement between Johnson and myself, swapping 0.8 acres of 29-4160 for 0.8 acres of 29-4161B. I no longer have interest in 29-4160,

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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 ☐ ☒	29-4161B	0.06	Irrigation	04/01 to 10/31	Marsh Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 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	
08S	36E	27						2.8											2.8
Total Acres (for irrigation use)																			2.8

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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:

Portable pump

- b. Who owns the property at the point(s) of diversion? _____
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:
N/A

- 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:
I no longer have any interest in spring right 29-4160, having swapped my 0.8 acres of that right in exchange for 0.8 acres of Marsh Creek right 29-4161B. See Johnson transfer, submitted simultaneously.

- 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:

The water rights were decreed onto property in the NWNW Sec 27 that I sold to the Whittingtons in the 90s. It sold with no water (see 10/3/2017 ownership documentation). I moved those irrigated acres from the Whittington property to the SWNW of Section 27, on land I recently sold to the Johnsons.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains 1 pages and 1 attachments.

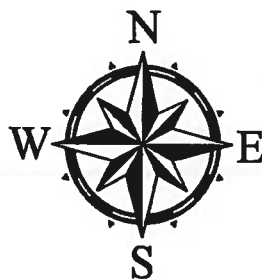
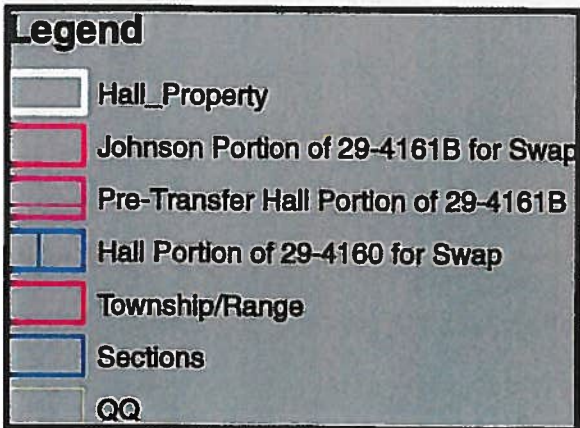
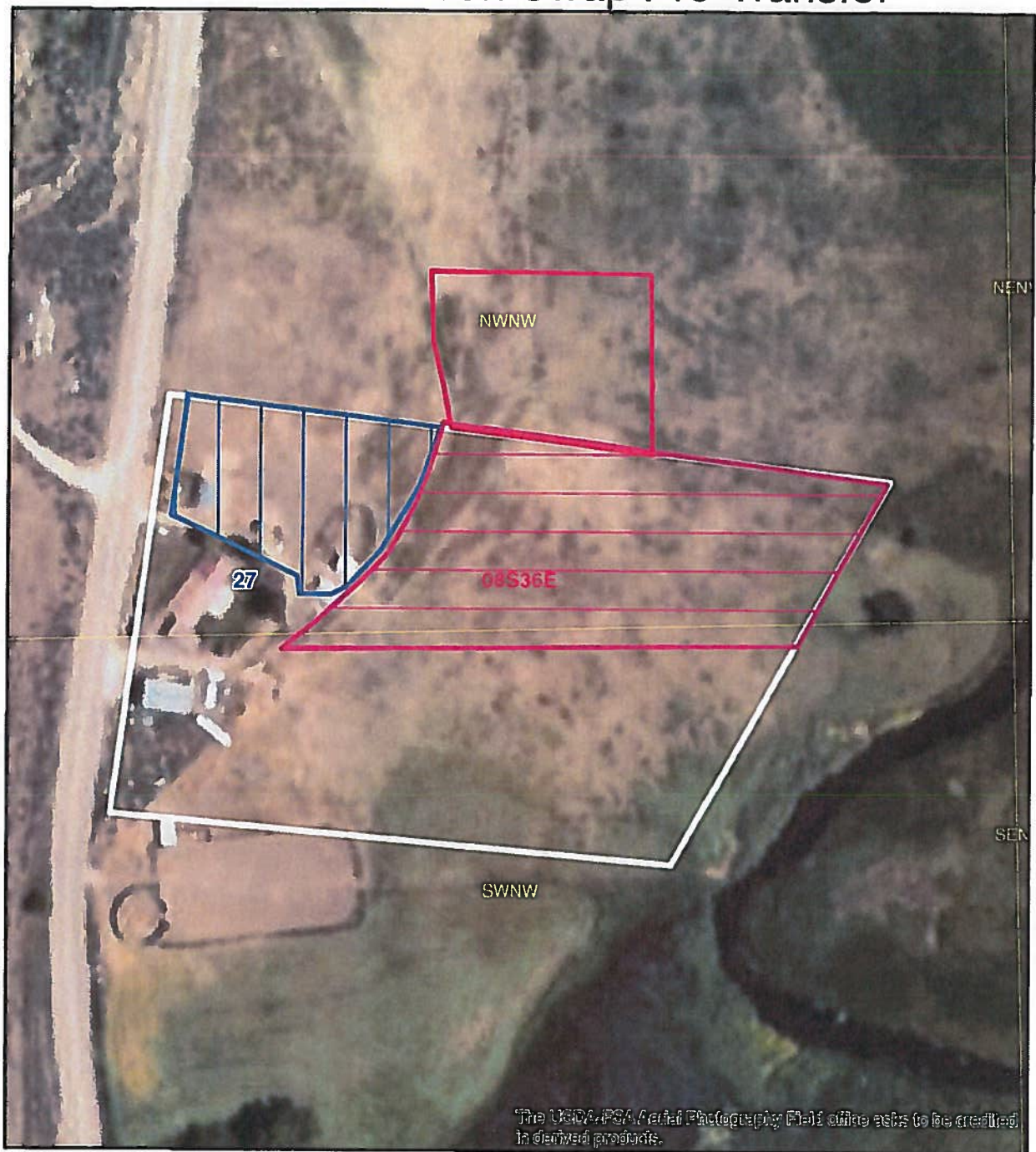
Received by SC Date 1/1 Preliminary check by _____ Date 1/2/52

Fee paid 200 Date 1/16/18 Received by SL Receipt # E015050

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Hall and Johnson Swap Pre-Transfer



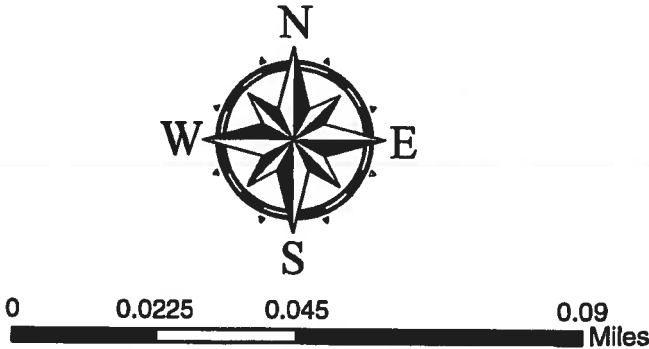
Hall Post-Transfer Place of Use
(Remainder of 29-4161B)



2015 Imagery

Legend

- Hall_29-4161B_Place of Use
- Hall_Property
- Township/Range
- Sections
- QQ



10/3/2017

As request of the department of Water Resources we need this letter stating that

Dee Whittington representing **Whittington Estate LLC**, has no water right or interest involving water right number 29-4160 and 29-4161B and purchased this property knowing that.

Dee Whittington Date Oct 3-17

Dee Whittington

Donald K Hall has no interest in Water right 29-4160 and has a water right interest in 29-4161B out of the Marsh Creek for the 5.99 acres he still owns.

Donald K Hall Date Oct 3-17

Donald K Hall

All remaining water shares are to be transferred to Douglas D Johnson and Alexia A Johnson

Deed: 21612599

Douglas D Johnson Date 10/3/17

Douglas D Johnson

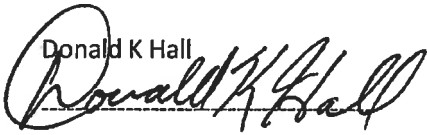


Marci Barfuss
4-6-2021
Bannock County

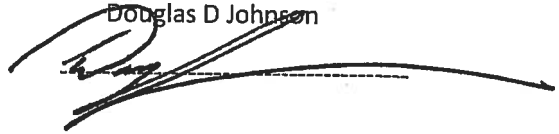
To whom it may concern: On 12/2/17

Donald Kenneth Hall and **Douglas D Johnson** agree to swap .08 Acres share of Marsh Creek water right 29-4161B for 0.8 acre share of water right 29-4160. This will simplify use for both of us

Donald K Hall

A handwritten signature in black ink, appearing to read "Donald K Hall", written over a horizontal dashed line.

Douglas D Johnson

A handwritten signature in black ink, appearing to read "Douglas D Johnson", written over a horizontal dashed line.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2018

Water Right 29-4160

Owner Type **Name and Address**
 Current Owner DEBRA HALL
 4234 S MARSH CREEK RD
 MCCAMMON, ID 83250
 (208) 254-3879

Current Owner DONALD K HALL
 4234 S MARSH CREEK RD
 MCCAMMON, ID 83250
 (208) 254-3879

Priority Date: 5/24/1888

Basis: Decreed

Status: Active

Source
 SPRING

Tributary
 SINKS

Beneficial Use
 IRRIGATION

From **To**
 04/01 10/31
Total Diversion

Diversion Rate
 0.150 CFS
 0.150 CFS

Volume

Source and Point(s) of Diversion

SPRING	NWNWNW	Sec. 27, Twp 08S, Rge 36E, BANNOCK County
SPRING	SWNWNW	Sec. 27, Twp 08S, Rge 36E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	27						4.9											4.9

POU Total Acres: 4.9

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/22/2018

Water Right 29-4161B

Owner Type **Name and Address**
Current Owner DEBRA HALL
4234 S MARSH CREEK RD
MCCAMMON, ID 83250
(208) 254-3879

Current Owner DONALD K HALL
4234 S MARSH CREEK RD
MCCAMMON, ID 83250
(208) 254-3879

Priority Date: 5/24/1888

Basis: Decreed

Status: Active

Source
MARSH CREEK

Tributary
PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.570 CFS	
	<u>Total Diversion</u>		0.570 CFS	

Source and Point(s) of Diversion

MARSH CREEK	SWNENW	Sec. 27, Twp 08S, Rge 36E, BANNOCK County
MARSH CREEK	NENWNW	Sec. 27, Twp 08S, Rge 36E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	36E	27					9.9	18.0		0.6									28.5

POU Total Acres: 28.5

Conditions of Approval:

1. 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.