

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81841

RECEIVED
JUL 27 2017

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) Cub River Irrigation Company

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

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Cub River Irrigation Company Phone (435)512-9255

Mailing address P.O. Box 215, Lewiston, UT 84320 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 T.J. Budge, Attorney Phone (208) 232-6101

Mailing address P.O. Box 1391, Pocatello, Idaho 83204 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.


Signature of Applicant or Authorized Representative

T.J. Budge, Attorney
Print Name and Title if applicable

4.24.17
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**.
 Correct period of use of water right no. 13-26B.

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 ☒ ☐	13-26B	38.36	Irrigation	04/01 to 10/31	Cub River/Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 38.36 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 6.25 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	
Total Acres (for irrigation use)																			

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:
Existing headgates from Cub River.

- 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:

- 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:
No change to land now irrigated.

- 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:
Water right nos. 13-2222, 13-2066, 13-7279. Storage water in Bear Lake under contract with PacifiCorp.

- 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

6/3/2017

WATER RIGHT NO. 13-26B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CUB RIVER IRRIGATION CO PO BOX 215 LEWISTON, UT 84320 (435)512-9255

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CUB RIVER	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	38.36 CFS	
Total Diversion			38.36 CFS	

Location of Point(s) of Diversion:

CUB RIVER	NWSE	Sec. 24	Township 15S	Range 40E	FRANKLIN County
CUB RIVER	NWNE	Sec. 03	Township 16S	Range 40E	FRANKLIN County

IRRIGATION Use:

Acre Limit: 1530

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. Right 13-26B is limited to the irrigation of 1530.0 acres in the place of use described above in a single

81841

- irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Transfer 5010 shall not exceed 38.36 cfs or a total of 134.36 cfs when diversion includes 38% of available high water.
A portion of the place of use is located within Sections 35 and 36, T15N, RR01W; Sections 1, 2, 3, 11, 12, 13, 14, 15, 22, 23, 24, 25 and 26, T14N, R01W; Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31 and 32, T14N, R01E, of the Salt Lake Meridian in Cache County, Utah.
 - 3.
 4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 13A.
Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
 - 5.
 6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 7. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
Approval of Transfer 5010 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
 - 8.
 9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date:

Decreed Date: 07/09/1924

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: 13A

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

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 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]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 980 - Date 7/27/17 Received by se Receipt # 0043225

Add'l fee paid	Date	Received by	Receipt #
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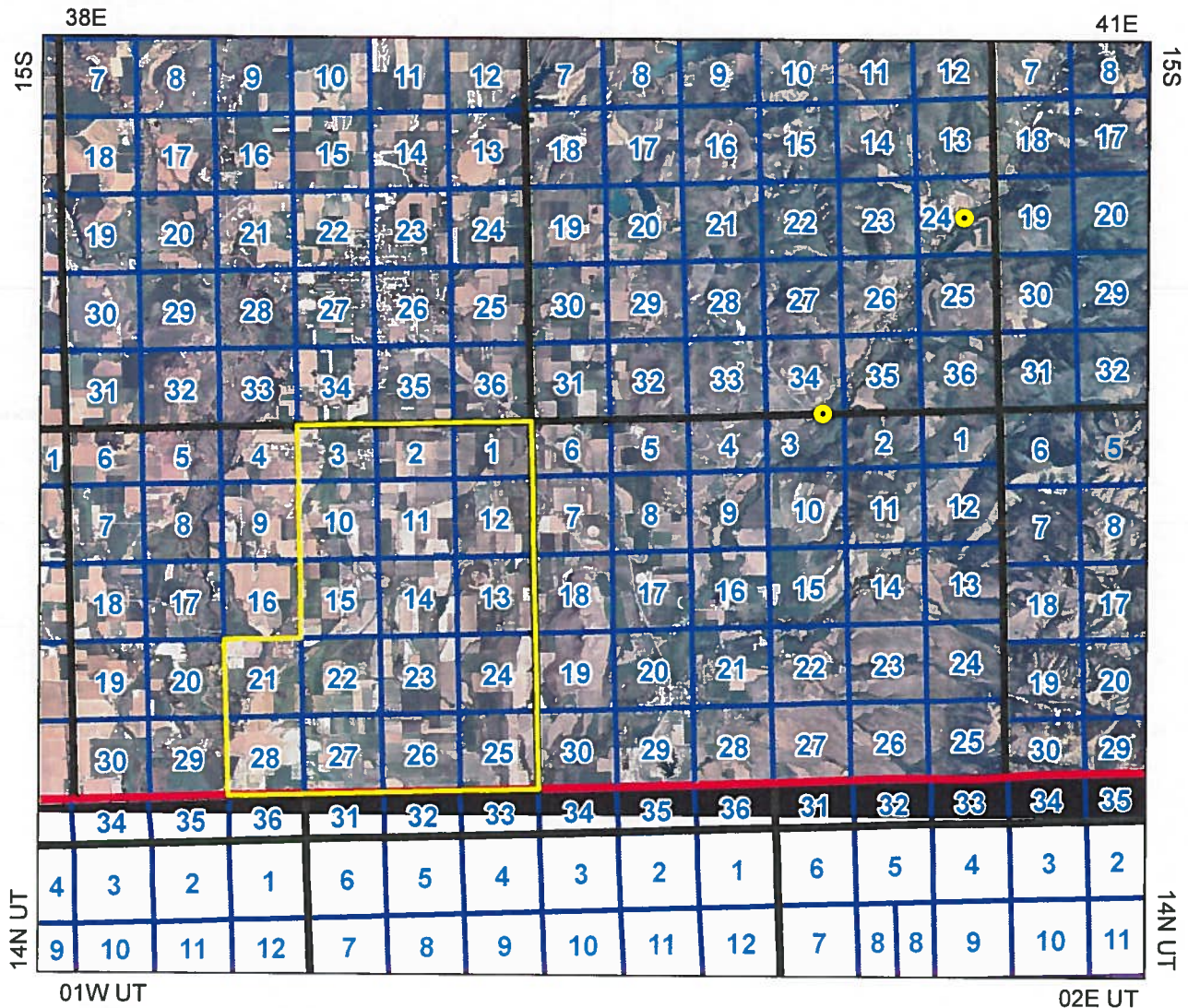
Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

State of Idaho
Department of Water Resources

Water Right 13-26B

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



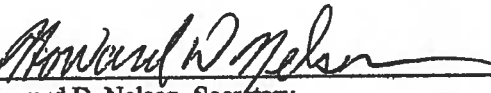
SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

Cub River Irrigation Company, Post Office Box 215, Lewiston, Utah 84320, hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights owed by the Company, and to allow them to receive any and all information, opinions, and records regarding such water rights, and to sign and submit applications and other filings on the Company's behalf.

DATED this 10th day of December, 2010.

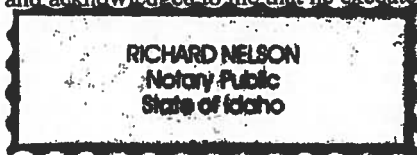
CUB RIVER IRRIGATION COMPANY

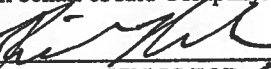

Gale Moser, President


Howard D. Nelson, Secretary

STATE OF Idaho)
COUNTY OF Franklin) : SS

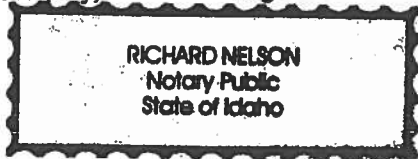
On this 10 day of December, 2010, before me, the undersigned Notary Public, in and for said State and County, personally appeared Gale Moser, known or identified to me to be the person whose name is subscribed to the above instrument and the President of Cub River Irrigation Company, and acknowledged to me that he executed the same on behalf of said Company.




NOTARY PUBLIC FOR State of Idaho
Residing at: Franklin County Idaho
My Commission Expires: June 9, 2011

STATE OF Idaho)
COUNTY OF Franklin) : SS

On this 10 day of December, 2010, before me, the undersigned Notary Public, in and for said State and County, personally appeared Howard D. Nelson, known or identified to me to be the person whose name is subscribed to the above instrument and the Secretary of Cub River Irrigation Company, and acknowledged to me that he executed the same on behalf of said Company.




NOTARY PUBLIC FOR State of Idaho
Residing at: Franklin County Idaho
My Commission Expires: June 9, 2011

IDAHO

Department Of
Water Resources

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Year Type:

Irrigation Year ▼

Year Period:

11/01/2012 - 10/31/2013 ▼

Water District:

13A Cub River ▼



Publish Date: 7/24/2017
(Ver. 2.0.0.1)

Annual Summary

Point of Diversion: 10095101 - D - CUB RIVER LOWER DITCH (CRIC) ▼



Annual Summary for Water District 13A Cub River

10095101 - D - CUB RIVER LOWER DITCH (CRIC)

DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR 11/01/2012 - 10/31/2013

c - Calculated, e - Estimated, i - Interpolated, m - Measured and n - Not Specified

Day	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
1	--	--	--	--	--	20.0m	15.0m	50.0m	22.0m	12.0m	9.00m	15.0m
2	--	--	--	--	--	20.0m	15.0m	50.0m	21.0m	13.0m	12.0m	16.0m
3	--	--	--	--	--	20.0m	20.0m	50.0m	23.0m	12.0m	10.0m	16.0m
4	--	--	--	--	--	20.0m	25.0m	50.0m	21.0m	13.0m	9.00m	15.0m
5	--	--	--	--	--	20.0m	25.0m	55.0m	21.0m	12.0m	8.00m	16.0m
6	--	--	--	--	--	20.0m	25.0m	65.0m	22.0m	12.0m	7.00m	15.0m
7	--	--	--	--	--	20.0m	30.0m	65.0m	22.0m	11.0m	7.00m	15.0m
8	--	--	--	--	--	20.0m	30.0m	65.0m	23.0m	10.0m	8.00m	15.0m
9	--	--	--	--	--	20.0m	31.0m	65.0m	20.0m	10.0m	8.00m	15.0m
10	--	--	--	--	--	20.0m	40.0m	65.0m	22.0m	11.0m	8.00m	15.0m

IRRIGATION YEAR 11/01/2012 - 10/31/2013 TOTAL CFS: 4764 TOTAL AC-FT: 9449

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