



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 22, 2017

Doug Murdock
Country Haven Utilities Association
43 S 1190 W
Blackfoot, ID 83221

RE: Application for Transfer – Not Required

Dear Mr. Murdock:

A couple of months ago, you met with me to discuss three water rights held by Country Haven Utilities Association (35-2667, 35-8818 and 35-10980). You were concerned that the water rights did not include all three of the wells owned by the association. The three wells (points of diversion) are as follows:

SWSWNW	Gov't Lot 5	Section 6	T03S R34E	North Well
NWNWSW	Gov't Lot 6	Section 6	T03S R34E	Park Well
NWNWSW	Gov't Lot 6	Section 6	T03S R34E	South Well

I helped you prepare an application for transfer which proposed to add all three wells as authorized points of diversion for all three water rights. You signed the application and paid a filing fee of \$200. I have recently had a chance to look more closely at the three water rights and discovered that a transfer application is not needed. The water rights already list all three points of diversion.

Water rights 35-2667 and 35-10980 were decreed in the Snake River Basin Adjudication in April 2002. The rights only list two points of diversion in the relevant section of the decree (SWSWNW, Sec. 6, T03S, R34E; NWNWSW, Sec. 6, T03S, R34E). At first glance, it appears the water rights are missing one of the points of diversion. However, both water rights include the following condition: "2 points of diversion located in T03S, R34E, S06, NWNWSW."

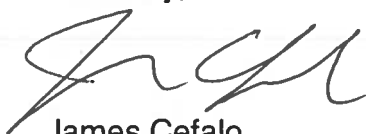
I apologize that I did not catch the condition on these water rights when you were in the office. In my haste to prepare the transfer application, I failed read through the water right conditions. So water rights 35-2667 and 35-10980 already list all three of the association's wells.

The third water right, 35-8818, bears a priority date of August 30, 1989 and was licensed by the Department in 2002. When we printed out a report for water right 35-8818, it only listed two points of diversion. Upon further investigation, I discovered that the water

right record in the Department's database did not reflect the elements of the water right license issued in 2002. The database was missing one of the authorized points of diversion. It appears the water right database was not properly updated after the license was issued. I have updated the Department's database to reflect the elements of the license. The water right record now lists all three points of diversion. I've enclosed a report showing the updates made to water right 35-8818

To summarize, the transfer application to add points of diversion to your water rights is not needed. All three of the association's wells are listed on all three of the association's water rights. Enclosed is your original application. I have also requested a refund of your filing fee. A refund check from the State of Idaho should arrive in the next two weeks. Thank you for your patience. I apologize that I did not discover the items described above while you were in the office. I am happy, however, that the water rights already match the current system.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over a horizontal line.

James Cefalo
(208) 525-7161

Cox, Sharla

From: Cox, Sharla
Sent: Friday, September 22, 2017 12:01 PM
To: Carlos, Rhea
Subject: Refund Please

Please refund the following:

Receipt #E043169
Amount of Refund: \$200.00
Payable to:
Country Haven Utilities
43 S 1190 W
Blackfoot ID 83221

Reason: Application for Transfer not needed.

Thank you.

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

Receipt Details for ID E043169

Status	Adjustment Type	Version
		1

General Information:

Date Received 7/7/2017 10:09:57 AM	Date Deposited 7/7/2017 3:21:41 PM	Region EASTERN	Total Amount \$200.00	Payment Type Check
Payee: Country Haven Utilities				

Account Information

Check Number 1577

Comment 35-2667, 35-8818, 35-10980

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	TRANSFERS	63105	0229	21		1155

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 07 2017
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Country Haven Utilities Association Phone 208-684-4369

2. **MAILING ADDRESS** 43 S 1190 W (No PO Box - please update address) City Blackfoot

State ID Zip 83221 Email leo.murdock@idl.gov

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 35-2667, 35-8818, 35-10980

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.10 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NW	SW	6	03S	34E	Bingham	Ground Water	Park Well
N		NW	NW	SW	6	03S	34E	Bingham	Ground Water	South Well
N		SW	SW	NW	6	03S	34E	Bingham	Ground Water	North Well

6. 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:

North Well (backup well) and South Well (main well) provide water for culinary use at homes in Rockford. Park Well is used to irrigate park area.

- b. Who owns the property at the point(s) of diversion? Country Haven Utilities

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Lee Douglas Murdoch
Signature of applicant or authorized agent

Lee Douglas Murdoch Pres. HUA
Print name and title if applicable

7-7-17
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid 200 Date 7/7/17

Received by sc Receipt # E043169

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/15/2017

5. X35 Rights 35-02667, 35-10980 and 35-08818 when combined shall not exceed a total annual maximum diversion volume of 122.6 af.
6. X60 Place of use is located within Lots 1-7, Blk. 1; Lot 1-4, Lot 6, Blk. 2; Country Haven; Lots 1-12, Blk. 1; Lots 1-11, Blk. 2; Lots 1-4, Lot 7, Blk. 3; 1st Addition to Country Haven.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
9. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Licensed Date: 6/5/2002