

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

NOV 20 2017

Department of Water Resources
Eastern Region

Name of Applicant(s) Brar Island Water Assn Inc Phone 208 524-7068
Mailing address c/o Gordon Egan, 32 N 3167 E, Idaho Falls, ID 83402 Email wowhitmore@gci.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.

Ward Whitmore
Signature of Applicant or Authorized Representative

Ward Whitmore
President BIWA
Print Name and Title if applicable

20-Nov-2017
Date

Stephen E. Evans
Signature of Applicant or Authorized Representative

STEPHEN E. EVANS - OWNER
Print Name and Title if applicable

11/20/2017
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use

☐ Change nature of use ☐ Change period 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**.

Adding one new point of diversion; maintaining all other points of diversion.

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.

Total authorized under rights 1.57 cfs and/or acre-feet.

- [illegible]

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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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:

25 existing PODs (this transfer adds a 26th).

- b. Who owns the property at the point(s) of diversion? Stephen Evans

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:

35-8672 provides in-home domestic water.

- 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:

11/20/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEAR ISLAND WATER ASSN INC C/O GORDON EGAN 32 N 3167 E IDAHO FALLS, ID 83402 (208) 524-7068

Status: Active

Tributary
COLUMBIA RIVER

Volume

SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
SNAKE RIVER	L7(SWNESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
SNAKE RIVER	L7(NENESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
SNAKE RIVER	L7(NESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
SNAKE RIVER	L7(SENESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
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SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
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SNAKE RIVER	L4(SWNW)	Sec. 36, Twp 04N, Rge 37E,	JEFFERSON County
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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/20/2017

Place Of Use

IRRIGATION within JEFFERSON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	37E	35													7.6 L7		3.3 L8	4.3 L8	15.2
04N	37E	36							5.5 L4			0.2							5.7
04N	37E	36										1.8 L4							1.8

POU Total Acres: 22.7

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.
2. 179 The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E55 Right Nos. 1-194D and 1-310D are limited to the irrigation of a combined total of 22.7 acres in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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Water Right 1-194D

Owner Type **Name and Address**
Current Owner BEAR ISLAND WATER ASSN INC
C/O GORDON EGAN
32 N 3167 E
IDAHO FALLS, ID 83402
(208) 524-7068

Priority Date: 6/1/1896

Basis: Decreed

Status: Active

Source **Tributary**
SNAKE RIVER COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.490 CFS	
	Total Diversion		0.490 CFS	

Source and Point(s) of Diversion

Exhibit A

SNAKE RIVER	L8(NWSESE)	Sec. 35, Twp 04N, Rge 37E,	JEFFERSON County
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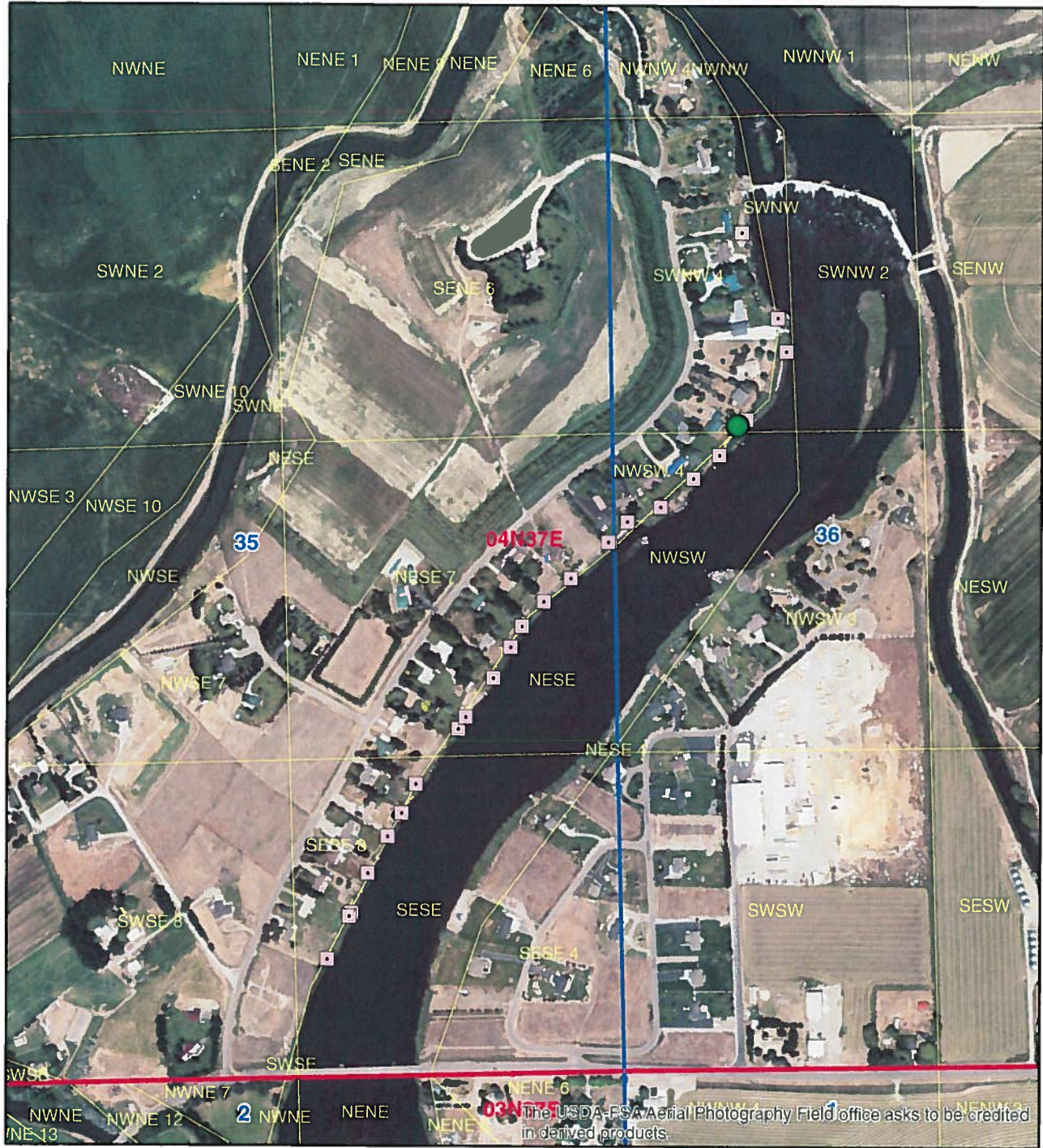
Right Acre Limit: 17.4

POU Total Acres: 22.7

Conditions of Approval:

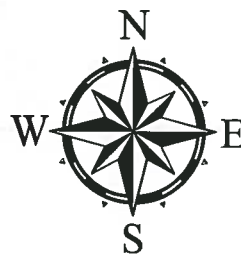
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. K06 This right is limited to the irrigation of 17.38 acres within the place of use described above in a single irrigation season.
5. E55 Right Nos. 1-194D and 1-310D are limited to the irrigation of a combined total of 22.7 acres in a single irrigation season.

Bear Island Water Association POD Addition



Legend

- Additional POD
- Existing PODs
- Township/Range
- Sections
- QQ



0 0.1 0.2 0.4 Miles

82030